



Conflict of Interest Procedure

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Related policies:	Conflict of Interest Policy
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Version History

Version	Approved by	Revisions made	Date



1. Purpose

- 1.1 This procedure guides users on the implementation of the Conflict of Interest policy. It sets out the process for disclosure of actual, potential or perceived conflicts of interest and how these will be managed in order to protect the integrity and reputation of the University, and ensure that its activities are conducted to the highest standards of integrity, ethics and accountability.

2. Scope

- 2.1 This procedure applies to all members of the University, including but not limited to employees, emeritus staff, honorary and visiting lecturers, University trustees and co-opted members of Council sub-committees, volunteers, contractors or consultants, and directors of the University's subsidiary companies.
- 2.2 Those individuals identified under this procedure as having senior management responsibilities and individuals exercise control or significant influence over the affairs of the University exercising significant control or influence over the affairs of the University (see Annex A to this procedure) have additional obligations that need to be met.

3. Identifying conflicts of interest

- 3.1 A conflict of interest may arise where an individual might be seen to be influencing University matters for actual, potential or perceived personal benefit. Such a conflict may arise in a situation when one is in a position to influence, directly or indirectly, University business, research or their decisions in ways that could lead to gain for them, their family or others. This may include unremunerated interests, positions of authority or other significant involvement in other organisations (e.g. charitable, political or other educational bodies). It is particularly important for those involved in procurement and those identified as having senior management responsibilities and individuals exercise control or significant influence over the affairs of the University to disclose interests they have in, or with, any organisation from with the University procures goods or services.
- 3.2 It is not possible to define all situations or relationships which may give rise to a conflict of interest and each situation must be evaluated on an individual basis, however some of the more obvious scenarios which may give rise to a conflict include:
- Having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or University partner or is seeking to become one.
 - Being a board member or director of any funding organisation proposing to fund an activity at the University
 - Commissioning a service or negotiating a contract between the University and a third-party company/business where you have a financial or non-financial interest in that company (e.g. a directorship, shareholding or personal relationship).
 - A close family member/personal relationship having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or University partner, or who is seeking to become one.



- Recruiting a close family member/personal relationship into a role with the University or to provide paid services to the University (including as a consultant).
- Being in a position to significantly influence the career, pay/rewards, training, promotional, educational (e.g. marking, assessment, admissions etc.), award of a contract, or other such outcomes for another colleague, student or trustee (positively or negatively) with whom you have a close personal relationship.
- Being in employment or taking up employment with a competitor organisation while in full time or pro-rata employment with the University.

3.3 In relation to extracurricular commitments that may create conflict, individuals should ensure they do not enter into commitments or engage in activities which are inconsistent with their terms and conditions of employment (or terms of appointment for Council members) with regard to outside activities and the permission required to engage with them.

3.4 In determining whether there is any conflict between decisions that are being made, and any personal interests, the common law test for bias should be applied, that is whether a fair-minded and informed observer would have any reason to suspect an individual's impartiality might be compromised. An individual may not themselves determine whether there is a conflict and, if so, how it is managed nor any resultant action that may be required.

4. Declaring conflicts of interest

4.1 Trustees and members of the University identified as having senior management responsibilities and individuals exercise control or significant influence over the affairs of the University (see Annex A to this procedure), must complete a Declaration and Fit and Proper Person Form (Annex B to this procedure) as part of their recruitment process and thereafter on an annual basis. In addition, they should disclose any change in circumstances and any interests that, in their view, might lead to an actual, potential or perceived conflict of interest as soon as they are aware of them.

4.2 All others acting for, with or on behalf of the University must give notice of an actual or perceived conflict of interest at the earliest opportunity to the relevant Dean, Head of Professional Services department or Committee Chair, in consultation with the relevant member of the Senior Leadership team (SLT). If they are in any doubt as to whether a conflict exists, they must discuss the matter with their line manager or a member of the Human Resources team. Having disclosed the matter, an assessment will need to be made as to the nature of the conflict and any action that may be required to ensure that the conflict can be managed appropriately.

