

Register of Interests

Declaration form 2024-25

Authors: Governance Assistant

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## Register of Interests

### Declaration of Interests

1. Thank you for completing this Declaration of Interests return. Provided below is a brief outline of why you are being asked to complete the form, how the information within the form will be used, and any additional information that may assist you with completing the declaration.
2. Further guidance regarding the Declaration of Interests policy and associated processes can be found in the [Financial Procedure Note 13 (FPN 13) - Register of Interests](https://sp.essex.ac.uk/sections/finance/SiteAssets/SitePages/Fraud%20and%20Other%20Incidents%20FPN%27s/FPN%2013%20-%20Register%20of%20Interests%20August%202020%20v1.pdf) on the University's website (Essex log-in required).

### Why does the University require annual declarations of interest?

1. Our stakeholders are entitled to demand conduct of the highest standard from trustees, employees, agents, officers and members of the University and the University’s Subsidiary Companies (hereafter known as the University). Such persons have an obligation to avoid conflicts between their private interests and personal relationships and their duty to the University, particularly where this could be against the University’s interests, or in any way weaken public confidence in the conduct of the University’s business.
2. The Office for Students (OfS), the Charity Commission, the Companies Act 2006 and the University’s External Auditors require us to demonstrate that individuals acting in an official capacity for the University are not perceived to be and are not unduly influenced by external factors in their decision-making. This requirement is also endorsed by The Committee of University Chairs in their Guide for Members of Higher Education Governing Bodies in the UK. Individuals are therefore required to identify and declare any potential interests or close relationships they or specified relatives have.
3. There is more information from the [Charity Commission](https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees)[[1]](#footnote-1). The Commission expects individual trustees and trustee bodies to be able to identify any conflicts of interest at an early stage. The law says that each individual trustee must avoid putting themselves in a position where their duty to act only in the best interests of the charity could conflict with any personal interest they may have. This means that individual stakeholders must identify and declare any conflicts of interest to comply with their personal legal responsibility to avoid conflicts of interest, and act only in the best interests of the University. The early identification of conflicts of interest is key to ensuring that individuals act only in the best interests of the University.
4. We require declarations of interests to be completed by the following individuals:
* all prospective applicants, as part of the University’s pre-appointment process for joining Council or a committee of Council
* all members of the University’s Council and its sub-committees (annually)
* all members of University staff who are grade 9 and above (annually), and
* Directors of the University’s subsidiary companies (annually)

### What is a conflict of interest?

1. A conflict of interest is any situation in which an individual’s personal interests or loyalties could, or could be seen to, prevent them from making a decision that would only be in the best interests of the University. A conflict of interest exists even where there is the possibility that an individual’s personal or wider interests could influence their decision making.
2. Conflicts of interest relate to an individual’s personal interests and the interests of those connected to them. Conflicts of interest usually arise where either there is a potential financial or measurable benefit directly to an individual, or indirectly through a connected person, or where an individual’s duty to the University may compete with a duty or loyalty they owe, or a connected person owes, to another organisation or person. This means that there would be a conflict of interest where there is a proposed transaction between the University and someone who is connected to the individual completing this form. Similarly, there would be a conflict of interest where there is a benefit or a potential benefit to a connected person.
3. Conflicts are most often defined as:
* benefits to individuals or connected persons where the individual has been part of the decision-making about the benefit; and/or
* conflicts of loyalty, where the individual’s decision-making could be influenced by their other interests, including, for example, membership of other organisations, family or other links to other organisations, competing legal obligations, or other circumstances that may create an actual or perceived conflict of loyalty with the individual’s responsibilities as a member of Council.

### Why we use your personal data – and our legal basis for doing so

1. When we collect or otherwise process your personal data, we need both a purpose (i.e., a reason) and a legal basis. Under the UK General Data Protection Regulation there are several legal bases. We rely on the following legal bases when processing your personal data.
2. **Public Task**
	1. The processing of your personal data is necessary for the effective running of the Council and for the performance of tasks carried out in the public interest or in the exercise of official authority vested in the University. The Council is the University’s governing body. The University’s founding Charter defines the structure and powers of the Council. These are set out in further detail in the University’s Statutes and Ordinances.
3. **Legal obligation**
	1. We have various legal obligations that we need to comply with, and we may need to collect, use, or share your personal information as part of that. We have set out our reasons for using your personal information in the table below.
	2. We have set out the legal basis for processing your data in the table below.

**Table 1 - Legal basis for processing your data**

|  |  |
| --- | --- |
| Purpose | Legal Basis |
| Recruitment, appointment, and re-appointment of Members (including due diligence procedures)  | Necessary for the performance of a task in the public interest |
| Managing the Register of Interests  | Necessary to comply with a legal obligation |
| Publication of your details and role on the University’s website and in responding to FOIA requests  | Necessary to comply with a legal obligation |
| To prevent fraud | Necessary to comply with a legal obligation. |

1. **Privacy Policy**
	1. We have separate privacy statements for staff and students and [members of our Council](https://www.essex.ac.uk/-/media/documents/about/governance/council-privacy-statement.pdf). Where you hold another role within the University, for example, where you are also a member of staff or student or an Essex alumnus or alumna, this privacy statement is in addition to the relevant statement for those groups. We also have a separate statement for all visitors to our website.
	2. Please read this statement alongside our overarching privacy statement which is available from our [Privacy Hub](https://www.essex.ac.uk/disclaimer/privacy-statements).
	3. It is important that you read and retain the relevant privacy statement(s) we may provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

### How will the information be used?

1. **Prospective applicants**
	1. If you are completing the declaration as part of the University’s pre-appointment processes for joining Council or a committee of Council, the document will be considered alongside other supporting documentation. It will be provided to the Nominations Committee, or its appointed representatives, in support of your application.
	2. Declarations made by individuals who do not progress to appointment to Council will be retained for a period of two years following the completion of the application process.
2. **Successful applicants and continuing members of Council**
	1. If you are successful in appointment to Council, or are completing the declaration as an existing member of Council, declarations will be retained by the Governance Office until the term of your appointment to Council ends and for a subsequent seven years.
	2. It may be necessary for the University to submit your signed declaration to the OfS, as evidence that our trustees have been deemed ‘fit and proper persons’. The OfS will hold and process your information as part of its regulation of the University as an English Higher Education Institution.
	3. A declaration form will be issued to you annually to complete and return. Should your circumstances change mid-year, you should inform the Chair of Council and the Registrar and Secretary at the earliest opportunity.
	4. The interests of appointed Council members are published on the Council website at: <http://www.essex.ac.uk/governance/council>.
	5. For appointed members of Council, it is possible that the information you provide could be requested by members of the public under the Freedom of Information Act. If such a request is received, we will liaise with you to discuss what has been asked for and then determine the best way to respond.
	6. All declarations of interest, and identified potential conflicts of interest, will be considered and risk assessed, and appropriate actions put in place, should this be necessary (for example, withdrawal from decision-making in relation to a specific matter).
3. **Current members of staff, grade 9 or above**
	1. If you are a current member of staff, grade 9 or above, declarations will be retained by the Finance, Planning and Data Insight Office until your period of employment ends and for a subsequent seven years.
	2. A declaration form will be issued to you annually to complete and return. Should your circumstances change mid-year, you should inform the Financial Compliance team, Finance, Planning and Data Insight Office at the earliest opportunity, email fincomp@essex.ac.uk.
	3. Any information you disclose will be kept securely by the University; and will not be disclosed to any person outside of the Finance, Planning and Data Insight and Governance teams, other relevant University persons, members of Council, External Auditors or otherwise as required by law.

### Updating your information

1. You are under an obligation to ensure that this declaration is completed accurately and that any individuals named below are aware that this data relating to them is being provided in this declaration. You are also required to ensure that your declaration is kept up to date and that undeclared conflicts of interest do not impact adversely on the University’s activities or reputation.
2. We recognise that there may be additional potential conflicts of interest to individuals that may or may not be material matters in the context of the University’s business, or that declarations may change over time. If you wish to seek guidance on a specific issue, you may do so in the following ways:
* for matters relating to Council and Council committees, please contact the Governance Office via governance@essex.ac.uk
* for matters relating to any other role at the University or Subsidiary Company, please contact the University’s Senior Financial Analyst (Quality Assurance) on fincomp@essex.ac.uk

### Additional information

* 1. The following may help with completing your return:
* if you are unsure as to whether or not an outside interest may cause a conflict, you should err on the side of caution and include potential conflicts. If you wish to discuss such matters, please seek guidance from the Governance Office or Chief Financial Officer, prior to submission of your declaration
* if you are a company director – you can search the [Companies House Register](https://find-and-update.company-information.service.gov.uk/) for company and directorship details
* if you are a trustee of a charity – the [Charity Commission’s Charity Search](https://register-of-charities.charitycommission.gov.uk/) provides details of trusteeships including registered charity numbers

### Declaration Form

1. Please fully complete Section A and Section B. State N/A if not applicable.
2. **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 prospective applicant, 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 prospective applicant, 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 appropriate Government departments, for example the Department for Education, 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 prospective applicant, 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?

**Q.10 Conflicts of loyalty**

Do you have any ongoing or past matters with which you have been involved or any other connections which may create a conflict of loyalty that may impact on your ability to act in the best interests of the University and as a member of Council?

**Q11. 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 any conflict of interest?

1. **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. I confirm that the individuals named below are aware that this data relating to them is being provided in this declaration form. Please ensure the name of the relevant individual, and their relationship to you, is listed:

**Q12. Employment**

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

**Q13. Directorships**

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

**Q14. Shareholdings**

Do 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?

**Q15. Personal relationships**

Do 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?

**Q.16. Conflicts of loyalty**

Do your spouse/partner/cohabitee and/or members of your immediate family have any ongoing or past matters with which they have been involved or any other connections which may create a conflict of loyalty that may impact on your ability to act in the best interests of the University and as a member of Council?

**Q17. Connections to other organisations**

Do your spouse/partner/cohabitee and/or members of your immediate family have any specific connections, paid, unpaid and/or advisory, with other organisations which may cause any 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 the University. I declare that to the best of my knowledge and belief the answers I have given are truthful, accurate and complete. I confirm that the individuals named above are aware that this data relating to them is being provided in this declaration form.

There are no other activities or personal relationships that may present a conflict between my private interests and my duty to the University. I understand that it is my responsibility to discuss and review this declaration with the Governance Office/Chief Financial Officer and to update this declaration in line with University Regulations. I undertake to inform the Governance Office/Chief Financial Officer of any change to these answers within ten working days of becoming aware of them.

I understand that any personal data that I provide on this form will be used in accordance with the University of Essex Privacy Policy available at our [Privacy statements hub.](https://www.essex.ac.uk/disclaimer/privacy-statements)

Name …………………………………………………………………………………

Signature …………………………………………………………………………………

Date ……………………………

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1. <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees> [↑](#footnote-ref-1)