



Title:	Conflict of Interest Policy and Procedure (Staff)
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Policy owner:	Chief Finance Officer

WaterBear is a College of Falmouth University and as such its students are students of Falmouth University, studying at WaterBear. All WaterBear policies and procedures have been tailored to best suit the specific requirements of the College, its students and staff. In some instances, Falmouth policies and procedures may be deferred to for additional guidance, or where Falmouth policy has been deemed to cover both the requirements of the University's operations and those of its academic partners.

## 1. Policy Statement

- 1.1. Individuals working for or on behalf of WaterBear ("the College") have a responsibility to declare any external interests, to recognise perceived, potential or actual conflicts of interest when they engage in college business, and to disclose any such conflicts in line with this policy and procedure.
- 1.2. This policy and procedure is designed to ensure that where any conflicts arise, they will be managed in an appropriate manner such that the College decision making is not unduly impacted by the private interests of any individual.
- 1.3. The College has a national reputation and encourages its employees to engage in a variety of external activities. Many of its employees can therefore expect to hold legitimate external interests but which may occasionally give rise to conflicts. This policy and set of procedures is designed to provide a framework allowing those experiencing conflicts of interest to place themselves beyond suspicion.
- 1.4. If you are working for or on behalf of the College and you need to declare a conflict of interest, you must read this policy and follow the procedures outlined herein.

## 2. Purpose

- 2.1. The purpose of this policy and procedure is:
  - To enable all those working for or on behalf of the College to understand their responsibilities to identify and disclose any perceived, potential or actual conflicts of interest in order that they can be appropriately managed.



- To ensure that those working for or on behalf of the College are aware of the actions they should take should a conflict of interest arise in the course of their carrying out College business.
  - To support the effective management and resolution of conflicts of interest, thereby protecting the good name and reputation of the College and safeguarding College employees.
  - To ensure those required to complete the College's Annual Staff Register of Interests have an appropriate awareness of relevant procedure.
  - To enable those working for or on behalf of the College to continue their activities with confidence where their interests or connections do not constitute an actual, potential, or perceived conflict of interest that would conflict with regulatory requirements or undermine the College's reputation.
  - To ensure that the interests of senior staff are declared and reported in a transparent manner.
  - To help demonstrate the College's commitment to maintaining the highest standards of conduct, including to fulfil the standards established by the UK Government for managing public money, to abide by the Nolan principles of public life, and to abide by the Office for Students Public Interest Governance Principles
- 2.2. Compliance with this policy is compulsory for all those working for or on behalf of the College. Failure to adhere to the policy may constitute a disciplinary offence.
- 2.3. This policy and procedure forms part of the College's broad framework of policies and guidance documents. This policy should be read in conjunction with related policies and guidance documents, these include:
- Staff Disciplinary Policy and Procedure
  - Relationships at work policy
  - Staff handbook



### **3. Application**

- 3.1. This policy applies to all members of staff at the College and others working on behalf of the College. For the purposes of this policy, this includes: all members of staff of the College and others including any external members of the College's other committees, boards and groups, full and part time staff, sessional tutors and individuals who are permanently or temporarily affiliated to the College through secondment, contract, honorary appointment, visiting faculty status or similar.
- 3.2. The Board of Directors is subject to the Board Conflicts of Interest Policy and Declaration.

### **4. Definitions**

- 4.1. A 'conflict of interest' is defined here as a situation in which the personal interests, relationships or loyalties to others of a staff member could, or could reasonably be seen to, prevent them from making a decision only in the best interests of the College.
- 4.2. An interest may be 'financial' in the sense of representing something of material value such as pay, commission, consultancy fees, investments, royalties, gifts, or anything else of material value and which might reasonably be seen as capable of giving rise to conflict of interest.
- 4.3. An interest may be 'non-financial' in the sense of giving rise to an advantage or benefit such as access to privileged information or facilities, or the direct or indirect enhancement of an individual's career, education or personal reputation, or anything else of non-material value which might reasonably be seen as capable of giving rise to a conflict of interest.
- 4.4. With reference to non-financial and financial interests alike, a conflict of interest may arise in relation to any advantage or gain to the individual staff member of the College. Equally, staff need to ensure that they are not involved in any activity or decision making on behalf of the College which could give rise to benefit to their immediate family, or other individuals with whom the member has a close personal or business relationship; or to any outside organisation of which the individual is a member or to which they hold duties or loyalties and whose aims, values and interests to not, or might not be seen to coincide with those of the College.
- 4.5. A 'perceived' conflict arises where an informed observer could reasonably infer that a decision or action you take on behalf of the College might be unduly influenced or compromised on account of an interest. Similarly, where an informed observer might reasonably consider that an interest could potentially give rise to a lack of objectivity or compromised judgement, this represents a 'potential' conflict of interest.
- 4.6. Although everyone holds external interests and the holding of external 'interests' does not necessarily give rise to conflicts of interest, it is important that members of staff of the College and individuals working on behalf of the College err on the side of caution