4.3 Actual and potential conflicts include relevant indirect interests through a close personal relationship. A close personal relationship will include, but not be limited to, any children, in-laws, siblings, partner or spouse (a complete list is set out in Section 6 of the Policy). You should exercise your judgement if you think that the interests of another close personal connection (for example, a long-standing friend or a niece who lives with you) could reasonably be perceived as representing a conflict of interest with your University duties and if in doubt declare.

5. Assessing conflicts of interest



- 5.1 All declared interests will be reviewed to determine whether there are any perceived, potential or actual conflicts of interest and, if so, whether these can be managed or not.
- The Director of Human Resources (for employees who have been identified as having senior management responsibilities and individuals exercise control or significant influence over the affairs of the University) will determine whether there is a conflict and the appropriate resolution, in consultation with members of the SLT.
 - The Secretary to Council (for trustees and co-optees to Council sub-committees) will determine whether there is a conflict and the resolution, in consultation with the Head of Legal Services, as required.
 - Dean, Head of Professional Services department or Committee Chair, in consultation with the relevant member of the Senior Leadership team (for all other members of the University) will determine whether there is a conflict and the appropriate resolution, in consultation with the Human Resources team, where required.
- 5.2 Individuals should not determine how to manage their own declarations.
- 5.3 Several factors will need to be considered when assessing the seriousness of the conflict of interest and potential for bias. These include but are not limited to:
- The seriousness of the actual, potential or perceived conflict;
 - How closely the interest and that of the University concern each other;
 - The magnitude of the actual, potential or perceived effect of the interest on the University;
 - The nature or significance of the particular decision or activity being carried out;
 - The extent to which the individual's other interest could actually affect or be perceived to affect the University's decision or activity; and
 - The nature or extent of the individual's current or intended involvement in the University's decision or activity.
- 5.4 Where the interest concerns positions of authority held, or other significant involvement in a third-party organisation, the Director of Human Resources or Secretary to Council may consider approaching that organisation for relevant additional information.
- 5.5 The Secretary to Council and Head of Legal Services will be consulted where it is believed there may be a complex situation or conflict of interest which requires further consideration.
- 5.6 The Director of Human Resources (for employees identified as those with senior management responsibilities and individuals exercise control or significant influence over the affairs of the University) or Secretary to Council (for trustees and co-optees of Council sub-committees) may refer such cases to the Nominations and Governance Committee. The committee will consider the matter and decide that having registered and fully declared the interest the individual concerned may consider the following inexhaustive list of options:
- a. Fully participate in the business of a meeting with no restrictions;
 - b. Remain in the meetings where the conflict of interest is considered but not participate in discussions;



- c. Withdraw from the decision-making process in relation to the conflict of interest; or
- d. In the case of Council members., withdraw entirely from the business of Council – either permanently or for a specified period of time.

6. Managing conflicts of interest

- 6.1 Where it is determined that there is no conflict of interest, this should be formally reported to the Human Resources team. An explanation and any supporting documentation should be included as to why it was concluded that no conflict arose in order to ensure an accurate record is maintained.
- 6.2 Where it is determined that there is a conflict of interest a formal record should be kept of the consideration and management of said conflict of interest:
- 6.3 Resolutions may include:
 - a. Continue as previously, where the conflict is considered to be insignificant;
 - b. Continue with restrictions or additional oversight (with such restrictions or additional oversight stipulated);
 - c. Withdraw from any discussions in relation to the particular activity/item in question or from making any decisions in relation to it;
 - d. Reassign the decision, tasks or duties to someone else; or
 - e. Relinquish any involvement in the particular activity.
- 6.4 In the case of trustees, a conflict of interest may be of such significance that it requires a trustee to resign their role or that a prospective trustee appointment is not made.
- 6.5 Any unresolved matters should be referred at the earliest opportunity to the Secretary to Council and Head of Legal Services for further consideration.



