

# **LINK19 College LTD**



## **Conflict of Interest Policy**

**Date agreed: Summer 2024**

**Date to be reviewed: Summer 2027**

# LINK19 College LTD

## Conflict of Interest Policy

### Introduction

1. A conflict of interest is any situation in which a director's personal interests or loyalties could, or could be perceived to, prevent a decision being taken only in the best interests of LINK19 College. Directors accordingly have a personal responsibility to declare relevant interests. The LINK19 College Conflict of Interest Policy enables conflicts to be identified and managed. It applies to LINK19 College Directors and Senior Management (as relevant).
2. The Charity Commission has published [Guidance Conflicts of Interest: a guide for charity Directors](#), which includes the legal rules that directors are to be aware of.
3. Conflicts of interests will be recorded and managed in accordance with the LINK19 College Conflict of Interest Policy.

### Conflicts of interest

4. Conflicts of interests can arise when a LINK19 College director or related organisation or person could receive money or something else of value from LINK19 College. Examples include employing a director, or relative, for some work at LINK19 College; selling, loaning, or leasing LINK19 College assets to a director, and buying, borrowing, or leasing LINK19 College assets from the director or buying goods from a business owned by the director.
5. Article 7 of [LINK19 College's Articles of Association](#) contains scope and powers permitting in certain circumstances LINK19 College directors' and related persons' benefits.
6. A director's duty to LINK19 College may also compete with a duty or loyalty owed to another organisation, e.g., an employer, governing body, or person. These conflicts are not about money or other director benefits. They happen when, for other reasons, a director might not be able to make decisions that are best for LINK19 College. Others result from conflicting loyalties which directors owe to family, friends, or other people. A conflict of loyalty could also arise where the religious, political, or personal views of a director could interfere with the ability of the directors to decide the issue only in the best interests of LINK19 College.

### Declarations of Interests

7. All LINK19 College directors must deal with conflicts of interest, not just a conflicted director, to meet joint legal decision-making responsibility.
8. LINK19 College directors and senior management are required to declare all interests, including business and personal interests and those of spouses, partner, family, and close relatives, in the attached format. All declared interest will be included in a register of interests to be confirmed as correct at each LINK19 College Board meeting and published on LINK19 College's website. Any additional interests not already included in the register of interests are to be declared at the start of each LINK19 College board or committee meeting. A standing agenda item will be included accordingly.

### Removing & Managing Conflicts of Interest

9. Conflicts need to be stopped from impacting decisions. In deciding whether to stop conflicts, a decision must be reached in the best interests of LINK19 College. It might be necessary to remove serious conflicts, in which case, Annex 3 of the [Charity Commission's Guidance Conflicts of Interest: a guide for charity directors](#) should be followed. If it is decided that the conflict does not need to be removed, it must be managed differently to prevent it from affecting the decision.
10. Specific rules to be followed on managing conflicts are contained in LINK19 College's Articles of Association:

*8. A director must declare the nature and extent of any interest, direct or indirect, which they have in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not previously been declared. A director must absent themselves from any discussions of the charity directors in which it is possible that a conflict will arise between their duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).*

*9. (1) If a conflict of interests arises for a director because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the articles, the unconflicted directors may authorise such a conflict of interests where the following conditions apply: (a) the conflicted director is absent from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person; (b) the conflicted director does not vote on any such matter and is not to be counted when considering whether a quorum of directors is present at the meeting; and (c) the unconflicted directors consider it is in the interests of the charity to authorise the conflict of interests in the circumstances applying. (2) In this article a conflict of interests arising because of a duty of loyalty owed to another organisation or person only refers to such a conflict which does not involve a direct or indirect benefit of any nature to a director or to a connected person.*

### **Record keeping**

11. Conflicts of interest, declared at the beginning of each meeting with details of the discussions and decisions, are to be recorded in meeting minutes. Records will be kept of the nature of the conflict, who or what it affected, when it was declared and how it was managed.

### **Review, Monitoring & Enforcement**

12. The Conflict of Interest Policy will be reviewed every three years by the LINK19 College Board. It will be monitored annually by the Board and enforced by the Board by proactive review and proactive documentation of interests.
13. The Conflict of Interest Policy will be provided to directors upon appointment and is referenced in the code of conduct that directors are required to follow. Interests will be disclosed and reviewed prior to appointment.

**LINK19 COLLEGE LTD**  
**DIRECTOR/SENIOR STAFF DECLARATION OF INTERESTS**

I, [NAME],

as Director & Directors/Senior Staff of **LINK19 COLLEGE LTD** have recorded below my interests to date in respect of the current financial year 1 September to 31 August. To the best of my knowledge, the information is complete and correct. I undertake to update as necessary the information provided. I consent for the declaration to be used for the purposes contained in LINK19 College LTD's Conflict of Interest policy.

Signed:

Position:

Date:

Category of Interest	Please give details of the interest and whether it applies to yourself as a related party or another related party*
1. Have you or another related party been paid any remuneration or received any other benefits from employment with LINK19 College LTD? (Directors only)	
2. Have you been reimbursed expenses (e.g., travel, subsistence, accommodation), in fulfilling your duties as a LINK19 College Director?	
3. Have you made any conditional donations to LINK19 College LTD? (Directors only)	
4. Have services been provided to you or a related party where the services are not received on the same terms as they are received by other beneficiaries of LINK19 College LTD?	
5. Related party transactions are the transfer of resources, services, or obligations between related parties, regardless of whether a price is charged. Provide details of any related party transactions	
6. Provide details of current employment and any previous employment of your or a related party in which there continues to be a financial interest	
7. Provide details of appointments (voluntary or otherwise), e.g. trusteeships, directorships, local authority membership, tribunals, etc. of you or a related party	
8. Provide details of membership of any professional bodies, special interest groups or mutual support organisations	
9. Provide details of any external gifts or hospitality in relation to your capacity as a LINK19 Director/Directors <b>AND</b> whether these were declined or accepted	
10. Specify any contractual relationship/s of you or a related party with LINK19 College LTD	
11. Please provide any other interests (including business investments and beneficial interests) not covered by the above which could give rise to a conflict of interest or loyalty	

\* The following are classed as related parties:

A. yourself as Directors of LINK19 College LTD;

B. a person who is the donor of any land to LINK19 College LTD; and

C. any person who is:

1. a child, parent, grandchild, grandparent, brother or sister of any such Directors (A) or land donor (B);
2. an officer, agent or a member of the key management personnel of LINK19 College LTD;
3. the spouse or civil partner of any of the above persons (A, B, C1 and C2);
4. carrying on business in partnership with any of the above persons (A, B, C1, C2 and C3);
5. a person, or a close member of that person's family, who has control or joint control over LINK19 College LTD;
6. a person, or a close member of that person's family, who has significant influence over LINK19 College LTD.

'Close member of a person's family' refers to:

- a. that person's children or spouse;
- b. the children, or stepchildren of that person's spouse or partner;
- c. dependants of that person; and
- d. that person's partner.