

Code of Practice on Conflicts of Interest

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The purpose of this Code of Practice is to provide guidance to employees of the University and those acting on behalf of the University, such as members of Court, who may find themselves in a situation that could give rise to a conflict of interest, whether actual or perceived, and the procedures to be followed for disclosing such information.

CODE OF PRACTICE ON CONFLICTS OF INTEREST

1. Introduction

The University encourages its employees to have diverse interests and contacts at local, national and international level. It recognises that such links between its employees and outside bodies are not only in the public interest but are often beneficial to the University and to the individual concerned. Whilst employees of the University are encouraged to have a wide range of contacts and interests they must ensure that their activities and interests do not conflict with their obligations to the University.

The purpose of this Code of Practice is to provide guidance to employees of the University and those acting on behalf of the University, such as members of Court, who may find themselves in a situation that could give rise to a conflict of interest, whether actual or perceived, and the procedures to be followed for disclosing such information.

This Code of Practice is aimed at protecting the University's interests whilst taking into account the interests and rights of the individuals concerned. It provides guidance on identifying conflicts of interest and how to manage them.

2. Definitions

A conflict of interest is a situation where the personal interest of an individual is likely to appear to influence the objective exercise of an aspect(s) of his/her duties as an employee/trustee of the University. It should be noted that a conflict of interest may be perceived, potential or actual, and that all such scenarios fall within the scope of this Code of Practice.

A *perceived* conflict of interest is a situation which a reasonable person would consider it likely to compromise objectivity.

A *potential* conflict of interest is a situation which could develop into an actual or perceived conflict of interest.

Situations giving rise to actual or perceived conflicts of interest are many and varied. It is not possible to define all circumstances which may give rise to a conflict of interest, but the following examples are identified to provide some guidance (this list is not exhaustive):

- i. The use of any of the University's facilities to pursue an employee's business, commercial, or consulting activities of a personal nature;
- ii. An employee conducting business, employment or activity outwith the University which adversely affects his/her ability to perform his/her duties as specified in their University contract of employment, or affects their actual performance;
- iii. An individual using his/her position to influence a contract or other favourable terms for a company or business in which he/she, or a partner, spouse, near relative (e.g. dependent children) or friend has a financial interest;
- iv. A financial interest held by an employee, or his/her partner, spouse, near relative or friend, in an external enterprise engaged in activities closely related to that individual's line of work or research in the University. This includes paid consultancies, paid service on a board of directors or advisory board, or equity holdings in or royalty income from the enterprise;
- v. An individual using his/her position to influence the employment, promotion, admission to a course of study, educational progression or other financial or non-financial benefit for a partner, spouse, near relative or friend;

- vi. An individual using his/her influence to obtain financial or non-financial benefit for him/herself or for a partner, spouse, near relative or friend in return for providing an advantage, whether financial or non-financial, which is to the disadvantage of the University;
- vii. An employee who attempts to restrict rights governing the timing and content of publications, except in instances properly approved by the University to protect privacy, commercially sensitive proprietary information, or patentable inventions;
- viii. An employee involved in externally funded activity which might infringe the right of a student engaged in the activity to complete the degree for which he/she is registered, and/or to publish freely his/her findings (except in circumstances identified at vii above).

There are in addition certain circumstances which the University considers give rise to clear conflicts of interest and so it has adopted specific policies and procedures for these circumstances. For example, further information relating to work for outside bodies and personal consultancies is available on the University [website](#).

Section 5 below provides further information on other relevant University policies and procedures.

3. Disclosure of a Conflict of Interest

It is the duty of all employees to disclose any actual or perceived conflict of interest, normally to their Head of Department/School in the first instance. If an employee is in doubt then advice and guidance can be sought from the individual's Head of Department/School, Executive Dean/Director, or appropriate University officer (this could be the University Secretary and Compliance Officer, the Chief Commercial Officer, the Chief Financial Officer, the Director of Human Resources, or the Director of Research and Knowledge Exchange Services).

Failure to disclose an actual or perceived conflict of interest may result in disciplinary action and, in serious cases, may result in dismissal. The extent to which the individual employee was aware of the actual or perceived conflict of interest, and/or made a conscious decision not to declare it, and the severity of the matter in question will be taken into account in determining whether it should be referred for consideration under the relevant staff disciplinary procedure.

The procedure for making such disclosures is set out below.

- a. In the first instance the employee should raise any issue that might represent a conflict of interest with his/her Head of Department/School, (where they are the Head of Department/School then the matter should be raised with the Executive Dean/Director) preferably in writing. This will be necessary to clarify if the activity or course of action that the individual employee wishes to undertake will cause a conflict of interest.

Where it is quite clear to the Head of Department/School that there is no conflict of interest then the employee may proceed with the action/activity proposed. The Head of Department/School should confirm this in writing.

