

## **ORDINANCE 8**

### **Registration and Declaration of Interests**

#### **REGISTRATION OF INTERESTS**

1. A register of the interests of members of the Board of Trustees, of the Collegiate Council and of members of their committees shall be retained by the Secretary to the Board of Trustees. The purpose of the register shall be to provide information about members' interests which others might reasonably think could influence those members' actions and decisions as members. The register shall also contain details of the interests of senior officers of the University.
2. Members are responsible for making and amending their entries and for deciding the personal information which fulfils the purpose of the register. The Secretary to the Board of Trustees will advise on registrable interests of the member and close associates which are likely to include, for example, company directorships, partnerships and pecuniary interests (or other material benefits) in firms or organisations with business relations with the University and where the value could be affected by decisions involving the member. Membership of a Member Institution or Institute shall not be a registrable interest for this purpose.
3. New members and senior officers on appointment will be asked by the Secretary to the Board of Trustees if they have an entry to make in the register; all members and senior officers will be sent by the Secretary to the Board of Trustees at least annually a copy of their entry.
4. The register shall be publicly available for inspection by appointment during normal office hours.

#### **DECLARATION OF INTERESTS**

5. Where a potential conflict of interest is identified, a member shall follow the procedures set out in the University's policy on conflicts of interest set out in Annex 1.

15 February 2019

## Annex 1

### Policy on Conflicts of Interest

#### Introduction

- 1 The University is a charity and its objects (set out in its Statutes) are to promote, for the public benefit, education of a university standard and the advancement of knowledge and learning by teaching and research, and it is in receipt of significant public funds to support these purposes. It is essential, therefore, that its activities, and those of its staff, and students enrolled at the Central Academic Bodies are, and are seen to be, conducted, to the highest standards of ethics and integrity. Therefore, the University has adopted the following statement of policy:

*It is the policy of the University that its Members are obliged to avoid ethical, legal, financial, or other conflicts of interest, and to ensure that their activities and interests do not conflict with their obligations to the University or its welfare. This policy incorporates the Seven Principles of Public Life established by the Nolan Committee; and the Members of the University will abide by these principles. In brief they are: selflessness, integrity, objectivity, accountability, openness, honesty, leadership.<sup>1</sup>*

#### Definitions

- 2 For the purpose of this Policy the following definitions apply:
  - a. The University here means the 'central' University which is the Central Academic Bodies and Central Activities.
  - b. The Members of the University is intended here to apply to all individuals when they are working for, or on behalf of, the central University. It includes the members of the Board of Trustees, the Collegiate Council, external members of the University's other committees, boards and groups, full-time and part-time staff, students of the School of Advanced Study and University of London Worldwide, individuals who are permanently or temporarily affiliated to the University through secondment, contract, honorary appointment, Emeritus appointment, Visiting Academic status, or similar.<sup>2</sup>
  - c. A conflict of interest The Charity Commission states 'You have a legal duty to act in your charity's best interests when making decisions as a trustee. If there's a decision to be made where a trustee has a personal or other interest, this is a conflict of interest and you won't be able to comply with your duty unless you follow certain steps. For example, if you're a trustee, you would have a conflict of interest if the charity is thinking of making a decision that would mean:
    - you could benefit financially or otherwise from your charity, either directly or indirectly through someone you're connected to
    - your duty to your charity competes with a duty or loyalty you have to another organisation or person. More information is available from the Charity Commission Guidance'.<sup>3</sup>
  - d. A Private or Personal Interest means any non-financial benefit or advantage including, but not limited to, access to privileged information or facilities, direct or indirect enhancement of an individual's career, education or professional

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<sup>1</sup> <http://www.public-standards.org.uk/>

<sup>2</sup> This is a wider definition than that given in the Financial Regulations, and is specific to this policy.

<sup>3</sup> <https://www.gov.uk/guidance/manage-a-conflict-of-interest-in-your-charity>

reputation, or gain for a family member or person with whom the person has a close personal, or business, relationship.

- e. A Financial Interest means where there is anything of monetary value including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties, intellectual property rights. The level of financial interest/monetary value is not the determining factor as to whether a conflict should be disclosed. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects his/her actions and where he/she has the opportunity to affect a University decision or other activity.

## **Scope**

- 3 This Policy applies to all Members of the University when they are acting in an official University capacity. It should be read in conjunction with the University's related policies and procedures on conflicts of interest in specific contexts as set out below.
- 4 The Policy is designed to avoid the conferring of unfair advantage or disadvantage on Members of the University or other individuals, as well as to provide a framework allowing those experiencing conflicts of interest to place themselves beyond suspicion.

