



Conflict of Interest Procedure

Date	Version	Reviewer	Comment
30.03.19	V4	Rowena Hall	
19.05.23	V5	Rowena Hall	Updated to include certain staff members at the University in addition to Council Members and endorsed by Assurance Committee.
29.09.23	V6	Rowena Hall	Addition of additional staff members and paragraph 3.6 as suggested by Assurance Committee.

1. Definition, Purpose and Scope

- 1.1 Good governance practice requires that the University has procedures in place for managing conflicts of interest. The Nolan principles require that individuals in public office act and be perceived to act impartially and not be influenced in their role by social or business relationships or by pecuniary interest.
- 1.2 This Procedure applies to all members of the University, including staff, members of Council, members of Council committees and student members of committees (together the 'Members').
- 1.3 **A conflict of interest is a circumstance in which a reasonable person would consider that an individual's ability to apply judgement or act in the course of their duties as a Member of the University is, or could be, impaired or influenced by another interest that they hold.**
- 1.4 Conflicts of interest will arise from time to time and the existence of a conflict does not in itself reflect upon the integrity of the individual concerned provided it is properly declared and managed.
- 1.5 If conflicts of interest are not properly managed, the University may be seen not to be acting in the public interest, may have action taken against it, or may be open to the risk of serious damage to its reputation.
- 1.6 For the avoidance of doubt, employment by the University is not regarded as a pecuniary interest for the purpose of discussing or deciding upon matters of conditions of service or remuneration of staff in general.
- 1.7 The Procedure is designed to help Members:
 - identify conflicts of interest;
 - use the Procedure to disclose conflicts of interest; and
 - provide guidance to those responsible for dealing with conflicts of interest.
- 1.8 This Procedure should be read alongside:
 - the Anti- Bribery Policy
<https://www.nottingham.ac.uk/governance/documents/anti-bribery-policy.pdf>
 - the Fraud Policy Statement

<https://www.nottingham.ac.uk/governance/documents/fraud.pdf>

- the Anti Money-Laundering Policy and procedures
<https://www.nottingham.ac.uk/governance/documents/money-laundering-policy.pdf>
- the Public Interest Disclosure Policy
<https://www.nottingham.ac.uk/governance/otherregulations/whistleblowing/index.aspx>
- the Gift Acceptance Policy and Ethical Fundraising Practice
<https://www.nottingham.ac.uk/governance/documents/uon-gift-acceptance-policy-and-ethical-fundraising-practice-july17.pdf>
- the Conflict of Interests and Gifts and Hospitality Policy
<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/conflictsofinterest,giftsandhospitality.aspx>
- the Data Protection Policy
<https://www.nottingham.ac.uk/governance/records-and-information-management/data-protection/data-protection-policy.aspx>
- the Charity Commission Guidance for dealing with a non-charity
<https://www.gov.uk/guidance/guidance-for-charities-with-a-connection-to-a-non-charity>

2. Conflict of Interest

2.1 A conflict of interest may be actual, potential or perceived and may arise in a number of different contexts. The interest may be:

- the individual directly benefits financially from the decision they are involved in making;
- the individual may obtain a non-financial professional benefit from the decision they are involved in making;
- the individual may obtain a non-financial personal benefit from the decision they are involved in making; or
- a close associate of the individual may obtain a financial, professional or personal benefit from the decision they are involved in making.

A close associate is a close family member or relative, a close friend or associate or a business partner.

2.2 Examples of potential conflicts of interest are provided at Appendix one.

3. Register of Interests

3.1 All members of the University Council, Council committees, University advisory groups, the University's Executive Board, and all members of the Senior Leaders' Forum are required to complete the University's Register of Interests Declaration Form annually.

3.2 In addition to roles identified at 3.1, there are other specific roles identified in Digital and Technology (DTS) Services, Estates and Facilities (E&F) and Research and Innovation (R&I) that will also be required to complete the University's Register of Interests Declaration Form annually. These are roles which are potentially able to influence the decision-making process(es) for procurement in these areas. Declarations from these specific roles will be shared with the relevant UEB lead and identified manager who should agree an approach to managing the potential conflict locally.

3.3 The Register of Interests is maintained by the Registrar and may be consulted for good reason by senior members of staff, or the auditors. The Register of Interests, in so far as it relates the

members of University Council, is published on the University's webpages. An example is provided at Appendix three.

