DECLARATION OF INTERESTS
POLICY

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<th>University Secretary</th>
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Declarati

on of Interests policy

Rationale

The Declaration of Interests Policy of the University of West London seeks to restate and consolidate those ‘conflict of interest’ elements from a range of existing relevant documents eg Academic Staff Terms and Conditions, Financial Regulations and Academic Regulations. This Policy is relevant to all staff, including academic staff, professional services staff and management staff, whether employed on a full-time or part-time basis.

The University does not intend that this policy should undermine, or deter in any way, external activities that staff undertake in the course of their professional responsibilities eg engagement with relevant professional associations, external examining, delivering conference papers, public lectures etc. For the most part such activities are an integral part of an academic role. The important principle is that all external activities should be declared, whether paid or unpaid.

Summary principles

1. This Policy sets out the requirements by which staff must comply in respect of the declaration of interests they may have that could conflict with those of the University.

2. All employees have a duty to make a declaration of interests in accordance with this Policy and to notify their line managers of their interests.

3. All employees have a responsibility to further the interests of the University; this is implied as part of the employer/employee relationship.

4. Contracts of employment for the following categories of staff have a specific clause relating to ‘Exclusivity of Service’:

   a. Support Management
   b. Academic Management

5. The ‘Exclusivity of Service’ clause (paragraph 3) states that:

   You will be required to work whole time in the service of the University and to work such hours as may be necessary to fulfil the duties and responsibilities of the post. You will be able to undertake paid work during your holidays* and to retain income derived from authorship, external examining, ad hoc external lectures or activities of a similar or cognitive nature, subject to the agreement
of the relevant Pro Vice-Chancellor (for academic staff) or the Executive Director of Finance for all other staff.

*For clarification, “holidays” refers to any annual leave that has been authorised through the appropriate university procedure.

6. The terms and conditions of employment for academic staff have guidance on external work (see Appendix 1).

7. This Policy sets out to extend and clarify employment terms and conditions (where laid down) and the current financial regulations (see Appendix 1).

8. All data collected as part of the Declaration of Interests policy will be held in strict confidence by the University Secretary.

Conflict of interest

9. Conflict of interest is defined as follows:

Actions or situations which could lead to an individual’s obligations to the University being influenced by that individual’s considerations of personal gain, or gain to the individual’s family members or friends, whether financially or otherwise. These include but are not necessarily limited to:

- Gifts and hospitality (see Appendix 1)
- Services for personal use from people or companies who do business with the University
- Executive and non-executive directorships
- Licensing of intellectual property
- Outside activities
- Consultancy
- Research projects
- University management decisions
- Assessment of students

10. A person is considered as having a financial interest in a company or organisation if s/he is the beneficial owner of more than 5% of the issued capital, is an employee, partner, director, governor or owner.

11. There is a duty of faithfulness owed by the employee to the employer by virtue of the employment relationship which requires the employee not to act against the interests of the employer.

12. Individuals are expected to fully commit all of their working time, as specified in their contract of employment, to the university. Any potential conflict of interest (as defined in point 8 above) must not interfere with a member of staff’s contractual obligations to the university.
Declarations of interest

13. All employees have a duty to make a declaration of interests in accordance with this Policy and to notify their line managers of their interests.

14. If an employee’s actions or decisions made during the course of their employment are considered to be motivated by personal gain (see 8 above) the University is entitled to take disciplinary action against the employee.

Purchase or supply of goods and services

15. Employees may, on occasions, be in a position where a conflict of interest arises such as if:

   o The supplier is a personal friend
   o The supplier is related to the employee
   o The employee has a financial interest in the organisation
   o The employee may be perceived as having been offered present or future benefit

16. If the employee believes that a conflict of interest is possible s/he must declare that interest. If in doubt the employee should seek guidance from the University Secretary, the Director of Finance or the Head of Procurement.

Relationships

17. The University recognises the importance of preserving the integrity of professional relationships between staff and students and between members of staff.

18. Where a personal relationship exists between members of staff who also have direct or indirect line management or a supervisory relationship, the existence of the close personal relationship must be disclosed to the Head of School.

19. Staff who have such personal relationships must not be involved in the recruitment, selection, appraisal, promotion or other process whereby unfair advantage may be gained over another member of staff or where conflict of interest might exist.

20. Professional relationships between staff and students will include teaching, assessing or supervising. Where a member of staff has both a professional and personal relationship with a student, it is the responsibility of the member of staff to inform his or her line manager immediately. (See extract from academic regulations Appendix 1 and extract from regulations for staff studying at the University Appendix 1).
How to make declarations of interest

21. Declarations of interest should be made online through MyView. All staff are expected to make a return, which should be updated as and when circumstances change, and at least annually thereafter.

22. Failure to make a return will be regarded as a breach of the University’s financial regulations and potentially a disciplinary matter.

23. In the event of an undeclared conflict of interest being discovered, the matter will be subject to an internal investigation and, if found to have substance, could lead to dismissal.

24. All declarations will be held by the University Secretary on a Register of Interests and will remain confidential subject to the provisions of the Data Protection Act and the Freedom of Information Act. The Data Controller will be the University Secretary.

