

ROYAL COLLEGE OF ART

Conflict of Interest Policy

1. Introduction

- 1.1 The College values creativity, innovation, partnership and enterprise and is supportive of the various internal and external activities in which members of staff of the College engage. Occasionally however, employee interests may conflict, or appear to conflict, with their duties as an employee of the College.
- 1.2 The College recognises that, in general, individuals will recognise conflicts of interest and will want to ensure that there can be no perception of their receiving an inappropriate advantage and that they are personally beyond suspicion. It also recognises that, in most cases, potential conflicts of interest will be easily avoided or resolved by informal action either by the individual concerned or through discussion with their manager.

2. Definition

- 2.1 A conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one's role is, or could be, impaired or influenced by a secondary interest. Even a perception of competing interests, impaired judgement or undue influence may be damaging to the College's reputation.

Generally conflicts might occur if individuals have for example:

- a direct or indirect financial interest
- non-financial or personal interests
- competing loyalties between an organisation they owe a primary duty to and/or some other person or entity.

- 2.2 The existence of an actual, perceived or potential conflict of interest does not necessarily imply wrongdoing on anyone's part. However, any private, personal or commercial interests which give rise to such a conflict of interest must be recognised, disclosed appropriately and either eliminated or properly managed. Reporting, recording and managing potential conflicts effectively protects employees and generates public trust and confidence.

3. Scope

- 3.1 This policy applies to all College employees. For the purpose of this policy, the use of the word 'employee' covers College employees on permanent or fixed term contracts as well as non-employees such as independent Council members, students, visiting workers, contractors and other persons carrying out work on behalf of the College.
- 3.2 College employees are expected to comply with the highest standards of professional and ethical practice and are required to declare any interests which may conflict, or

may be perceived to conflict, with the College's business. Declaring interests supports transparency and demonstrates the integrity of the College's activities and employees by providing assurance that any potential conflicts are considered and managed effectively.

4. Policy Statement

4.1 It is the responsibility of each employee to:

- to identify situations in which they have a conflict of interest, or situations where there is potential for a conflict of interest to arise;
- to disclose those situations to the College; and
- where required, to take appropriate measures to manage a conflict of interest under the general procedures in this policy.

Some employees, because of their position in the College, have additional responsibilities under this policy, which are subject to special procedures (**see section 9**).

Breaches of this policy will be investigated under the College's disciplinary procedures.

5. Identifying conflicts of interest

5.1 Each employee is responsible for identifying situations in which they have a conflict of interest or where there is potential for a conflict to arise. Advice and assistance should be sought from the College Secretary.

5.2 It is not possible to provide a single definition to cover all of the different situations where conflicts could arise. However, a conflict of interest may be described as including any situation in which an employee's personal or outside interests, relationships or activities conflict, or have the potential to conflict, with the College's interests and activities.

5.3 There may also be situations where the duties owed by an employee to the College conflict with the duties owed by that employee to another entity or person. These would also be conflicts of interest and are covered by the policy.

5.4 Under this policy, an employee's personal or outside interests and activities also include the interests and activities of his or her partner, children and relatives.

5.6 Some examples of conflicts of interest are listed below (this list is not exhaustive and employees should consider their own circumstances):

- where an employee or a relative has a personal financial interest (e.g. consultancy or licence income) in a College activity;
- where an employee uses a College building or equipment for their personal financial gain;

- where an employee or a relative is a member of an external committee whose work may relate to that of the College (for example, research councils, other funding bodies, faculty boards, government departments, OfS);
- where the College has appointed an employee as its representative director or trustee of a company or charity (including where the College appoints employees as directors of any subsidiary companies);
- where an employee or a relative has a personal or financial interest in a company or other organisation with which the College is negotiating a contract (for example, the employee may hold shares in the company or may be a director or employee of the company);
- where an employee or a relative is a user of the College's services (for example, where a member of staff is the parent of a student or an applicant, or where a student is a member of the Council);
- where an employee has a personal relationship with a student or potential student with whom they also have a professional relationship or responsibility (for example where that member of staff is in any way involved in that student's admission, assessment, teaching, supervision or progression either directly or indirectly). Please refer to the [Code of Conduct for Personal Relationships at Work](#) for more detail.
- where an employee has a personal relationship with another member of staff or potential member of staff with whom they also have a professional relationship or responsibility (for example where that member of staff is in any way involved in the recruitment, line management, remuneration, appraisal, discipline or promotion of the other member of staff either directly or indirectly, or where they both have a professional responsibility in relation to the same student). Please refer to the [Code of Conduct for Personal Relationships at Work](#) for more detail.

If you are unsure whether an interest should be disclosed, please discuss with your line manager or the College Secretary.

6. Disclosing conflicts of interest

- 6.1 Each employee must disclose to the College (via their line manager) any situation where he or she has identified a conflict of interest (actual or potential) as soon as possible after identifying the conflict. In cases of potential conflict of interest, an employee should not wait until a conflict actually arises to disclose the situation.
- 6.2 Where an employee has previously disclosed a potential conflict of interest, which later develops into an actual conflict of interest, the employee must disclose the change in their situation to the College (via their line manager) as soon as possible after identifying the change.
- 6.3 Interests for both employees and independent members of Council will be declared using a form distributed by the Finance Department and Governance Office. This will be done upon a new employee or independent Council member being appointed and also as part of an annual declaration to be completed by all employees and independent members of Council.