List of roles defined by this procedure as being those with senior management responsibilities and individuals exercising control or significant influence over the affairs of the University

All members of the Executive Group:

Vice-Chancellor
Chief Financial Officer
Dean of the Faculty of Business, Humanities and Social Science
Dean of the Faculty of Computing, Law and Psychology
Dean of Education
Dean of the Faculty of Medicine and Health Sciences
Director of Academic and Student Support Services
Director of Human Resources
Pro Vice-Chancellor (Academic)
Registrar

The following roles beyond the Executive Group:

Director of Fundraising
Head of Collaborations
Head of Estates
Head of IT
Head of Marketing



DECLARATION AND FIT AND PROPER PERSON FORM

About this form – important!

As a registered provider of higher education in England, the university must meet certain registration conditions and other regulatory requirements as set out by the Office for Students (OfS) within its [Regulatory Framework](#). In particular, the university must have in place adequate and effective management and governance arrangements to deliver the [Public Interest Governance Principles](#) that are an ongoing condition of the university's registration with the regulator.

The university must ensure that members of the governing body (known as 'Council' at this university), those with senior management responsibilities, and individuals exercising significant control or influence over the institution, are 'fit and proper' persons, who exercise due regard for the university's [Financial Regulations](#) and take a leadership position in demonstrating accountable and responsible behaviour in terms of decisions made on behalf of the university.

The information requested in this form helps the university assess whether individuals occupying these key positions of trust or influence meet the OfS' 'fit and proper person' requirements (see pages 197 and 198 of the [Regulatory Framework](#)). For new appointments, some of the information disclosed in this form will be considered alongside other information obtained as part of the university's pre-appointment processes, including but not limited to eligibility to work in the UK, medical checks, references, and criminal records checks, as applicable to that appointment.

Guidance for completing this form

SECTION A: Personal details and interests (*mandatory*)

The information requested in this form should be disclosed to the university on appointment, either as a new member of staff, or to a position of significant control or influence over the institution (including trustee positions) and is refreshed as part of an annual process, usually carried out in February of each year. If your circumstances change at any time such that the information disclosed in this form is no longer accurate, you are required to amend the details in this form and resubmit it at the earliest opportunity – a space toward the end of the form is included to record 'in-year changes'. It is a responsibility of those filling out this form to ensure that the information provided to the university is accurate and as up to date as possible. The details in this form which are shaded in yellow will be the information used to form the university's Register of Interest. The information returned will be reviewed to determine whether any of the information included may present a conflict of interest - whether actual or perceived - how this may be required to be managed and whether any further action may be required. The form should be completed having due regard to the university's [Conflict of Interest Policy and Procedure](#).

If you provide false or misleading information in this form to the university, or you fail to notify the university in good time of a material change to the information disclosed, it may mean:

- in the case of prospective appointees, that your appointment ceases to be pursued any further.
- in the case of existing trustees, that you are removed from your position.
- in the case of existing staff members, that you may be subject to disciplinary action up to and including dismissal.

SECTION B: Related Party Transactions (*required only for annual compliance review in February*)

As part of the university's annual external audit process, it is a requirement that relevant enquiries are made of those charged with governance in respect of the following specific topics covered by International Standards on Auditing (ISA):

- Laws and regulations



- Fraud
- Related party transactions

Further guidance is set out in **Appendix 1**.

Please complete this section if requested to do so as part of the annual compliance review and include your signature at the end of each section. The information contained in this section of the form will be forwarded on to the university's auditors as part of its annual audit process. **If you are completing this form as a prospective appointee either at staff or trustee level, you are not required to complete this section of the form.**

SECTION C: Signed Declaration *(mandatory)*

The form is required to be signed and dated to confirm the information provided is accurate at the time of signing.

SECTION D: In-year changes *(as applicable)*

This section should be used to record any changes to the information you have provided that occurs between the annual reviews of the university's Register of Interests.

Data Protection and retention of information

The information disclosed by you in this form is processed by the university in order to comply with its legal, statutory and regulatory obligations as a registered provider of higher education in England, and in the legitimate interest of the university in compliance with the requirements of the OfS and the Charity Commission, as appropriate.

