CODE OF CONDUCT FOR MANAGING CONFLICTS OF INTEREST

1.0 INTRODUCTION

Birkbeck values the importance of staff engaging in diverse commercial and public activities which benefit the College and further the academic interests of staff. Such activities should in no way conflict with the interests and obligations of the College.

Birkbeck also recognises that personal relationships may exist or develop within the College. The College values and relies upon the professionalism and integrity of its staff and students; should an employee conduct such a relationship, his/her behaviour must be appropriate. Improper behaviour, abuse of authority, conflicts of interest, or acts of a biased nature will not be tolerated.

2.0 SCOPE

The Code of Conduct applies to all staff. Although this document does not provide an exhaustive list of activities that sit within the boundaries of the Code, it does however outline the main areas of activity within the College where a conflict of interest (see section 4 Guidance for a detailed definition) may arise.

3.0 PROCEDURE

3.1 Disclosure of Interest

In accordance with section 18.1 of Birkbeck's Financial Regulations, any member of staff who becomes aware of any personal, financial or other beneficial interest resulting from an interaction or transaction carried out on behalf of the College, must at the earliest opportunity, disclose the information, stating the nature of the interest to the College Secretary or Director of Finance. In the event that an employee has an interest in a business which may trade or supply services to the College, he/she must declare the interest to the College Secretary or Director of Finance.

3.2 Managing Conflicts of Interest

All employees must avoid any action, which may lead to a potential or actual conflict of interest. There are 5 areas where this particularly applies:

3.2.1 Research, Contracts and Other Services (including Academics Engaged in External Private-Led Consultancy Work)

The College recognises and supports work with external agencies (such as charities, commercial companies or organisations). In bidding for or negotiating external contracts and grants, staff members must declare any personal or financial link with the external agency.
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Birkbeck also acknowledges the value of consultancy work whether college or private-led where there are clear protocols and guidance in place to formally manage the process. Conflicts of interest should be addressed at the earliest opportunity to ensure that fair and transparent decisions are taken. Academic staff must first seek the permission of their Executive Dean (or nominee) prior to engaging in external private-led consultancy work so that the work can be assessed alongside existing college commitments. Academic staff must provide notification of any changes/issues which emerge during the completion of a project/contract which may give rise to a conflict of interest.

3.2.2 Fraud, Bribery and Corruption

In accordance with the UK Bribery Act 2010 employees or those engaged to work on behalf of Birkbeck must not accept/make: inducements, direct or indirect monetary rewards for engaging in or refraining from a particular activity or engage in a corrupt act by showing favour or disfavour whilst managing a contract where he/she is carrying out an official role on behalf of the College. Individuals can face up to 10 years imprisonment if convicted of carrying out a bribe or a corrupt act. The College may also be liable for unlimited fines, exclusion from tendering for public contracts and face damages to its reputation if it is found to have engaged in any form of corruption.

3.2.3 Procurement

It is the responsibility of the employee to identify and formally disclose any actual, potential or perceived instance of a conflict of interest. A conflict of interest may occur when employees who undertake procurement on behalf of the College are influenced or appear to be influenced by a personal or private interest that could lead to the individual gaining a personal advantage or avoiding a personal disadvantage. Therefore, employees in a position to recommend/short-list contractors, initiate or place orders or award contracts, must declare a personal interest in a supplier, in writing to the Director of Finance.

3.2.4 Inducements, Hospitality and Gifts

Birkbeck acknowledges that hospitality and gifts may be offered to staff from suppliers, potential suppliers and other sources. Birkbeck’s Financial Regulations state that ‘under no circumstances may inducements, monetary or otherwise, be accepted from suppliers or potential suppliers (or their agents). Any offer of such inducements should be reported to the College Secretary without delay.’ If an employee is uncertain as to when it is appropriate to accept an offer of a gift, hospitality, political or charitable donation, the offer should be declined or consent should be sought from the College Secretary (see Birkbeck Financial Regulations for further details).

Staff who breach or do not adhere to the provisions outlined in this Code of Conduct, particularly if they are engaged in the procurement or management of goods, services and/or contracts (as outlined in section 3.2.2, 3.2.3 and 3.2.4) may face disciplinary action (see

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Disciplinary and Dismissal Procedure), depending on the level of seriousness and nature of the issue. Staff need to be aware that an act of accepting gifts from students might be construed as an inducement to provide favourable treatment.

3.2.5 Managing Personal Relationships

3.2.5.1 Relationships between Employees and Students

The professional relationship between an employee and a student is vital to the student’s educational advancement. The College believes that students are entitled to equal treatment; a personal relationship between an employee and a student must not jeopardise or be perceived as jeopardising that treatment. Employees are therefore strongly advised not to enter into a personal relationship with a student with whom they have a professional relationship.

