



# Conflict of Interest Policy

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Charity Number: SCO 36198

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# Conflict of Interest Policy

## 1. Introduction

1.1. The College is a registered charity (SCO36198). All members of City of Glasgow College's Board of Management Members are, therefore, charity trustees and are subject to relevant legislation and regulation as it applies to charitable organisations in Scotland, as well as college sector legislation. The specific sections of charity law in Scotland dealing with Conflict of Interest are:

- Charities and Trustee Investment (Scotland) Act 2005 (S. 66)
- The Scottish Charitable Incorporated Organisations Regulations 2011 (R. 2)

1.2. The Conflict of Interest Policy reflects the College's core values of integrity, honesty and transparency, in addition to the requirements of the Code of Good Governance for Scotland's Colleges (2022) and the personal responsibilities Board members have concerning

## 2. Purpose and Aims

2.1. This policy is a requirement under the above regulation, and its purpose and aims are to protect the integrity of the College's decision-making process, to enable stakeholders to have confidence in the College's integrity, and to protect the integrity and reputation of Board members.

2.2. This policy embodies the Board's commitment to best practice and probity in decision-making.

## 3. Scope

3.1. This policy applies to members of the Board, specifically with regard to instances in which Board members are involved in making decisions on behalf of the College.

## 4. Policy Statement

4.1. All members of the Board must, in exercising functions in that capacity, act in the interests of the charity.

4.2. Board members must seek to ensure that the College acts in a manner consistent with its purposes.

4.3. Board members must act with care and diligence, and put the interests of the College before those of another organisation or person.

4.4. Where any other duty prevents the Board member from putting the interests of the College before those of another organisation or person, the member must disclose the conflicting interest, and refrain from participating in any deliberation or decision of the other charity trustees with respect to the matter in question.

4.5. All Board members will strive to avoid any conflict of interest between the interests of the College on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

## 5. Definitions

5.1. A conflict of interest is any situation where there is a potential for a charity trustee's personal or business interests (or the interests of someone they are connected with) to be different from the interests of the charity. In this situation, it may sometimes be difficult for the charity trustee to make an impartial decision. However, with proper handling charity trustees can overcome these difficulties. There are two main types of conflict of interest:

### Appointment Conflict

5.2. This is a conflict of interest which can arise between a charity trustee and the person or organisation which appointed them. For example, a charity trustee is appointed by a local school, church or local authority, and a decision is required on a matter which affects both the charity and the other organisation.

### Personal Conflict

5.3. When you might not be able to do what is best for the charity because it conflicts with your own personal or business interest in relation to that matter. For example, when a charity (i.e. the College) is considering a contract with a business and one of the charity trustees is also a director of that business, or of a competing business.

5.4. In both cases, the [charity trustee duties](#) require you to act in the interests of the charity.

5.5. The term 'conflict of interest' can cover a range of situations and may also be called a 'conflict of roles' or 'conflict of duty'. Examples (drawn from those provided by OSCR) wherein:

- A charity trustee could derive financial benefit from a decision the charity has to make;
- A charity trustee is discussing a contract or business arrangement with an organisation linked to the trustee's family;
- A charity trustee is also an employee of a company with which the charity has business links;
- An employee, or potential employee, of the charity is connected to one of the charity trustees;
- A trustee of two or more charities are in competition with each other for the same grant(s) or funding;
- A trustee of a charity that gives out grants and a trustee of another charity is applying for one of these grants;
- A trustee of a charity that is part of a group structure is on the board of the parent charity;
- A trustee of a charity is also a service user or customer; and
- A charity trustee is applying for a job in the charity.

## 6. Responsibilities of Board Members

6.1. Upon appointment, each Board member will make a full written disclosure of interests, such as relationships and posts held, including any that could potentially result in a conflict of interest. This written disclosure will be kept on file within the Register of Interests, published on the College website, and will be updated annually or as and when

appropriate. Updates to the Register of Interest should be made within one month of the change in circumstances occurring.

- 6.2. In the course of meetings or activities, Board members will disclose any interests in a transaction or decision where there may be a conflict between the Colleges' best interests and the Board member's best interests, or a conflict between the best interests of two organisations that the Board members is involved with. If in doubt the potential conflict must be declared anyway, and clarification sought.
- 6.3. If a Board member suspects they may be, or may potentially be in a position of conflict of interest, or if there may be the possibility of this being perceived as such, the Board member concerned must raise the matter with the Chair of the Board and/or the Associate Director of Governance and Risk.

## 7. References

### 7.1. Policy Framework

Associated Policies and Procedures	Title
Policy	Conflict of Interest Policy
Procedure	Conflict of Interest Procedure
Procedure	Board of Management Standing Orders
Code	Code of Conduct for Members of the Board of Management of City of Glasgow College (2022)
Code	Code of Good Governance for Scotland's Colleges (2022)

### 7.2. Other College Policies and Procedures

Policy / Procedure	Title

### 7.3. External References

Source	Title
Office of the Scottish Charity Regulator (OSCR)	<a href="#">Guidance and Good Practice for Charity Trustees</a>
Scottish Government	<a href="#">College Governance</a>

## 8. Document Control and Review

<b>Approval Status</b>	Approved	
<b>Approved by</b>	Audit & Assurance Committee	
<b>Date Approved</b>	14 September 2016	
<b>EQIA Status</b>	EQIA Conducted?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
<b>Proposed Review Date</b>	1 October 2027	
<b>Lead Department</b>	Executive Office	
<b>Lead Officer(s)</b>	Associate Director of Governance and Risk	
<b>Board Committee</b>	Audit & Assurance Committee	
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## 9. Revision Log

Version Date	Section of Document	Description of Revision
<b>Version 1 September 2016</b>	All	First version of City of Glasgow College Conflict of Interest Policy.
<b>Version 1.1 October 2019</b>	All	Reviewed. No significant changes.
<b>Version 1.2 August 2021</b>	All	Reviewed. Hyperlinks checked and updated as required. Minor rephrasing and punctuation to enhance clarity and accessibility.
<b>Version 1.3 November 2022</b>	Front cover, section 8 and footers	Lead changed from 'College Secretary/Planning' to 'College Secretary' throughout the document. Dates and version updated.
	Section 1.3	Updates version of the Code of Good Governance and clarifies that policy is in addition to members' responsibilities under the Code of Conduct.
	Section 6.1	Clarifies that updates to the Register of Interest should be made no later than one month of the change of circumstances.
	Section 7.1	Dates updated.

<b>Version 1.4 October 2024</b>	All	Transferred policy to new template. “Associate Director of Governance and Risk” was inserted to replace “College Secretary”.
	Section 7.3	Links updated.