The information you provide in Sections A, C and D of this form will be used to assess your suitability for the position to which your appointment is being considered, and in the case of existing staff/trustees, to determine if a conflict of interest - whether actual or perceived - exists, how this may be required to be managed and whether any further action may be required in accordance with the university's [Conflict of Interest Policy and Procedure](#).

The information returned in this form, and any updates will, in the cases of Sections A, C and D, be kept securely for the duration of your appointment with the university and following termination will be retained in accordance with the university's retention policy. The information contained within Section B will, as set out above, be shared with the university's auditors as part of the annual audit process.

Information relating to any criminal convictions, or any supplementary information provided in response to question 10 (a-n) below, will be retained only for the time it is necessary to make a decision on suitability for appointment. The detail of any criminal convictions or other supplementary information will be securely destroyed once a decision has been made and only a record of the decision taken will be retained in accordance with the retention period.

Any personal information provided by you will be processed in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulations (UKGDPR).

For more information on how the University process personal data, please read our privacy notice at <https://www.buckingham.ac.uk/about/policies/privacy-notice>

Your personal information will not be shared with third parties except in the following circumstances and strictly on a 'need to know' basis:

- Where it is necessary to comply with a legal or regulatory obligation, e.g. a request for information from the OfS to assess whether the university is meeting its ongoing conditions of registration;



- As may otherwise be required by law.

For more information on the university's data protection policy and to view our Privacy Notice, please visit our website: <https://www.buckingham.ac.uk/about/policies/privacy-notice>

Arrangements for return of completed form:

- For trustee positions and the role of Director of Human Resources – please submit the form to the Office of the Secretary to Council.
- For those in or being considered for role defined in Annex A to the procedure as being senior management responsibilities and individuals exercising control or significant influence over the affairs of the University – please submit the form the Director of Human Resources.



SECTION A: PERSONAL DETAILS AND INTERESTS (mandatory)

Title	
Legal first name(s)	
Preferred first name	
Surname	
Date of birth	
Primary contact number	
Contact postal address	
Preferred email address	

University role (please tick all that apply)	<input type="checkbox"/> Dean/Faculty head <input type="checkbox"/> Head of department <input type="checkbox"/> Independent trustee <input type="checkbox"/> Ex-officio trustee <input type="checkbox"/> Other - please specify in the space below:	<input type="checkbox"/> Elected staff trustee <input type="checkbox"/> SU/student trustee <input type="checkbox"/> Alumnus trustee <input type="checkbox"/> Co-opted committee member

1. Remunerated employment (all position/s held)	
2. Titles, honours and/or academic awards	
3. Do you hold any directorships or trusteeships at other organisations?	YES <input type="checkbox"/> NO <input type="checkbox"/>

If yes, please list all directorships and/or trusteeships held at any other organisations (please attach a separate sheet if this exceeds the space provided):

Company/Charity name	Company/Charity number	As of (month and year)

4. Do you hold any other positions of influence or decision making?	YES <input type="checkbox"/> NO <input type="checkbox"/>
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If yes, please list below all current and/or potential positions of interest, influence or decision making, including memberships of professional bodies and any other voluntary or public appointments (please attach a separate sheet if this exceeds the space provided):

Organisation with which connected	Relationship with/role at organisation	Remunerated?	As of (month and year)
		YES <input type="checkbox"/> NO <input type="checkbox"/>	



		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	

5. Do you have a close personal relationship* with a member of Council, a member of university staff or a current student at the university?

**A 'close personal relationship' includes a relative e.g. current or former partner or spouse, child, sibling, parent, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin and guardian, by blood, marriage or adoption, cohabitee, business partner or associate, intimate friendship (as opposed to acquaintance) and any other relationship where an impartial observer might reasonably conclude that the individual's judgement may not be wholly impartial in making a decision in respect of the person or persons with whom they have that close personal relationship.*

YES NO

If 'yes', please provide further details in a separate sheet. It is not necessary to disclose the nature of the relationship.

6. Do you have any share options or holdings, including those held by partners or close relatives, in private or public companies as far as you are aware when completing this form?

