



University of  
St Andrews

## Declaration of Interests

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<b>Key terms</b>	Staff/External Work
<b>Purpose</b>	The purpose of this policy is to provide processes for individuals to reflect on their interests and to mitigate any potential conflicts of interest if and when they arise. Feedback on the policy during the pilot phase (1 Feb 2021 – 1 Feb 2022) can be sent to risadmin@st-andrews.ac.uk

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.0	Launch of Pilot phase / new policy approved	Approved	Human Resources Officer / Human Resources	1 Feb 2021

## Policy Statement

1. This policy aims to embed the principles of behaviour arising from the Nolan Committee Report on Standards in Public Life and the Ethical Standards in Public Life etc. (Scotland) Act 2000 (demonstrating selflessness, integrity, objectivity, accountability, openness, honesty, leadership, duty (public service) and respect); in particular to avoid compromising - or the perception of compromising – impartiality in decision-making.
2. This policy seeks to achieve this aim by encouraging and nurturing a culture of discussion, reflection and awareness, through providing expectations and processes for:
  - a. individuals: to reflect on their interests, and identify, declare and mitigate any potential conflicts of interest if and when they arise; and
  - b. those to whom declarations are made: to determine whether the declared potential interest is an actual conflict of interest, a perceived conflict of interest, or not a conflict of interest
  - c. putting in place mitigations to address any actual or perceived conflicts of interest
3. The University encourages its staff to engage in a wide variety of external and entrepreneurial activities. Traditional roles in the University are now often supplemented by commercial collaborations, including consultancy, commercial research and development of, and involvement in, 'start-up' companies.
4. The University recognises that the majority of individuals will recognise potential conflicts of interest when they arise and will want to ensure that these are declared, and when actual or perceived, are appropriately mitigated to ensure that decision-making remains impartial. It also recognises that actual and perceived conflicts of interest can be easily mitigated through informal discussion.
5. The University views it as the responsibility of every individual to recognise situations in which they have a potential conflict of interest and to declare it, as per this policy.

## Purpose

6. Encourage, foster and facilitate external activities and entrepreneurship whilst ensuring that when potential conflicts of interest arise, they are identified and declared, and where they are determined to be perceived or actual conflicts of interest, that they are appropriately mitigated.
7. Provide guidance for all individuals regarding identifying potential conflicts of interest, and the process of declaring such an interest.
8. Provide guidance for determining when a declared potential conflict of interest constitutes an actual or perceived conflict of interest and resolving/mitigating actual or perceived conflicts of interest.

## Scope

9. This policy applies to all individuals acting under the auspices of the University, or any of its subsidiary entities, when the conflict, as defined, arises. This includes but is not limited to: employees, contractors, trustees, officers, decision-makers and those who have a substantive influence in decision-making (e.g. advisors). This policy applies to students when they are acting as decision-makers in University processes, for example when a student member of a University committee.
10. Individuals must comply with an external organisation's conflicts of interest policy, as well as this policy, when working with that organisation (e.g. academics acting as editors of academic journals).

## Definitions

11. **Potential conflict of interest:** a private, personal or commercial interest of an individual acting under the auspices of the University, that, in the situation at hand, might potentially constitute an actual or perceived conflict of interest.
12. **Actual conflict of interest:** a private, personal or commercial interest of an individual acting under the auspices of the University, that, in the situation at hand, could influence the impartial performance of that individual's University duties/activities.
13. **Perceived conflict of interest:** a private, personal or commercial interest of an individual acting under the auspices of the University, that, in the situation at hand, is not an actual conflict of interest, but could be perceived, by a reasonable third party, to influence the impartial performance of that individual's University duties/activities.
14. **Actual, potential and perceived conflicts** relate to both financial and non-financial interests: all should be considered and declared as part of a culture of reflecting on and avoiding conflicts of interest.
15. **Financial interests:** include shorter-term interests (e.g. gifts and hospitality that are not nominal or small in value or gifts over £50 for further information see policy <https://www.st-andrews.ac.uk/staff/policy/hr/gifts/>) and longer-term interests (e.g. external salary, shareholding, external appointments). Conflicts can arise in relation to direct decisions (e.g. those relating to the negotiation, pricing and awarding of funds, contracts, or grants, or other allocation of spend) or indirect decisions (e.g. those relating to the formulation or operation of relevant policies and procedures of the University).
16. **Non-financial interests:** include direct and indirect interests (e.g. personal relationships). Conflicts can arise in relation to direct decisions (e.g. those that involve conferring benefit/disbenefit or advantage/disadvantage in relation to the enhancement of an individual's career, education, professional reputation, or access to privileged information or facilities) or indirect decisions (e.g. those relating to the formulation or operation of relevant policies and procedures of the University). Relationships may constitute a declaration-worthy interest; in such cases please read this policy in conjunction with the Personal Relationships at Work policy.

