



Conflict of Interest Policy

SCOPE AND PURPOSE

This document sets out the policy of Barnsley College and its subsidiaries ('the College') regarding declaring and managing actual or potential conflicts of interest.

The College is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life. In addition, the College expects that governors and employees will observe the principles and standards set out in the College Code of Conduct, the AoC Code of Good Governance and Charity Commission guidance which are reflected in this policy.

The policy is consistent with section 10 of the Further and Higher Education Act 1992 Instrument and Articles of Government 2013 for Barnsley College, the College's governing document.

General Principles

A conflict of interests is defined as any situation in which an **employee or governor's** personal interests or loyalties could, or could be seen to, prevent them from making a decision that is only in the best interests of the college.

Conflicts of interest can lead to decisions that are not in the best interests of the college and which are invalid or open to challenge. Conflicts of interest can also damage the **college's** reputation or public trust and confidence in the college.

Senior Staff have influence in the purchasing decisions of the college and are defined for this policy as:

- A member of the Senior Management Team
- A Head of Department who has budget management responsibilities
- A member of the Procurement Team

All employees have responsibilities in relation to conflicts of interests, but additional responsibilities relate to Senior Staff.

Governors and employees must not accept benefits from third parties unless these have been fully disclosed. They must not use their connection to the college for personal gain or for preferential rates that would not be available without the connection to the college.

Governors or anyone closely connected to them must not receive any payment or other personal benefit for goods or services provided to the college, other than reasonable out of pocket expenses.



Declaring Interests

Governors and Senior Staff have a personal responsibility to declare conflicts of interest if they are to fulfil their legal duty to act only in the best interests of the college.

Interests are declared upon a Senior Staff member or governor appointment, on an annual basis and when an interest needs to be added or removed from the record. The clerk to the board is responsible for maintaining a Register of Members Interests for both Governors and Senior Staff.

Interests to be declared are any financial, business or personal interests which, when publicly known, would or could be perceived as likely to affect **a Governor's** or Senior Staff member's judgement in relation to any aspect of the College's business.

These should include but not be limited to:

Financial Interests

- i. Remunerated employment, office, profession or other activity
- ii. Directorship of a commercial company
- iii. Shareholdings (greater than 5%) in a company
- iv. Partnership in a business or professional partnership
- v. Consultancies (whether or not remunerated)
- vi. Trusteeship of a Trust where you or your spouse/partner or a member of your family may be a beneficiary
- vii. Gifts or hospitality offered by outside bodies and arising from your position as a governor in excess of £20 in the last 12 months (Gifts or hospitality received by employees must be disclosed in accordance with the Gifts & Hospitality Policy)
- viii. Magistracy, tribunals etc.
- ix. All known financial interests with the College, such as provision of goods and services or remuneration for lectures or academic consultancies, awarding bodies, contractual relationship with the Corporation or any Company connected with the Corporation including joint ventures.

Governors/Trustees/Senior Staff who are also appointed as a Director to a subsidiary of the College or as Company Secretary are also requested to disclose any interests and to state their relationship between the College and subsidiary.

Personal Interests

- i. Membership of another public body, including:
 - Local Authorities
 - Health Authorities
 - NHS Trusts
 - Other charitable trusts



- School, Academy or College Governing Bodies
- Education & Skills Funding Agency, Office for Students etc.
- ii. Unremunerated posts, honorary positions and other positions that might give rise to a conflict of interest or of trust
- iii. Membership of closed organisations, special interest groups or mutual support organisations.

Individuals are responsible for declaring any relevant interests they may have in relation to their role and should consider other members of their family including partner, father, mother, brother, sister, child, stepchild or grandchild and step-father, mother, brother, sister or child.

For Senior Staff, any personal interest that relates to a close personal friend or to a past employment within the last five years needs to be disclosed to aid transparency in the decision-making process.

Managing Conflicts of Interests

All employees and Governors, who in complying with their duties as charity trustees, must avoid, or appropriately manage, any conflicts of interest, so that they act only in the best interests of the college, rather than in their personal or private interest. They must manage personal relationships with related parties to avoid both real and perceived conflicts of interests, promoting integrity and openness in accordance with the Seven Principles of Public Life.

All Governors and Senior Staff must declare a conflict of interests or perceived conflict of interest prior to any meeting or decision-making process. They are required to distance themselves from the conflict of interest by removing themselves from the decision-making process.

For Governors this involves withdrawing from the meeting while the matter is being discussed and excluding themselves on any vote relating to the matter. For Senior Staff, this involves excluding themselves from the decision-making process and involving another Senior Staff member in making this decision. In occasions where employees are part of the decision-making process, they must distance themselves from this process where a Conflict of Interest may be perceived. The board minutes relating to the discussion or rationale behind the decision-making process must be maintained for audit purposes.

The College will keep sufficient records and make sufficient disclosures in its annual reports and accounts to show that transactions with these parties and all other related parties, have been conducted in accordance with the high standards of accountability and transparency required within the public sector.



The policy will be monitored and enforced by the Head of Finance by reviewing all transactions with suppliers that are flagged as having a potential conflict of interest and ensuring appropriate disclosure has been made of any conflict of interest and any associated decision-making process.

EQUALITY AND DIVERSITY

An EqIA is not required for this policy.

LINKED POLICIES AND PROCEDURES

- Financial Regulations.
- Gifts & Hospitality Policy
- Code of Conduct
- AoC Code of Good Governance

LOCATION AND ACCESS TO THIS POLICY

This policy is available on the college's intranet.

