

Procedure for Disclosing External Interests and Managing Conflicts

Policy Category:	General
Subject:	The management of conflicts or perceived conflicts of interest
Related policies & procedures:	Policy on disclosure of interests Policy on the acceptance of gifts by staff Policy on relationships between staff and students Financial Regulations Financial Procedures Procedure for investigating allegations of research misconduct
Effective Date:	15 July 2021
Supersedes:	New
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1. Purpose & Scope

- 1.1 These Procedures are pursuant to the [Policy on the Disclosure of Interests](#) and should be considered in conjunction with any instructions for using any tools provided by the university for the recording of such interests.
- 1.2 The procedures are intended to help the university balance its interests and obligations with the rights and interests of its staff members, who legitimately engage with a diverse range of interests and contacts within the local, national and international communities. They are also intended to support the university in conducting its business in a legal, ethical and transparent manner.
- 1.3 The primary purpose of the procedures is to ensure that members of staff are adequately supported in declaring their external interests to the university in such a way that, should the potential for a conflict ever arise, it can be identified and recognised at an early stage, and a suitable management plan can be put in place to mitigate the effects of the conflict.
- 1.4 The secondary purpose of the procedures is to provide staff with a framework within which they can design a management plan for actual conflicts of interest.
- 1.5 These procedures apply to all King's College London employees, honorary and emeritus staff, and to those students, volunteers or other members of the university community who are in a position to influence decisions made by the university at any level.
- 1.6 The procedures relate to all actual and perceived or potential conflicts of interest arising in connection with university activity.

2. Definitions

- 2.1 Definitions are contained in the [Declarations of Interest Policy](#).
- 2.2 Where this Procedure refers to a "conflict of interest" or "conflict", this should be interpreted as either a real or perceived conflict of interest, unless it is specifically defined as one or the other.

3. Procedures

A. Procedures for declaring all interests

- 3.1 In order that the university can protect its own interests and those of its funders, and to ensure fair and equitable dealings with all parties, it should be aware of any interests or relationships which are held by individual staff members. By being aware of such interests, the university has the ability at an early stage to identify situations which may be to the detriment of its own interests or to maintaining overall equity and fairness.
- 3.2 Although onus is on individual staff to declare their interests, line managers should make reasonable efforts to be broadly aware of those external interests of their direct reports which could lead to a conflict. Where an individual is involved in a collaboration with their line manager, the interest must be communicated to the line manager of the most senior person in the collaboration.
- 3.3 Every member of staff must inform their line manager of their external interests at least once each year using the form found [here](#) and appended.
- 3.4 The ideal opportunity for making this disclosure for most staff may be in the annual Performance Development Review (PDR) meeting, although individual line managers may identify another time within the year that is more amenable to their function.
- 3.5 The discussion, whenever it occurs, should include a discussion of a plan to mitigate any conflicts of interest identified.
- 3.6 If any member of staff takes on a significant external interest in the course of a year, they should not wait for the annual conversation, but should immediately inform their line manager in writing.
- 3.7 If a member of staff takes on an external interest which leads to a conflict, then they must immediately inform their line manager in writing and must discuss with their line manager the development of a management plan for the conflict. For the procedure to deal with actual conflicts of interest, see section D, below.
- 3.8 Where a member of staff is in a committee meeting or other decision-making body and an item arises for discussion where they hold an external interest, they must declare the interest to the Chair of the meeting and recuse themselves from that item of business.
- 3.9 Declaration of interests forms will be able to be accessed by:
 - a) University management, including faculty and directorate line management or staff in Research Management and Innovation Directorate or Secretariat who are responsible for collaboratively overseeing the system of declaration of interests and conflict management
 - b) Internal Auditors or any university manager who has been requested to investigate any allegations relating to conflicts of interest
 - c) External auditors, including assurance staff from external funding bodies such as UKRI, Wellcome Trust, the European Commission, the MRC or the NIHR

B. Recognising Conflicts of Interest

- 3.10 The university requires all individuals who are in a position to make decisions on its behalf to disclose their external interests so that any conflicts or perceived conflicts of interest can be appropriately managed.

