

ELA TRAINING SERVICES

Conflict of Interest Policy



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Conflict of Interest Policy

Version 2 01/08/2022

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Purpose

The purpose of this policy is to ensure that all employees of Equestrian Learning Academy Ltd (known hereafter known as ELA) effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of ELA and manage risk.

Objective

ELA aims to ensure that all employees are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of ELA.

Policy coverage

This policy applies to all associates of ELA including:

- Chairperson
- Directors
- Senior Leadership Team
- Team Leaders
- all other teaching staff
- all other non-teaching staff

This policy supplements any conflict of interest obligation arising under an employee's contract of employment. It is expected that all employees participate fully in conflict of interest disclosure and management.

Policy statement

ELA recognises the importance of providing a framework in which conflicts of interest are identified, disclosed and managed appropriately.

ELA is committed to building a workplace that is free from fraud or corruption or the perception of fraud or corruption. This policy has been developed because conflicts of interest may arise, and do not need to present a problem to staff or ELA if they are openly and effectively managed. For these reasons it is important that all employees share a responsibility for strengthening this commitment to identify, disclose and manage conflicts of interest appropriately.



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Having a conflict of interest does not necessarily amount to a breach of this policy. However, failure to disclose a conflict of interest may constitute a breach.

Apart from the obligations under this policy, employees may also have obligations arising under their contract of employment or under another organisational policy in relation to:

- engaging in other employment or paid activities
- disclosure of any social/family relationships with students outside the context of the student/employee relationship
- child safety disclosures

Definition of conflict of interest

Conflict of interest arises where an employee's duty to the organisation is affected by a personal interest. In such cases, the line between personal and professional conduct may become blurred and interfere with an employee's capacity to perform their position. Personal interests may be financial or non-financial, and may be held in relation to:

- family members
- close friends
- associates

Conflict of interest is commonly 'positive' (e.g. motivated by financial/personal gain) but can also be 'negative' (e.g. motivated by harm to another person).

It is worth bearing in mind that conflict of interest can arise without intent to 'cross the line' between professional and personal interest. In other words, conflict of interest can be not only actual, but also **potential** or **perceived**.

- A **potential** conflict of interest is one which is foreseeable from the circumstances, but has not yet become actual (for example, where a job applicant is related to a recruitment panel member, but the applications have not yet been processed).
- A perceived conflict of interest is one where the circumstances indicate to a reasonable person that an employee's duty to ELA is affected, whether there is an actual conflict of interest or not (for example, a HSC tutor may belong to an EPAO without that involvement affecting their ability to teach those learners', however, it may be perceived that such involvement with an EPAO would affect their ability to impartially assess that work).



The fact that a staff member has a relationship (e.g. family, friendship) with someone connected with ELA does not necessarily mean there is a conflict of interest. Whether a conflict of interest (actual, potential or perceived) exists depends on the circumstances. For example, a mother and daughter may both teach in different business units and no conflict of interest arises. However, if the mother is the director and the daughter is applying for a position at the organisation, a potential conflict of interest arises and the conflict should be disclosed and managed appropriately.

Typical conflict of interest situations

There are many situations where a conflict of interest may arise in an organisational situation. Some of the more common situations are outlined below.

Other employment/paid activities

An employee undertaking other employment or paid activities may give rise to a potential/actual/perceived conflict of interest, particularly when the other work is related to work duties. Depending on the circumstances, an employee's ability to perform their work duties may be adversely affected by the other employment/activities.

Apart from ongoing obligations under this policy, an employee must meet certain conflict of interest obligations under their contract of employment. Namely, the employee must notify a director in writing of the other employment/activities. The director will then determine whether a potential/actual conflict of interest exists. All conflicts of interest are to be managed in the interests of the organisation.

Accepting gifts and benefits

It is a policy at ELA that employees may accept 'token gifts' from external parties for work they have done, where the total value of the gift is under £20. For example, a 'token gift' may be a bottle of wine or a moderately-sized food hamper.

Accepting gifts other than a 'token gift' or accepting gifts/benefits over the value of £20 may be deemed a conflict of interest.

Note that this policy covers gifts/benefits from external parties. It does not preclude, for example, the organisation or collective staff providing a gift to a departing member of staff or the departing staff member accepting such a gift.



If it could be perceived that acceptance of a gift/benefit could constitute a potential conflict of interest, the employee should refuse the offer of the gift/benefit and declare the offer to a director. Even if the value of the gift/benefit is under the nominated amount listed above. The reason for this is to ensure that gifts and benefits are appropriately disclosed and any perceived or real conflict of interest is managed appropriately.