25. The University Secretary will make entries from the data held on the Register of Interests available to the Director of Finance, the Director of HR and the Head of Procurement as appropriate.

26. The Register will be used solely to ensure that the interests of the University and the person making the declaration are fully protected.

27. The data will be kept securely in electronic format.

28. In the event of any potential conflict of interest the University Secretary will convene a panel, which will consist of:

- University Secretary
- Relevant Head of School
- Member of VCE

At this meeting, a member of staff will have the opportunity to put forward their case regarding any potential conflict of interest. The panel may question the individual to ascertain factual information regarding the potential conflict to help them to reach a decision. The member of staff may be accompanied by a work colleague or trade union representative at this meeting.

Following the meeting, the University Secretary will confirm the decision of the panel to the individual, in writing, within 10 working days.

Maureen Skinner
University Secretary
University of West London
January 2012
Appendix 1

Extract from Academic Staff Terms and Conditions:

10. EXTERNAL WORK

10.1 External work which is supportive of your professional responsibilities is encouraged by University of West London.

10.2 Before you enter into an obligation to undertake any external work, including consultancy, you must inform your relevant Pro Vice-Chancellor. However, by way of exception, this requirement does not apply to the following:

a) external examining;
b) acting as an assessor or moderator;
c) the production of scholarly works such as books, articles and papers;
d) any other activity specified in the Staff Handbook as not coming within this requirement.

10.3 The Pro Vice-Chancellor will then decide (within 5 working days or whatever other period may be agreed or being reasonable in all the circumstances) if that work will:

a) interfere with the performance of your professional responsibilities: or
b) compete or conflict with the interests of University of West London, in which case University of West London may at its sole discretion require you not to undertake the work; such a requirement will not be made unreasonably, will be subject to full consultation with yourself and, if made, will be accompanied by full written reasons for it.

10.4 Where it is intended to use the facilities of University of West London in connection with external work, then prior approval is required by the relevant Pro Vice-Chancellor.

Relevant extracts from the Financial Regulations (to be updated following approval at Finance Committee 23 January 2012):

2.3 Declarations of interest

2.3.1 The University Secretary maintains a register of declarations of interest.
2.3.2 Governors and staff are responsible for ensuring that entries in the register relating to them are kept up to date regularly and promptly. Failure to inform the University Secretary is a disciplinary matter.

2.3.3 Interests which must be reported to the University Secretary include, but are not limited to:

i) Employment outside the University
ii) Appointment of a supplier where the member of staff/Governor has both an input to the decision and a financial or personal connection with the supplier
iii) Acceptance of gifts, see section 2.16

2.3.4 Guidance on whether a matter is reportable should be sought from the University Secretary. Further details can be found at:

http://www.uwl.ac.uk/the_university/University_policies.jsp

2.3.5 The Boards of Directors of the University's wholly-owned subsidiary companies are required to adopt the University's Regulations and procedures for the declaration and registration of interests, benefits and gifts.

2.16 Gifts, donations and hospitality

2.16.1 The offer of a gift, favour or hospitality from whatever source (contractors, suppliers service providers, students and others) is to be treated with extreme caution to protect:

i) The reputation of the University.
ii) Staff and Governors personally.

as, even if offered and accepted in good faith, others may misunderstand the intention behind the gift, favour or hospitality which may lead to questions of impropriety and/or conflict of interest.

2.16.2 Governors and staff are personally responsible for ensuring that they conduct themselves with integrity, impartiality and honesty at all times to ensure that their conduct does not create suspicion of any conflict of interest between official duty and private interest.

2.16.3 Staff acting in an official capacity who have regular contact with other organisations where such offers form part of normal business practice and/or are involved in negotiating contracts are particularly vulnerable as refusal can cause misunderstanding or offence.

2.16.4 In determining what to do in a given situation the following principles should be followed:
i) A single small gift or token of a trivial or inexpensive nature which carry no risk of damage to public confidence in the University with an estimated value of under £25 may be acceptable.

ii) Gifts or tokens with an estimated value of over £25 should not normally be accepted. Gifts of under £25 should be declared and recorded in the Gifts Register by the University Secretary.

iii) If in any doubt err on the side of caution and if necessary seek advice from their line manager, the University Secretary or the Executive Director of Finance.

iv) Staff must not give the impression to any member of the public, to any organisation with whom they deal or to their colleagues, that they have been, or may have been, influenced by a benefit to show favour or disfavour to any person or organisation.

v) If an unsolicited gift of a substantial nature is received from a contractor it should be immediately returned to them with a polite explanation that the University's rules do not allow their acceptance.

vi) Offers of hospitality exceeding conventional hospitality (for instance attending, in an official capacity, a social event organised by another body for promotional or influential purpose) should be declined. The following forms of hospitality, in particular, should be avoided:
   - Inducements that could lead to a contractual position between the University and a supplier, contractor or consultant
   - Substantial offers of social functions, travel or accommodation
   - Repeated acceptance of meals, tickets and invitations to sporting, cultural or social events, particularly from the same source
   - Significant hospitality offered in substitution for fees for broadcasts, speeches, lectures or other work done

2.16.5 Occasionally, exceptional circumstances arise where there may be a case for an individual to accept the gift or favour on behalf of the University. In such circumstances the University Secretary will make the final decision on the advisability of accepting or refusing such gifts or favours. Such gifts or favours should remain the property of the University and be used wherever possible to support the work of the University.

