Neil Fuller Associates: Code of Conduct for Managing Conflicts of Interest

CODE OF CONDUCT FOR MANAGING CONFLICTS OF INTEREST

1.0 INTRODUCTION

Neil Fuller Associates values the importance of staff engaging in diverse commercial and public activities which benefit the Neil Fuller Associates and further the academic interests of associates. Such activities should in no way conflict with the interests and obligations of Neil Fuller Associates. Neil Fuller Associates also recognises that personal relationships may exist or develop within the Neil Fuller Associates. Neil Fuller Associates values and relies upon the professionalism and integrity of its associates and students should an associate conduct such a relationship, his/her behaviour must be appropriate. Improper behaviour, abuse of authority, conflicts of interest, or acts of a biased nature will not be tolerated.

2.0 SCOPE

The Code of Conduct applies to all associates. Although this document does not provide an

exhaustive list of activities that sit within the boundaries of the Code, it does however outline

the main areas of activity within Neil Fuller Associates where a conflict of interest may arise.

3.0 PROCEDURE

3.1 Disclosure of Interest

In accordance with Neil Fuller Associates regulations, any associate who becomes aware of any personal, financial or other beneficial interest resulting from an interaction or transaction carried out on behalf of Neil Fuller Associates must at the earliest opportunity, disclose the information, stating the nature of the interest to the Director. In the event that an associate has an interest in a business which may trade or supply services to Neil Fuller Associates, he/she must declare the interest to the Director.

3.2 Managing Conflicts of Interest

All associates must avoid any action, which may lead to a potential or actual conflict of interest. There are 5 areas where this particularly applies:

**3.2.1 Chartered Institute of Purchasing and Supply (CIPS)**

As the Awarding Body for our courses and the Professional Institute for our students and most associates, it is essential that any potential conflicts of interest are identified and notified in writing to the management of NFA and that they are made explicit to both NFA and to CIPS. The potential for Conflicts of Interest occur where for example a tutor is also an examiner/assessor for CIPS. Conflicts of interest may also occur were a tutor is working for more than one centre and we would expect any tutor working with NFA to be aware of the potential for conflict in this situation and act in a professional manner and respect the interests of all parties concerned and report any conflicts arising..

3.2.2 Research, Contracts and Other Services (including Academics Engaged in External Private-Led Consultancy Work)

Neil Fuller Associates recognises and supports work with external agencies (such as charities, commercial companies or organisations). In bidding for or negotiating external contracts and grants, staff members must declare any personal or financial link with the external agency.

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Neil Fuller Associates also acknowledges the value of consultancy. However, conflicts of interest should be addressed at the earliest opportunity to ensure that fair and transparent decisions are taken. Associates must first seek the permission of the Director or senior associates prior to engaging in external private-led consultancy work so that the work can be assessed alongside existing Neil Fuller Associates commitments. Associates must provide notification of any changes/issues which emerge during the completion of a project/contract which may give rise to a conflict of interest.

3.2.3 Fraud, Bribery and Corruption

In accordance with the UK Bribery Act 2010 associates or those engaged to work on behalf of   
Neil Fuller Associates must not accept/make: inducements, direct or indirect monetary rewards for engaging in or refraining from a particular activity or engage in a corrupt act by showing favour or disfavour whilst managing a contract where he/she is carrying out an official role on behalf of the Neil Fuller Associates. Neil Fuller Associates may also be liable for unlimited fines, exclusion from tendering for public contracts and face damages to its reputation if it is found to have engaged in any form of corruption.

3.2.4 Procurement

It is the responsibility of the associate to identify and formally disclose any actual, potential or perceived instance of a conflict of interest. A conflict of interest may occur when associates   
who undertake procurement on behalf of Neil Fuller Associates are influenced or appear to be influenced by a personal or private interest that could lead to the individual gaining a personal advantage or avoiding a personal disadvantage. Therefore, associates in a position to recommend/short-list contractors, initiate or place orders or award contracts, must declare a personal interest in a supplier, in writing to the Director or a senior associate

3.2.5 Inducements, Hospitality and Gifts

Under no circumstances may inducements, monetary or otherwise, be accepted from suppliers or potential suppliers (or their agents). Any offer of such inducements should be reported to the Director without delay. If an associate is uncertain as to when it is appropriate to accept an offer of a gift, hospitality, political or charitable donation, the offer should be declined or consent should be sought from the Director

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Associates need to be aware that an act of accepting gifts from students might be construed as an inducement to provide favourable treatment.

3.2.6 Managing Personal Relationships

3.2.6.1 Relationships between Associates and Students

The professional relationship between an employee and a student is vital to the student’s

educational advancement. Neil Fuller Associates believes that students are entitled to equal treatment; a personal relationship between an employee and a student must not jeopardise or be perceived as jeopardising that treatment. Associates are therefore strongly advised not to enter into a personal relationship with a student with whom they have a professional relationship.

A professional relationship in this context refers to one where the employee has a role in the admission, assessment, supervision, tutoring, teaching, or pastoral care of the student, or any other duty that could give rise to a potential conflict of interest. Where a personal relationship exists or develops between such an employee and student, it must be declared in confidence to the Director or senior associate.

