

University of South Wales Prifysgol De Cymru

Conflict of Interest Policy

Title: Conflict of Interest Policy					
Version	Issue Date	Revision Description	Author	Approved by	Next Review Date
1	12.01.26	New Policy	Andrew Davies	USW Executive	12.01.28

1. Introduction

- 1.1 The University has developed this Conflict of Interest Policy in order to explain what is regarded as a conflict of interest, and what procedure should be followed when conflict or perceived conflicts of interest arise.
- 1.2 The University encourages staff to engage in appropriate external activities and in keeping with its academic aims and purposes, the University encourages liaison between its staff various external organisations including involvement with charities and government departments, business and community boards, providing expert advice, media commentary, professional practice, schools outreach, international projects and collaborations with the commercial world, including consultancy, collaborative research and development, and commercialisation of intellectual property (IP) through licensing and 'spinout' companies. The University also allows staff to be engaged in general paid and unpaid activities (subject to prior approval).
- 1.3 In encouraging such interaction, the University is mindful of its obligation to provide safeguards, wherever possible, and in order to manage the associated risks to an acceptable level, all staff, students and others working in the University (including grant holders and honorary researchers) are required to recognise and disclose activities that might give risk to actual or perceived conflicts of interest.

2. Scope

- 2.1 This policy applies to all staff and students of the University, staff of Professional and Support Services Limited providing support to the University, USW Commercial Services, and those acting under the auspices, or on behalf of the University which includes external members of University committees or equivalent bodies, such as working groups.
- 2.2 "Staff" refers to all individuals working within the University at all levels and grades (up to and including the Vice Chancellor), including those seconded into the University), other visiting research or teaching staff, workers, apprentices, seconded staff, agency staff, agents/consultants, supplier personnel, volunteers, interns or any other person working in any context within the University. The policy does not apply to Governors who are separately required to record their interests on the University's Register of Interests.
- 2.3 "Students" refers to limited situations where students may be in a position to influence a decision on behalf of the University (for example post graduate research students who may influence how grant funding is spent or students who hold a representative role at the Students' Union) including where students are a member of a University committee where all committee members are asked to declare their conflicts of interests, or any other situation where the student is specifically asked to declare their conflict.

3. Policy

- 3.1 Conflicts of interest which are not effectively managed may jeopardise the University's values or damage the University's reputation and credibility. It is accepted that through the course of normal working, conflicts of interest will arise and it is important that they are managed appropriately to avoid them becoming problematic. The University needs to ensure that a mechanism for protecting its staff, and itself, from criticism,

reputational damage and other liabilities, by ensuring that when conflicts or perceived conflicts of interest arise, they are acknowledged and disclosed, and managed properly when it is appropriate. The University accepts that conflicts of interest are inevitable, and it believes that individuals will identify conflict situations because they want to ensure that there will be no perception of them receiving an inappropriate advantage.

- 3.2 It is recommended that during the course of University business* a conscientious assessment of any potential conflict(s) of interest is actively undertaken by all individuals who are going to be involved or impacted. Thought should also be given to how the potential/identified conflict(s) of interest might/will affect the activity in question and/or the University in general.

* Conflicts may arise from activities such as (but not limited to) procurement, commercial transactions, collaborations, conduct and funding of research, contractor selection, admissions, teaching and recruitment, membership of interest groups/bodies or additional employment/former employment or own company/ business ties or ties to associated people's businesses.

4. Recognising Conflicts of Interest

- 4.1 UK Research and Innovation (UKRI) defines a 'conflict of interest' as a set of circumstances that create a risk that an individual's ability to apply judgement or act in one role is, or could be, or could be perceived to be, impaired or influenced by a secondary interest. For practical examples of actual and perceived conflicts of interest, please see Appendix 1 of this policy and if you're ever unsure please ask the people set out in paragraph 6.4.

- 4.2 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 (such as the University) and/or some other person or entity.

