

# Conflict of Interest Policy and Procedure

Person responsible for this Policy:	Head of Student Advice and Wellbeing
Who the Policy applies to:	Student Advice Employees
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Unless expressly stated otherwise, this policy does not form part of an employee’s contract of employment and the contents are not contractually binding on the Students’ Union or its employees. However, failure by any employee to comply with this policy may result in disciplinary action being taken and, in the most serious cases, may result in dismissal. The Union reserves the right to amend the policy from time to time.

For the purposes of this policy the terms ‘Union’ and ‘Students’ Union’ includes Cardiff University Students’ Union, Cardiff Union Services Limited and any subsidiary of the Company or of its holding company. These terms shall have the meaning given them by the Companies Act 2006.

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### Introductions

1. The services provided by Student Advice should always be impartial and independent. There may, however, be times when a conflict of interest situation occurs.
2. A conflict of interest arises if it is not possible for Student Advice to give independent and impartial advice to a client/service user for a particular reason. For advice to be impartial there must be no factors influencing the advice given to an individual client/service user other than that of the client’s best interests.



## Employees and Volunteers

3. All advice staff (both employed and volunteers) should check for possible conflicts of interest at first engagement if the case falls into one of the 'Potential Conflict of Interest Risk' categories listed below.
4. Supervisors and line managers will review conflict of interest checks and recording procedures through the file review process, for all case falling within these risk categories.

## Potential Conflict of Interest Risks

5. **The client's case involves acting for both sides in a dispute.** There are situations where Student Advice may be approached by more than one side in a dispute, e.g. a housemate dispute involving a number of students with differing views.
6. **The client's case involves a member of the organisation's staff or management committee/ Board of Trustees.** There may be situations where Student Advice are approached for advice on a complaint relating to a member of the organisation, e.g. a student wishes to complain about a member of staff in the Venues Team for banning them from the Students' Union building, or a student is making an allegation against a Student Trustee and wants to make a complaint to the University and Union.
7. **The client is presenting a case that the adviser or another member of staff knows is based on false information.** There may be cases where a student is seeking advice based on information the adviser knows not to be true, e.g. a student seeks advice and representation in an academic misconduct case but tells the service that they intentionally cheated in an assessment.
8. **The client's case involves or potentially involves undertaking action against the organisation.** There may be situations where a client is seeking advice on acting against other departments within the organisation, e.g. a student wants to take legal action against Cardiff Student Lettings for mis-selling a property to rent.
9. **The client knows an adviser personally.** There may be situations where a client knows one or more of the advisers personally. This may be because of friendships outside of Student Advice, or because a client has volunteered/worked, or is volunteering/working in the Students' Union or Student Advice department.

## Risk Categories

10. Student Advice categorise all cases handled by an adviser. The following case categories have been identified as being potential conflict of interest risks:
  - a. Academic misconduct (excluding plagiarism);
  - b. Allegations of other misconduct and behavioural issues (including COVID breaches and Fitness to Practise);



- c. Housing disputes;
- d. Student complaints, i.e. client wants to complain about another CU student;
- e. Students' Union complaints (excluding complaints about Student Advice).

## Dealing with Conflicts Interest

9. Where a potential conflict of interest is identified, Student Advice have procedures in place to ensure that the advice given remains in the client's best interests.

### Acting for both sides in a dispute.

10. If more than one student contacts Student Advice requiring advice on the same dispute, the following steps will be taken to ensure that the advice given remains impartial and independent:
- a. Where possible, each student will be allocated to a different adviser and there will be no discussion of cases between advisers involved in the same matter.
  - b. Where the number of students needing advice exceeds the number of advisers available, the student will usually be informed that they can access advice but that there may be a conflict of interest.
  - c. If the student subsequently chooses not to use the Student Advice service, they will be informed of any other advice options available.
  - d. If the student subsequently chooses to continue with Student Advice, the adviser will, when advising that student, advise in the best interests of that client only. Only information provided by that client will be stored in their case file and only information provided by that client will be used for the purposes of giving advice.

### The client's case involves a member of the organisation's staff or management committee/ Board of Trustees or potentially involves taking action against the organisation.

