



Conflicts of Interest Policy and Procedure

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POLICY/PROCEDURE

1. Policy Summary

Adhering to this policy will help to ensure that the University makes decisions in an open and transparent manner, free from taint and in a way that demonstrates probity, integrity and accountability to our staff, students and stakeholders for the decisions we take.

As a member of staff you should...	As an organisation we will...
<ul style="list-style-type: none"> • Familiarise yourself with this policy and follow it. • Use your common sense and judgement to consider whether the interests you have could affect the effective stewardship of university funds. • Regularly consider what interests you have and declare these as they arise. <p>If in doubt, declare.</p> <ul style="list-style-type: none"> • NOT misuse your position to further your own interests or those of people close to you. • NOT be influenced or give the impression that you have been influenced by outside interests. • NOT allow outside interests you have to inappropriately affect the decisions you make on behalf of the University of Wolverhampton. 	<ul style="list-style-type: none"> • Ensure that this policy and supporting processes are clear and help staff understand what they need to do. • Identify a team or individual with responsibility for: <ul style="list-style-type: none"> ○ Keeping this policy under review to ensure they are in line with the guidance. ○ Providing advice, training and support for staff on how interests should be managed. ○ Maintaining register(s) of interests. ○ Auditing this policy and its associated processes and procedures at least once every three years. • NOT avoid managing conflicts of interest. • NOT interpret this policy in a way which stifles collaboration and innovation with our partners.

2. Introduction

- 2.1 The University of Wolverhampton's core values including the Care Framework ([Care Framework](#)) are to act in a manner, which is ethical, respectful, transparent, inclusive and fair, challenging, confident, collaborative and professional. The University will act honestly, ethically, transparently and within the law.
- 2.2 The University is committed to the proper use of the University's finances and all resources and endeavours to ensure transparent and accountable working practices in order to protect those finances and resources from misuse.
- 2.3 Providing best value and ensuring that decisions are taken transparently and clearly, are key principles for the University. We are committed to maximising our resources for the benefit of our University community, (as defined under section 3, for the purpose of this policy). As an organisation and as individuals, we have a duty to ensure that all of our dealings are conducted to the highest standards of integrity.
- 2.4 The University is also under a duty to account for the proper use of public funds and standards required in public life, in accordance with Lord Nolan's Seven Principles of Public Life which apply to anyone who holds public office, including those in the education sector.

3. Scope

This policy applies to all persons working for the University or on our behalf in any capacity, at all levels regardless of whether such persons have an employment contract with the University. This includes all staff, governors, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, visiting lecturers, third-party representatives and business partners, sponsors, or any other person associated with us, wherever located.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

The aim of this policy is to protect you and the University from any appearance of impropriety and to enable us to comply with our legal obligations, in addition to the [Nolan Principles of Public Life](#).

This Policy supports a culture in which we are open and transparent about the interests of our staff, so that the effect of interests are known, understood and managed.

The policy provides guidance on:

- What interests need to be declared and when,
- How declared interests should be recorded; and
- When a declared interest could represent a conflict of interest and the action that should be taken to manage this.

This Policy should be considered alongside other University policies ([WLV Policies - University of Wolverhampton](#)), including:

- Gifts and Hospitality Policy
- Speak Up (Public Interest Disclosure) Policy
- Financial Regulations
- Ethical Investments Policy
- Travel and Expenses Policy

4. Definitions

A conflict of interest arises where you have a personal interest, whether direct or indirect, which in the opinion of a reasonably informed and well-advised individual is sufficient to call into question the independence, impartiality and objectivity that you are required to exercise in the performance of your duties.

We seek to avoid actual and potential conflicts of interest where possible. We will declare all actual and perceived interests and take appropriate action to manage any potential conflict.

You may face a conflict of interest when your professional duties as an employee of the University and your personal interests separate. They may take the form of financial interests in a supplier's or customer's business, recruiting a close family member or friend or engaging in employment outside the University.

Regardless of your position or seniority, you are under a duty to disclose all interests to ensure that the University can act in a manner, which is consistent with our values.

5. Roles and Responsibilities

The University Board of Governors has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those who must comply with this policy do in fact comply with it. This policy has been adopted by the University Executive Board as a key policy for the University.

The Chief Operating Officer has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries, and auditing internal control systems and procedures to ensure they are effective.

Managers at all levels are responsible for ensuring those reporting to them understand and comply with this policy.

You must ensure that you read, understand and comply with this policy.

All staff are responsible for the success of this policy and staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Chief Operating Officer via Transparency@wlv.ac.uk.

