

Conflicts of Interest Policy

Author	Clerk to the Corporation
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Person Responsible	Clerk to the Corporation
Approval/review body	Corporate Board
Frequency of Review*	36 months

** Policies will be reviewed more frequently if legal changes or good practice require*

Review History:		
Date of review	Reviewed by	Reason for review
Nov 2019	Clerk	Completely updated in accordance with current legislation.
Sept 2021	Clerk	Annual Review
Nov 2022	Clerk	Annual Review

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1. Purposes of the Policy

It is the policy of North Kent College that all members of the Corporation and senior staff with budgetary responsibilities and/or attending Corporation and/or Committee meetings must keep to the absolute minimum all unavoidable conflicts of interest between the interests of the Corporation on the one hand and the personal, professional and business interests of the member concerned, and of persons connected with them, on the other. This includes avoiding as far as possible perceptions of conflicts of interest, as well as potential and actual conflicts of interest.

The purposes of this policy are:

- 1.1. to protect the integrity of the Corporation's decision-making process;
- 1.2. to enable all outside parties dealing with the Corporation to have confidence in the Corporation's integrity; and
- 1.3. to protect the integrity and reputations of the Corporation's members and senior staff.

2. Disclosure of interests

From the adoption of this policy, or upon being appointed, whichever is later, all members of the Corporation and senior staff will be required to make a full written disclosure of any business or personal relationships held, financial or property interests held, or gifts or hospitality received, that could potentially result in a conflict of interests. A declaration of interest's form is provided and must be used for this purpose. Any question about whether a member has an interest which should be disclosed should be referred in the first instance to the Clerk to the Corporation for a determination.

Written disclosures will be kept in a register maintained by the Clerk & Governance Advisor to the Corporation and all members and senior staff and staff with budgetary responsibilities will be required to update their disclosure as and when their circumstances change. All disclosures will be reviewed on an annual basis at the beginning of each fiscal year.

3. Organisation of meetings where a member has disclosed an interest

Where a member has previously disclosed an interest and the Chair or Clerk is satisfied that the interest is relevant to an item on the agenda for a meeting of the Corporation or of a Corporation Committee, the members concerned will not be sent the papers in respect of that item.

4. Decisions made other than at meetings

A similar approach will be adopted if the Corporation amends the Instrument of Government to allow the Corporation to take decisions other than by meetings, e.g., by written resolutions. Any member who has disclosed an interest considered by the Chair or the Clerk to be relevant to the matter to be decided by the procedure adopted will not be sent the proposed resolution and will not be allowed to vote on it.

5. Management of conflicts of interests in meetings

In the course of meetings of the Corporation or a Corporation Committee, all members and senior staff will be required to disclose any interests they have in a transaction or decision where they, their family, their employer or their close business or other associates will or may receive a benefit or gain.

If there is a failure to declare an interest that is known to the Chair of the Corporation or the Clerk & Governance Advisor to the Corporation, the Chair or the Clerk will declare that interest.

After disclosure of any such interest, in the case of a meeting, the governor or senior staff member concerned may be required by a majority vote of members not subject to such a conflicting interest to leave the room while the matter is discussed. The member will not be counted in the quorum for that part of the meeting and will not be permitted to vote on the question. In the case of all other activities, the member or staff member concerned will not be permitted to participate in the consideration or discussion of the matter other than to disclose his or her conflict of interest.

All discussions and decisions of the Corporation or Committee made following the declaration of a conflict of interests will be reported in the minutes of the meeting. The report will include:

- 5.1 the nature and extent of the conflict;
- 5.2 an outline of the discussion; and
- 5.3 the actions taken to manage the conflict

Where a member, or a senior staff member, benefits from any such decision, this will (if the Corporation's auditors advise this to be necessary) be reported in the annual report and accounts in accordance with relevant accounting requirements.

6. Failure to disclose a relevant interest

The decision of the Chair as to whether a member has failed to disclose a relevant interest shall be final. Failure to disclose a conflicting interest may lead to a member being in breach of the Corporation's Code of Conduct as well as of this policy and of the College's Anti-Bribery Policy Statement. Such breaches may lead to the Corporation considering the possibility of terminating the member's membership of the Corporation.

7. Data Protection

The information provided in disclosures will be processed in accordance with the data protection principles set out in the Data Protection Act 2018 and GDPR requirements. Data will be processed only to ensure that members act in the best interests of the Corporation. The information provided will not be used for any other purpose.