YES NO

If 'yes', are the share options or holdings managed as a portfolio by a third party where the specific investment choices are not directly influenced by you?

YES NO

If 'no', please indicate in the space below those shareholdings that exceed 10% of the total shares or voting rights in the company – this includes interests held by close family members. Please attach a separate sheet if this exceeds the space provided.

Company name	
Shareholding %	
Company name	
Shareholding %	
Company name	
Shareholding %	
Company name	
Shareholding %	
Company name	
Shareholding %	

7. Do you have any current or former positions or connections with other educational establishments, whether paid or unpaid, and any interests or benefits not declared above which may (or may be perceived to) influence your decision-making, or might be seen to affect your ability to carry out your duties?

YES NO



If 'yes', please provide further details below. Please attach a separate sheet if this exceeds the space provided:

8. Please consider whether the statements below apply, as referenced in the OfS' Public Interest Governance Principles. Please provide further information where relevant (in a separate sheet):

(a) I am a person of good character as defined by the Office for Students (see page 197 of the [Regulatory Framework](#))

(b) I have the qualifications, competence, skills and experience necessary to perform my role.

(c) I am able by reason of health, after reasonable adjustments are made, to perform properly the tasks of the office or position for appointment/appointment to.

(d) I have not been responsible for, been privy to contributed to, or facilitated any serious misconduct or misalignment (whether unlawful or not) in my employment or in the conduct of any entity with which I am, or have been, associated.

AGREE

DISAGREE

If 'disagree' – please provide further information on a separate sheet.

(e) I have never been disqualified from acting as a company director as set out in the [Company Directors Disqualification Act 1986](#).

AGREE

DISAGREE

If 'disagree' – please provide further information on a separate sheet.

(f) I have not been convicted of a criminal offence anywhere in the world or any such conviction is legally regarded as spent*.

**Information on [what counts as a spent conviction in England and Wales](#), in accordance with the [Rehabilitation of Offenders Act 1974](#), is available online. There are different rehabilitation periods (from the end of sentence) in [Scotland](#) and [Northern Ireland](#), and it may be different again if the conviction was obtained abroad.*

AGREE

DISAGREE

If 'disagree' – please provide further information on a separate sheet.

(g) I am not subject of any adverse finding in civil proceedings, where relevant, including, but not limited to, bankruptcy or equivalent proceedings (in the last three years).

AGREE

DISAGREE

If 'disagree' – please provide further information on a separate sheet.

(h) I have not been subject of any adverse findings in any disciplinary proceedings including by any regulatory authorities or professional bodies.

AGREE

DISAGREE

If 'disagree' – please provide further information on a separate sheet.



(i) I have not been involved in any abuse of the tax systems.	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
(j) I have not been involved with any entity that has been refused registration to carry out a trade or has had that registration terminated.	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
(k) I have not been involved in a business that has gone into insolvency, liquidation or administration while I have been connected with that organisation or within one year of that connection.	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
(l) I have not been dismissed or asked to resign from a position of trust (i.e. hold authority over another person or within an organisation), removed from professional practice or similar.	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
(m) I am not subject to any ongoing investigations where a determination has not yet been made e.g. disciplinary investigations, police investigations, professional conduct investigations or similar.	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
(n) I have not been involved with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board/governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.).	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If 'disagree' – please provide further information on a separate sheet.	
9. Please confirm that you have <u>not</u> been disqualified* as acting as a charity trustee <i>*Reasons for disqualification include: (a) being bankrupt (undischarged) or having an individual voluntary arrangement (b) having an unspent conviction for certain offences (including any that involve dishonesty or deception) and (c) being on the sex offenders' register.</i>	
(a) I have not been disqualified as acting as a charity trustee as set out in the Charities Act 2011 .	<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
If you are a University trustee, or are being considered for a trustee position, please confirm below whether you have been authorised to act as a charity trustee via a waiver from the Charity Commission.	
(b) I have been authorised to act as a charity trustee via a waiver from the Charity Commission.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please provide further details relating to your disqualification and waiver on a separate sheet.	