- 3.11 In determining whether there is a conflict of interest, managers may need to exercise a degree of subjective discretion and should adopt a common-sense approach.
- 3.12 Consideration should be given to whether the interest is likely to interfere, or appear to interfere, with the objective judgement a staff member should show in conducting the business of the university. In such a case, an individual should consider if other stakeholders (for instance, managers, students, funders, collaborators, the media, customers, regulators, colleagues, members of the public etc.) would trust their judgement if they knew about the personal interest.
- 3.13 An appropriate test in such circumstances is to consider whether the behaviour of a potentially conflicted member of staff would cause concern if it were to be reported in the media or whether it would potentially cause a funder to issue sanctions against the university. Where there is any suspicion that a conflict of interest, or perception of a conflict exists it should be reported and arrangements put in place to manage the situation. If there is any doubt, managers can contact the Deputy College Secretary & Chief Compliance Officer or the Director of Research Governance, Ethics & Integrity for guidance.
- 3.14 A conflict arises where the commitments and obligations reasonably owed by an individual to the university or an associated body (for example, a funding body) are likely to be compromised, or may appear compromised, by:
- a) personal gain (or advantage) or gain (or advantage) to a close associate or immediate family member, whether financial or otherwise
 - b) the commitments and obligations that person owes to a party external to the university
 - c) having membership of an organisation external to the university where the interests of the two organisations may not be completely aligned
- 3.15 A non-exhaustive list of situations which are likely to give rise to a conflict of interest is attached to this Procedure at Appendix A. Appendix B contains some illustrative examples of conflicts of interest.

C. Reporting and Logging Conflicts of Interest

- 3.16 A report must be filed immediately upon the identification of a conflict of interest's arising. The report must be made in the first instance to the line manager of individual with the conflict. If the conflict is common to a group of staff, where the line manager may share the conflict, the report must be made to the line manager of the most senior person in the group.
- 3.17 For the purposes of logging and recording, and for the sake of clarity if there is a requirement for either internal or external parties to investigate, the report should be made in writing.
- 3.18 In order to manage the conflict appropriately, the manager will need to understand its nature. Each case will be context specific. However, the manager should seek to understand the following aspects of the conflict and to log them:
- the type of conflict of interest
 - the nature of the activity giving rise to the conflict
 - a description of all parties involved, and the level of influence exerted on each
 - the potential financial or non-financial interests or benefits
 - the level of risk with respect to the conflict – low/medium/high
 - any actions to be undertaken to mitigate the conflict

- whether any external funding or regulatory body needs to be informed
- how the matter would be viewed by an ordinary member of the public

This list is not exhaustive and there may be a number of other questions which need to be addressed as part of the reporting process.

- 3.19 In most cases it should be possible to proactively manage conflicts of interest at a local level at the outset. In such cases there will normally be no need for the relevant managers to make a report elsewhere in the university but the local decision and the reasons for it should be documented and the record maintained by the line manager.
- 3.20 If the issues are too complex for the line manager to resolve with the staff member, or if the matter is deemed particularly high risk, it should be referred to the Head of Department or Executive Dean to resolve.
- 3.21 If the identified conflict would reasonably be considered to have already had a negative impact, it must be reported as follows:
- For matters related to research: Director of Research Governance, Ethics and Integrity
 - For matters related to procurement: Chief Procurement Officer
 - For all other matters: Deputy College Secretary & Chief Compliance Officer
- 3.22 If there is any question that the Conflict of Interest has already breached conditions of research funding or the general principles of the UUK Concordat to Support Research Integrity, the matter must be reported to the Director of Research Governance, Ethics & Integrity to consider whether it is appropriate to make a disclosure to a funding body or regulator.
- 3.23 The agreed outcome of the report should also be logged for an audit trail.

D. Managing Conflicts of Interest

- 3.24 Every effort must be taken to mitigate the risks presented by a conflict of interest, or the perception of a conflict of interest.
- 3.25 At its simplest, a conflicted person should be removed from a position where they can take decisions on behalf of the university in matters relating to the external interest. For instance, if the conflict of interest arises because a manager's family member is responding to a tender for a business opportunity with the university, then the manager should be removed from the evaluation panel and replaced by another suitably qualified colleague.
- 3.26 Other mitigations will include:
- Disclosure of all pertinent information to other relevant parties
 - Exclusion from, or independent third-party review of, any decision-making or authorisation
 - Revisions to any business proposal or other plans which give rise to the conflict
 - Reduction of staff member's involvement in the activity
 - Voluntary withdrawal from the external interest
 - Termination of involvement by others (for example, a relative or close associate) in the activity
 - Close monitoring of the activity by a suitable independent individual
 - Divestiture of relevant personal interests

- Reimbursement by the employee for any indirect costs expended by the university in the course of any activity arising from a conflicted interest before it was brought to light.
- 3.27 The university reserves the right to determine the final mitigation to be applied, within the scope of the contractual obligations of the employee.
- 3.28 If the staff member refuses to accept a reasonable adjustment to any relationship or approach to avoid the identified conflict of interest and the university considers that the continued position constitutes an act which might bring it into disrepute, the matter may be referred to the university disciplinary process for resolution.