A meeting will be arranged with the associate and the Director or senior associate and our HR consultant to discuss the potential or actual conflict of interest, the impact of this conflict of interest on the professional role that the employee takes and to determine what, if any, steps may need to be taken. Neil Fuller Associates respects an individual’s right to privacy in such situations; therefore the purpose of this meeting is to agree positive and constructive practical steps, it is not to discuss details of the relationship itself. The Director and our HR consultant will then hold a meeting with the student to discuss the case and inform them of any agreed outcomes.

Brief written notes of the meetings should be made and a copy given to the associate and the

student as a record of any agreed actions. These notes will be held securely on the associate’s personal file and by the Director in a conflict of interest file.

Examples of necessary steps may include changing the student’s personal tutor or making alternative assessment arrangements.

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3.2.6.2 Relationships between Associates

Where associates who work together are in a personal relationship, there is potential for a conflict of interest or breach of confidentiality, and the gaining of an unfair advantage may be perceived, with either party being thus disadvantaged.

Therefore, where such a personal relationship exists or develops between associates

the individuals are strongly advised to declare their relationship in confidence when there is the potential for a conflict of interest to arise. This is intended for the long-term protection of both parties. A meeting will be held to determine whether there is a potential or actual conflict of interest involved and if so, to determine what, if any, steps may need to be taken our HR consultant will be present at the meeting. Neil Fuller Associates respects an individual’s right to privacy in such situations; therefore the purpose of this meeting is to agree positive and constructive practical steps; it is not to discuss details of the relationship itself.

Brief written notes of the meetings should be made and a copy given to each associate as a

record of any agreed actions. These notes will be held securely on the associate’s personal files and by the Director in a conflict of interest file.

Associates who are unsure as to whether their relationship should be declared may seek advice in confidence from our HR Conultant.

3.2.6.4 The Recruitment and Selection Process

It is acknowledged that associates sometimes refer or recommend suitable candidates to   
Neil Fuller Associates for existing vacancies. All applicants must follow Neil Fuller Associates policy on recruitment and selection.

Where an associate is involved in recruiting to a post, and one of the candidates is in a personal relationship with that employee, the employee must declare the relationship in confidence and must not take part in the job design, short-listing, sit on the recruitment panel or provide references for the candidate. This is to ensure that any recruitment decisions are made on an objective and fair basis.

Where a candidate is in a personal relationship with a Neil Fuller Associates associate who is connected, in any way, to the post under recruitment, the candidate must declare the relationship in confidence to so that the appropriate steps can be taken to ensure a fair and objective process is followed.

3.3 Registering Conflicts of Interest

Associates engaged in any activity with a potential, perceived or actual conflict of interest are advised to ask for assistance in assessing the risk and identifying an appropriate course of action.

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A conflict of interest at the point of approval. This initial disclosure and any on-going disclosure must provide sufficient information to enable Neil Fuller Associates to make an accurate and objective evaluation of the potential risk. Neil Fuller Associates encourages associates to raise matters of concern responsibly if they have reasonable grounds for believing there is serious malpractice, illegal or dishonest behaviour.

3.4 Monitoring Compliance

Associates should take reasonable steps to identify or prevent risks associated with managing conflicts of interest. All records and documents relating to transactions with third parties such as suppliers, clients and business associates should be scrutinised to identify risks and ensure their accuracy and compliance with current regulations. It is the responsibility of the Neil Fuller Associates Secretary or Director of Finance to ensure that a record of declared interests is maintained and reported to the Governors on an annual basis.

4.0 GUIDANCE

Associates and line managers may seek guidance on the implementation of this policy on a confidential basis from their HR Manager.

4.1 Definitions

In the scope of this policy, a relationship is a personal relationship, which overlaps a professional one. This is defined as:

* A family/close personal relationship;
* A business/commercial/financial relationship;
* A romantic/sexual relationship.

It is covered by this policy if it occurs:

* Between an associate and a student or prospective student;
* Between an associate and another associate or prospective associate;

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Between an associate and an agency worker or a contractor or a consultant or a prospective agency worker, contractor or consultant.

For the purposes of this Code of Conduct a conflict of interest arises where the interests

(personal or private) of an employee or individual operating on behalf of Neil Fuller Associates conflicts with the best interests or poses a significant risk to the best interests of Neil Fuller Associates.

Neil Fuller Associates reserves the right to review, revise, amend or replace the content of this Code and / or introduce new codes from time to time, subject to good practice principles of consultation where applicable, to reflect the changing needs of Neil Fuller Associates and to comply with legislation.

5.0 RESPONSIBILITIES

All associates should note that this Code forms part of their contract of employment and are therefore required to adhere to its terms and conditions.

The following have responsibilities under this policy:

**Associates**

* Disclose personal, financial or other beneficial interest arising from an   
   interaction or transaction on behalf of the Neil Fuller Associates.
* Refrain from engaging in activities that may give rise to an actual or potential   
   conflict of interest.
* Academic associates must seek the permission of their Executive Deans prior to   
   engaging in external private-led consultancy work.
* Refrain from accepting/making inducements, direct or indirect monetary rewards or engaging in corrupt acts in any capacity on behalf of NFA.
* Refrain from working with suppliers in a personal/private capacity where a   
   conflict of interest may apply.
* Disclose any actual, potential or perceived conflict of interest.

**Senior Associates**

* Take reasonable steps to ensure that associates are aware of and implement, where appropriate, the provisions set out in this Code.
* Manage conflicts of interest with associates and external partner agencies where appropriate.
* Liaise with our HR consultant to manage the implementation of the Code where appropriate.

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