

GBS Conflict of Interest Policy

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Related policies

- GBS Equality and Diversity Policy
- GBS Grievance Policy

External Reference

1. The General Data Protection Regulation (EU) 2016/679 (GDPR) controls how your personal information is used by organisations, businesses, or the government.

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GBS HE Malta Limited Conflict of Interest Policy

1. Policy Statement

- 1.1 GBS HE Malta Limited encourages members of its staff to engage in a wide variety of external activities. The traditional academic roles, such as teaching and supervising students are nowadays often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in companies.
- 1.2 GBS Malta recognises that involvement in such external activities carries many advantages to the school and the individuals concerned. However, on occasion, they may give rise to conflicts of interest, whether *potential* or *actual*, *perceived*, or *alleged*.
- 1.3 Therefore, all GBS Malta staff 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.
- 1.4 If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to GBS Malta, meeting regulatory and other external requirements, and protecting the integrity and reputation of GBS Malta and its members. By contrast, conflicts which are not managed effectively may jeopardise GBS Malta's public standing and may cause serious damage to the reputation of GBS Malta and of the individuals concerned.
- 1.5 It is therefore GBS Malta's policy to encourage and foster external activities whilst ensuring that when conflicts or perceived conflicts of interest arise, they are identified and disclosed, and in relevant cases, appropriately managed. In every instance, GBS Malta reserves the right to make a determination, in light of its best interest.

2. Scope

- 2.1 This policy applies to all members of GBS Malta, including staff, external committee members, consultants, honorary appointments, and volunteers. A reference in this policy to staff includes any person within the scope of the policy.
- 2.2 It is the responsibility of each individual to recognise situations in which he or she has a conflict of interest or might reasonably be seen by others to have a conflict, to disclose that conflict to the individual's line manager and through them to the Deputy CEO of GEDU and, to take such further steps as may be appropriate as set out in more detail under the procedure below.
- 2.3 If an individual is uncertain about how this policy might affect his or her activities or has any questions about its application, he or she should contact their line manager.

3. Recognising conflict of interest

- 3.1 A conflict of interest arises where the commitments and obligations owed by an individual member of staff to GBS Malta or to other bodies, for example a funding or awarding body, are likely to be compromised, or may appear to be compromised, by:

- That person's personal gain, or gain to immediate family (or a person with whom the person has a close personal relationship), whether financial or otherwise; or
- The commitments and obligations that person owes to another person or body.

3.2 There can be situations in which the appearance of conflict of interest is present even when no conflict exists. Thus, it is important for all staff when evaluating a potential conflict of interest to consider how it might be perceived by others.

3.3 The duty to declare a possible conflict applies to 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.

3.4 Conflicts of interest may be financial or non-financial or both. Further information about both types is set out below.

4. Financial conflicts of interest

4.1 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.

4.2 Financial interest means anything of monetary value, for example:

- Payments for goods or services.
- Equity interests (e.g., stocks, stock options or other ownership interests).
- Resources and assets, including equipment, technical staff, and facilities and/or
- Intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

4.3 The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might 'not be 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 he or she has the opportunity to affect a decision or other activity.

5. Non-financial conflict of interest

5.1 Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person's obligations or commitments to GBS or to other bodies, for example the individual's college or other body of which he or she is 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.

6. Potential Conflict of Interest involving the Assessment of a Learner

6.1 GBS will take all necessary steps to avoid a conflict of interest where any part of an Assessment of a Learner (including by way of moderation) is undertaken by a person who has a personal interest in the outcome of that Assessment.

6.2 A potential conflict of interest may arise where:

- Friends or relatives of GBS staff or managers are enrolled as Learners at GBS.
- Friends or relatives of Assessors / Internal Verifiers / Internal Quality Assurers used by GBS are enrolled as Learners at GBS.
- Learners enrolled at GBS are employed in any capacity.

7. The General Data Protection Regulation (EU) 2016/679 (GDPR)

7.1 The information provided will be processed in accordance with the relevant General Data Protection Regulation principles and this information will only be disclosed when GBS is in receipt of a formal, legitimate request.

8. Assessment Decisions

8.1 GBS Malta staff, assessors, internal verifiers, and internal quality assurers should not be involved in any actions or decisions in relation to a Learner's Assessment with which they have a personal interest. Any such interests should be declared at the earliest opportunity following which the relevant GBS Malta staff, assessor, internal verifier, or internal quality assurer should withdraw from any subsequent action, decision, or involvement in the assessment process until authorised to continue by the Programme Leader/Associate Dean.

9. Senior Management and Executive Board

9.1 Where there is a potential conflict of interest involving a member of the Senior Management Team the GEDU Deputy CEO will refer the matter to the Executive Board who will decide by a simple majority vote, which will exclude the member of the Senior Management team who is the subject of the referral.

9.2 All decisions where a conflict of interest has been declared will be recorded by the Chair and reported in the minutes of the meeting setting out:

- The nature and extent of the conflict of interest.
- An outline of the discussion.
- The actions taken to manage and mitigate the effects of the conflict of interest.

10. Members of Staff and Assessors, Internal Verifiers, and Internal Quality Assurers

10.1 Where there is a potential conflict of interest involving members of staff, internal verifiers, and internal quality assurers the matter should be referred to the GEDU Deputy CEO who will ensure that appropriate actions are taken to manage and mitigate any actual conflict of interest including exclusion from further involvement in managing, monitoring the assessment of learners and any financial transaction in any contract in which an interest has been declared.