## **Personal Responsibility**

- 5 Members of the University have a responsibility to recognise perceived, potential or actual conflicts of interest when they engage in University business, and to disclose that conflict to an appropriate person or, if in doubt, to the Director of Compliance and Secretary to the Board.
- 6 It should be noted that disclosure will not necessarily restrict or preclude the individual's activities.
- 7 Concerns about the potential conflicts of other Members of the University should be raised directly with the Director of Compliance and Secretary to the Board, or under the University's Public Interest Disclosure (whistleblowing) procedures.<sup>4</sup> Concerns about potential conflicts of Examiners of University of London Worldwide should be raised with its Chief Executive and/or Deputy Chief Executive.
- 8 Members of the University should not use for personal gain any confidential information obtained through their involvement with the University.

## **Potential Areas of Conflict**

- 9 The Charity Commission advises that the most common are direct financial conflict, indirect financial, personal/familial and conflict of loyalty. In a University context, conflict on academic issues can also arise.
- 10 Examples of situations which could give rise to a conflict are set out below but (as indicated in paragraph 5 above) even if there is any uncertainty about the propriety of an activity, the matter should be disclosed and advice sought if required.

### **10.1 Financial Conflicts of Interest**

These are largely dealt with in the University's Financial Regulations. Specific examples include:

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<sup>4</sup> See Ordinance 23 *Public Interest Disclosure*, available at: <https://london.ac.uk/about-us/how-university-run/central-university-administration/statutes-ordinances-and-regulations>

- a. Hospitality and Gifts - Members of the University should not give, or receive, such hospitality, gift, favour, or other benefit, that may: compromise his/her judgment or have the appearance of so doing; create a conflict of interest; damage relationships with others; or indicate any favouritism or prejudice towards a person or group of people. Members of the University should consider the cultural context in which the gift, hospitality, favour, or benefit was offered, and endeavour to avoid giving offence. Further information on the acceptance of gifts, benefits and hospitality can be found in the University's Financial Regulations.
- b. Bribery - Bribery itself is outwith the scope of this policy but Members of the University should also be mindful of the provisions of the Bribery Act 2010 and should follow the relevant University policy and guidelines.
- c. Procurement - Any Member of the University involved in a tendering exercise should declare any conflict of interest before tenders are issued. The declaration should be sent to the Director of Compliance and Secretary to the Board who will inform the Chief Financial Officer and keep the declaration on record for the duration of the individual's association with the University.

Any person who has been responsible for a University project of a value above the threshold for a tendering exercise shall be required to have an entry in the Register of Interests for the duration of their employment (unless they request exclusion on the basis that they have not been involved in a project subject to tender for three clear financial years).

No person shall be a signatory to a University contract where he/she also has a personal or financial interest in the activities of the other party. Further information on the University's Procurement Policy is available on request.

- d. Acceptance of Gifts and Donations – the University Donation Acceptance Policy and the Ethical Acceptance of Donations Policy provide guidance on the organisational and departmental seeking, and accepting of, 'ethical' financial and other gifts.
- e. Fraud Response Plan – the Policy sets out how the University is committed to preventing fraud and corruption, and the steps that will be taken to investigate and address any suspected fraudulent act. (<https://london.ac.uk/about-us/how-university-run/central-university-administration/statutes-ordinances-and-regulations>)

The Financial Regulations and associated policies are available on request from the University's Finance and Planning Department. The Donation Acceptance Policy and the Ethical Acceptance of Donations Policy are available from the University Development Office.

## **10.2 Personal/Familial Relationships**

Staff of the University are obliged to avoid conflicts of interest, including personal/familial relationships. Where these relationships overlap with working relationships, individual members of staff must not abuse their authority, or act improperly or with bias, and should not lay themselves open to allegations that they have done so.

- a. Relationships Between Staff - Where relationships occur between members of staff, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. Staff must ensure that personal relationships do not advantage, unfairly disadvantage, any member of staff or other individuals (such

as applicants for jobs or service providers). Further advice is available from the Human Resources Department.

- b. Existing Relationships Prior to Employment – Where a member of staff is involved in a close personal or familial relationship with an applicant for a job, they must not be involved in the selection process.

If appointed, the successful candidate cannot, under any circumstances, be placed in a direct line management relationship with the existing staff member.

The allowable proximity within which two related employees will be permitted to work cannot be laid down precisely as it will depend on the nature of the work and their positions within the University.

- c. Relationships Between Staff and Students - If a member of staff has a personal relationship with a student to whom they have, or are scheduled to have, a professional responsibility, he/she must inform the Human Resources Department as soon as practicable and should separate his/her self from these responsibilities. Failure to do so may make the member of staff open to accusations of bias, abuse of trust and conflict of interest. As a result of the power dynamic between a member of staff and a student, consent in a relationship may be coerced to compliance. Therefore, the University strongly discourages personal relationships with students. Any allegations of bullying and harassment will be dealt with under the relevant procedure.
- d. Confidentiality of Disclosure - Declarations concerning personal/familial relationships will be kept confidential where possible. However, it may be necessary to share information to deal appropriately with any conflict of interest and/or to enable the University to meet its legal obligations.