## Recognising whether a potential conflict of interest exists

17. In order to determine whether a potential conflict of interest exists, individuals should consider whether the interest could interfere, or appear to others to interfere, with the impartial professional judgement an individual should show whilst performing their University duties. An individual would need to consider whether others (managers, colleagues, students, customers, members of the public) would reasonably trust the individual's professional judgement to act in the University's best interests if they knew about the private, personal or commercial interest.
18. There can be situations where the appearance of a conflict of interest will remain although none exists. Therefore, it is important when evaluating a potential conflict of interest, how it is perceived by others.
19. If an individual is unsure about whether a conflict of interest exists, they should consult their Head of School/Unit or senior point of contact (for anyone other than an employee) within the University in the first instance.
20. See Appendix 1 for examples of interests that could create conflict with an individual's University duties.

## Procedure for declaring potential conflicts of interest

21. It is the duty of each individual to accurately and promptly declare:
- For newly-encountered situations: any potential conflicts of interest
  - For previously-encountered situations: any potential conflict of interest that arises as the situation develops; and a change in status of any interest that was previously determined to constitute an actual or perceived conflict of interest
- This can be prompted by either a change in the individual's interests, a change to an aspect of their University duties, or a development in a situation.
22. A declaration must be made at the point the potential conflict of interest arises or changes as detailed in paragraph 21.

## Procedure for mitigating actual or perceived conflicts of interest

23. Some potential conflicts of interest may be dealt with quickly and simply, e.g., an individual informing the convenor of a recruitment panel that a family member has applied for the job and that this is a potential conflict of interest, this being categorised by the convenor as an actual conflict of interest, and this conflict of interest being mitigated by the convenor through excusing the individual from the selection process. For further examples, see Appendix 1. For conflicts of interest in committees/meetings, see paragraphs 33 to 35.
24. For potential conflicts of interest that require more careful consideration, the individual should write to their Head of School/Unit or senior point of contact within the University briefly detailing the following information:
- Nature and details of the potential conflict of interest
  - Description of the parties involved
  - Any potential financial interests and rewards
  - Any potential violation of legal requirements
  - Other relevant information necessary to make an evaluation.
- If required, the Head of School/Unit/senior point of contact should then contact the individual to gather any further information relevant for the assessment.
25. If the Head of School/Unit/senior point of contact determines that there is no actual or perceived conflict of interest, a brief record of the details should be held by the Head of School/Unit/senior contact and sent to the individual.
26. If the Head of School/Unit/senior point of contact determines that there is an actual or perceived conflict of interest, they must determine and document a mitigation plan, and provide a copy to the individual. In determining the mitigation plan, the Head of School/Unit/senior point of contact should liaise with the individual, and consider utilising one or more of the following strategies:
- Removal of the individual from the situation, activity or conflict
  - Restricted involvement of the individual in the situation, and documenting appropriately
  - Requesting involvement from an independent third party to oversee the integrity of part or all of the relevant situation
  - The individual relinquishing the interest.
27. In undertaking the steps detailed in paragraphs 25 and 26, the Head of School/Unit/senior point of contact can consider the examples provided in Appendix 1 and can seek help and advice from relevant individuals in RIS, HR and Finance. An appropriate member of the Principal's Office may be consulted in the following situations:
- The Head of School/Unit/senior point of contact has a potential conflict of interest in the matter
  - It is a significant or complex conflict of interest (whether actual or perceived) and the Head of School/Unit/senior contact requires help and advice to resolve the matter

28. It is the responsibility of the relevant individuals to adhere to the mitigation plan.

29. See Appendix 1 for more examples of how to mitigate a conflict of interest.

## **Conflicts of interest in committee/meetings**

30. When a potential conflict of interest is declared in a committee/meeting situation relating to a specific item of business, the Chair must determine whether it is an actual or perceived conflict of interest, and must then take one of the following mitigating actions:

- a. Instruct the individual to leave during the discussion and decision-making
- b. Instruct the individual to stay and participate in the discussion but leave during the decision-making, or stay and abstain from participation in the decision-making
- c. Allow the individual to stay but not participate in the discussion or decision-making
- d. Allow the individual to stay and fully participate in the discussion and decision-making.

31. The Chair must determine whether the actual or perceived conflict of interest could be ongoing. If so, based on the details of the conflict of interest, the Chair must decide whether to withhold future papers on the matter from the individual.

32. All of the following must be included in the meeting's minutes:

- a. declarations of potential conflicts of interest
- b. the Chair's determinations of any declarations, any resulting mitigating actions taken, and any decision to withhold future papers from the individual

## **University Court and its sub-committees, Principal's Office, senior management team**

33. Regular attendees or members of the above groups will be required to declare (and keep up to date) all potential conflicts of interest.