- 4.3 A conflict of interest may include *actual*, *perceived* and/or *potential* conflicts. The existence of a conflict of interest does not depend on whether the individual is actually influenced in their duties or decisions. It arises whenever an interest could reasonably be perceived as affecting, or having the capacity to affect, an individual's ability to make impartial decisions on the University's behalf.

4.3.1 **Actual** conflicts are existing situations or relationships that could compromise individual's impartiality, objectivity and/or professional integrity and judgement in relation to their duties/responsibilities towards the University. For example, a member of the Audit Committee, whose sibling is a senior director in the accountancy firm currently performing the University's internal audit, has a conflict of interest, as the possibility of being influenced exists.

4.3.2 A **perceived** conflict of interest is one that a reasonable person could consider likely to compromise impartiality and objectivity.

4.3.3 A **potential** conflict of interest is a situation that does not currently constitute a conflict of interest, but where there is a significant risk that it could evolve into an *actual* or a *perceived* conflict situation. Perceived or potential conflicts of interest may undermine trust and can be as damaging as actual conflict of interest, as suspicion may arise even when staff and students act with complete neutrality and professional integrity. For example, where a member of staff is a trustee of a charity that is not currently linked to the University, or seeking collaboration with the University, but that charity has an interest in research and is known to regularly seek collaborations with universities (which could include USW or a competitor).

4.4 Conflicts of interest may be financial or non-financial, or both.

4.4.1 A financial conflict of interest is one where there is or appears to be an opportunity for personal financial gain or gain to immediate family (or a person with whom the member of the University has a close personal relationship), or where it might be reasonable for another party to take the view that financial benefits might affect the individual's actions and decisions.

A financial gain refers to anything of monetary value including but not limited to pay, commission, consultancy fees, equity interests, forgiveness of debt, property, shares, gifts or hospitality, licensing income, honoraria, or Intellectual Property (IP) rights (e.g. patents, copyright and royalties from such rights).

The level of financial interest is not a determining factor as to whether a conflict of interest should be disclosed (although please note the terms of the Anti Bribery policy in relation to gifts, courtesies and hospitality). Individuals whose work is dictated by contracts with external organisations, such as individuals in receipt of external funding will need to comply with the conditions set out within any funding agreement provided by the funding body.

Individuals should consult the [University's Financial Regulations](#) which sets out the process in relation to financial conflicts of interest including those related to the [Anti Bribery policy](#).

4.4.2 Non-financial interests can or can be perceived to come into conflict, with staff or student's duties, obligations or commitments to the University. Such non-financial interests may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career or education, or gain to immediate family (or a person with whom the person has a close personal relationship). Relationships may constitute a declaration-worthy interest; in such cases, please read this policy in conjunction with the [Personal Relationships at Work policy](#).

4.5 Researchers (staff or student) are required to uphold the [University Code of Good Research Practice](#), the rules and regulations of their funder, and the principles of their governing/professional body. The University Code of Conduct stipulates standards relating to excellence, honesty, integrity, cooperation, accountability, training and skills.

4.6 Staff and students need to be open and transparent about any additional employment or influential/senior positions they hold (such as board memberships or ownership in other businesses), or are considering taking up, and should inform/discuss it with their Line Manager unless exempted under their terms of employment. It is important to ensure that any non-University employment/position does not constitute a conflict of interest or conflict of commitment, or that any possible conflicts are disclosed and

sufficiently managed where appropriate. Any external appointments should also be in line with the terms and conditions of an individual's contract of employment.

- 4.7 Where there is a family or personal relationship (please see Code of Conduct on Personal Relationships) between a member of the academic staff and a student, the staff member should inform their head of subject or department, or in the case of the relationship being with the head of subject or department, the deputy dean or department director. The staff member should take no part in the admission or academic assessment of the student nor in any other decision relating to the student, such as the award of a prize or scholarship. If the staff member attends a meeting of the board of examiners where the student is being assessed, the interest should be declared.
- 4.8 In order to identify potential conflicts of interest, members of USW should consider who they are acting for, and whether there are any competing motivations or interests that could influence them or be seen to influence them.