Individuals who elect to make written declarations of conflicts of interest concerning personal relationships, should be aware that under data protection legislation the University is likely to be under an obligation to reveal the declaration to the other person said to be party to the relationship, should he/she make such a request. Further information on data protection can be found on the University website and is also available on request from the Data Protection Officer at [data.protection@london.ac.uk](mailto:data.protection@london.ac.uk).

### **10.3 Conflicts of Loyalty**

Where a person's primary duty to the University conflicts with his/her duties to another body to which he/she has been appointed, or to a close personal relation, the conflict should be declared and managed in the same way as for other conflicts (see paragraph 11).

### **10.4 Conflicts of Research Integrity**

The University's employees should maintain the highest standards of integrity in the conduct of research, and the complete, objective and timely dissemination of new findings through publication, is essential for research integrity. In this context, 'publication' means any means of dissemination of research findings, including publication in a journal, information placed on the web, conference presentations or any other kind of scholarly communication. Employees should ensure that if a particular research project is covered by a contract with an external sponsor then care will need to be taken to follow the agreed procedures for publication.

The potential for personal gain must not, nor appear to, jeopardise the integrity of research activities, including the choice of research, its design, the interpretation of

results, or the reporting of such results. Employees, staff and students in the School of Advanced Study should also refer to the School's Research Ethics Policy available from the School of Advanced Study.

### **10.5 Conflicts of Educational Mission**

The University's employees who are involved in educating, training, supervising or directing the work of students, should ensure that the education he/she provides is appropriate to the student. For example, care must be taken to assure that the choice of a student's research project, and the direction of that research is not, and does not appear to be influenced by, their supervisor's personal or financial interest.

### **10.6 Conflicts arising from External Commitments**

The University has a global reputation and influence and encourages its Members to engage in a wide variety of external activities. It is University policy to encourage and foster external activities whilst ensuring what when conflicts or perceived conflicts of interest arise they are acknowledged, disclosed and, where appropriate, properly managed. Members of the University should declare any conflicts arising from their interests in organisations outside the University.

### **10.7 Conflicts for Examiners**

Examiners of University of London Worldwide who have relationships with third party institutions (eg through teaching, revision classes, staff training, consultancy or inspection) should declare payments or other benefits received. A separate conflicts of interest policy outlines how potential, actual or perceived conflicts in this specific area are managed by University of London Worldwide. These can be found within the Guidelines for Examinations available on request from University of London Worldwide.

## **Managing Conflicts**

- 11 It must be recognised that potential or actual conflict of interest is an everyday occurrence in a university environment and that most of them are easily managed.
- 12 A University Member should disclose actual, or perceived, or potential conflicts of interest, if he/she has any concern that one may exist and seek to manage the conflict by, amongst other actions (the list is not exhaustive and appropriate action will vary according to circumstances):
  - a. registering known long-term interests
  - b. recording all declarations of conflict
  - c. declaring a conflict as soon as practicable in meetings
  - d. not participating in discussions on certain issues at meetings
  - e. not participating in decisions on certain issues at meetings
  - f. not participating in projects
  - g. temporarily suspending participation in an external commitment
  - h. referring either whole tasks or decisions on to other appropriate individuals
  - i. or, in the rare case that it is not possible to manage the conflict, to prohibit the activity to protect the public interest and/or the interests of the University.

### **12.1 The Register of Interests**

The University maintains a Register of Interests of the members of all the committees constituted under its Statutes and Ordinances, as well as its senior officers. The purpose of the Register is to provide information about members' interests which others might reasonably think could influence those members' actions and decisions as members. It is updated annually and is publicly available

for inspection. A separate confidential Register of Interests is maintained by University of London Worldwide for its Examiners.

## **12.2 Managing Conflicts of Interests in Meetings**

Where a potential conflict is identified prior to a meeting the following approaches will be useful:

- a. The Chair of the Committee concerned should discuss the matter with the member concerned and should seek advice from the committee secretary. If the potential conflict relates to the Chair or committee secretary, the matter should be referred to the Director of Compliance and Secretary to the Board.
- b. The Chair may ask the individual to withdraw for the relevant discussion/s. He/she should not vote on the matter or contribute to the discussion of the issues involved.
- c. Where the issue is a perceived or potential conflict the Chair may consider that the matter raised does not constitute an actual conflict and that the work of the committee will not be hindered and will continue the meeting.
- d. The Chair's decision on matters relating to conflicts is final.
- e. The Chair should ensure that an appropriate record is kept in the minutes of the meeting and/or on the Register of Interests.

24 August 2018