



## **FINANCIAL PROCEDURES**

### **Section 05 – Conflict of Interest**

<b>Approving Body:</b>	Resources and Performance Committee
<b>Date of Approval:</b>	November 2021
<b>Policy Owner:</b>	Finance Management
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## Section 5: Conflict of Interest

### 5. Section 5: Conflicts of Interest Policy

#### 5.1. Preamble

- 5.1.1. Aberystwyth University considers that the establishment of links between members of the Council and its committees, the University Executive Group, the University's senior staff, and outside bodies is in the public interest and benefits the University in terms of achieving its objectives. It is, however, possible that such links in some circumstances may give rise to conflicts of interest. In this context, the University requires Council members, committee members, and all staff to avoid financial, ethical, legal, or other conflicts of interest. All such actual, perceived or apparent and potential conflicts must be disclosed.
- 5.1.2. Any activity or action is considered a conflict of interest when a Council member, committee member or member of staff has an interest, or incurs an obligation, in a business, organisation, transaction, individual, or professional activity which could unduly interfere with the proper discharge of their duties as a Council member, committee member or member of staff of the University. Conflict of interest exists when a Council member, committee member or member of staff personally benefits, or could be perceived to benefit personally, from an activity, transaction or interaction with an individual or business. A member has a perceived or apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the Council member's, committee member's or staff member's integrity or ability to exercise an official power, or perform an official duty or function is likely to have been affected by his or her private interest. Perceptions of a conflict not only arise in relation to Council members', committee members' or staff members' interests or obligations in businesses, organisations, transactions and individuals doing business with the University. They may also arise where the member is a purchaser of services from the University.

#### 5.2. Application

- 5.2.1. This policy applies to all Council members, committee members, and all staff. This policy should be read in conjunction with:
- Management of Conflict of Interest in the Workplace  
<https://www.aber.ac.uk/en/hr/policy-and-procedure/managingofconflict/>
  - Register of Interests  
<https://www.aber.ac.uk/en/corporate-information/governance/council/#register-of-interests>

#### 5.3. Requirements of staff

- 5.3.1. All members of University staff are required to disclose any perceived or apparent and potential conflicts. Any member of staff who has not completed a declaration of interest will be considered to have made a 'NIL Return'. It is the responsibility of each staff member to ensure that their Conflicts of Interest disclosure remains current. The University will normally remind staff to review their disclosures on an annual basis.

#### 5.4. Scope of the policy

- 5.4.1. The Council members, committee members, and staff covered by this policy have a duty to act in the best interests of the University, and in accordance with the University's Statutes, Ordinances and Regulations.
- 5.4.2. An actual, perceived or potential conflict arises when an individual's business, personal or family interests and/or loyalties conflict with those of the University. Such problems can inhibit objective discussion and debate. They may also result in decisions being made that may not be in the interests of the University and give the impression that the University has acted improperly.
- 5.4.3. The aim of the policy and its associated documentation is to protect the University and the members/staff involved from any appearance of impropriety.

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### 5.5. The Declaration of Interest

- 5.5.1. There is a general obligation on all members of the Council, members of its committees and University staff to disclose at the earliest practicable opportunity any financial or other beneficial interests (including substantial gifts or hospitality – see below) that they or a family member or any organisation in which they hold office or employment, may have in any transaction under consideration between the University and a third party. The circumstances in which such a declaration is appropriate are:
- when the Council, any of its committees, or any other committee within the University has business which is materially relevant to those interests; or
  - when in the course of a meeting or other University-related activity any individual becomes aware that they have or may have a financial or other beneficial interest in the specific matter to be discussed or decided upon.
- 5.5.2. All individuals should apply the test of ‘reasonableness’ outlined in paragraph 5.1.2 above in deciding whether a potential or perceived conflict exists. The proper manner of indicating an actual, potential or perceived conflict of interest is to inform the Chair or Clerk to the relevant Committee or panel in advance of the meeting or to draw it to the attention of the Chairman of the meeting once the member becomes aware of a conflict during the course of discussion. The individual should then withdraw and take no further part in the subsequent discussion. Individuals may not participate in decision-making processes that affect their own interests.
- 5.5.3. Staff should also report any conflict as soon as is practicable to their line manager.
- 5.5.4. If a conflict arises, or if a decision is taken under a conflict of interest, it will be recorded by the Clerk to the relevant Committee and the following reported in the minutes of that meeting:
- the nature and extent of the conflict (including the nature of the member’s relationship with the business, organisation, transaction, individual or professional body, where appropriate);
  - a summary of the associated discussion; and
  - a record of the actions taken to manage the conflict.

### 5.6. Acceptance of Gifts

- 5.6.1. Acceptance of gifts, entertainment, travel, and services for personal use from people or companies who do business with the University could impede the objectivity of the Council member, committee members and members of staff, and create a conflicting obligation to that person or company, contrary to their obligation to the University.
- 5.6.2. The receipt of a gift in the course of performing official duties raises an issue of ethical conduct if the acceptance of the gift places the member in a real or apparent conflict of interest situation. In this context, the most significant feature of any gift is its extrinsic value. Any value above that which is nominal may be perceived to suggest an ulterior motive. The safest approach is to allow only the receipt of gifts valued at a nominal amount. Other gifts offered must be declined. For further advice on the acceptance of gifts please refer to the ‘Acceptance or Provision of Gifts & Hospitality’ procedure

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### **5.7. The Register of Interests**

- 5.7.1. All declarations made by members of the Council and its committees, the University Executive Group, and the University's staff in general will form part of the institution's central Register of Interests, securely held on the AberPeople system. This Register of Interests will also include NIL returns which have been proactively made by staff.
- 5.7.2. Members of the Council and its committees will be required to declare any interests at the beginning of their term of office, and thereafter annually. Members should also revise their declarations during the course of the year as required. A summary version of the declarations made by Council members shall be published on the University's website by the Clerk to the Council.
- 5.7.3. Senior officers of the University (Accountable Budget Controllers and Senior Budget Managers) are required to declare any interests annually in a prescribed format. New senior officers on appointment will be required to complete the declaration of interest form on AberPeople.

### **5.8. Data Protection**

- 5.8.1. All the information provided will be covered by the principles of the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR). This data will only be used to ensure that the individuals covered by the policy act in the best interests of the University and will not be used for any other purpose.

### **5.9. Monitoring**

- 5.9.1. The register of interests will be randomly checked against the award of contracts to confirm the effectiveness of the register and policy.

### **5.10. Policy review**

- 5.10.1. This policy will be reviewed in line with the periodic review of the Financial Procedures.