when considering if it is necessary to disclose a conflict of interest, taking into account the importance of avoiding not only actual conflicts, but also situations where it would be reasonable for someone to infer that their objectivity may have been compromised on account of a competing interest. However, if there is no discernible means by which an interest might reasonably be seen as impacting your objectivity in carrying out work on the College's behalf, then it follows that such an interest need not be disclosed.

## **5. Responsibilities**

### **5.1. Members of staff of the College including all those working on behalf of the College**

5.1.1. As a member of staff or individual working on behalf of the College (as defined at 3.1 above), you have the personal responsibility to comply with this policy.

5.1.2. As a member of staff, you must:

- Act with integrity and in a transparent way, including to identify any conflicts of interest arising in the course of your work at the earliest reasonable opportunity.
- Declare any interests arising in accordance with the procedures outlined in Section 5, 'How and when to declare an interest or make a disclosure'.
- Not to use for personal gain any confidential information obtained through your involvement with the College.
- Be mindful of the provisions of the Bribery Act 2010 and the Company's Bribery Policy.
- Not give or receive gifts which would create a conflict of interest, and follow the College's policy on the acceptance of gifts and donations.

5.1.3. If you are involved in a procurement exercise, you should declare any conflict of interest before tenders are issued.

5.1.4. If you are involved in educating, training, supervising or directing the work of students, you should ensure that no illegitimate interests influence or may appear to influence your approach to such activity.

5.1.5. Where relationships occur between members of staff, both individuals must deal appropriately with any potential conflicts of interest and ensure that personal relationships do not advantage or disadvantage any member of staff or other individuals (such as job applicants or service providers). If a member of staff is involved in a close or familial relationship with an applicant for a job, they must not be involved in the selection process, and if appointed the successful candidate cannot be placed in a direct line management relationship with the existing staff member.



5.1.6. If you have a concern about what you in good faith believe to be a conflict of interest with another member of staff of the College, you should raise this directly with the College under the College's Whistleblowing Policy

#### 5.2. Senior Management Team's additional responsibilities

5.2.1. Senior officers of the College / members of the senior management team are additionally responsible for declaring any interests in the Annual Register of Interests and to update any entries in the Register during a given year should the need arise. The Register is held by the Company Secretary. If they have no interests to declare, they are still required to complete a return annually to confirm the same.

5.2.2. The Company Secretary will retain the Annual Register of Interests.

#### 5.3. Chairs of College meetings

5.3.1. If you are Chair of any College meetings, you are responsible for managing any conflicts arising during these meetings.

#### 5.4. Examiners for WaterBear Education Ltd.

5.4.1. IF you are an examiner responsible for setting or marking assessments for WaterBear Education Ltd and you have relationships with third party institutions (e.g. through teaching, revision classes, staff training, consultancy, or inspection), then you must upon appointment declare any payments or other benefits received .

### **6. Disclosure and Management Procedures**

#### 6.1. Members of staff of the University

6.1.1. Members of staff have a duty to disclose any actual or potential conflicts of interest, and any situations that might give rise to their being perceived as being compromised by a conflict.

6.1.2. Members of staff must disclose in writing any conflicts of interest by contacting their line manager for the relevant area of activity within which the conflict has arisen. The line manager should make a written record of the disclosure, and of any action taken to manage the conflict of interest in line with the requirements set out in Section 6.