- 3.4 Conflicts of interests may arise at any time, and Members of the University should declare them at the time the conflict arises, or when it is recognised that it might be perceived, by completing the Register of Interests Declaration Form set out at Appendix two and submitting the form to the Registrar. This is irrespective of whether the Member completes an annual Register of Interests entry.
- 3.5 The responsibility for avoiding a conflict of interest lies with the individual in the first instance. The conflict of interest should be declared in full and until resolution of the conflict, the individual should not take part in any matters relating to the conflict.
- 3.6 It is noted here for clarity that failure to submit a Register of Interests Declaration Form will amount to a nil return being recorded.
- 3.7 The Registrar can provide advice on whether interests should be declared and shall be responsible for determining conflicts of interest.
- 3.8 When it is known that an item of committee business may be relevant to the interest of a Member, there is a responsibility on the member to declare that interest. Further details are available in Section 4.
- 3.8 If a Council member fails to declare an interest, they may be asked to step down from their role as Council member by the Chair of Council or by the Officers of Council.
- 3.10 If a staff or student Member of the University fails to declare an interest, they may also be subject to University disciplinary procedures if the act or omission amounts to misconduct.
- 3.11 Members of Council are also required to confirm annually that none of the events have occurred which may indicate that they are not a fit and proper to act as a member of Council as considered and defined by the Office for Students. Members of Council are required to inform the University immediately if there are any changes to the information provided for this purpose.

4. Conduct of meetings

- 4.1 Members of the University who have an interest in a matter under consideration by a committee of which they are a member should declare that interest at any meeting where the matter is to be discussed, whether or not that interest has already been declared at a previous meeting or is included in that individual's entry on a Register of Interests. This should be done in advance by notifying it to the Secretary where possible and at the beginning of the meeting.
- 4.2 At the discretion of the Chair of the committee, it may be appropriate for the member to abstain from any relevant decision-making process and/or to step outside the meeting whilst the item is discussed.

5. Use of confidential information

Individuals covered by these regulations should not use for personal gain nor in any current or subsequent paid or unpaid position elsewhere, any confidential information obtained through their involvement with the University. Staff members of Council are reminded of the duty of confidentiality which applies to all employees.

6. Other potential conflicts

There are other areas in which conflicts of interest may arise many of which are covered in specific policies:

- Gifts and Hospitality:
<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/conflictsofinterest,giftsandhospitality.aspx>
- External examiners: <https://www.nottingham.ac.uk/qualitymanual/governance/appointment-responsibilities-external-examiners-for-taught-programmes.aspx/>
<https://www.nottingham.ac.uk/qualitymanual/research-degree-progs/pgr-role-and-appointment-of-examiners-for-research-degree-programmes.aspx>
- Staff or student recruitment
- Supply of goods and services
- Exploitation of intellectual property: <https://www.nottingham.ac.uk/governance/policy-finder/intellectual-property.aspx>
- External work:
<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/documents/external-work-policy.pdf>
- Personal relationships:
<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/personalrelationships/index.aspx>

Appendix One

The following table provides guidance on the kind of interests and associated information which should be declared under this Procedure.

Category of Interest	Information to the disclosed
Paid employment	Employer name and position held save for employment by the University.
Self-Employment (including partnership)	Nature of business and company name
Directorships held, paid or unpaid and including University subsidiaries	Name of companies. Confirmation of whether remuneration is received.
Significant shareholdings	Names of companies in which the individual or a company partly or wholly owned by them owns 5% or more of the issues share capital.
Investment in University subsidiary companies	Name of company and confirmation of shareholding
Public appointments, paid or unpaid	Name of body and position held
Membership of Professional bodies	Name of body
Consultancy work	All other work for outside organisations whether paid or otherwise.
Elected Office	Name of authority and position held
Trusteeships or participation in the management of charities and other voluntary bodies, including educational establishments	Name of body and position held

Practical examples

- The University buys good or services from the Member or a connected person or business
- The University sells good or services to the Member or a connected person or business
- The University offers employment or a place to study to an external Council member or a connected person.
- A financial transaction occurs between the University and the Member or a connected person or business other than for that provided for in a contract of employment.

Appendix Two

University of Nottingham Register of Interest Declaration Form

To be completed by Members of the University.

Members should declare their interests and the **relevant** interests of their spouses, partners or close family members on this form.

Guidance on the completion of this form is available in the University Conflict of Interest Procedure.

Interests should be clear and also indicate if they where they are financial, directly or indirectly.

Name:		
Organisation (including company number)	Nature of interest including whether financial	Date interest began

Spouse, Partner, Close Family Member			
Name/Relationship	Organisation (including company number)	Nature of interest including whether financial	Date interest began

Please confirm whether any of the following have ever applied to you:	Applies	Does not apply
Disqualification from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011		
Conviction of a criminal offence anywhere in the world and/or subject of any adverse finding in civil proceedings including, but not limited to bankruptcy or equivalent proceedings (in the last three years)		
Subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies		

Involvement in any abuse of the tax systems		
Involvement with any entity that has been refused registration to carry out a trade or has had that registration terminated		
Involvement in a business that has gone into insolvency, liquidation or administration while the person has been connected with that organisation or within one year of that connection;		
Dismissal from a position of trust or similar		
Involvement with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board/governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.)		

Signed:

Date: