

# **Elysian School**

## **Conflicts of Interest Policy**



**Date Agreed: December 2019**

**Date of next review: December 2020**

## **Scope and purpose of the Policy**

This policy applies to all individuals working for or on behalf of Elysian School, paid, voluntary and those on the Management Committee (collectively referred to in this document as 'individuals').

This policy covers conflicts of interest for Elysian School. This document supports conflicts of interest procedures that relate to potential learner-centric conflicts, such as teaching and assessment delivery.

This policy sets out the responsibilities on all individuals, in line with their contract of employment (or other contractual arrangement), in supporting us to meet the requirements set out by the Charity Commission.

This policy and associated procedure supports Elysian in ensuring that working relationships with colleagues, stakeholders, pupils and parent/carers do not conflict with our requirement to engage in business relationships in a legal, transparent, ethical and responsible manner.

Elysian School recognises that conflicts of interest may arise that could lead to individuals making decisions, or appearing to make decisions, that are based on personal interest and not the interest of the organisation or what is ethically correct. Such conflicts of interest may also constitute a form of corruption. Elysian subscribes to the NCFE policy on anti-bribery and corruption, which can be downloaded from the NCFE website [www.qualhub.co.uk](http://www.qualhub.co.uk)

## **Policy Statement**

For the purpose of this policy a conflict of interest is defined as a situation in which an individual, or organisation, has, or may be perceived to have –

competing interests or loyalties which could lead to a potentially subjective, biased or corrupt decision being made by that individual or organisation.

Elysian School recognises and encourages the promotion of building successful business and external relationships. In doing so, we are mindful that there may be situations when a perceived or potential conflict of interest may arise and that we have a duty to identify, manage and mitigate potential conflicts of interest. As such where a potential conflict may be identified we will follow the procedure outlined in this document.

## **Linked Policies**

The policy should be read in conjunction with

NCFE's Anti-Bribery and Corruption Policy

Elysian School Whistleblowing Policy.

## **Location and Access to the Policy**

The Conflict of Interest Policy is located as follows:

Internal G Drive

School Website

## **Persons Responsible for the Policy**

Head of Business Development

Chair of Management Committee

## **Conflicts of Interest Guidelines**

### **Risk management in relation to conflicts of interest**

Assessing the risks to Elysian School arising from potential conflicts of interest is an integral part of Elysian's overall and ongoing risk management process. Identified conflicts of interest are mitigated as far as possible, and are monitored as part of overall risk management and internal control processes.

Periodic reviews of our conflicts of interest policy and procedures are undertaken as part of our governance and accountability processes. All existing and reasonably foreseeable conflicts of interest will be identified and monitored by our organisation in line with this procedure and escalated to a Management Committee member where appropriate.

Documented conflicts of interest will be monitored closely, particularly during periods of change, in order to mitigate the possible impact of any potential adverse effect.

### **Prevention of conflicts of interest within the NCFE Group**

No colleague within Elysian School shall provide or accept preferential treatment (including discounts on services) to or from any colleague or any other part of Elysian School, where such a transaction may adversely affect the business; learners, centres or other relevant parties. Such actions may also be construed as bribery and may be subject to criminal prosecution.

### **Roles and responsibilities**

To assist us in managing significant risks with regards to potential conflicts of interest, individuals must tell us about any relevant risk and/or issue in relation to a conflict of interest (or potential conflict) that has come to their attention. We appreciate that they may wish to do so in confidence and are asked to refer to our Whistleblowing policy.

Any person or body employed by, or acting on behalf of Elysian School is personally responsible for ensuring that they adhere to the policy and procedures in this document.

### **Our stakeholders (including but not limited to pupils, parents/carers, and contractors)**

In line with our contractual agreements, including our Centre Agreement, we expect all:

- to read and abide by the contents of this policy
- to adhere to any contractual arrangement you may have with us in relation to conflicts of interest
- to fully adhere to our policy and procedures in the identification, minimisation and mitigation of risks relating to conflicts of interest
- to declare any relevant conflicts as soon as you become aware of it
- to tell us when an incident of conflict of interest has taken place.

Failure to comply with this policy may lead to immediate termination of contract.

### **Senior Leadership Team (SLT)**

The Senior Leadership team are responsible for ensuring this policy is complied with throughout including their personal compliance. SLT are responsible for reporting any identified or potential conflicts of interest that are specific to another member of SLT to the Chair of the Management Committee.

### **Managers, including Line managers**

All managers are responsible for ensuring this document is complied with by colleagues. Line managers are also responsible for monitoring the activities and performance of those they are managing.

## **Conflict of Interest Procedures**

### **SLT or Management Committee Conflicts**

In the case of a conflict of interest arising because of a duty of loyalty owed to another organisation or person, and the conflict is not authorised unconflicted members of SLT or the management Committee may authorise such a conflict of interests where the following conditions apply:

- The individual who has declared the conflict of interest withdraws from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person.
- The individual who has the conflict of interest does not vote on any such matter and is not to be counted when considering whether a quorum of Directors is present at the meeting.
- The individuals who have no conflict of interest in this matter consider it is in the interests of the organisation to authorise the conflict of interest in the circumstances applying.
- Any such disclosure and the subsequent actions taken are noted and kept on file.

### **Stakeholder conflicts**

Stakeholders, including pupils, parents, contractors, should report risks or instances of conflicts of interest. Major conflicts of interest that could adversely affect the Elysian School should also be escalated to the Head of Business Development.

### **Elysian Staff (paid and voluntary)**

If colleagues have a query relating to conflicts of interest which is not included in this policy, they must refer the matter to their immediate line manager in the first instance or a member of the Senior Leadership Team.

If a conflict of interest arises, or it is anticipated that one may arise, colleagues must inform their line manager or a Senior Leadership Team member in protection of the business and individuals. If there is any doubt whether or not an activity represents a conflict of interest, the matter should be raised in this way, in order that an objective assessment may be made. Concerns may be raised in confidence (subject to certain caveats, such as the requirement to disclose certain information to statutory bodies). Please see the Whistleblowing Policy for further information.

All potential conflicts of interest which relate directly to the colleague themselves, once discussed with their line manager, must be recorded by the line manager on the colleague's HR Information System record under 'Conflict of Interest'. The record must contain information on how the conflict of interest will be managed. Conflicts of Interest relating to another individual (e.g. such as conflicts reported under the Whistleblowing policy) will be recorded by the line manager/ Senior Leadership Team member, subject to confidentiality (receiving line managers should seek advice from the HRD team), particularly in relation to the confidential recording of information.

#### **Management receiving a Conflict of Interest notification**

All managers/senior colleagues receiving information on actual or potential conflicts of interest will ensure that potential conflicts not causing a significant risk to the business are appropriately recorded, monitored and managed.

Conflicts, or potential conflicts, that may pose a significant risk to the business must be escalated in confidence to the Head of Business Development, in order that appropriate steps may be taken to minimise any risks and where possible resolve the issue.

The Head of Business Development will ask a second, unconflicted member of SLT to support in the evaluation of whether any identified significant risks that may result in a specified adverse effect and may require reporting to the appropriate awarding regulator(s). Potential cases which may introduce other regulatory risks (e.g. those governed by other specific legislation) will also be escalated by the most senior receiving manager to the appropriate member of SLT. This will allow the evaluation of whether external specialist advice is required in assessing/mitigating the risk.

The Conflicts of Interest section on the HR system will be reviewed on a quarterly basis by the HRD/HRIS teams, who will work with managers and individuals to address any areas of particular concern.

#### **Head of Business Development**

The Head of Business Development can support where necessary in terms of conflicts of interest identification and assessment. Elysian's conflicts of interest programme is monitored periodically. Monitoring may typically cover:

- a review of any risk assessments undertaken in the assessment of potential conflicts of interest
- a review of training and training records
- a review of the Conflicts of Interest registered on the HR system.

## **Specific areas for consideration regarding potential conflicts of interest**

### **Additional paid work**

Colleagues are expected to devote their working time to Elysian School as outlined in their contract of employment. Any colleague considering undertaking additional paid work (on either an employed or self-employed basis) or voluntary work outside Elysian School must seek their line manager's written agreement beforehand, as stipulated in the colleague's contract of employment. Colleagues are not permitted to take on any such activities that could be deemed to conflict with Elysian School's activities.

### **Potential for conflicts with regards to qualifications**

Colleagues engaged in a team or role which has access to qualification assessment materials, content or mark schemes may not be permitted to take that qualification due to the risk of a high conflict of interest and the potential impact on our regulatory requirements. Such colleagues must speak to their line manager prior to registering for a qualification.

Anyone who has access to confidential assessment material for a qualification is not permitted to deliver external training on that qualification. Such colleagues must consult with their line manager should they wish to attend these training events.

To report a conflict of interest please follow the procedure outlined in this document. If you have already collated evidence please also send this to us.

This policy will be reviewed annually by the Head of Business Development