2.16.6 In exceptional circumstances, the University Secretary may determine that it is not possible to use a gift or favour to support the University's work. In such instances retention of the gift may be authorised by the Vice-Chancellor, or, in the case of the Vice-Chancellor, by the Chair of the Board of Governors. If retention of the gift is authorised the recipient may be asked to make a cash bequest to the University or, alternatively, the University Secretary may arrange for the gift to be presented to a local charity. Whatever the outcome
the central register referred to in 2.16.7 below must record what happened to the gift or favour.

2.16.7 To protect individual members of staff and avoid accusations of conflict or impropriety, the University Secretary will maintain a central register of gifts, favours including donations and hospitality, as a record of instances regarded as exceptional. In addition, the Executive Director of Finance is responsible for maintaining financial records in respect of gifts and donations made to the University and initiating claims for recovery of tax where appropriate.

2.16.8 The payment of a donation or gift to any charity or other worthy cause by the University is not normally acceptable and such payments require the approval of the Vice-Chancellor.

2.16.9 The University may take disciplinary and/or other appropriate action against any member of staff who accepts any benefit as an inducement or reward that leads them in an official capacity to:

i) Take any action, or not to take action or
ii) Show favour, or disfavour, to anyone

Extract from academic regulations

(Chapter 22 of Academic Calendar to 2008-09; thereafter AQSO advice on the management of Assessment Boards)

Assessments

Staff/Student: Personal Connection or Relationships

1. From time to time students of the University are, or become, personally connected with, or related to, members of staff of the University. In order to ensure that personal or other relationships do not call into question the academic integrity of the University, it is incumbent upon all full- and part-time staff of the University to make an immediate and confidential written declaration of such relationships. For teaching and other academic staff this should be made to the Dean of Faculty (or equivalent) responsible for the programme of study which a student with such a relationship attends, and for non-teaching staff to the Director of the Academic Office. If a declaration is made in this regard arrangements will be made to ensure that a student with a relationship with a member of staff will be seen, if enquiries were to be made, not to have been capable of being advantaged in respect of her/his academic performance, examination or assessment because of that relationship.
Staff who study at the University: avoiding conflict of interest

(Paper approved at Academic Board 15 June 2011 forwarded to HR to link Regulations and Guidance to Staff Development requests)

Introduction

A number of staff undertake study on credit-bearing University courses; sometimes as a requirement (e.g. the PG. Cert in Academic Practice). The University encourages all staff to update qualifications as part of continuing professional development - for example to develop research skills or to gain higher qualifications in a subject where the staff member is a professional practitioner. Studying at the University is often the most suitable, practical option.

Potential conflicts of interest (including potential or perceived favouritism) may occur where the member of staff who is studying on a particular course would be taught by close colleagues, relatives or partner, or, in an exceptional case, if the member of staff were studying on a course to which he or she contributed to teaching, management, administration, personal tutoring or other support to students. Such potential conflict may occur in subject areas where expertise is highly specialised, for example in postgraduate research.

Regulations

1. Where a member of staff wishes to study on a course to which he or she contributes teaching or other support the member of staff will not normally be enrolled on the course or should withdraw from teaching or administering on that course, unless it can be fully demonstrated that safeguards will be put in place or that the nature of the member of staff’s interaction with the course is so limited that no conflict of interest could occur.

2. Any member of staff studying on a course in his or her School will have all assessments scrutinised by an external examiner.

3. The portfolio evidence of any member of staff applying for APEL will be scrutinised and approved by an external examiner, following an internal assessment.

4. No member of staff studying on a University course will act as student representative for that course.

5. While studying on a University course the member of staff will continue to abide by the University regulations governing staff student relationships and assessment.
Guidance

Judging the extent to which potential conflict might occur requires first of all a declaration by the prospective student. This can be an addendum to the application form.

“I understand that as a member of staff wishing to enrol on this course I will conform to any special requirements laid down by the Head of School and my line manager.”

A decision will then be made by the Head of School in which the course sits, in consultation with the potential student’s line manager, to reflect the practical implications of regulation 1 (above).

The decision to admit staff onto a University course may require special arrangements to be put in place; for example:

- Where a member of administrative or academic staff has access to student assessment records about the course he or she is undertaking, arrangements must be in place to control access to relevant parts of the record.

- When a member of staff is studying on a course/module to be considered by an assessment or progress board, the board will confirm there is no conflict of interest in the members of the board or others present at the meeting and will ensure that the member of staff withdraws from the relevant part of the meeting.

- Where the member of staff’s work will be assessed by a close colleague, relative or partner, marking and second marking responsibilities will need to be rearranged and School administration will need to ensure that any anonymous marking arrangements are not compromised.

The programme leader, School Administrator and Academic Registrar will be informed of any special arrangements and will monitor their application.