SECTION B: RELATED PARTY TRANSACTIONS

IMPORTANT: To be filled out only if you are an existing trustee or employee of the university as part of the annual audit process.

1. Law and Regulations (ISA 250)

Please indicate if you are aware of any potential breach of laws/regulations which are relevant to the university's business.

Please strike out the words as appropriate:

I am **aware/not aware** of any potential breaches of laws and regulations.

Signed.....

If aware of any breaches of Laws and Regulations, please give details below:

2. Fraud (ISA 240)

Please indicate whether you are aware of any actual or suspected frauds which are relevant to the university.

Please strike out the words as appropriate:

I am **aware/not aware** of any actual or suspected frauds.

Signed.....

If aware of any actual or suspected instances of fraudulent activity at the university, please give details below:

3. Related party transactions (ISA 550)

Please indicate whether you are aware of any transactions affecting yourself and the university which would classify as related party transactions (see guidance in Appendix 1).

Please strike out the words as appropriate:

I am **aware/not aware** of any related party transactions.

Signed.....

If aware of transactions, please give details below or on a separate sheet (the details should include who the related party is, the date and details of the transaction (including the amount in GBP£) and any additional information you think may be relevant to include.)



SECTION C: SIGNED DECLARATION (*mandatory*)

I confirm that the information set out in this form is correct to the best of my knowledge and that I will notify promptly the university should my circumstances change.

I confirm that I provide my consent for information contained within this form to be provided to the Office for Students, as may be required as part of the university's ongoing registration with the regulator and/or the Charity Commission, and for the information shaded in yellow, and any subsequent in-year updates to this information, to be included in the University's Register of Interests.

YES

NO

Signed:

Printed:

Date:

SECTION D: IN-YEAR CHANGES (*as required*)

Please use this section to record any changes to your circumstances that may occur between annual reviews of the university's Register of Interests.

Signed:

Date:

Signed:

Date:

Signed:

Date:



Fraud ([ISA 240](#))

Guidance in respect of fraud is contained within International Standard on Auditing (ISA 240). Key definitions are reproduced below:

ISA 240 defines fraud as:

“An intentional act by one or more individuals among management, those charged with governance, employees, or third parties, involving the use of deception to obtain an unjust or illegal advantage.”

ISA 240 also states that:

“The primary responsibility for prevention and detection of fraud rests with those charged with governance and with management.”

ISA 240 considers two types of fraud:

- Financial reporting fraud – deliberate misstatement of the financial statements of the university; and
- Misappropriation fraud – e.g. theft of assets.

Taking into account the definitions of fraud above, you are required to consider whether you are aware of any actual or suspected fraud.

Guidance notes and Definitions

The following is an excerpt from the relevant Accounting Standard and is intended to provide guidance on what does and does not constitute a related party, and a transaction with these related parties.

A related party is a person or entity that is related to the entity that is preparing its financial statements (in this Standard referred to as the ‘reporting entity’).

- a) A person or a close member of that person’s family is related to a reporting entity if that person:
- has control or joint control of the reporting entity;
 - has significant influence over the reporting entity; or
 - is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.
- b) An entity is related to a reporting entity if any of the following conditions applies:
- The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
 - One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).
 - Both entities are joint ventures of the same third party.
 - One entity is a joint venture of a third entity and the other entity is an associate of the third entity.
 - The entity is a post-employment benefit plan for the benefit of employees of either the reporting entity or an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity.
 - The entity is controlled or jointly controlled by a person identified in (a).
 - A person identified in (a) (i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).



Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) Dependants of that person or that person's spouse or domestic partner.

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

Examples of 'unrelated' parties

In the context of the accounting standards, the following are not related parties:

- a) two entities simply because they have a director or other member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.
- b) two joint ventures simply because they share joint control of a joint venture.
- c) Those who are:
 - i. providers of finance,
 - ii. trade unions,
 - iii. public utilities, and
 - iv. departments and agencies of a government that does not control, jointly control or significantly influence the reporting entity, simply by virtue of their normal dealings with an entity (even though they may affect the freedom of action of an entity or participate in its decision-making process).
- d) a customer, supplier, franchisor, distributor or general agent with whom an entity transacts a significant volume of business, simply by virtue of the resulting economic dependence.

In completing this part of the form, you should ask yourself whether members of the public, knowing such information, would reasonably conclude that the relevant interest might influence your judgement.

Pro-forma Fit and Proper Person RAG-rating assessment

Form to be completed by:

- *The Secretary to Council (for trustee positions and the form return of the role of Director of Human Resources).*
- *The Director of Human Resources (for those roles defined in Annex A to the Conflict of Interest Procedure other than their own)*

Name:

Role:

Date checks completed:

Declaration	Checks to be made	Risk rating and notes
<p><i>"I am a person of good character"</i></p>	<p>Google search and due diligence databases when public information indicates it may be required.</p> <p>Overall accuracy of completed declaration form arising from checks</p> <p><i>(also via appraisal/interview process and reference checks)</i></p>	

<p><i>"I have the qualifications, competence, skills and experience necessary to perform my role."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p> <p><i>(also via appraisal/interview process and reference checks)</i></p>	
<p><i>"I am able by reason of health, after reasonable adjustments are made, to perform properly the tasks of the office or position for appointment/appointment to."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p> <p><i>(also via appraisal/interview process and reference checks)</i></p>	
<p><i>"I have not been responsible for, been privy to contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in my employment or in the conduct of any entity with which I am, or have been, associated."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p> <p><i>(also via appraisal/interview process and reference checks)</i></p>	
<p><i>"I have never been disqualified from acting as a company director as set out in the Company Directors Disqualification Act 1986."</i></p>	<p>Company directors disqualification list</p>	
<p><i>"I have not been convicted of a criminal offence anywhere in the world or any such conviction is legally regarded as spent."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p>	
<p><i>"I am not subject of any adverse finding in civil proceedings, where relevant, including, but not limited to, bankruptcy or equivalent proceedings (in the last three years)."</i></p>	<p>Google search and due diligence databases when public information indicates it may be required.</p> <p>Insolvency Register</p>	
<p><i>"I have not been subject of any adverse findings in any disciplinary proceedings including by any regulatory authorities or professional bodies."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p>	

<p><i>"I have not had any involvement in any abuse of the tax systems"</i></p>	<p>Tax defaulters list</p>	
<p><i>"I have not been involved with any entity that has been refused registration to carry out a trade or has had that registration terminated."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p>	
<p><i>"I have not been involved in a business that has gone into insolvency, liquidation or administration while I have been connected with that organisation or within one year of that connection."</i></p>	<p>Companies House Register</p>	
<p><i>"I have not been dismissed or asked to resign from a position of trust (i.e. hold authority over another person or within an organisation), removed from professional practice or similar."</i></p> <p><i>"I am not subject to any ongoing investigations where a determination has not yet been made e.g. disciplinary investigations, police investigations, professional conduct investigations or similar."</i></p> <p><i>"I have not been involved with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board/governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.)."</i></p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p>	
<p><i>"I have not been disqualified from acting as a charity trustee as set out in the Charities Act 2011"</i></p>	<p>Disqualified charity trustee register</p> <p>Charity Commission Register</p>	
<p>Any negative indicators including fraud, disciplinary, disqualification, evasion, regulatory, reputation, discharge, financial which could potentially impact the good standing and reputation of the University.</p>	<p>Google search.</p> <p>Due diligence databases when public information indicates it may be required.</p> <p>Other searches conducted via this form</p>	

RISK RATING	
R	<p>Subject to seeking clarification, the risk impact on the institution is likely to be high.</p> <p>Mitigating action may be required.</p>
A	<p>There could be a risk impact on the institution.</p> <p>Clarification and/or mitigating action may be required in order to come to a view.</p>
G	<p>Due diligence processes satisfied with no further action required.</p> <p>The risk impact on the institution is likely to be low or zero.</p>