5. Register of Interest

- 5.1 **All staff, student researchers and student representatives** must disclose conflicts of interest with their University duties to the Appropriate Person (see 6.4 below) at the earliest opportunity in writing (e-mail is sufficient).
- 5.2 The following groups/committees shall include a regular (at least annual) prompt for declarations of conflicts of interest for its members:
- 5.3 The University Executive and its committees;
- 5.4 Academic Board and its committees; and
- 5.5 Any group established with a purpose that includes tendering for/buying goods and/or services, property transactions and partnership approvals, in particular where the value is over £50,000. In each case the Appropriate person may include the following (in addition to those named in 6.4 below):
- Procurement Activity – Your procurement partner
 - Property Transactions – The estates representative on the transaction or the Director of Estates
 - Partnership Approvals – The Partnerships representative or the Head of Quality
- 5.6 All Governors and senior University staff (members of University Executive and Senior Leadership Team) are required to complete and submit a 'Return' to the University's Register of Interest annually. The Register of Interest collates all disclosed conflicts of interest both actual and potential that are identified by individuals who are required to inform it.
- 5.7 The Register of Interest is maintained by the Governance Unit of the University Secretary's Office. It is subject to the provisions of data protection legislation and it may be consulted by senior staff under specific circumstances.

6. Procedure

- 6.1 The best practice is to actively consider a potential for a conflict of interest at the outset of every new activity/external project, employment, assignment or engagement, as well as how it may/will affect the activity in question and/or the University in general.

- 6.2 Declarations of interest should be a standing item at the beginning of every Committee meeting (including but not limited to those identified in 5.2 above), so that members and regular attendees can declare any conflicts of interest in relation to that specific agenda.
- 6.3 If a member of staff or a student is unsure whether their interests' conflict, it should be assumed that a conflict of interest exists. Advice should be sought from an Appropriate Person (typically a line manager in the first instance for staff and a course leader or head of subject or department director for students) and appropriate action should be taken. Equally, if an individual becomes aware of a possible conflict situation affecting another individual which appears not to be considered by an individual staff member, it should be brought to that individual's attention for appropriate consideration.

THE OVERRIDING PRINCIPLE IS THAT IF IN DOUBT, DISCLOSE.

6.4 First steps

The general rule, with the exception of committee business is that the initial disclosure should be made at the time the conflict first arises, or when it is recognised that a conflict might be perceived, in writing to the Appropriate Person (or Persons if more than one is applicable) as follows:

- Staff and colleagues: the individual's Line Manager,
- Undergraduate Students: Course leader
- Student Representatives and Sabbatical Officers: Line Manager or Panel Chair (As applicable)
- Postgraduate Researchers: the Director of Studies or main/first supervisor,
- Faculty Senior Management: the Dean,
- Deans and Directors: Senior Line Manager in Executive such as PVC,
- PVCs, and Chief Operating Officer: the Deputy Vice-Chancellor,
- Deputy Vice-Chancellor: the Vice Chancellor,
- Vice-Chancellor: the Chair of Board of Governors,
- Consultants/Visiting/Honorary: The Department or Faculty hosting them.
- Anyone else: University Secretary
- Procurement Activity – Your procurement partner
 - Technology Procurement – The IT Services representative and the procurement partner
- Property Transactions – The estates representative on the transaction or the Director of Estates
- Partnership Approvals – The Partnerships representative or the Head of Quality

6.4.1 If in any case the Appropriate Person has an interest in the matter to be discussed, the disclosure should be made to the person at the next level of authority. Similarly, if the Appropriate Person would like further input or guidance, the person at the next level of authority can be consulted for guidance.

6.4.2 Where the conflict of interest relates to the activities outside the control of the Appropriate Person, the Appropriate person may respond to confirm this, the conflict must be communicated to the Appropriate Person as well as the person

responsible for those activities as identified in consultation with the Appropriate person.