11. Procedure

11.1 It is the duty of every member of staff to disclose accurately and promptly:

- A change in status of an existing actual, perceived, or potential conflict of interest and/or commitment.
- A new actual, perceived, or potential conflict of interest and/or commitment.

11.2 Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest. Staff should consult their line manager if they are uncertain about whether a situation or activity presents a conflict of interest. The line manager shall evaluate the activity or situation and advise on the most appropriate course of action.

11.3 The general rule, (except for committee business), is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the line manager. If the line manager has an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority.

11.4 Disclosure in all cases shall include the type of potential conflict (conflict of interest or commitment), the nature of the activity, a description of all parties involved, the potential financial interests and rewards, possible violations of legal requirements, and any other information which the employee feels necessary to evaluate the disclosure.

11.5 External committee members and consultants to GBS Malta are also required to divulge any personal or family financial holdings or situations that could create a conflict of interest and/or introduce bias into their professional judgement. Such disclosures should be made to the GBS' Executive Board, and appropriate determination shall be made on the management of any conflict.

11.6 To disclose any conflict of interest, the *Conflict of Interest Declaration Form* must be used (Annex 1).

11.7 Failure to follow the procedure set out in this policy or failure to comply with any stipulated management plan for managing the disclosed conflict will be considered a serious matter and may lead to disciplinary action being taken against the individual.

12. Complaints and Grievances

12.1 GBS staff, assessors, internal verifiers, and internal quality assurers may invoke the provisions of the GBS Malta Complaints Policy and Procedure (<https://gbs.edu.mt/media/xrqnhfrj/gbs-he-malta-limited-complaints-policy-and-procedure-v10-rm-vfinal.pdf>) where there is a grievance regarding any decision made in accordance with the terms of this Policy.

13. Monitoring and Review

13.1 This policy may be amended by GBS at any time.

14. Alternative Format

14.1 This policy can be provided in alternative formats (including large print, audio and electronic) upon request. For further information, or to make a request, please contact:

- **Name:** Student Welfare Management Team
- **Position:** Student Welfare Officer/Manager

Annex 1 – GBS Malta Conflict of Interest Declaration Form

Please fully complete Section A and Section B. State N/A if not applicable.

Section A: Personal and/or financial interests of trustee/employee/agent/officer/member

To the best of my knowledge and belief, I have the following interests of the kinds set out under the following headings:

Q1. Employment
Do you have any remunerated appointments/roles which may cause a conflict of interest? If you are a council or committee member then all appointments/roles must be given, not just those which create a conflict of interest.
Q2. Directorships
Do you have any Directorships which may cause a conflict of interest? If you are a council or committee member then all directorships must be given, not just those which create a conflict of interest. Please provide company registration number.
Q3. Shareholdings
Do you have any significant shareholdings, amounting to one percent (or greater) of the share issue; in a public company or a private company or body which might give rise to a conflict of interest?
Q4. Political Interests
Do you have any political interests which are a matter of public record, for example, election to a local political office, which may cause a conflict of interest?
Q5. Connections to Government departments
Do you have any connections, whether paid, unpaid and/or advisory, with government departments, which may cause a conflict of interest?
Q6. Connections to other Higher Education (HE) institutions or funding bodies
Do you have any connections to HE institutions or funding bodies which may cause a conflict of interest? It is not necessary to register appointments as external examiners with other HE institutions.
Q7. Charities
Are you a trustee of any charities which may cause a conflict of interest? Include positions that are paid, unpaid and/or advisory. Please provide charity registration number.
If you are a council or committee member then all trusteeships must be given, not just those which create a conflict of interest.
Q8. Personal relationships
Do you have any personal relationships with employees/officers of any organisation which may cause a conflict of interest?
Q9. Connections to other organisations

Do you have any specific connections, whether paid, unpaid and/or advisory, with other organisations which may cause a conflict of interest?

Q10. Other Factors

Are there any other factors, such as posts (paid, unpaid and/or advisory), honorary positions or other connections which might give rise to a conflict of interest?

Section B: Personal and/or financial interests of spouse/partner/cohabitee and immediate family members

To the best of my knowledge and belief my spouse/partner/cohabitee and immediate family members (parents, siblings, and children) have the following interests of the kinds set out under the following headings. Please ensure the name of the relevant individual, and their relationship to you, is listed:

Q11. Employment

Is there a potential conflict of interest with the employer(s) of your spouse/partner/cohabitee and members of your immediate family?

Q12. Directorships

Does your spouse/partner/cohabitee and members of your immediate family have any Directorships which may cause a conflict of interest? Please provide company registration number if required.

Q13. Shareholdings

Does your spouse/partner/cohabitee and/or members of your immediate family have any significant shareholdings, amounting to one percent (or greater) of the share issue; in a public company or a private company or body which might give rise to a conflict of interest?

Q14. Personal relationships

Does your spouse/partner/cohabitee and/or members of your immediate family have any personal relationships with employees/officers of any organisation which may cause a conflict of interest?

Q15. Connections to other organisations

Does your spouse/partner/cohabitee and members of your immediate family have any specific connections, paid, unpaid and/or advisory, with other organisations which may cause a conflict of interest?

General declaration

I have declared in Sections A and B all activities and interests which may present a conflict between my private interests and my duty to GBS HE Malta Limited. I declare that to the best of my knowledge and belief the answers I have given are truthful, accurate and complete. There are no other activities or personal relationships that may present a conflict between my private interests and my duty to GBS. I understand that it is my responsibility to discuss and review this declaration with the CEO; and to update this declaration. I undertake to inform the GEDU Deputy CEO of any change to these answers within ten working days of becoming aware of them.

Name

Signature

Date