

Procedure 1.10 Conflict of Interest					
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- This procedure is shared with our students and/or can be obtained:
 - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
 - on the desktops of all computers in the library on the top floor,
 - by emailing us at info@docklandsacademy.co.uk.
- The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our Procedure 1.9 Review and Revision of Policies and Procedures.

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1 Introduction

The Academy has set up a process to review and prevent actual or apparent conflicts of interest. It provides requirements for disclosing potential conflicts of interest and the process for obtaining a conflict of interest review. It applies to all the Academy organization and entity employees, contract labor, consultants, and others acting for the Academy.

2 Purpose

The purpose of this Procedure is to outline the process for identifying, declaring and managing a perceived, a potential or an actual conflict of interest.

3 Scopes

This Procedure applies to:

- all Academy's employees,
- visiting and adjunct appointees,
- contract labour,
- consultants,
- and others acting for the Academy

4 Definitions

4.1 Conflict of Interest

If an Academy member has an interest that conflicts or may conflict with the discharge of the Academy member's duties, the Academy member should declare the nature of the interest and the conflict to the Academy member's line manager as soon as practicable after the relevant facts come to the Academy member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised.

4.2 Course

A discrete element of a program, normally undertaken over a single academic term, in which a student enrolls, and on completion of which the student is awarded a grade.

4.3 Delegate

Delegate means the officer, employee or committee of the Academy to whom, or to which, a delegation of authority has been made under this Policy.

4.4 Employee

A person employed by the Academy and includes persons employed on a continuing, fixed term or casual basis. Employees also include employees whose conditions of employment are covered by a written agreement or contract with the Academy.

4.5 Goods and/or Services

Goods and/or Services can be either produced by the Academy for which fees can be charged, or acquired by the Academy. Goods and/or Services produced are tangible and/or intangible products which are the outcome of human effort and/or knowledge that the Academy is either obliged to charge or has a right to charge a third party for the provision of these products.

4.6 Information

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

4.7 Non-Pecuniary Interest

This does not involve a financial component but may arise from personal or family relationship or involvement in sporting, social or cultural activities. It can include but is not limited to any favour or prejudice from friendship, animosity or other personal involvement that could lead to actual or potential bias in the exercise of judgement or discretion or the making of a decision.

4.8 Pecuniary Interest

This involves an actual or potential financial gain or loss. For example: Existing proprietary, contractual and employment rights existing liabilities / obligations interests created by, in, or under a decision or transaction effected by the Academy indirect economic relationships (share price value) expectancies (future economic interests, employment opportunities etc.)

4.9 Student

A person who is admitted to any program offered by the Academy and is: currently enrolled in one or more courses or study units; or not currently enrolled but is on an approved leave of absence or whose admission has not been cancelled.

5 Procedure Overview

In accordance with DAL Procedure 1.6 Ethics Protocols and the Code of Conduct Policy and *Public Sector Ethics Act 1994*, this Procedure informs employees of the process for identifying, declaring and managing any perceived, potential or actual conflicts of interest.

6 Procedures

This Procedure ensures that employee conduct meets the highest ethical standards and is aligned with the Academy's values of respect, integrity and excellence.

Identifying, declaring and managing conflicts of interest supports employees in demonstrating impartiality and integrity when executing their responsibilities and duties for the Academy.

6.1 Responsibilities

6.1.1 The Academy

To ensure that conflicts of interest are identified, declared and managed, the Academy will:

- promote and support a positive approach to the management of perceived, potential or actual conflicts of interest;
- provide professional development training opportunities for all the employees to promote and raise awareness of their individual responsibility to identify, declare and manage perceived, potential or actual conflicts of interest;
- appropriately and securely create, store and archive all documentation pertaining to conflicts of interest as provided in the DAL Procedure 1.7 Data Protection;
- maintain confidentiality in the management of any perceived, potential or actual conflicts of interest;
- ensure that any Personal Information collected, stored, used or disclosed pertaining to conflicts of interest is managed according to the Academy's Procedure 1.7 Data Protection;
- provide regular statistical reports and brief the CEO/Principal by the Academic Head on any issues including but not limited to breaches prior to referring to appropriate external agencies, where applicable.