- 6.4.3 **Where the conflict is financial in nature please also follow the reporting requirements set out in the current Financial Regulations (page 8, section 3.24 – 3.30 in the 2023/24 version).**
- 6.4.4 Individuals are expected to use their judgement and consider whether the potential/actual conflict of interest is likely to have a direct or indirect effect on the University's business and integrity in general.
- 6.4.5 All disclosures should include sufficient information to allow for adequate recording, evaluation, and resolution, such as:
- The type of potential conflict (financial or non-financial),
 - The nature of the activity and a description of why a conflict is perceived or present,
 - A description of all parties involved,
 - The potential financial or non-financial interests and rewards,
 - Any other relevant information.
- 6.4.6 In the event a disclosure is made and the Appropriate Person determines there is "No Conflict" a brief written record of that declaration should be noted for future audit purposes, which can be recorded by e-mail and held in the relevant University, Faculty, Project or Department records.
- 6.4.7 To protect the privacy of individual staff or students any disclosures should be kept confidential in line with data protection laws.
- 6.4.8 In evaluating the disclosure, the Appropriate Person may seek help and advice from the Faculty Senior Management, or Director of a Professional Service or Corporate Department.
- 6.5 After disclosure
- 6.5.1 Many situations will require nothing more than a declaration and a brief written record of that declaration, which should be recorded and held in the relevant University, Faculty, Project or Department records.
- 6.5.2 If it is decided that the conflict of interest is unacceptable or otherwise of high impact it will need to be dealt with by agreeing how the conflict can be actively managed to eliminate the conflict, safeguard against prejudice toward University activities and provide continuing oversight. The approach adopted should be documented in a management plan and a copy of the final plan must be held in the University, Faculty, or Department records.
- 6.5.3 The conflict of interest management plan should include the initial disclosure, as well as the steps agreed to manage or avoid conflict of interest including:
- Specify the person, department, faculty or team which will be informed of the specific interest either by the individual concerned, or by the Appropriate Person.

- Specify any positions which the individual making the disclosure may not occupy.
- Specify any activities, including discussions, negotiations and decisions, in which the staff making the disclosure may not participate.
- Steps to protect the integrity and the reputation of the individual and the University.
- In the case of suppliers, any disclosures should be discussed in the supplier's contract management meeting, a management plan/corrective action plan created which is then monitored and measured.
- An appropriate period for review with the Appropriate Person.

6.5.4 Depending on the seriousness of the conflict, one or more of the following management strategies could be agreed (noting this is not an exhaustive list):

- Standing aside from any involvement in a particular project – when no alternative can be agreed upon, this will be the solution by default, provided that it does not go beyond the scope of the individual's contractual obligations.
- Not taking part in meetings, discussions and decision making in relation to certain matters.
- Appointment of an alternative staff to make decisions on specific matters.
- Modifying the project / research plan.
- Monitoring of the project / research by independent reviewers.
- Agreeing not to act as a particular person's Supervisor or Line Manager.
- Disclosure of all pertinent information to other relevant individuals. / Publishing a notice of interest. / Declaring an interest to a particular funder, sponsor or third party.
- Divesting or placing in trust certain financial interests.
- Severance of relationships that create actual or potential conflicts - termination of involvement by others (e.g. a relative or friend) in the activity.
- Requirement not to undertake all or some of the external work/engagement/employment.
- Any other appropriate conflict management approach.

It is the responsibility of those affected to comply with the approach that has been agreed. Conflicts relating to high financial value (e.g. matter valued over £50,000), high risk to the University (such as a risk to reputation or conflicts involving executive or senior leadership) or otherwise considered high impact should be reported to the University Secretary as well as recorded locally.

6.6 To conclude

6.6.1 The Appropriate Person will notify the reported conflict to their Dean (for academic staff/students), Faculty Chief Operating Officer (for administrative and support staff), or Director (Corporate/Professional Support Departments) and (where applicable for high risk matters) to the University Secretary.

6.7 Committee activity

6.7.1 Where a conflict of interest relates to an individual's role on a University Committee, Panel or Group, it should be discussed with the Chair of the Committee, Panel or Group in the first instance. Committees may create their own mechanism for disclosing conflicts before or during meetings.