7. Failure to disclose a conflict of interest

- 7.1 Failure to disclose an actual or perceived conflict of interest, or to cease involvement in the situation until the conflict has been resolved, constitutes a breach of the employee's contract of employment and may result in disciplinary action, and in serious cases could result in dismissal. In determining whether disciplinary action is appropriate, consideration will be given to the extent to which the employee could reasonably have been aware of the actual or perceived conflict of interest and/or made a reasonable decision not to declare it.

8. Evaluation and resolution of disclosed conflicts

- 8.1 The College Secretary will evaluate disclosures made by employees and independent members of the Council.

The College Secretary (as applicable) may decide that either:

- disclosure of the conflict is enough; OR
- additional measures may be required to protect the College, employee or the independent Council member involved.

- 8.2 In cases where additional measures may be required, the College Secretary/their nominee will, in consultation with others in the College, decide on the appropriate measures to be taken and will inform the member of staff involved of these measures, which may include:

- The employee not taking part in discussions or meetings about the matter causing the conflict;
- The employee not being responsible for decisions about the matter causing the conflict;
- Including a notice of the conflict in publications (this would be relevant in cases where a publisher or funding body does not require details of conflicts to be noted in the publication but where the College wants to note the conflict in the interests of transparency and academic integrity);
- Removing the employee from a particular project or agreement to allow the activity to continue with modifications
- In limited cases, restricting one or other of the employee's conflicting activities.

9. Annual Declaration of Interests by members of the Council and members of the Executive Board

- 9.1 Members of the Council are legally required to act in the best interests of the College and to avoid situations where there may be a potential conflict of interest. These obligations are by the Charity Commission and the College's principal regulator, the Office for Students. Employees of the College and individuals involved in the College's related companies have similar obligations.

- 9.2 As well as the requirement to make disclosures under the general procedure above, members of the Council and members of the Executive Board must make an annual

declaration, listing all situations in which they have a conflict of interest (whether actual or potential) or confirming that there are no such situations.

- 9.3 The College Secretary will evaluate disclosures made by Council members and employees.

The College Secretary (as applicable) may decide that either:

- disclosure of the conflict is enough; OR
- additional measures may be required to protect the College and the employee or independent Council member involved.

- 9.4 In cases where additional measures may be required, the College Secretary/their nominee will, in consultation with others in the College, decide on the appropriate measures to be taken and will inform the member of staff involved of these measures, which may include the same measures highlighted in section 8.2.

10. Declaration of interests at meetings of the Council, Senate and Committees

1. Any member of Council or its committees who believes that they may have a direct or indirect personal or financial interest in any matter under discussion at a meeting of Council or of a Council Committee will state that interest at the earliest opportunity, to the Chair or Secretary prior to the meeting or, if necessary, at the appropriate point during the meeting, whether or not such interests have been recorded in the Register of Interests. Such declarations will be recorded in the minutes. Declarations of interest are a standing item on all Council and Committee agendas.
2. Members declaring an interest should automatically withdraw from the meeting when the relevant business is reached unless the Chair invites them to stay. If members stay in the meeting, they may contribute to the discussion but are not entitled to vote.
3. A member will not be precluded from participating in discussion of any item of business solely because they are an employee or student of the College; nor will the restriction on involvement in matters of personal financial interest per se prevent any member from considering and voting on proposals to insure the Council and its members against any liabilities which it or they might incur.
4. Members should decline to participate in any Committee or working party or other body where there is a possibility that a conflict of interest may arise on a regular basis.

11. Contract signatories

Where:

- an employee or a relative has a personal or financial interest in a company or organisation which enters into a contract with a College contract; or
- an employee stands to benefit personally from a contract (including through any College bonus or incentive scheme),

that employee must not sign that contract on behalf of the College.

12. Terms and conditions of employment

- 12.1 This policy applies in addition to, and does not in any way replace, the requirement for employee's to seek permission for certain activities, as set out in their terms and conditions of employment.

13. Freedom of Information and Data Protection

- 13.1 Information provided by employees under this policy will be recorded on the register of interests of the College. Where additional measures are required in relation to a conflict of interest, a summary of these measures will also be recorded on the register of interests.
- 13.2 Extracts of the register of interests relating to all other employees are subject to disclosure in response to requests under the Freedom of Information Act 2000. The College will consider whether any relevant exemptions to disclosure apply before responding to requests.
- 13.3 Information provided by employees will be processed in accordance with data protection principles as set out in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Data will be processed only to ensure that the aims of this Policy are met. The information provided will not be used for any other purpose.

14. Acceptance of Donations

Careful consideration will always be given to accepting donations to ensure that no conflict of interest arises from the acceptance of such a donation. More details can be found in the [Donations Acceptance Policy](#)

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