- b. Where the Head of Department/School considers that the proposed activity or action may cause a conflict of interest, either actual or perceived, then formal disclosure is required and the procedure to be followed is set out below. In the interim the Head of Department/School may take a preliminary decision, either that:
 - The employee may continue the activity in the interim, possibly with modifications; or

- The employee must not continue the activity until a clear resolution is made.
- c. Where a conflict of interest, either actual or perceived, has been identified then the following procedures must be followed:

The disclosure must be made in writing to the University Secretary and Compliance Officer and should provide sufficient information about the activity/action proposed in order that all material facts are identified and a clear decision may be taken.

If necessary, further advice may be sought from senior colleagues in the relevant professional areas, such as the Chief Commercial Officer, the Chief Financial Officer, University Secretary and Compliance Officer, the Director of Human Resources or the Director of Research and Knowledge Exchange Services as appropriate. This advice may be sought by the individual or the Head of Department/School (or Executive Dean/Director) in order to help determine a suitable course of action for managing the situation.

The University Secretary and Compliance Officer will consider the disclosure, seeking advice as appropriate, and will discuss the matter with the employee. Once the matter has been disclosed and considered by the University Secretary and Compliance Officer, the employee will be advised of a suitable course of action, which may be:-

- that there is no conflict of interest, or that it is not sufficient to be of any concern to the University, and so the individual may proceed with the action or activity;
- that the individual may proceed with the action or activity but with certain modifications. These modifications must be agreed with the individual concerned and a written record kept of them by the University Secretary and Compliance Officer and the individual; or
- that the action/activity should not proceed. Clear reasons for reaching this decision must be given to the individual employee concerned by the University Secretary and Compliance Officer.

The Head of Department/School (or Executive Dean/Director) will be notified of the decision and the course of action to be followed.

- d. If the employee is permitted to proceed with the activity then he/she will be required to complete a declaration of interests form and an annual return will be required thereafter until the activity ends.
- e. Where the employee is not satisfied with the decision then he/she may take the matter up through the relevant staff Grievance procedure (further information is available from Human Resources).

4. Annual Declaration of Interests

In addition to declaring any actual or perceived conflicts of interest in accordance with the procedure set out above, certain members of staff are required to submit an annual declaration of interest to the office of the University Secretary and Compliance Officer. These members of staff are:

- All Members of Executive Team
- Members of Court

Assurance regarding management of the Conflicts of Interest of Directors of Professional Services, Heads of Departments/Schools and their wider staff teams is achieved through

the annual Key Controls Checklist which is administered and reviewed by the Internal Audit Service. Any additional member of staff who has been identified through the procedure for disclosing a conflict of interest should make an annual declaration to the relevant Director or Head of Department/School.

5. Existing University Policies and Procedures

Some University documents already set down the procedures to be followed in certain situations.

Work for outside bodies, including Personal Consultancies and business activities

[The University Procedure in relation to Work for Outside Bodies including Consultancies](#) sets out the procedures to be followed when individuals wish to undertake work for outside bodies, including sponsored research grants and contracts; University and personal consultancies; and business activities. Work for external bodies which attracts additional payment requires formal approval. In the first instance the individual employee must seek permission from his/her Head of Department/School to undertake such activities and provide an indication of the time commitment this activity is likely to take.

Employment of spouse/partner or near relatives

The University does not preclude the appointment of spouses/partners or near relatives of present employees. However, no member of staff will be permitted to be involved in any aspect of the recruitment process where their spouse/partner or near relative is an applicant for the post. Further information may be found in the Policy on the Appointment of Relatives, which is available at the following web site:

<http://www.strath.ac.uk/staff/policies/hr/appointmentofrelatives/>

Additionally, there are a number of other related policies in place within the University which may have a bearing on these matters, these are:

- The Financial Regulations - further information is available at the following web site:
- <https://www.strath.ac.uk/professionalservices/finance/generalinformation/financialregulationsandpolicies/>
- Research Code of Practice – further information is available at the following web site:
<https://www.strath.ac.uk/research/researchdatamanagementsharing/requirementspolicies/>
- Procurement Guidance – further information available at the following web site:
<https://www.strath.ac.uk/procurement/procurementguidance/>
- Appointment of Relatives – further information available at the following web site:
<https://www.strath.ac.uk/staff/policies/hr/appointmentofrelatives/>
- Public Interest Disclosure Policy (Whistleblowing) - further information can be found at the following web site: Policy currently being updated and will replace existing policy at this site <http://www.strath.ac.uk/publicinterestdisclosure/>
- Fraud Prevention Policy – Policy currently being updated and will replace existing policy at this site <https://www.strath.ac.uk/staff/policies/>