



Name of Policy: Conflict of Interest

RESPONSIBLE COMMITTEE: General Purposes Committee

RESPONSIBLE OFFICER: Principal Bursar

LINKED DOCUMENTS: College: Bribery and Fraud, Code of Conduct (for trustees and for staff), Conflict of Interest for UG and Graduate admissions

LINKED DOCUMENTS: Other: University Conflict of Interest information and guidance for researchers

Annual Review date: First meeting of Hilary Term

Introduction

1. The College is committed to upholding the highest standards of transparency and objectivity in the way it makes decisions and formulates policies.
2. Governing Body Fellows of the College who have the role of charity trustees, managers to whom authority to manage the business of the College is delegated and all staff must be aware of potential conflicts of interest, declare them and avoid or manage actual or perceived conflicts to protect the integrity of the College.
3. The aim of this policy is to provide trustees and staff with the information required to be aware of the issues, recognise potential or real conflicts and to manage them effectively if they occur.
4. This policy applies to all Fellows and staff employed by the College on a full-time or part-time contract.
5. It is the responsibility of each individual to recognise situations in which they have a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and take appropriate steps as outlined in the procedure below.

Recognising a conflict of interest

6. A conflict of interest arises where the commitments and obligations owed by an individual member of staff or trustee to the College compete with personal interests and are likely to be compromised, or may appear to be compromised, by:
 - a) That person's personal gain, or gain to immediate family (or a person with whom the member of staff has a close relationship)¹, whether financial or otherwise, or

¹ For the purpose of this policy "immediate family" is defined as spouse, civil partner, son, daughter. The "close relationship" giving rise to an interest could extend to (this is not meant to be an exhaustive list): unmarried partner, parent, brother, sister, grandparent, grandchild, parents-in-law, sister or brother-in-law, son or daughter-in law, the (unrelated) child of an unmarried partner, as well as half and step members of family.

- b) The commitments and obligations that person owes to another person or organisation.
7. The Charity Commission defines a conflict of interest as “any situation in which a trustee’s personal interests or loyalties could or could be seen to prevent the trustee making a decision only in the best interest of the charity.”
8. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. Thus, it is important for all trustees and staff when evaluating a potential conflict of interest to consider how it might be perceived by others.
9. In order to recognise actual or perceived conflicts of interest, key interests need to be identified. Conflicts can arise from:
- a) ***Roles and relationships***, e.g. roles or activities involving parties outside the College, roles held by trustees or staff outside their College duties, committee membership and roles involving decision-making in or on behalf of the College, close personal relationships.
 - b) ***Activities***, e.g. outside companies and spin-outs in which trustees or staff have an interest, intellectual property, procurement, commercial transactions, external activities and appointments, student admissions (see [Conflict of Interest Policy for UG and PG admissions](#)) and recruitment of staff.
10. Conflicts of interest may be financial, non-financial or both.
11. A financial conflict of interest occurs where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person’s actions.
12. Financial gain or interest means anything of monetary value, for example:
- a) Payments for services, benefits-in-kind, hospitality and/or gifts, discounts, bonuses, favourable contract terms;
 - b) Equity interests, e.g. stocks, stock options or other ownership options;
 - c) Intellectual property rights, e.g. patents, copyrights and royalties from such.
13. The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be “not material” or “not significant” for one person might be very significant for another. Good practice will mean the declaration of any financial interest, however small.
14. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a trustee’s or member of staff’s duties, obligations or commitments to the College. This may include any benefit or advantage relating to direct or indirect enhancement of an individual’s career, recruitment or admissions.



15. The College's policy on [conflicts of interest arising in Undergraduate Admissions and Graduate Admissions](#) applies to anybody who is engaged by the College to assess and/or make decisions on individual admissions candidates.
16. In addition to complying with this policy, researchers need to be aware of and comply with conflict of interest requirements set by external funders or other bodies with whom agreements have been made. Please refer to the University's [Conflict of Interest information and guidance for researchers](#). For College-funded research and allowances, applicants should consider potential conflicts of interests before making a request to the Senior Tutor or Research Committee.

Procedure

17. It is the duty of every trustee and member of staff to disclose any conflict of interest or circumstances that might reasonably give rise to the perception of conflict of interest. Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest.
18. The general principle is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived. The Conflict of Interest Statement in Schedule 1 should be completed annually as a matter of routine and needs to be updated as and when a new potential conflict of interest arises throughout the year. It should be submitted to:
 - a) The Principal Bursar for members of professional staff (if the Principal Bursar has an interest in the matter, the declaration should be made to the President);
 - b) The President for trustees (note: detailed procedure for Governing Body members in points 20-23 below) and all academic staff (if the President has an interest in the matter to be discussed, the disclosure shall be made to the Vice-President or Provost for Academic Affairs). Trustees are also required to confirm annually that they have read and abide by the Trustee code of conduct (schedule 2).
19. Every time a gift or hospitality is received it must be declared to the Principal Bursar (see [Anti Bribery Policy](#) for the form to complete). The College will maintain a Register of Interest that will be updated annually for trustees by the President's office and for staff as and when their circumstances change by the Principal Bursar's office.
20. Many situations will require nothing more than a declaration and a written record of that declaration, which must be held in the College records.
21. Some instances will, however, need to be dealt with by agreeing how the conflict can be actively managed. The approach should be documented and copies provided to the relevant parties. A copy of the final plan must be held in the College's records. One or more of the following strategies may be appropriate to manage the conflict of interest:



- a) Not taking part in discussions of certain matters and/or decisions in relation to certain matters;
- b) Referring to others certain matters for decision;
- c) Resolving not to act as a particular person's supervisor;
- d) Divesting or placing in trust certain financial interests;
- e) Publishing a notice of interest;
- f) Standing aside from any involvement in a particular project;
- g) Declaring an interest to a particular sponsor or third party.

22. It is the responsibility of those affected to comply with the approach that has been agreed.

Governing Body

23. The College follows the Charity Commission guidance² and put procedures in place for trustees to deal with conflicts of interest. The procedure is not concerned with decisions about remuneration, allowances and other benefits paid by the College to members of Governing Body in respect of their teaching or administrative responsibilities to the College or their research activities. The policy on remuneration is incorporated in the by-laws, and it is the role of the College's Remuneration Committee to oversee the benefits awarded to Fellows.

24. A Register of Interest is maintained and kept in the President's office. It contains the original version of each Conflict of Interest Statement in connection with this policy. The Register is available to members of Governing Body and such other persons as the Governing Body shall approve. It may be inspected by representatives of the Charity Commission.

25. Conflict of Interest Statement

- a) The following persons are required to complete an annual Conflict of Interest Statement (CIS):
 - Members of Governing Body;
 - Members of the board of directors of all companies in which the College holds a majority of the shares;
 - Any budget holder with purchasing responsibility on behalf of College; and
 - Such other persons as the Governing Body may require to complete a CIS.
- b) A person required to complete a CIS shall do so within one month of becoming liable to make a CIS or when they become aware of any change in circumstances, either of the person concerned or of the College.
- c) A copy of the format of College's CIS is set out in Schedule 1. For the purpose of the CIS, a person is treated as a member of the family if they live

² [Conflicts of interest: a guide for charity trustees \(CC29\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/conflicts-of-interest-a-guide-for-charity-trustees)

permanently within the household or is a close relative (i.e. spouse, parent, sibling, child or grandchild).

- d) If anyone is unclear whether something may give rise to a potential conflict of interest, the President should be contacted for guidance. It is best to err on the side of caution. As a general guide, the test should be “Are there any circumstances in which this interest could embarrass or damage the reputation of the College?” If the answer is affirmative, the matter should be declared. If a matter has already been declared to the University under their conflict of interest policy, it should also be normally declared to the College.

26. Procedure at meetings

- a) Members of Governing Body and other individuals participating (in whatever capacity) in any meeting of the Governing Body or of any committee of the Governing Body:
- Should declare at the beginning of the relevant item of business whether there is any matter over which they may have a conflict of interest (for example, by reference to their CIS);
 - Must withdraw from the meeting whilst that matter is discussed unless expressly invited to remain solely in order to provide information;
 - May not vote on or be present during any vote on that matter.
- b) All decisions in respect of which a potential conflict of interest has been declared will be reported in the minutes of the meeting.
- c) In the case of a grave conflict of interest between the College and a member of Governing Body or other relevant individual, which makes it impossible for the individual to undertake their role effectively, the individual may need to resign from their position or see a temporary suspension until the College has concluded its business.

27. The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018. It will be processed only to ensure that trustees and all staff act in the best interests of the College. The information will not be used for any other purpose. Information provided in individual Conflict of Interest Statements will only be seen by the President, Principal Bursar and their offices and the College Auditors.



Schedule 1

Conflict of Interest Statement

I as a trustee / staff member of St John's College, Oxford, confirm that:

- I have read and accept the College's conflict of interest policy;
- I have listed below all potential conflicts of which I am aware;
- I understand that if a new conflict of interest should arise, I should make a revised statement in writing to the President / Principal Bursar.

Category	<i>Please give details of the interest and whether it applies to yourself, or where appropriate, a member of your immediate family or some other close personal connection.</i>
Paid or unpaid employment or self-employment (including partnerships) other than with the College in which you continue to have a financial interest	
Company directorships, consultancies, advisory posts, other positions of responsibility, etc. (whether remunerated or not)	
Public or voluntary sector appointments	
Substantial shareholding/s and beneficial interests (whether in terms of value or % of issued capital) held by the individual or their family members in a company (a) in which the College has funds invested or (b) which may have dealings with the College. "Substantial" would include a controlling interest.	
Membership of any special interest group	
Gifts or hospitality accepted from any individual or organisation in respect of your position within the College in the last twelve months.	
Any other conflicts that are not covered by the above	

Name (please print): Date

Position/Title

Signature



Schedule 2

I confirm that I have read and will abide by the Trustee code of conduct.

I also confirm, for the purposes of my annual declaration, that I am a fit and proper person to act as Trustee of St John's College under the Finance Act 2010. In this respect I confirm that:

- I am not disqualified from acting as a charity trustee.
- I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as spent). *
- I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft.
- I have not used arrangements notified under the Disclosure of Tax Avoidance Schemes ("DOTAS") rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where my tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.
- I have not used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final.
- I have not been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity.
- I am not an undischarged bankrupt.
- I have not made compositions or arrangements with my creditors from which I have not been discharged.
- I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity.
- I have not been disqualified from serving as a Company Director.

* delete as applicable

Name:.....

(print)

Signature:.....

Date:.....



POLICY HISTORY

<i>Date of GB approval</i>	<i>Brief summary of changes</i>	<i>Confirmation that linked documents have updated if necessary</i>	<i>College policy register updated</i>
MT 21	Generation of Policy (incorporating existing Conflict of Interest procedures for trustees) and approved by GB	Confirmed	Yes (Iris Burke)
HT 23	Policy reviewed by GB, no amendments	Confirmed	Yes (Iris Burke)
HT 24	Policy reviewed by GB, updated College Officer titles	Confirmed	Yes (Iris Burke)
HT 25	Policy reviewed, linked to Trustee role and code of conduct, added schedule 2; agreed by GB	Confirmed	Yes (Iris Burke)