6.1.2 Delegates and Managers

All employees who hold delegated authorities under the Academy's related policies and procedures for matters including but not limited to financial, purchasing, contract or people portfolio activities must ensure that exercising their delegation does not result in a perceived, potential or actual conflict of interest.

All delegates and managers have an obligation and responsibility to ensure that appropriate steps are taken to avoid conflicts of interest. This includes, but is not limited to, attending regular professional development programs to ensure compliance and to understand their The Academy Responsibilities in creating an environment which values respect, integrity and excellence.

Delegates and Managers are responsible for:

- ensuring that all employees have completed their mandatory induction and compliance training and are able to attend and participate in professional development training opportunities relating to the need to identify, declare and manage perceived, potential or actual conflicts of interest as these opportunities become available,
- ensuring that all employees are aware of their obligations in relation to the relevant policy instruments and to provide advice on appropriate methods to ensure compliance with this Procedure,
- developing a conflict of interest Management Strategy in consultation with employees, where appropriate. The strategy may include a number of options to effectively manage perceived, potential or actual conflicts of interest,
- discussing perceived, potential or actual conflict of interest matters raised with them in relation to other areas of the Academy with the Director (Integrity and Professional Conduct);
- ensuring all matters is treated confidentially and in accordance with the Academy's Privacy Statement.

6.1.3 Employees

It is acknowledged that conflicts of interest are not in themselves wrong and can arise without fault; however it is vital that employees identify, declare and manage conflicts of interest effectively. Where doubt exists, the conflict of interest must be declared. Employees are responsible for creating an environment that values respect, integrity and excellence. Employees must:

- complete mandatory induction and compliance activities to ensure they are aware of obligations to comply with this Procedure and disclose any perceived, potential or actual conflict of interest,
- regularly attend professional development training programs which raise awareness and outline their responsibility to identify, declare and manage perceived, potential or actual conflict of interest,
- take ultimate responsibility for identifying, declaring and managing perceived, potential and actual conflicts of interest and must disclose these to their line managers or delegate where appropriate. Where the conflict of interest involves the employee's line manager, the declaration is to be made to the CEO/Principal,
- develop a conflict of interest Management Strategy in consultation with their Manager or Supervisor, where appropriate. This strategy may include a number of options to effectively manage perceived, potential, or actual conflicts of interest.

6.2 Identifying a Conflict of Interest

A Conflict of Interest involves a conflict between an employee's personal interests or benefits, private interests either Pecuniary or Non-Pecuniary, and their Academy responsibilities, whereby the private or personal interests could improperly influence the performance of their official duties.

A conflict may arise from a range of factors including, but not limited to, personal relationships, employment outside the Academy, ownership of shares, companies or property, or using an Academy related activity to influence an outcome.

Employees may also experience conflicts of interest between public service ethics and professional codes of ethics, or with personal beliefs or opinions.

6.2.1 Personal Relationships

Employees must declare to the Academy any situation which may require them to supervise an employee, or supervise, teach and/or assess a student, with whom they currently or previously have had a personal, commercial, familial or other significant relationship.

Employees must also declare any personal relationships that may give rise to a conflict of interest including, but not limited to:

- influencing the recruitment, selection, appointment or promotion of employees,
- impinging on employment related decisions where one employee is in a supervisory relationship to another,
- selection for entry into any Academy course/s or program/s,
- assessment,
- selection for prizes or scholarships,
- project, practicum, or dissertation supervision,
- disciplinary matters,
- determining access to resources.

Employees who become involved in a situation where a personal relationship is a source of actual or perceived conflict of interest must declare this to their line managers in the first instance and withdraw from the situation giving rise to the conflict.

6.2.2 Private Interests

Employees must declare to the Academy any perceived, potential or actual Pecuniary or Non-Pecuniary conflict of interest that may result in personal advantage, including conflicts of interest with outside employment.

It is recognised that some outside employment undertaken by employees may ultimately be of benefit to the Academy and its reputation. The Academy may grant approval for employees to undertake such paid or unpaid outside employment whilst the employee has a current employment contract with the Academy. Such outside employment is subject to the Policies and Procedures of the Academy.

Conflicts of Interest with Outside Employment Include:

- an employee being a government official in an agency which has responsibility for some aspect of policy affecting the Academy, or being an owner/operator of a business providing goods and/or services to the Academy,
- an academic employee teaching at another academy without obtaining approval from the Academy.