11. Where a client is seeking advice on a case that involves a member of the organisation's staff or management committee/Board of Trustees, or potentially involves taking action against the organisation, Student Advice will:
- a. inform the client of the potential conflict of interest, i.e. that Student Advice are a department with the Students' Union and the advisers are employed by the organisation;
  - b. inform the client that the advisers are committed to providing advice that is in their s best interests and, if they feel unable to do so, they will let the client know where else they can go to get help; and
  - c. ask if the client is happy to continue with our service.
  - d. If the client is not happy to continue, inform them where else they can go to get help;
  - e. If the client is happy to continue, provide advice within the remit and competence of the service, i.e. on the organisation's complaints procedure, and will signpost for legal advice if that is necessary.

### The client is presenting a case that the adviser or another member of staff knows is based on false information.

12. Where a client is seeking advice on presenting a case that the adviser knows is based on false information, the adviser will usually strongly encourage the client to be honest.



13. If the client wishes to continue with the presentation of a case based on false information, the adviser will advise based on the information the client wants to present and will record the fact that this is the client's choice in the case file.

#### **The client knows an adviser personally.**

14. If a client knows an adviser personally, their case will be allocated to another adviser. If a client knows all of the advisers, they will be asked if they are happy to receive advice or would like to be signposted elsewhere.

## **Checking and Recording Conflicts of Interest**

### **Client case record**

15. A client's first point of contact with the Student Advice service will usually be with a Student Advice and Wellbeing Assistant on the Enquiry Desk. How a conflict of interest is checked and recorded will depend on the method of engagement.

### **Telephone/in person/web-chat**

16. If a client contacts the service by telephone, in person, or by live web chat, and the client's case is identified as falling into one or more of the 'Risk Categories' above, the Assistant will ask if the case involves any other Cardiff University students or members of the Students' Union organisation.
17. If other students are involved, the Assistant will ask for their names and check these against the register of conflicts. If the names do not appear on the register, the Assistant will allocate the case as per the usual system.
18. If the names do appear on the register, the Assistant will allocate the case to an adviser not already advising on the same matter.
19. If there are no advisers available who are not already involved in the case, the client will:
  - a. be informed that there is a potential conflict of interest;
  - b. be informed that the advisers are committed to providing advice that is in the client's best interests and, if the advisers feel unable to do so, they will let the client know where else they can go to get help; and
  - c. be asked if they are happy to continue with the Student Advice service.
20. If the case involves a complaint including any member of the Students' Union organisation, the client will:
  - a. be informed that Student Advice are a department within the Students' Union, that the advisers are employed by the organisation and that this could be a conflict of interest;



- b. be informed that the advisers are committed to providing advice that is in the client's best interests and, if the advisers feel unable to do so, they will let the client know where else they can go to get help; and
- c. be asked if they are happy to continue with the Student Advice service.

21. The answer, date and name of the person conducting the check will be noted in the 'Conflict of Interest Check' box on the Client Case Record form. This form will be saved in the client's file on the L drive, as per the Case Management Procedure.

### Email/web-form

22. If a client contacts the service by email or web-form and the case is identified as falling into one or more of the 'Risk Categories' above, the Assistant will:

- a. Check the client's name against the Register of Conflicts;
- b. Where possible, allocate the case to an adviser not identified as being involved in the potential conflict;
- c. Where no such adviser is available, email the client to inform them that there is a potential conflict of interest and ask if they are happy to proceed with our service.
- d. Note the above actions of the Client Case Management form and save it in the client's case file as per the Case Management Procedure.

### Case management spreadsheet

23. Where a potential conflict of interest is identified, the Assistant will record this on the case management spreadsheet, in the conflict of interest column. The Assistant will then check the client's details against the register of conflicts.

### Register of conflicts

24. Where a conflict of interest is identified, the details of the client, category, others involved and adviser will be recorded on the register of conflicts.

### Subsequent contact

25. Where a client subsequently discloses information, after their first contact, that means their case falls within the conflict risk categories, the adviser will ask that an Assistant conduct and a record a conflict of interest check, as above. The request and response will be noted on the Client Case Record.