A professional relationship in this context refers to one where the employee has a role in the admission, assessment, supervision, tutoring, teaching, or pastoral care of the student, or any other duty that could give rise to a potential conflict of interest. Where a personal relationship exists or develops between such an employee and student, it must be declared in confidence to the employee’s line manager. Whilst the declaration will be treated confidentially, the line manager must seek advice from the Academic Registrar and the HR Manager.

A meeting will be arranged with the employee and their line manager to discuss the potential or actual conflict of interest, the impact of this conflict of interest on the professional role that the employee takes and to determine what, if any, steps may need to be taken. Birkbeck respects an individual’s right to privacy in such situations; therefore the purpose of this meeting is to agree positive and constructive practical steps, it is not to discuss details of the relationship itself. The Academic Registrar (or nominee) will then hold a meeting with the student to discuss the case and inform them of any agreed outcomes.

Brief written notes of the meetings should be made and a copy given to the employee and student as a record of any agreed actions. These notes will be held securely on the employee’s personal file and by the line manager in a conflict of interest file.

Examples of necessary steps may include changing the student’s personal tutor or making alternative assessment arrangements.

Employees who are uncertain as to whether they need to declare a relationship may seek confidential advice from their HR Manager. Students can seek advice from the Academic Registrar.
3.2.5.2 Relationships between Employees

Where employees who work together are in a personal relationship, there is potential for a conflict of interest or breach of confidentiality, and the gaining of an unfair advantage may be perceived, with either party being thus disadvantaged.

Therefore, where such a personal relationship exists or develops between employees who either work together in the same area, or across schools/department, or where one employee is in a position of authority, the individuals are strongly advised to declare their relationship in confidence to each of their line managers, when there is the potential for a conflict of interest to arise. This is intended for the long-term protection of both parties. Whilst the declaration will be treated confidentially, the line managers may need to seek advice from Human Resources (HR). A meeting with each employee and their line manager (or next level senior manager where the line manager is party to the relationship) will be held to determine whether there is a potential or actual conflict of interest involved and if so, to determine what, if any, steps may need to be taken. Birkbeck respects an individual’s right to privacy in such situations; therefore the purpose of this meeting is to agree positive and constructive practical steps; it is not to discuss details of the relationship itself.

Brief written notes of the meetings should be made and a copy given to each employee as a record of any agreed actions. These notes will be held securely on the employee’s personal files and by the line manager in a conflict of interest file.

Staff who are in a family/romantic relationship should not, where possible, be placed in a situation where one is in a position of authority (line manager) over the other. However, any such actions or decisions will be made in line with the College’s Equal Opportunities Policy Statement.

If a member of staff is involved in the voting process for offers of work, payments, promotions, development and/or reward decisions, and they are in a personal relationship with one of the applicants, they should declare their conflict to the head of the panel and withdraw from the process. Advice should be sought from HR.

Employees who are unsure as to whether their relationship should be declared may seek advice in confidence from their HR Manager.

3.2.5.3 Relationships between Employees and an Agency Worker, Contractor or Consultant

As with relationships between employees (see section 3.2.5.2), where a personal relationship exists or develops between an employee and an agency worker, contractor or consultant the employee must declare the relationship in confidence to their line manager, when there is the
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potential for a conflict of interest to arise. This is intended for the long-term protection of both parties. Whilst the declaration will be treated confidentially, the line managers may need to seek advice from HR.

A meeting will be held with the employee and their Birkbeck line manager to determine whether there is a potential or actual conflict of interest and if so, to determine what, if any, steps may need to be taken. Birkbeck respects an individual’s right to privacy in such situations; therefore the purpose of this meeting is to agree positive and constructive practical steps; it is not to discuss details of the relationship itself.

A meeting may also be held between the manager and the agency worker, contractor or consultant to inform them of, and discuss any necessary steps to be taken. Possible steps may include assigning a different management contact. Please also refer to the Code of Practice on Academics Engaged in Private-Led Consultancy Work.

Brief written notes of the meetings should be made and a copy given to the employee and agency worker, contractor or consultant as a record of any agreed actions. These notes will be held securely on the employee’s personal file and by the line manager in a conflict of interest file.

3.2.5.4 The Recruitment and Selection Process

It is acknowledged that employees sometimes refer or recommend suitable candidates to the College for existing vacancies. All applicants must follow Birkbeck’s policy on recruitment and selection.

Where an employee is involved in recruiting to a post, and one of the candidates is in a personal relationship with that employee, the employee must declare the relationship in confidence to their line manager and must not take part in the job design, short-listing, sit on the recruitment panel or provide references for the candidate. This is to ensure that any recruitment decisions are made on an objective and fair basis.

Where a candidate is in a personal relationship with a Birkbeck employee who is connected, in any way, to the post under recruitment, the candidate must declare the relationship in confidence to HR, so that the appropriate steps can be taken to ensure a fair and objective process is followed.

3.3 Registering Conflicts of Interest

Staff engaged in any activity with a potential, perceived or actual conflict of interest are advised to contact HR for assistance in assessing the risk and identifying an appropriate course of action.

Academics should declare their private-led consultancy work to their Executive Dean (or nominee) and other relevant parties and identify any potential and/or actual conflicts of interest. The Birkbeck Financial Regulations and Code of Practice on Academic Staff Engaged in Private-Led Consultancy Work highlight the need to disclose any significant issues that might constitute
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a conflict of interest at the point of approval. This initial disclosure and any on-going disclosure must provide sufficient information to enable the College to make an accurate and objective evaluation of the potential risk. The College encourages staff to raise matters of concern responsibly if they have reasonable grounds for believing there is serious malpractice, illegal or dishonest behaviour. Where appropriate, staff should use the relevant college policy, such as the Public Interest Disclosure (whistleblowing) Policy, to raise concerns.

Where the College owns the intellectual property or other property involved in a commercial venture, the Academic must seek advice from the Research Grants and Contracts Office (RGCO), and agreement must be reached with the Executive Dean before work begins.

Executive Deans (or nominees) in Schools and the Directors of Professional Services should ensure that line managers take the necessary steps to ensure that members of staff are aware of and where applicable, implement the provisions in this Code of Conduct. Executive Deans must also ensure that all conflicts and potential conflicts of interests are correctly identified and declared and entered in the College register, where appropriate.

3.4 Monitoring Compliance

Employees should take reasonable steps to identify or prevent risks associated with managing conflicts of interest. All records and documents relating to transactions with third parties such as suppliers, clients and business associates should be scrutinised to identify risks and ensure their accuracy and compliance with current regulations. It is the responsibility of the College Secretary or Director of Finance to ensure that a record of declared interests is maintained and reported to the Governors on an annual basis.

4.0 GUIDANCE

Employees and line managers may seek guidance on the implementation of this policy on a confidential basis from their HR Manager.

4.1 Definitions

In the scope of this policy, a relationship is a personal relationship, which overlaps a professional one. This is defined as:

- A family/close personal relationship;
- A business/commercial/financial relationship;
- A romantic/sexual relationship.

And is covered by this policy if it occurs:

- Between an employee and a student or prospective student;
- Between an employee and another employee or prospective employee;
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- Between an employee and an agency worker or a contractor or a consultant or a prospective agency worker, contractor or consultant.

For the purposes of this Code of Conduct a conflict of interest arises where the interests (personal or private) of an employee or individual operating on behalf of the College conflicts with the best interests or poses a significant risk to the best interests of the College.

Birkbeck reserves the right to review, revise, amend or replace the content of this Code and/or introduce new codes from time to time, subject to good practice principles of consultation where applicable, to reflect the changing needs of the College and to comply with legislation.

5.0 RESPONSIBILITIES

All employees should note that this Code forms part of their contract of employment and are therefore required to adhere to its terms and conditions.

The following have responsibilities under this policy:

- **Employees**
  - Disclose personal, financial or other beneficial interest arising from an interaction or transaction on behalf of the College.
  - Refrain from engaging in activities that may give rise to an actual or potential conflict of interest.
  - Academic staff must seek the permission of their Executive Deans prior to engaging in external private-led consultancy work.
  - Refrain from accepting/making inducements, direct or indirect monetary rewards or engaging in corrupt acts in any capacity on behalf of the College.
  - Refrain from working with suppliers in a personal/private capacity where a conflict of interest may apply.
  - Disclose any actual, potential or perceived conflict of interest.

- **Line Managers**
  - Take reasonable steps to ensure that staff are aware of and implement, where appropriate, the provisions set out in this Code.
  - Manage conflicts of interest with employees and external partner agencies where appropriate.
  - Liaise with HR to manage the implementation of the Code where appropriate.

- **Human Resources**
  - Provide support and guidance to manage the implementation of the Code.

- **Executive Deans/Directors of Professional Services (or nominees)**
  - Take reasonable steps to ensure staff within their respective Schools/Departments are aware of and implement, where appropriate, the provisions set out in this Code.
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- Executive Deans to consider requests from Academics to engage in external consultancy work.
- Oversee communication and implementation of the Code of Conduct.
- Ensure where applicable that potential and actual conflicts of interests are identified, declared and entered in the College register, where appropriate.

- **Academic Registrar**
  - Manage conflicts of interests with students.
  - Liaise with HR to manage the implementation of the Code where appropriate.

- **College Secretary/Director of Finance**
  - Ensure overall College compliance with internal and external regulations.