6.2.3 Personal benefits

Employees must declare to the Academy any perceived, potential or actual conflict of interest that may result in or be perceived as, an incentive or inducement to perform or not perform an official function, duty or responsibility.

6.3 Declaration of a Conflict of Interest

An employee must declare a perceived, potential or actual conflict of interest where it relates to:

- a personal relationship;
- a personal interest or benefit;
- private benefit; or
- internal and external committee, board or tribunal memberships.

Conflict of interest, perceived, potential or actual, must be declared at an employee's annual performance review.

Where a conflict arises that has not been declared in the annual performance review, or arises in incidental or ad hoc circumstances, the employee must make a declaration to their line manager using as soon as practicable after identifying a perceived, potential or actual conflict of interest.

Where an employee believes that a conflict of interest may exist relating to another employee, they are encouraged to discuss the matter with their immediate manager.

6.3.1 Assessing and Recording Declarations

Line managers will review each declaration and, where appropriate, work with the employee to develop a conflict of interest management strategy to address the conflict.

The CEO/Principal will maintain a Conflicts of Interests Register, together with any developed Conflict of Interest Management Strategies, where the conflicts are of a material or ongoing nature.

6.3.2 Committee Conflicts

An employee who is an Academy committee member who has an interest in a matter before that committee must declare that interest to the committee. This declaration must be recorded in the minutes of the committee meeting at which the declaration was made.

Employees must also declare all committee and board memberships and directorships held in public or private companies or organisations.

6.4 Managing a Conflict of Interest

Once a conflict is identified and declared, a Conflict of Interest Management Strategy must be developed by the employee and their line manager to appropriately manage or resolve the conflict. This may include but is not limited to:

- the employee withdrawing from the situation leading to the conflict,
- restricting the employee's involvement; or
- where the conflict of interest cannot be adequately mitigated or avoided, seeking further advice from the CEO/Principal.

When a conflict of interest Management Strategy is developed it must be signed by the employee and their line managers, added to the conflict of interest Register and stored in a confidential and secure location. The Strategy will be reviewed annually at the time of the employee's performance review or on an as needs basis.

6.5 Failure to Declare a Conflict of Interest

Employees found to have failed to identify, declare and appropriately manage a perceived, potential or actual conflict of interest may be subject to the Academy's disciplinary Procedures. Some breaches may also have consequences under criminal or civil jurisdictions.

6.6 Privacy and Confidentiality

- all Information relating to conflicts of interest will be treated as confidential,
- any personal information collected, stored, used or disclosed under this Procedure will be managed in accordance with the Academy's Privacy statement and Procedure 1.7 Data Protection.

7. Related Documents

7.1 Policies

- 1 Governance
- 2 Academic Management
- 7 Information
- 8 Marketing and Promotion

7.2 Procedures

- 1.5 Equal Opportunities
- 1.6 Ethics Protocols
- 1.7 Data Protection
- 1.9 Review and Revision of Policies and Procedures
- 2.13 Access and Participation Statement
- 3.1 Expectations of Staff in Teaching Delivery
- 3.2 Supporting Teaching Staff
- 4.1 Student Enrolment and Selection
- 4.5 International recruitment
- 4.11 Student Protection Plan
- 5.2 Welfare Services and Pastoral Care
- 5.3 Equality, Diversity and Special Needs.
- 6.15 Safeguarding
- 6.16 Prevent Duty
- 7.1 Review and Sign off PI
- 7.4 HE Public Information

- 8.2 Recruitment Partner Selection & Monitoring
- 8.3 Links with Other Educational Institutions and Businesses
- 8.4 Privacy Statement

7.3 Student Terms and Conditions

7.4 External Reference Points

- Office for Students (OfS) Requirements and Guidance at <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/>
- UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- UK Quality Code Advice & Guidance – Partnerships at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/partnerships>
- Higher Education Code of Governance (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>
- Pearson Recognition of Prior Learning Policy _____ at https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Recognition_of_prior_learning_and_process_policy.pdf
- Competition and Markets Authority Guidance for HE Providers at <https://www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers>
- UKCISA Code of Ethics at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
- UK Visa & Immigration (UKVI) regulations at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>
- Equality Act – 2010 at <https://www.legislation.gov.uk/ukpga/2010/15/contents>