34. When an individual is appointed to one of the above groups, a member of the University's Court Office will write to the individual and ask them to complete the appropriate form.

35. Relevant interests are published on the University's website.

## **Failure to avoid/declare/mitigate conflicts of interest**

36. The following may lead to disciplinary action being instigated against an individual:

- a. Failure to declare a potential conflict of interest
- b. Failure to declare a potential conflict of interest in a timely fashion
- c. Failure to mitigate against the actual or perceived conflicts of interest declared to them by another individual, when that is their responsibility

## **Related documents/regulatory framework**

37. Personal Relationships at Work Policy

Consultancy Policy

Intellectual Property Policy

Anti-Bribery and Corruption Policy

Whistleblowing (Public Interest Disclosure) Policy

Gifts Acceptance Policy

Disciplinary Policy

Research Misconduct Policy

## Appendix 1 – Examples of conflicts of interest and how to mitigate them

An individual is asked to act as a member of a recruitment panel.

- At the point of being asked, they know that a [family member/friend/research group member/close research collaborator] intends to apply
- They agree to take part, and only once they participate in shortlisting do they see that a [family member/friend/research group member/close research collaborator] has applied

The individual should inform the convenor of the panel as soon as they become aware that there is a conflict of interest and recuse themselves from the process. The convenor can then appoint a new panel member.

An individual is asked to take part in a funding decision.

- They become aware that a [family member/friend/research group member/close research collaborator/organisation in which they have a financial interest] intends to apply, or has applied, for the grant/contract.

The individual should inform the person overseeing the decision-making process for the funding and agree with the decision maker to either withdraw from the whole process or solely from the decision-making that concerns their [family member/friend/research group member/close research collaborator/organisation in which they have a financial interest].

An individual is involved in setting policy and process related to funding/contracts

- They become aware that the policies and processes they are involved in setting could result in a specific benefit to a [family member/friend/research group member/close research collaborator/organisation in which they have a financial interest].

The individual should inform the Chair of that particular working group or equivalent that there could be a potential conflict and the Chair could decide whether knowledge of the potential conflict is enough to mitigate the situation; or if the individual can remain on the working group but not take part in any final decisions regarding the content of policy/process; or if the individual should be excused from the working group altogether.

An individual sets up a spin-out company which is closely related to their area of research.

- They wish to make use of their PhD students for company work which could conflict with their research progress.

The member of staff should raise this matter with their Head of School as soon as possible following the procedure detailed in the policy. Consideration should be given to the desire of the students to undertake the work; their ability to do so without negatively affecting their studies; and ensuring that they are appropriately paid for any work that they do.

A member of staff has secured a consultancy that involves international travel.

- It has become apparent to the Head of School that due to the consultancy the staff member is frequently rearranging seminars and administrative duties are having to be picked up by colleagues at short notice.

The Head of School should approach the member of staff to discuss the concerns. Consideration should be given to the benefits of the consultancy to the University versus the disadvantages. Are there financial gains that can pay for some additional staffing? Can the travel be undertaken at more convenient times in the semester? Is the staff member coping with the additional workload?

# Appendix 2 - Declaration of Potential Interests Form

UNIVERSITY OF ST ANDREWS

## *Declaration of Potential Interests Form*

### Section 1

Section 1 should be completed by individuals to declare potential conflicts of interest to their Head of School/Unit/senior point of contact.

Name:
School/Unit/Relationship with the University:
Nature and details of the potential conflict of interest:
Description of parties involved:
Potential financial interests and rewards:
Potential violation of legal requirements:
Other relevant information necessary to make an evaluation:

Signed..... Date.....

**Please forward this form to your Head of School/Unit/senior point of contact.**

### Section 2

Section 2 should be completed by Head of School/Unit/senior point of contact

Decision of Head of School/Unit/senior point of contact on whether an actual or perceived conflict of interest exists. Please state reasons for decision.

Signed..... Date.....  
Head of School/Unit/senior point of contact

The Head of School/Unit/senior point of contact should send a copy of their decision to the individual. If an actual or perceived conflict of interest exists, section 3 of this form should be completed.

### Section 3

#### Mitigation Plan

The Head of School/Unit/senior point of contact should liaise with the individual in determining how to mitigate the actual or perceived conflict of interest and document the details below.

Details of mitigation plan

Signed..... Date.....  
Head of School/Unit/senior point of contact

The Head of School/Unit/senior point of contact should send a copy of the mitigation plan to the individual.

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1.0	Launch of Pilot phase / new policy approved	Approved	Human Resources Officer / Human Resources	1 Feb 2021