

# Dual Role Guidance

## **British Council dual role guidance (DRG) on how to avoid conflicts of interest between policy support and programme delivery in dealings with HMG and the Devolved Administrations**

*This policy refers only to British Council dealings with HMG and the Devolved Administrations. For our policy on fair competition more generally, for example in dealings with UK private sector providers, please refer to <https://www.britishcouncil.org/about-us/how-we-work/policies/fair-competition>*

### **1. Background**

The British Council has skills, insight and relationships to support HMG and the Devolved Administrations (DAs) in achieving their international objectives. We do this through both policy support and programme delivery.

This guidance is intended to eliminate any conflict of interest or unfair advantage that the British Council may derive from its work to support the development of government policy if it subsequently bids for UK-government-funded opportunities in education, society and the arts based on that policy.

It is intended to be used by British Council staff and the UK government officials with whom we engage in the course of our work.

### **2. Scenarios in which conflicts of interest may arise in the UK or at post**

2.1 A conflict of interest could arise when British Council colleagues:

- receive information about a commercial opportunity through representatives of HMG or the Devolved Administrations which might be unavailable to other UK providers.

- are in a position to influence decisions about policies and tendered programmes which could strengthen the commercial position of the British Council in a subsequent procurement process

### **3. Principles for avoiding conflicts of interest whilst supporting a joined-up approach**

3.1 The British Council will act to support an integrated, joined-up approach with HMG and Devolved Administration partners for the delivery of policy objectives.

3.2 The British Council will share insight and analysis with HMG and the Devolved Administrations to support the development of policy related to its expertise.

3.3 The British Council will withdraw from any formal or informal discussion or decision-making process if it considers that its continuing participation might give it an unfair advantage in HMG contracts. HMG and Devolved Administration partners may also request that the Council withdraw from discussions if they judge it may gain an unfair advantage from its participation.

3.4 Following directives from No.10 and Cabinet Office calling for international operations to be integrated fully to deliver UK's ambitions and for all Missions to 'work to an agreed set of X-HMG (cross government) objectives for which the Head of Mission is fully accountable', British Council anticipates closer strategic alignment. This will involve British Council attendance at X-HMG Country Boards convened by Heads of Mission to prepare X-HMG Country Plans. Reciprocally, strategic steers from cross-Whitehall Boards will help in formulating British Council's regional and country plans. To avoid potential conflict of interest, it should be understood by X-HMG Country Board members that if discussions turn to the commissioning of programme delivery, British Council staff will absent themselves from the Board.

3.5 When in receipt of funds from HMG and the Devolved Administrations, the British Council will seek to deliver value for money and ODA objectives, and to create international connections and opportunities for other UK providers, unless this is agreed to be impracticable with the funder.

3.6 Where the British Council provides quality assurance or monitoring and evaluation of activity by other UK providers on behalf of HMG, it will ensure that this is fully disclosed in any bidding process in order to forestall any conflict of interest that might arise.

3.7 When dealing with and advising external organisations and public bodies overseas, the British Council will recommend that commercial opportunities, in all areas of our work, are advertised by public tender to ensure transparency of opportunity, value for money and fair procurement.

3.8 British Council personnel will comply with the [British Council's code of conduct](#).

---

## **4. Rules governing British Council participation on bodies concerned with HMG and Devolved Administration policy support and programme delivery**

4.1 The British Council will not be a standing member of any HMG-led meeting at post (apart for the Head of Mission's regular Partners Across Government meetings and meetings of the X-HMG Country Board), nor will it hold the position of permanent Chair of any cross-government programme board or committee at post (e.g. for arts and culture or education) except where:

4.1.1 The British Council's standing membership or chairing role is judged appropriate by the UK sponsoring body, for example to facilitate a one-HMG approach; and

4.1.2 Where the terms of reference for its participation have been agreed with the Head of Mission or relevant HMG or Devolved Administration authority and approved by the relevant senior British Council officer and any conflict of interest issues have been resolved to the satisfaction of all members of the relevant body.

4.2 The British Council should only be invited to attend specific agenda items in meetings of cross-government boards or committees on which it is not a standing member when the chair assesses that (a) its contribution would benefit the delivery of HMG or Devolved Administration objectives and (b) this would not give the British Council any unfair advantage.

## **5. Rules governing British Council participation on other bodies**

5.1 At times, British Council staff may be invited to sit as standing members on bodies where their access to information may create a conflict of interest related to contract opportunities which may be open to other UK providers. Examples of such bodies include:

- UK Chambers of Commerce (executive committee and sector committees)
- EUNIC committees
- Boards of bilingual international schools with strong UK links
- Ad hoc bodies set up to organise or promote UK arts or education festivals or seasons
- Donor co-ordination groups
- National policy-making bodies overseas in areas relevant to British Council expertise

5.2 In such cases, the British Council will remove itself from any formal or informal discussion or decision-making process if it considers that its participation might give it an unfair advantage over another UK provider when pursuing a contract opportunity.

5.3. In such situations, the British Council will represent the interests of the UK and UK organisations in general and will ensure there is no commercial advantage to the British Council from its membership.

- 
- 5.4 Regional Director approval and Head of Mission approval are required for British Council membership of a non-cross government committee such as those listed in 5.1.
- 5.5. Standing membership of any non-cross government committee by any member of staff at the British Council overseas will be published on the country website.

## **6. Arrangements for the separation of policy support and programme delivery**

6.1 In British Council operations overseas, it is often impossible to create a physical separation of roles between policy support and programme delivery. The onus is on British Council staff members to exclude themselves before they obtain privileged information and, if this is unavoidable, to recognise that the organisation is compromised and therefore either not bid for the opportunity or withhold the information from colleagues who are working on the commercial bid. This also applies to colleagues working with the Devolved Administrations where there is no policy/programme split.

6.2 In the UK, the roles of Director Education (overall lead for the British Council's global work in Education and responsible for providing expert advice on policy and content to the British Council's global network) and Director Education Business Development (responsible for Education programme contract delivery globally) are separated to reduce possible conflicts of interest. For any large commercial opportunity, clear information management walls are established to prevent inadvertent sharing of potentially sensitive insight.

6.3 In the UK, Senior Policy Advisers in Higher Education, Science, Schools, English for Education Systems, and TVET lead on engaging the UK's education sectors and on working with Whitehall at policy level. To ensure no conflict of interest in the UK between:

- a) policy work with the sector and HMG and the Devolved Administrations
- and

- b) bidding for and delivering full cost recovery and surplus generating activities

these Policy Advisers must step away when the British Council moves to pursuit of any given HMG-funded opportunity.

6.4 The British Council will always remove itself from any formal or informal discussion or decision-making process if its participation might give it an unfair advantage in any contract opportunity.

## **7. Single sourcing**

7.1 From HMG at post or in the UK: Education, Arts and Society contracts

A request by HMG that a British Council operation accept a single sourced opportunity worth in excess of £25,000 must be reviewed and agreed by the Regional Contracts Approval Board at Gate 1 as part of the quality assurance and approval process for all British Council contracts. Approval will be based on written evidence that (a) the Head of

---

Mission or relevant senior departmental official in the UK has been consulted and approves, (b) there is a reason why direct contracting of other UK providers is exceptionally difficult or impossible, and (c) where practicable, the project will be designed to create opportunities for other UK providers.

#### 7.2 From HMG at post or in the UK: Teaching and Exams contracts

Teaching and Exams offer a fully commercial service overseas and follow a different contract approval process. A request by HMG that a British Council operation accept a single sourced opportunity worth in excess of £25,000 must be reviewed and agreed by the global Director of English and Exams. Approval will be based on written evidence that (a) the Head of Mission or relevant senior departmental official in the UK has been consulted and approves, (b) there is a reason why direct contracting of other UK providers is exceptionally difficult or impossible, and (c) where practicable, the project will be designed to create opportunities for other UK providers.

## 8. Fair-trade policy and complaints procedures

The British Council is committed to:

- conducting all its activities in a fair and reasonable manner which is in line with its charitable objectives and which avoids negative impact upon competition
- carrying out its activities in compliance with all applicable United Kingdom and international competition and charity laws
- ensuring its activities do not jeopardise its reputation and brand
- ensuring that effective procedures are in place to ensure financial separation between funds granted by the UK Government and those received from other sources
- providing an independent fair competition complaints procedure

Further information can be found at:

<https://www.britishcouncil.org/contact/complaints>

<https://www.britishcouncil.org/about-us/how-we-work/policies/fair-competition>

## 9. Implementation of this Management Guidance

This guidance is published online at <https://www.britishcouncil.org/about-us/how-we-work/work-with-government>

Cross-government and Devolved Administration partners at post and in the UK have been informed of this policy and its implementation since September 2018, and training on how to apply this guidance in practice is provided globally by the British Council in partnership with DIT.