6. Expectations

As our employee, you are expected to:

- Maintain the highest possible standard of integrity in all your business relationships, both inside and outside the University,
- Identify situations in which you have a conflict of interest, or situations where there is potential for a conflict of interest to arise,
- Disclose those situations to the University,
- Reject any business practice, which might reasonably be deemed improper (including improper practices, which might benefit the University),
- Never use your authority or position for personal gain,
- At all times, act with impartiality, independence and integrity; and

- Avoid being, or giving the appearance of being, in a position, which may result in an actual or perceived detriment to the University's reputation and/or interests.

Breaches of this Policy will be investigated under the University's disciplinary procedures.

7. Disclosure

You must disclose to the University any situation where you have identified a conflict of interest (actual or potential) as soon as possible after identifying the conflict. Such disclosures must be made using the on-line referral form on the Transparency webpage: [Transparency - University of Wolverhampton \(wlv.ac.uk\)](https://www.wlv.ac.uk/transparency).

The Central Secretariat will liaise with you to determine if any conflict may exist, taking into account the nature of the interest and your role. The Central Secretariat will make an assessment of the risk to establish if a conflict exists and advise accordingly. If appropriate your line manager will be advised of the conflict of interest to enable the conflict to be managed appropriately and transparently.

In cases of potential conflict of interest, you should **not** wait until a conflict actually arises to disclose the situation; you should disclose the potential conflict as soon as you identify it.

Where you have previously disclosed a potential conflict of interest, which later develops into an actual conflict of interest, you must disclose the change in your situation to the University as soon as possible after identifying the change.

If you cannot access the on-line form, you should contact the Central Secretariat via the Transparency@wlv.ac.uk email address.

It is not the intention to unnecessarily limit your ability to have other interests. In some instances, the University may encourage you to pursue outside interests in your field in order to develop your knowledge and skills, particularly where it would benefit the University community. When interests such as these are disclosed, guidance can be provided, and your line manager will ensure the interest is managed and does not present a conflict.

In order to manage the interest, the Chief Operating Officer may decide upon any of the following courses of action:

- **Avoidance:** the conflict, perceived or actual, could be avoided, for example you do not participate in the planned action,
- **Disclosure:** disclosing the conflict to all parties involved and being fully transparent may allow the interest to be managed,
- **Stepping back:** stepping back may be appropriate, for example, if a relative or friend applies for a job, you could step back to ensure you are not involved in the process or in a position to influence any decision,
- **Refusal:** in some circumstances, refusing to act may avoid the conflict.

This list is not exhaustive, and it may be possible to combine a number of the above actions to appropriately manage an interest.

For the avoidance of doubt, you must not do any work, enter into any transaction or do anything else that may be affected by the interest until a decision has been made by the Chief Operating Officer and communicated to you.

8. Procurement

Staff who are involved in the tendering of goods and services will be required to complete a tender specific declaration.

9. Annual Declaration of Interests by members of the University Executive Board and Budget Holders

As well as the requirement to make disclosures under the general procedure above, members of the University Executive Board and Budget Holders must make an annual declaration within one month of the start of each academic year, listing all situations in which they have a conflict of interest (whether actual or potential) or confirming that there are no such situations.

The annual declaration must be made in writing using the on-line referral form available on the Transparency webpage: [Transparency - University of Wolverhampton \(wlv.ac.uk\)](https://www.wlv.ac.uk/transparency).

If as a member of the University Executive Board or Budget Holder you cannot access the on-line form, you should contact the Central Secretariat via the Transparency@wlv.ac.uk email address.

10. When do I make a disclosure?

A conflict of interest can be both perceived and actual. Its existence does not necessarily arise due to unethical or unlawful behaviour, it may just be a coming together of circumstances. The important matter is not how the conflict arose, but what impact this conflict may have or be perceived to have.

It is essential that actual or potential conflicts of interest are brought to the immediate attention of your line manager and the Chief Operating Officer so that a determination can be made as to what action should be taken to manage the conflict or if appropriate, avoid the conflict.