6.1.3. Members or attendees of College meetings should declare any interest in relation to any item on a meeting agenda at the start of the meeting. The Chair should ensure a record of the disclosure is kept, and of any action taken to manage the conflict of interest in line with the requirements set out in Section 6.



- 6.1.4. Members of staff involved in a procurement exercise should declare any conflict of interest by writing to the Chief Finance Officer, who will keep a record of the declaration and manage the conflict.
  - 6.1.5. If a member has a previously existing personal relationship with a student to whom they have, or are scheduled to have a professional responsibility, he/she must inform their line manager as soon as practicable and should separate themselves from these responsibilities. HR will review the declared conflict of interest. Failure to declare a conflict of interest in these circumstances may make the member of staff open to accusations of bias and abuse of trust. As a result of the power dynamic between a member of staff and a student, consent in a relationship maybe coerced to compliance. Therefore, Staff members must not engage in new close personal relationships with enrolled students, regardless of their age. If this type of relationship develops the situation could be regarded as an abuse of the staff member’s position of trust, the professional standards expected in their role and represent conflict of interest. Any such conduct may be subject to disciplinary action.
  - 6.1.6. Where relationships occur between members of staff, the individuals concerned must ensure that personal relationships do not advantage, unfairly disadvantage any member of staff or other individuals (such as job applicants or service providers). Staff in this situation should read and adhere to the College’s Relationships at Work Policy and may seek further advice from their line manager. Declarations concerning personal or family relationships will be kept confidential wherever possible, however it may be necessary to share information to detail appropriately any conflicts of interest and/or to enable the College to meet its legal obligations.
- 6.2. Senior Management Team
- 6.2.1. In addition to completing the annual declaration of interests (see 5.8), members of the senior management team must also disclose any new conflicts of interest to the Company Secretary as soon as they arise.
- 6.3. Examiners for the College
- 6.3.1. In addition to declaring any interests, examiners for the College must also disclose any new conflicts as soon as they arise.



## 7. Conflict Management

### 7.1. Members of staff of the College

- 7.1.1. In the case of other members of staff, any conflicts of interest should be disclosed to the individual's line manager. The line manager will act as reviewer, seeking advice where they feel this is necessary from senior managers responsible for the affected area of work.
- 7.1.2. The reviewer should evaluate the nature and severity of the conflict of interest, and then determine the appropriate and proportionate measures to be taken which may include that the individual manage the conflict of interest by:
  - Not participating in projects.
  - Not participating in discussions and/or decision-making in relation to relevant activity.
  - Temporarily suspending participation in an external commitment.
  - Referring either whole tasks or decisions on to other appropriate individuals.
  - Or, in the rare case that this is not possible to manage the conflict, the reviewer may prohibit the activity to protect the public interest and/or the interests of the College.
- 7.1.3. If the conflict of interest is disclosed and the reviewer considers that either the matter is serious or that it has already had an influence on the work of the relevant individual, then the reviewer should make a report of this to the relevant senior managers responsible for the affected area of work, who will determine what, if any additional and/or remedial actions should be taken.
- 7.1.4. The Company Secretary should be informed by the reviewer of any conflicts of interest that have arisen and of the actions taken to manage them. This is necessary as the Company Secretary will help to facilitate the regular review of this policy and its effectiveness.



## 7.2. Conflicts arising during college meetings

- 7.2.1. 'Declarations of Interests' is a standing item on the agenda for each College meeting, and members are invited to declare any interests in relation to any item on the agenda at the start of any meeting.
- 7.2.2. In the specific case of conflicts of interest arising during college meetings, the Chair of the meeting will be responsible for determining if any person declaring an interest during a college meeting should:
  - Leave the meeting.
  - Absent themselves from any part of the discussion and/or vote taken on the item.
  - In exceptional cases, stand down from the committee.
- 7.2.3. If the conflict relates to the Chair, then the Deputy Chair may act as Chair for the relevant item or the Chair may otherwise absent themselves from the relevant discussion/decision.
- 7.2.4. The Chair is responsible for ensuring that the minutes of the meeting provide a record of the details of any disclosures made and actions taken. If a conflict of interest relates to a senior officer, the member of officer is responsible for ensuring that an appropriate entry is made in the Register of Interests. If the conflict of interest relates to any other member of staff, then the individual should report the conflict of interest to their line manager.