E. Dealing with unreported or unmanaged Conflicts of Interest

- 3.29 The following situations will give rise to a member of staff being referred to the HR Case Management team to progress as a disciplinary matter:
- a) Failure to declare a personal conflict of interest
 - b) Failure to keep the record of interest maintained so that an interest remains undeclared for more than a year
 - c) Where a member of staff conceals a conflict of interest belonging to another member of staff, irrespective of whether they benefit from the act or not
 - d) Where a member of staff knowingly takes a decision which is proven to disadvantage the university in favour of their own benefit or the benefit of a close associate or a party with whom they have a relationship
- 3.30 The university can take appropriate action against a current or former member of staff for taking a benefit (or assisting another to take a benefit) from a conflict of interest any time after the events have come to light. There will be no limitations on the amount of time which has passed between the benefit being taken and the action being pursued against the member of staff.
- 3.31 If a case of conflict is proven against a member of staff in a matter where a funder, regulator or other external party has an interest, the university must make a report to the relevant external party.

4. Related Documents

[Financial Regulations](#)

[Financial Procedures](#)

[Gifts Policy](#)

[Policy on fraud, theft, bribery & corruption](#)

[NIH Financial Conflict of Interest Policy](#)

[Policy on Consultancy, Fee for Service, Non-Standard Teaching Programmes and Outside Work](#)

[Policy on External Funding and Collaboration](#)

[Procedure for Investigating and Resolving Allegations of Research Misconduct](#)

Appendix A: Examples of external interests

The following is a non-exhaustive list of situations which would constitute a conflict of interest. Close consideration should be paid to the general principles contained in this Procedure when identifying conflicts of interest (3.17) and particularly to the impact on stakeholder perception (3.15-3.16).

- Directorships, including non-executive directorships, of public or private companies or charity organisations
- Shareholdings in public or private companies
- Ownership or part-ownership of public or private companies
- Remunerated or honorary positions, including employment, by external organisations
- Consultancies with external organisations, including expert witness work
- Product endorsement or advocacy
- Ownership of, or interest in, third party intellectual property rights or royalties from that ownership or interest
- Membership of a group or organisation with an interest in a particular project or subject matter, whether that group is political, commercial, an SIG or otherwise
- Personal friendships or intimate relationships
- Participation in a formal or informal partnership
- Trade engagements
- Membership of official committees
- Involvement in intellectual property licensing and spin-out companies

Appendix B: Illustrative examples of conflicts of interest

It is not possible to define all circumstances which may give rise to a conflict of interest, but the following examples provide some guidance. Please note that this list is not exhaustive.

In the examples below, the interest is shown as belonging to the member of King's staff, but please bear in mind that it could also be an interest which belongs to a close associate or family member. The conflicts below are also set out as if they were actual conflicts. They would still require a management plan if they were only perceived or likely to be perceived.

Category	Situation	Conflict	Risk Rating
Conflicts related to management of students.	You enter into a personal relationship with a student for whom you have professional responsibilities (teaching, examining, pastoral care, etc), or taking on professional responsibilities for a student with whom you already have a personal relationship.	Your personal involvement could prevent the objective judgment required for the execution of professional duties or it could lead to a perception that your judgement is so impaired.	High
	You have direct involvement in a business venture that is owned, controlled or run by a King's student for whom you have responsibilities as supervisor or teacher or as a King's employee.	Commercial concerns may impact on the treatment the student receives or how the student is perceived by others to be treated by the university.	High
	You teach, supervise or support students who are sponsored by an organisation in which you hold an official position, or you have a financial interest.	Commercial pressures may cause you to steer students' work towards outcomes that are favourable to the sponsor.	High
	Students whom you supervise or support in conducting research which is likely to yield data or generate intellectual property that is related to the research activities of an organisation in which you hold a position or have a financial interest.	Commercial pressures may influence your actions around the results of your students' research, for instance by preventing the access of others to it or else covering up the results.	High
Conflicts relating to the integrity of research.	You hold a position or have an interest in a commercial organisation sponsoring King's research, though not your own.	The two positions may give rise to the notion that research at King's is not sponsored because of its intrinsic merit but because of your involvement with the sponsor.	Medium

	You hold a position as an inventor on patents filed by or licensed to a commercial entity commissioning research or other services at King's.	Involvement in the other body could give rise to suspicions that they are receiving preferential treatment or beneficial terms.	Low
	You hold a position in a commercial enterprise sponsoring your own research at King's.	Commercial pressures could lead to the delay or obfuscation of research results which are potentially damaging to the commercial company. Likewise, commercial pressures may lead to the concealment of research results that are beneficial to commercial competitors.	High
	You hold any position external to King's whose interests directly overlap with the content of your research.	It may be perceived that your research results are geared towards the interests of that external position rather than the result of objective study.	High / Medium
	You receive a consultancy or personal fee directly from a third party that is also funding your work at King's.	This may be perceived as a bribe for providing specific research results.	High
Conflicts related to the integrity of conduct.	You hold a position at King's which could be perceived to allow you to contribute to the outcome of the business activities of an external organisation in which you have a commercial interest.	It may be perceived that you use your position at King's for personal commercial advantage.	Medium
	You are involved in the hiring or promotion of someone with whom you have a close personal relationship.	The personal relationship could be seen as the basis for favourable treatment.	High
	You involve someone with whom you have a close personal relationship in the day-to-day management of your area.	The personal relationship could be seen as the basis for favourable treatment.	Medium
	You do business in your capacity as a manager at King's with someone outside the university with whom you have a close personal relationship.	The personal relationship could be seen as the basis for favourable treatment or as the reason for spending decisions.	High