It is not possible to define all situations or relationships, which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts include:

- Having any interest, dealings or shareholdings in any business which is a competitor, customer, supplier or University partner or if they are seeking to become one.
- A close family member having any interest, dealings or shareholdings in any business which is a competitor, customer, supplier or University partner, or is seeking to become one. For the purposes of this policy family includes, spouses, partners, civil partner, siblings (and their partners) children, parents, grandparents, grandchildren, cousins, aunts and uncles together with step relations.
- Having a close or longstanding relationship/friendship with anyone in a business which is a competitor, customer, supplier or University partner, or is seeking to become one.
- Soliciting or recommending any person for employment by the University or for admission to it, other than through the proper procedures, and failing to disclose if a candidate is related to you or closely associated to you when providing references.
- Promoting your own interests ahead of those of the University.
- Using your position within the University, University resources and/or the University's name or reputation for personal gain or purposes which are not in the interests of the University, or which may damage the University's reputation.
- In all cases, individuals have a responsibility to assess the potential conflict. Actual or perceived conflicts of interest **must** be disclosed.

11. Other employment

If you wish to undertake other work while you are employed by the University, then you must obtain prior written consent from Human Resources: [Human Resources - University of Wolverhampton \(wlv.ac.uk\)](http://www.wlv.ac.uk/human-resources). In addition, to this there is the Staff Disclosure form which is an on-line referral form available on the Transparency webpage: [Transparency - University of Wolverhampton \(wlv.ac.uk\)](http://www.wlv.ac.uk/transparency)

12. Declaration of interests at meetings of the University

Members of the Board of Governors, University Executive Board, Academic Board and any committees within the University must declare any interest they have in the business to be conducted at any meeting, which they attend.

A standing item shall be included in the agenda of every meeting of the Board of Governors, University Executive Board, Academic Board and any other committee within the University for the Declaration of Interests.

13. Contract signatories

Where:

- you or one of your relatives has a personal or financial interest in a company or organisation which enters into a contract with the University; or
- you stand to benefit personally from a contract (including through any University
- bonus or incentive scheme), you must not sign that contract on behalf of the University.

14. University-appointed directors of companies

Occasionally, the University appoints a person to act as a director of a subsidiary company, to represent the University's interests as a shareholder of that company.

The general procedure set out in section 13 above enables University appointed directors to comply with their duties towards the University. However, a University appointed director also has a statutory duty under company law to avoid a situation where they have, or can have, a direct or indirect interest which conflicts, or possibly may conflict with the companies interests¹.

Many companies have introduced their own policies to enable their directors to comply with their statutory duty to avoid conflicts. The University expects any University appointed director to either:

- comply with the policy of the company of which they are a director; and
- if the company does not have a policy, or if the University considers that any existing policy is inadequate, to take all steps in their power as a director of the company to introduce a policy that is acceptable to the University.

Sometimes, the duties a University appointed director owes to the University will conflict with the duties that they owe to the company. In exceptional cases, a University appointed director may be required to step down as a director where the conflicting duties cannot be managed to the benefit of both the University and the company.

15. Further Advice

If you are in any doubt as to whether a conflict of interest exists discuss the situation with your line manager or a member of the Central Secretariat.

If you have any problems recording your conflict of interest, please inform the Central Secretariat (Transparency@wlv.ac.uk).

16. Consequences

Failure to comply with the above procedures may result in disciplinary action and legal action being taken wherever appropriate.

Action taken in response to breaches of this policy will be in accordance with the University Disciplinary Policy and procedures and could involve Human Resources, the Police, members of the Office of the Vice Chancellor and the University's Internal Auditors.

Breaches could require action in one or more of the following ways:

- clarification or strengthening of existing policy, process and procedures.
- consideration as to whether HR/employment law/contractual action should be taken against staff or others.

¹ Companies Act 2006, section 175

- consideration given to escalation to external parties. This might include referral of matters to the Police and/or regulatory bodies.

Inappropriate or ineffective management of interests can have serious implications for the University and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.

Sanctions will not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrongdoing or fault then the University can and will consider the range of possible sanctions that are available, in a manner, which is proportionate to the breach.

17. Monitoring

Oversight and monitoring of this policy is undertaken by the University Executive Board who report compliance to the Board's Audit and Risk Committee.

The Chief Operating Officer shall make an annual report on the operation of this Policy to the Audit and Risk Committee of the Board.

18. Training

Training is equipping staff, students (and others where appropriate) with the relevant skills required to ensure compliance with this policy. Training relating to this policy and briefing will be made available in a range of formats according to the needs of the trainee and different groups of staff, students and others.

19. Exceptions

There are no exceptions to this policy.

20. Consultation

This policy has been implemented following consultation with:

- University Executive Board
- Human Resources
- UCU
- Unison
- Staff Networks

21. Amendments

This Policy was approved by the University's Executive Board/Board of Governors on in June 2023.

The University may change this Policy at any time, and where appropriate.

22. Contact

For general policy queries, please contact the University Corporate Compliance Team via email:

compliance@wlv.ac.uk.

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