

University of Liverpool

POLICY ON DISCLOSURE OF INTEREST

Reference Number	1		
Version Number	<i>A review and re-write of an existing Policy.</i>		
Document Status	<i>Revised policy.</i>		
Effective Date	<i>August 2023.</i>		
Review Period	<i>Every two years.</i>		
Responsible Department	<i>Legal and Governance</i>		
Policy Author	<i>Kevan Ryan, University Secretary Mike Edge, Legal and Governance</i>		
Approval Route	Committee	Submission Date	Approved?
	SLT	30.05.23	Yes
	Audit Committee	14.06.23	Yes
	F&R	21.06.23	Yes
	Council	11.07.23	Yes
Linked Documents	<i>See University Procedure for Disclosing and Managing Conflicts of Interest.</i>		
Does this replace any previous policies?	<p><i>This constitutes a full refresh of the existing Statement of Policy and Procedure on Disclosure of Interest and the separation into two new documents:</i></p> <ul style="list-style-type: none"> • <i>University Policy on Disclosure of Interest</i> • <i>University Procedure for Disclosing and Managing Conflicts of Interest.</i> 		
Consultation	<i>Extensive consultation and input from across three Faculties, Guild of Students, and Central Professional Services areas (Legal, HR, FRCS, Procurement, Research Support Office, Student Services, Finance, External Relations).</i>		
Equality Impact Assessment	<i>This Policy is applicable to all staff/students and lay members as defined under section 2.a. Upon reviewing the Equality Analysis Flowchart and Checklist, there is no positive or negative impact of this report on equality groups and there are no implications for the University's compliance with the Equality Act.</i>		
Regulatory/ Compliance	<i>A policy is required to comply with both company and charity law, as well as regulatory requirements (OfS) and upholding the CUC HE Code of Governance. The Policy upholds the OfS Public Interest Governance Principles, and will also be reviewed to align with any requirements that may be required as a result of new proposed OfS ongoing condition E6 (Harassment and sexual misconduct) – once more is known following sector consultation.</i>		

1. Introduction / Policy Statement

The following outlines the University's policy statement and scope for recognising potential conflicts of interest. It should be read in conjunction with the Procedure for Disclosing and Managing Conflicts of Interest, plus any other 'relevant' policy as detailed within section 6 below.

- a. The University of Liverpool is a major research university with global reach and influence. It encourages members of its staff to engage in a wide variety of external activities, such as serving on government, business and community boards, providing expert advice, media commentary, professional practice, schools outreach, international projects and collaborations with the commercial world, including via research and development, knowledge exchange, consultancy, intellectual property (IP) licencing and involvement in 'spinout' companies.
- b. The University considers that such activities are in the public interest and are also of benefit to the University and the individuals concerned. On occasion, however, they may give rise to conflicts of interest, whether potential or actual, perceived or alleged.
- c. The University is committed to conducting its business in accordance with best practice in HE corporate governance, including applying the Committee of University Chairs (CUC) [Higher Education Code of Governance](#), upholding the [seven principles of public life](#) drawn up by the Committee on Standards in Public Life, as well as ensuring that the [Office for Students public interest governance principles](#) are delivered.
- d. All University staff and students, and anyone else within scope of this Policy, are required to recognise and disclose activities that might give rise to conflicts of interest, or the perception of conflicts, and to ensure that such conflicts are seen to be properly managed or avoided.
- e. If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to the University, meeting regulatory and other external requirements and protecting the integrity and reputation of the University and its members. By contrast, conflicts which are not managed effectively may jeopardise the University's public standing and may cause serious damage to the reputation of the University and of the individuals concerned.
- f. It is therefore the University's policy to encourage and foster external activities whilst ensuring that when conflicts or perceived conflicts of interest arise, they are acknowledged and disclosed, and in relevant cases, properly managed.

2. Scope

- a. This Policy applies to all staff and students¹ of the University, to all external members of Council and its committees and all others working in the University, including those holding honorary positions and any other external members who may sit on University committees. It also applies to University staff who act as directors and company secretaries of subsidiary companies of the University. A reference in this Policy to staff or students includes any person within this scope.
- b. It is the responsibility of each individual to recognise situations in which they have a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and to take such further steps as may be appropriate as set out in more detail in the Procedure for Disclosing and Managing Conflicts of Interest.
- c. If an individual is uncertain about how this Policy might affect their activities, or has any questions about its application, they should contact the appropriate person as set out in the Procedure for Disclosing and Managing Conflicts of Interest.

3. Principles

- a. You must avoid being, or giving the appearance of being, in a position that may result in an actual or perceived detriment to the University's reputation and/or interests. Within the scope set out in 2.a above, is the duty of every individual to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of conflict of interest. Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest
- b. The aim of this Policy is to clearly articulate the University's expectations, and enable all under its scope to be able to recognise where their interests may conflict with, or may reasonably be perceived to conflict with, their University duties.
- c. The process for recording and managing conflicts of interest, including additional guidance on how to recognise such situations, is detailed within the Procedure for Disclosing and Managing Conflicts of Interest.

4. Recognising a Conflict of Interest

- a. Following the scope identified under section 2.a above, a conflict of interest arises where the commitments and obligations owed by an individual to the University or to other bodies, for example a funding body, or other company, are likely to be compromised, or may **appear** to be compromised, by:

¹ The term 'student' also includes apprentices on degree apprentice programmes.

- i. that person's personal or professional gain, or gain to immediate family (or a person with whom the person has a close personal relationship)*, whether financial or otherwise;
 - ii. the commitments and obligations that person owes to another person or body; this may also include where that person holds an external position at an organisation that engages with the University.
- b. There can be situations in which the appearance of a conflict of interest is present even when no conflict actually exists. Thus, it is important for all staff and students when evaluating a potential conflict of interest to consider how it might be **perceived** by others.
- c. The duty to declare a possible conflict starts with the **perception** of the situation rather than the actual existence of a conflict. However, the duty is not infringed if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest.
- d. Conflicts of interest may be financial or non-financial or both, and this applies to both personal and professional interests. Further information is set out below.

Financial conflicts of interest

- e. A financial conflict of interest, for the purposes of this Policy, is one where there is, or appears to be, opportunity for personal financial gain, financial gain to close relatives or close friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions.
- f. Financial interest means anything of monetary value, for example:
- i. payments for services;
 - ii. equity interests (e.g. stocks, stock options or other ownership interests); and/or
 - iii. intellectual property rights (e.g. patents, copyrights and royalties from such rights).
- g. The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be 'not material' or 'not significant' for one person might be very significant for another. Good practice in many situations will mean the disclosure of 'any' financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects their actions and where they have the opportunity to affect a University decision or other activity (because for example they are the decision-maker or the Principal Investigator on a research project). For examples of conflicts involving financial interest see the Procedure for Disclosing and Managing Conflicts of Interest.

* For the purpose of this policy, 'immediate family' is defined as follows: spouse or civil partner, son, daughter. However, the 'close personal relationship' giving rise to an interest could extend to the following (this is not intended to be an exhaustive list): unmarried partner, parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, as well as adopted, half and step members of family, and friend.

Non-financial conflicts of interest

- h. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person's obligations or commitments to the University or to other bodies, for example another body of which they are a trustee. Such non-financial interest may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career, education or gain to immediate family (or a person with whom the person has a close personal relationship)*. For examples of non-financial conflicts of interest see the Procedure for Disclosing and Managing Conflicts of Interest.

5. Implementation, Monitoring and Review of this Policy

- a. Failure to comply with this Policy and/or the Procedure for Disclosing and Managing Conflicts of Interest may result in disciplinary action, misconduct action and/or legal action being taken wherever appropriate.
- b. As outlined above, it is the responsibility of all under the scope of this Policy (see section 2.a) to recognise and disclose activities that might give rise to conflicts of interest, or the perception of conflicts, and to ensure that such conflicts are seen to be properly managed or avoided.
- c. Failure to disclose an interest, or failure to cease involvement in a particular matter until the conflict has been resolved, is potentially a disciplinary matter. Depending on its nature, it could also be a matter of research misconduct. Therefore, the University's approach is that you should always disclose an activity if you are in doubt about whether it represents a conflict of interest.
- d. Central Professional Services Directors, and Deans of Schools/Institutions are responsible for ensuring that staff within their area, plus any student, or external members of their institution's committees, are made aware of this Policy. The University Secretary will ensure Council members are informed of their obligations.
- e. Each Faculty and Central Professional Services area should also appoint an activity lead(s) who will be responsible for maintaining a local register of all declarations made across their planning unit and the outcomes of those declarations, working closely with the relevant Heads of Department/Head of Operations and Deans as appropriate. An annual summary of declarations should be considered at the relevant Faculty Management Team/Professional Services Directors meeting, and reported centrally to the Legal and Governance Team to form part of an institutional annual assurance report.
- f. The Legal and Governance Department is responsible for ensuring that this Policy is maintained, that appropriate guidance is provided and for monitoring compliance with the Policy. The Audit Committee will receive an annual report on compliance with the Policy and will advise Council accordingly.
- g. This Policy shall be the subject of regular review at least every two years, and as necessary in response to guidance on best practice issued by outside bodies.

6. List of Other Relevant University of Liverpool Policies

a. **Members of Council**

- [Statement of Primary Responsibilities - Governance - University of Liverpool](#)
- [Register of Council Members Interests](#)
- [Conflicts of Interest: A Guide for Charity Trustees](#) (external website)

b. **Facilities, Residential and Commercial Services**

- [Property Disposals Policy](#)

c. **Finance**

- [FINANCIAL,REGULATIONS.pdf \(liverpool.ac.uk\)](#)
- [Finance Policies and Procedures Finance Policies and Procedures- Finance Department Intranet - University of Liverpool](#)

d. **Human Resources:**

- [Selection Panel - Human Resources Intranet - University of Liverpool](#)
- [Personal Relationships - Human Resources Intranet - University of Liverpool](#)
- [Disciplinary Procedure - Human Resources Intranet - University of Liverpool](#)
- [Consultancy Policy - Human Resources Intranet - University of Liverpool](#)

e. **IT Services**

- [Records Retention Schedule - University of Liverpool](#)

f. **Legal**

- [Anti-Corruption and Bribery Policy²](#)
- [Public,Interest,Disclosure,\(Whistleblowing\),Policy,Updated,November,2021.pdf \(liverpool.ac.uk\)](#)
- [Fraud,Response,Plan,2012,Updated,January,2017.pdf \(liverpool.ac.uk\)](#)

g. **Procurement**

- [Documents, policies & procedures Documents, policies and procedures- Procurement intranet - University of Liverpool](#)

h. **Research**

- [Policy on Misconduct in Research](#)
- [Policy on Research Integrity](#)
- [Policy on Research Ethics](#)
- [Epigeum Module on Research Integrity](#)

i. **Staff: Student Related Policies**

- [Personal Relationships Policy](#)

² There is also an obligatory online training module, Bribery Act 2010, for all staff on grades 6 and above