- 6.7.2 If the disclosed conflict of interest is substantial and cannot be managed, the individual should recuse themselves and no longer participate in any discussions or decision-making process.
- 6.7.3 If the Chair has an interest in the matter disclosed, a Deputy Chair should be appointed to review the conflict of interest and decide what further steps should be taken to manage it appropriately, such as the Deputy conducting the elements of the meeting that are affected by the conflict.
- 6.7.4 For example, for a particular item or decision/vote in a committee meeting a person with a conflict of interest could be allowed to stay for the discussion but has no vote/say in the final decision (this should be recorded in the minutes) or they may be asked to leave for the discussion and/or the vote/decision. Any management plan for the conflict should take account of the factors set out at 6.5.3 and 6.5.4 above.

6.8 Notifying Other Individuals/Teams

- 6.8.1 It may also be necessary to inform relevant University departments, faculties or teams which will or could be affected by the conflict of interest situation. This may include, but is not limited to:
- Finance (Financial Regulations requirement see 6.3.3. above)
 - Human Resources
 - Relevant team within Research and Innovation Services (RISe)
 - The Graduate School
 - Academic Registry
 - University Secretaries Office.
- 6.8.2 Any disclosures received by the affected departments, faculties or teams must be kept confidential as far as is possible in accordance with Data Protection regulation.

7. Failure to Comply with this Policy

- 7.1 Failure to comply with this Policy constitutes misconduct and may result in disciplinary action in line with the University's policies and procedures.
- 7.2 Suppliers are asked to comply with the policy insofar as it is applicable to their activities. Compliance will be discussed in contract management meetings and non-compliance will be considered against contractual obligations.

8. Other relevant documents

- The Anti Bribery Policy
- Financial regulations of the University
- Policy on Research Misconduct
- Whistleblowing Policy and Procedure
- Research Code of Good Practice
- Code of Conduct on Personal Relationships
- Staff Disciplinary Procedure
- Student Code of Conduct
- Student Conduct Procedure

Appendix 1 – Examples of perceived or actual conflicts of interest

Example 1

A part-time member of staff is responsible for recruitment of continuing education students in their department. They also work part-time with similar responsibilities for another university in the region.

Example 2

An academic member of staff wishes to undertake some outside consultancy work. The contract they will be required to sign precludes them from any work for rival pharmaceutical companies. Their department has just accepted a large research grant from a pharmaceutical company for a project they will be involved in.

Example 3

An academic member of staff sets up a spin-out company which is closely related to their area of research. They make extensive use of their PhD students for company work which may conflict with their research progress.

Example 4

A member of professional/support services wishes to employ solicitors on a particular project. Their sibling is a partner at a local firm of solicitors. They declare an interest and are not involved in the decision. Colleagues initiate a tendering exercise with other local firms to ensure the best value for money.

Example 5

An academic member of staff has obtained a lucrative consultancy contract in Hong Kong. They often have to rearrange seminars and their administrative duties are having to be picked up at short notice by colleagues.

Example 6

A member of staff, while serving as a consultant to an external organisation has access to privileged information from a colleague. The staff member wishes to supply that information to the external organisation in the belief that it has commercial value.

Example 7

A member of professional/support services has been hired by an external organisation to advise as a consultant on their processes and procedures. The work will require a lot of additional time outside of their substantive contract with the University which runs the risk of affecting the staff member's ability to carry out their job effectively.

Example 8

A member of staff is hired by an external organisation to carry out consultancy work that the University could provide formally via its commercial services, such as training, but the individual provides it as consultancy and gets paid privately for it.

Example 9

A member of staff's partner has set up an external course provider in the area the member of staff provides services as an academic for the University. The staff member wishes to engage the external course provider under the Partnership framework to deliver a course under a Joint Franchise arrangement.

Example 10

A member of staff is recruiting to a vacancy in their faculty/department/funded project. A close family member has applied for the post. The member of staff related to them is leading the recruitment exercise and has responsibility for the final decision on appointment.