The minimum requirement for employees when gifts/benefits, other than 'token gifts' or those of a nominal value below £20, are offered are that employees:

- do not solicit gifts or benefits
- refuse all offers of gifts or benefits that could reasonably be perceived as undermining the integrity of ELA or themselves
- inform the gift giver that 'thanks is enough' and the gift is thoughtful but not required in relation to their work or services
- refuse all offers of gifts or benefits from individuals or organisations about which they are likely to make decisions (e.g. tender processes, procurement or licensing or regulation)
- refuse all offers of money or items easily converted to money, such as shares
- refuse bribes and report bribery attempts to a director
- seek advice from the directors or senior managers if unsure how to respond to an offer of a gift or benefit of more than a nominal value.

Please also refer to the Anti-Bribery Policy and Accommodation within the staff handbook.

Procuring goods and services

A potential or perceived conflict of interest may exist when a contractor used at ELA is also engaged by an employee for private work. In some situations, a contractor may offer or provide private work at a discounted rate to ensure they remain in good favour for future contracts. This may mean that an employee receives a private benefit which could become a potential conflict of interest if they are also involved in decisions for the procurement of goods or services for the organisation.

If it could be perceived that the contractor's work performed for the employee in their private capacity is a conflict of interest then the employee should ensure that the private work is charged at standard and published rates. Furthermore, the employee should declare the engagement of the contractor for private work and/or any relationship with the contractor prior to any future awarding of contracts for the procurement of goods or services for the organisation.



To avoid a potential or perceived conflict of interest for the procuring of goods and services it is recommended that procurement decisions are made by a panel rather than one person.

Staff recruitment

A conflict of interest exists in the recruitment of a person with whom an employee has a current or past professional/personal relationship or in whose recruitment they have a vested interest.

Where an employee is part of a recruitment panel and becomes aware of such a relationship to a job applicant, they should declare the conflict of interest to the directors. The directors will then determine a conflict of interest management plan (see below 'Managing a conflict of interest') in consultation with the employee, for example the employee may remove himself/herself from the recruitment panel.

Please also refer to the Safer Recruitment and Induction Policy.

Identification and disclosure of conflict of interest

All employees have a continuing responsibility for identifying, declaring and managing any potential or perceived conflict of interest that applies to them.

Where an employee suspects that they may have a potential/perceived/actual conflict of interest, the employee needs to discuss any conflict of interest with a director. Employees should provide all information relevant to the identified conflict of interest in order to allow a director to fully assess whether a conflict of interest in fact exists.

There may be circumstances in which a potential/actual/perceived conflict of interest involves a director. In such a situation, the director or another employee should discuss the matter directly with the employer.

Managing conflict of interest

If a director determines there is a potential/perceived/actual conflict of interest, the director will prepare and propose a conflict of interest management plan. The employee has a responsibility to discuss any proposed conflict of interest management plan with the director.

The director will consider any input the employee may have in relation to the proposed



management plan, however the employee is obliged to follow any conflict of interest management plan decided upon by the director.

There may be circumstances in which a potential/actual/perceived conflict of interest involves a director. In such a situation, the director will work with the employer to develop the conflict of interest management plan.

Conflict of interest management plans will ensure conflicts are managed and resolved based on the following strategies:

Record and disclose	Ensure all information surrounding the conflict of interest has been disclosed and documented appropriately.
Restrict	Restrictions are placed on the employee’s involvement in the matter or the scope of the work is reformulated or there is a restriction on access to certain information.
Recruit and monitor	A non-conflicted third party is used to oversee part or all of the process that deals with the matter.
Remove	The employee removes themselves, or is removed, from the matter. For example, in a situation in which a job applicant is related to a member of the recruitment panel for that position, a conflict of interest management plan might be for that panel member to step down from their position during the selection process for that position only.
Relinquish	The employee relinquishes the private interest that is creating the conflict. Where relinquishing the interest is not possible (e.g. relationship with family) and the conflict cannot be managed using one of the other options above, the employee may consider removing themselves from the process.

Any documentation created should be reviewed regularly to ensure they remain effective.

Consequences of breaching this policy

Conflicts of interest are not in themselves unethical or contrary to this policy. However, if an employee fails to identify (or, where required, manage/monitor) any actual/perceived/potential conflict of interest, this may result in disciplinary action or, depending on the seriousness of the circumstances, termination of employment.



Employees need to also be aware of the various organisational policies, guidelines and codes of conduct referred to in this policy which are relevant to conflicts of interest.
 Conflict of interest checklist for employees

1. Discuss circumstances of the conflict of interest situation with a director or member of SLT.
2. Follow the conflict of interest management plan decided upon by a director and / or member of SLT.
3. Monitor the conflict of interest situation on an ongoing basis, informing a director or member of SLT of any change to circumstances of the conflict of interest situation.

Related policies

This Conflict of Interest Policy relates to other relevant organisational policies and professional expectations, including:

- ELA Staff Handbook
- Anti-Fraud Policy
- ELA Reporting Protocol
- Safer Recruitment and Induction Policy
- Whistleblowing Policy

Policy review

This policy will be reviewed every year to take account of any changed technology, legislation, expectations or practices.

Adoption Date	Updated	Review Date	Director
10/2018	1/8/2022	1/8/2023	