Conflicts relating to management of time.	You spend time for which you are contracted as a King's employee on external activities, above the maximum of 30 days that King's staff are allowed at the discretion of their Head of Department or Division.	It may be perceived that you are not showing due care to your duties as a King's employee.	High / Medium
	You spend time on external activities resulting in the need to reschedule or cancel your King's commitments (seminar, lecture, supervisions, management responsibilities) or have potential to do so in the future.	It may be perceived that you are not showing due care to your duties as a King's employee.	High
Conflicts relating to management of resources.	You provide services to the College as an individual, or as part of an external organisation, for which you or your organisation receives remuneration.	It may be perceived that you are using your position within the College for personal financial gain.	Medium
	You use King's resources such as facilities, equipment, staff, etc for your commercial external activity.	You will be considered to have diverted resources provided from public funds for your own gain.	High
	You receive financial benefits which are not disclosed to the university as a result of the commercialisation of some aspects of King's intellectual property.	There may be a perception that some benefits have accrued to you personally which would normally belong to the university.	Medium
Conflicts relating to external research grants or contract funding.	You accept a research grant or contract funding, the terms of which may potentially conflict with your external commercial interests, including King's spin-out companies.	There may be a perception that your performance on the grant or contract is sub-optimal because you stand to benefit more from the external commercial interest.	Medium
	You undertake an external commercial activity (including with a King's spin-out company) that may or will conflict with the conditions attached to grants or contracts that you already hold.	There may be a perception that your performance on the grant or contract is sub-optimal because you stand to benefit more from the external commercial interest.	Medium
Conflicts relating to personal interest.	You take on a directorship (executive or non-executive) of a company, including a College spin-out, which operates in a similar sphere to the university or in competition to it.	There may be a perception that your decisions on behalf of the university are sub-optimal and favour the interests of the company.	High

	<p>You buy or are given shares in or ownership or part-ownership of a company, including a College spin-out, which operates in a similar sphere to the university or in competition to it.</p>	<p>There may be a perception that your decisions on behalf of the university are sub-optimal and favour the interests of the company.</p>	<p>High</p>
	<p>You are remunerated by, or hold an honorary position in, an external organisation whose interests do not align with those of the university.</p>	<p>There may be a perception that your decisions on behalf of the university are sub-optimal and favour the interests of the company.</p>	<p>High</p>

King's College London - Declaration of Interests form



All members of staff are required to declare any personal or business interests, which may conflict with their responsibilities as an employee of KCL. Any member of staff who has a material interest, either directly or through a business partner, spouse, (unmarried) partner or close relative, in matters likely to be considered by KCL should declare that interest. Such declarations should describe the interest clearly and state whether it carries either direct or indirect financial interests.

Part 1 - Staff Details

Full name:

KCL email address:

K Number:

Faculty/Directorate:

Department:

Job title/function:

Line Manager's KCL email address:

Do you have any external interests to declare?

Yes

No

If you have answered 'no' to the above question, you are not required to complete the next section. Please instead move to part 3 complete this section.

If you do have interests to declare, please continue to part 2.

Part 2 - Declaration of interests

Nature of interest to declare:

Has this interest arisen through yourself or through a family member?

Myself A family member

If a family member, please provide further details below:

Name of organisation:

Date interest began:

Date interest will end (if applicable):

Is this interest likely to lead to an actual or a perceived conflict?

If yes, please provide further details below:

Is this the only interest you have to declare?

Yes No

If you have answered 'no' to the above, please complete Appendix 1 'Declaring further interests' which will allow you declare additional interests.

Part 3 - Form submission

You are required to submit this declaration to your Line Manager on an annual basis. It is recommended that it is completed at the same time as the annual Performance Development Review (PDR) and that any necessary discussions about the management of any potential conflicts of interests can be discussed as part of this conversation. You should also keep a copy of the form signed off by your Line Manager for your own records.

Signed:

Date:

Line manager signature:

Date:

Appendix 1 – Declaring additional interests

If you have additional interests to declare that have not been noted in part 2, please complete the below. If you have declared all your interests above, this section can be left blank.

Nature of interest to declare:

Has this interest arisen through yourself or through a family member?

Myself A family member

If a family member, please provide further details below:

Name of organisation:

Date interest began:

Date interest will end (if applicable):

Is this interest likely to lead to an actual or a perceived conflict?

If yes, please provide further details below: