



Conflict of interest

Policy

CONFLICT OF INTEREST POLICY

The purpose of this policy is to protect the integrity of the organisation's decision-making process, subcontract employees and fulltime employees to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of Phoenix Training This document offers guidelines on Phoenix Training Centre's Policy and provides some practical assistance to its staff on how they should manage potential or actual conflicts of interest.

This policy applies to all members of Phoenix Training including staff, associates, external consultants, and volunteers. A reference in this policy to staff includes any person within the scope of the policy.

All staff, sub-contractors, associates and management members of Phoenix Training will strive to avoid any conflict of interest between the interests of the organization and personal, professional and business interests on the other. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to Phoenix Training meeting regulatory and other external requirements and protecting the integrity and reputation of the company. By contrast, conflicts which are not managed effectively may jeopardise Phoenix Training's standing and may cause serious damage to the reputation of the company and of the individuals concerned.

Therefore, all Company 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.

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 Operations Director and, to take such further steps as may be appropriate as set out in more detail below. 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.

A conflict of interest arises where the commitments and obligations owed by an individual member of staff to Phoenix Training or to other bodies, for example a funding 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.

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

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.

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

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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.

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, staff and facilities and/or
- Intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be 'not 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 Company decision or other activity (because for example he or she is the decision-maker or the principal investigator on a research project). For examples of conflicts involving financial interest see Appendix A.

Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person's obligations or commitments to Phoenix Training or to other bodies. 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 (or a person with whom the person has a close personal relationship). For examples of non-financial conflicts of interest see Appendix A.

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

- 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.

The purpose of these Financial Regulations is to provide control over the totality of the Company resources and provide management with assurances that the resources are being properly applied for the achievement of the Company and the strategic plan and business objectives:

- financial viability
- achieving value for money, for learners and funders
- fulfilling its responsibility for the provision of effective financial controls over the use of public funds
- ensuring that the Company complies with all relevant legislation
- safeguarding the assets of the Company

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.

The general rule 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

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an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority. In most cases this will be to the Director.

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.

Many situations will require nothing more than a declaration and a brief written record of that declaration, which must be held by the HR department. However, some instances will need to be dealt with by agreeing how the conflict can be actively managed to eliminate the conflict, safeguard against prejudice toward Phoenix activities and provide continuing oversight. The approach adopted should be documented in a management plan and copies provided to the relevant parties. A copy of the final plan must also be held in the HR department. One or more of the following strategies may be appropriate to manage the conflict of interest:

- not taking part in discussions of certain matters
- not taking part in decisions in relation to certain matters
- referring to others certain matters for decision
- resolving not to act as a particular person's supervisor
- divesting or placing in trust certain financial interests
- publishing a notice of interest
- standing aside from any involvement in a particular project; and/or
- declaring an interest to a particular funder, awarding body or third party.

It is the responsibility of those affected to comply with the approach that has been agreed. There are however some particular instances where the general procedure is varied, and further specific steps are required such that approval is obtained.

External consultants to Phoenix Training 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 and appropriate determination shall be made on the management of any conflict.

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.

This policy is meant to supplement good judgment and staff, managers, associates and sub-contractors should adhere to its principles wherever possible.

Data Protection

Information provided will be processed in accordance with data protection principles as set out in the GDPR 2018 and Data Protection Act 1998. Data will be processed only to ensure that staffs act in the best interest of Phoenix. The information provided will not be used for any other purpose.

REVIEW

This policy will be reviewed on an annual basis or following changes to Government updates and statutory guidance in relation to Covid-19 and company risk assessment policies and processes.

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APPENDIX 1

Examples of Conflict of Interest

This list is not meant to be exhaustive. The primary obligation rests with the individual to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict to their line manager.

Financial interests:

Staff of Phoenix Training serving on other bodies, boards or committees will typically be asked by those parties to declare financial interests.

Learner supervision and teaching:

- Staff with a close personal or familial relationship with a learner or a learner's family who may be involved in decisions about that learner's enrolment, assessment, supervision or progress. For example, if the staff member attends a meeting of the Awarding Body, or EPA organisation, the interest should be declared.
- A member of staff who is in a position to judge or evaluate the quality of a learner's work holds a financial stake or a formal position in any learner-run, owned or controlled commercial venture whilst that learner is enrolled at Phoenix Training.

Other examples of possible conflicts of interest:

- Any casual, associate or sub-contract employee who undertakes work for any other organisation, person or company, whose business activities are the same as Phoenix Training.
- Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the staff member has a close personal relationship. All staff recruitment should be carried out in accordance with the Phoenix Training's Recruitment Guidelines.
- A staff member takes part in the negotiation of a contract between Phoenix Training and a company, where the staff member or his or her family or a close personal friend has a financial or non-financial interest (e.g. a directorship) in that company.
- Where there is a family or personal relationship between two members of staff, neither member of staff should be involved in any decision or process affecting the other, including promotion, remuneration, discipline or grievance.

Sale, supply or purchase of goods or services

- All purchases for the supply of goods or services should comply with Phoenix Training's Procurement Rules, including the code of ethics. Where a conflict of interest could occur, those responsible for making the decision should take particular care in deciding which supplier or contractor to choose. So as to be able to show impartiality, individuals should take appropriate steps to ensure value for money.
- Staff must ensure the probity of all financial transactions. The sale or supply of goods by Phoenix Training Centre or the purchase of goods or services by Phoenix Training must be carried out in accordance with Phoenix Training's Procurement Rules, policies and procedures. Staff should not normally be involved in supply or purchase decisions in relation to any external organisation in which they or any members of their family or any person with whom they have a close personal relationship have a financial interest or in any way have the capacity for personal gain. If there are exceptional circumstances that prima facie requires such involvement, the following process should be followed.

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