

Exams - Conflict of Interest Policy

Overton School

Approved by:	Omar Salahuddin, Principal
Last reviewed on:	26/08/20
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Employees of Bryn Melyn Care (the “company”) and its subsidiaries Overton School must avoid conflicts of interest between their private activities and their part in the conduct of BRYN MELYN CARE's business.

Employees must use their good judgement in the exercise of their responsibilities in the best interests of BRYN MELYN CARE and its reputation.

For the purposes of this policy, a conflict of interest includes any situation which does or could result in competing loyalties for that individual, as regards their obligations towards BRYN MELYN CARE. It includes circumstances involving BRYN MELYN CARE which do or could bring about personal or business gain for the individual, as well as circumstances where any personal or business aim, or interest of the individual, actually or potentially conflicts with those of BRYN MELYN CARE.

It is not possible to list all situations or relationships which may create a conflict of interest or the appearance of one, so each situation must be evaluated on its particular facts.

The purpose of this policy is not to stop any employees from recommending a family member, relative, partner or close friend from coming to work for BRYN MELYN CARE. If you are aware of a good candidate that would be suitable for a role within the BRYN MELYN CARE team, a member of the HR team will be happy to receive an introduction to the candidate with a view to arranging an interview, should the proposed candidate's background be deemed appropriate for a role within BRYN MELYN CARE. This policy is seeking to ensure that BRYN MELYN CARE is informed about the nature of any relationships in order for it to make an informed decision based on all the facts.

1 Policy Statement

- 1.1 BRYN MELYN CARE's employees will not engage in any business or personal relationship or activity which might conflict with the interests of the company.
- 1.2 A conflict of interest can exist even if there is no improper or unethical conduct on the part of the individual.

2 Conflict of Interest Situations

- 2.1 A conflict of interest, actual or potential, may arise where, directly or indirectly:
 - a) an employee, without the prior approval of his/her Manager or the board of directors, accepts employment or a position of responsibility with any other organisation;
 - b) an employee engages in activities in the course of which the employee would use or might be tempted or induced to use company property or information for their own interest;
 - c) an employee engages in a business relationship or activity with any party that has a business relationship with the company and is in a position to derive a personal benefit or a benefit to any of his/her relatives/friends by making or influencing decisions relating to any transaction. This includes investing in a business with which the company has a relationship, on the basis of information not in the public domain;

- d) any employee engages in activities and interests that are in competition to the business of the company;
- e) any employee or relative owns/operates/holds an interest in a property which BRYN MELYN CARE or any of BRYN MELYN CARE's clients or service users operate from;
- f) an employee requests for services outside the usual remit or the employee's employment without the written approval of his/her Manager;
- g) an employee has a personal friendship or relationship with an employee or office holder of a potential business competitor (or regulator);
- h) an employee allows a spouse or other relative to work in the same sections or departments as the employee and where there is possibility of conflict of interest. For this reason, all relationships amongst employees must be declared and formally recognised by senior management (please see the Employee Handbook for further details); or
- i) any recruitment of employees or procurement of goods and services occurs where the employee has an actual or potential personal interest.

2.2 The above list is not exhaustive, and there are other situations in which a conflict of interests might arise and employees should use their own judgement to assess whether any particular situation could give rise to a conflict of interests, or could be seen to give rise to a conflict of interests.

2.3 Any of the above may also constitute a conflict of interest if done by a close relation or partner of a member of staff.

3 **Summary**

3.1 All employees should notify and disclose conflicts of interest in order that they may be considered and approved by BRYN MELYN CARE.

3.2 Any situation which gives rise to an actual or potential conflict of interest should be reported to your line manager with an explanation of the relevant facts.

3.3 Managers and staff should, wherever there is doubt, always check with their line managers.

4 **Disclosure of interest**

4.1 All members of staff must declare any potential conflicts of interest as soon as they arise by completing the form at Appendix 1 and sending this to HR. Any changes must be notified to HR immediately in writing including giving notice that the conflict has ended.

4.2 Any conflict of interest will be recorded on the member or staff's HR file.

4.3 Where a conflict of interest is present, his/her Manager (and to the extent required in conjunction with the HR department) will consider what systems should be put into place to ensure that such conflicts do not affect BRYN MELYN CARE's business and/or that employees do not profit from such conflicts. For example, employees may be required to

abstain from relevant decision-making processes or from promoting their own business interests where such a conflict exists.

5 **Compliance with this policy**

- 5.1 This policy applies to all members of staff and all individuals working for BRYN MELYN CARE on whatever basis.
- 5.2 Failure to comply with the requirements set out within this policy, or failure to comply with management instructions following a conflict of interest having been discovered or declared, may constitute misconduct which will be dealt with in accordance with BRYN MELYN CARE's disciplinary policy (where this applies). In certain scenarios, serious failure to comply with the requirements of this policy or subsequent instructions may constitute gross misconduct, which may result in dismissal.
- 5.3 Where the disciplinary policy does not apply, BRYN MELYN CARE reserves the right to take whatever action necessary to protect its business interests, which may include termination of the relationship with a particular individual or consultant.

Appendix 1

BRYN MELYN CARE – Declaration of interests

Name: _____

Job title: _____

Department: Overton School

This form must be completed and returned to the HR department and this form must be submitted as soon as a potential or actual conflict of interest arises and/or as soon as any circumstances within it change. Where the potential or actual conflict has ended HR must be notified in writing.

If you are in doubt about the answers to any of the questions included in this Declarations of Interests, please contact the HR department for more information.

1 Other employment

Please detail any other work (paid or unpaid) undertaken in a private/professional capacity, including work done on a freelance/consultancy basis or as an employee or worker for another organisation, including via an agency.

2 Close relatives at BRYN MELYN CARE

Do any of your close relatives work for or provide services to BRYN MELYN CARE? Have any close relatives done so at any time in the last 12 months. Please note – a close relative would include Partner/Spouse, Parent, Son/Daughter, Sibling, Aunt/Uncle, Cousin, Niece/Nephew or an individual with which you are in a personal relationship as defined within the Employee Handbook.

Give details of name and relationship, (no other details are required)

3 Business interests

Are you the principal proprietor or involved in the management of an organisation which currently does business with BRYN MELYN CARE or with any of BRYN MELYN CARE's clients or business contacts, or has done so in the last 12 months?

Are you the principal proprietor or involved in the management of an organisation which may want to do business with BRYN MELYN CARE or any of BRYN MELYN CARE's clients or business contacts in the future? If you are, please give details.

Are you a self employed person who currently does business with BRYN MELYN CARE or any of BRYN MELYN CARE's clients or business contacts or who would like to do business with BRYN MELYN CARE or any of BRYN MELYN CARE's clients or business contacts or who has done so in the last 12 months? If you are, please give details.

4 Close relatives

Would any of your close relatives have to answer 'yes' in response to any of the questions in parts 2 or 3 of this form? If they would, please give details.

5 Other potential/actual conflicts

Are there any other potential conflicts of interest not already mentioned above that BRYN MELYN CARE should be aware of? If yes, please give details.

DECLARATION

I understand and accept the requirement placed upon me as an employee of BRYN MELYN CARE to act only in the interest of the company whilst engaged on company business, not to use my position as an employee to obtain personal gain and to declare any and all private and personal interest that might conflict with these requirements. I declare the information as set out above to be true and correct to the best of my knowledge.

I agree to BRYN MELYN CARE holding, using and disclosing my personal and sensitive data for the purposes of this policy.

Signed: _____ Date: _____

Counter-signed by the Director of HR: _____ Date: _____