

## Conflict of Interest Policy

### 1. Scope of this policy

This policy sets out how Healthwatch Kingston (HWK) handles actual or potential conflicts of interest.

~~A 'conflict of interest' may arise where the interests of HWK may differ from the interests of a third party.~~

Conflicts of interest can give rise to a number of problems. They may:

- result in decisions or actions that are not in the best interests of the organisation
- in the worst cases, expose HWK to serious reputational and legal risk
- risk the impression that the organisation has acted improperly
- prevent frank, open discussion

Even the appearance of a conflict of interest can damage the organisation's reputation, so conflicts need to be managed carefully and with transparency.

HWK is committed to ensuring its decisions and decision-making processes are, and are seen to be, free from personal bias and do not unfairly favour an individual connected with the organisation.

Whilst non-exhaustive, conflicts of interest or potential conflicts of interest may arise where the trustee, member of staff, or volunteer is associated with an external body in the local health or social service landscape - for example, an NHS body, a local authority body, a political party, or another body such as a charity - ~~and where the best interests of HWK may differ from the interests of the other body~~. The association might arise by virtue of paid employment or in a voluntary capacity. It may also arise via the trustee, member of staff, or volunteer having a family member or close personal relationship with someone who is associated with an external body in the local health or social service landscape. A conflict of interest or potential conflict of interest may also arise where the trustee, member of staff, or volunteer is associated in some way with a body or person which wishes to enter into some form of arrangement with HWK, whether on commercial terms or not.

**As general guidance, if in doubt, HWK encourages all staff, trustees and volunteers to disclose anything they consider could create the impression of a conflict of interest.**

### 2. Procedure

**Commented [SN1]:** I don't understand this sentence. It makes me think of conflicts between HWK and other organisations rather than internal matters. Our interests will always differ from those of other organisations.

**Commented [JW2R1]:** I have deleted this sentence and sought to clarify below.

~~All conflicts of interest, whether actual or potential, should be declared promptly at the earliest possible opportunity and entered onto HWK's 'Register of Declaration of Interests' (see Appendix A below).~~

If a trustee, member of staff, or volunteer has an actual conflict of interest, they should report it at the start of the meeting and, as a general matter, they should not be involved in any discussions or decisions in relation to the relevant matter.

- If the matter relates to formal business of the Board, the trustee should leave the meeting at the relevant point, and the minutes should record the steps taken in relation to the conflict of interest. The conflicted trustee will not count towards a quorum for this portion of the meeting.

If a trustee, member of staff, or volunteer has any other interest which does not create a real danger of bias, but which might reasonably cause others to think it could influence their decision-making, they should declare the nature of the interest, but may continue to be involved in discussions in relation to the relevant matter and, if appropriate, take decisions in relation to the relevant matter.

- If the matter relates to formal business of the Board, the minutes should record the steps taken in relation to the potential conflict of interest (but for the avoidance of doubt, the relevant trustee will continue to count towards a quorum for this portion of the meeting).

In the event of any dispute under this policy, the following applies:

- If the issue in dispute relates to a trustee *other than the Chair*, or in respect of the Manager of HWK, and the Board of HWK cannot agree a decision by simple majority, the Chair's decision will be final.
- If the issue in dispute relates to the Chair, a decision by simple majority of the rest of the Board will be final.
- If the issue in dispute relates to a staff member other than the Manager, or to a volunteer, the Manager's decision will be final.

If a trustee, member of staff, or volunteer is in any doubt about the application of this policy, they should consult with the Chair (trustee) or Manager (staff member/volunteer).

If a trustee, member of staff, or volunteer fails to declare an interest that is known to the Chair or Manager, the Chair or Manager (as appropriate) will declare this interest.

HWK also requires all staff members and trustees to complete a 'Register of Declarations of Interest' in the interests of transparency and to assist in identifying potential conflicts of interest (see Appendix A below).

### 3. Document Control

Title of Document: <b>Conflict of Interest Policy</b>	
Board Approval Date: May 2019	Review Date: May 2021

**Commented [SN3]:** Add "they should report it at the start of the meeting and..."

**Commented [JW4R3]:** Agreed. Drafting change made.

Appendix A

Register of Declaration of Interests for Trustees and Staff

Trustees and staff of HWK will be asked to review the completeness of the Register at least every six months on an annual basis.

Data Protection Statement: HWK will use the personal information set out in this Register for the purposes of ensuring that the best interests of the charity are protected at all times by minimising the risk of actual or potential conflicts of interest damaging the organisation. The information provided will not be used for any other purpose.

To support trustees/staff completing this Register, trustees/staff members are asked to consider the following questions:

- Current employment and any previous employment in which you continue to have a financial interest.
- Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc.
- Membership of any professional bodies, special interest groups, political parties or mutual support organisations.
- Investments in unlisted companies, partnerships and other forms of business, major shareholdings [charities may set a figure here, e.g. more than 1% or 5% of issued capital] and beneficial interests.
- Gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.
- Links with an external body in the local health or social service landscape - for example, an NHS body, a local authority body, or another body such as a charity.
- Any contractual relationship with the charity.
- Any other conflicts that are not covered by the above.

**Commented [SN5]:** I suggest this is done annually rather than every 6 months with our annual review of this policy serving as a reminder for the task to be completed. Otherwise, we are adding another administrative task to the staff workload.

**Commented [JW6R5]:** Agreed. Drafting change made

**Commented [JW7]:** Nigel suggested some guidance to people completing the Register. These “prompt questions” are adapted from an ICSA policy document and seem like good questions to ask.

We may not need/want to have all of these but I have left in a more ‘expansive’ set which can be edited down if desired.

Name of Trustee <u>/</u> Staff Member, <u>or Volunteer</u>	Nature of interest <u>(including whether the interest relates to the trustee/staff member themselves or arises because of a person closely connected to the trustee/staff member)-</u>	Describe any steps taken in relation to the declared interest (where applicable)

**Commented [SN8]:** I don't understand how this column would be used - as far as I can see it can only be completed when a conflict of interest has become apparent, not at the time of completing the register.

**Commented [JW9R8]:** I think this is designed to cover where a declared interest immediately gives rise to a conflict of interest.

**Commented [SN10]:** I suggest we have a column that says “Does the interest relate to the trustee or a person closely connected to the trustee (describe)?”

**Commented [JW11R10]:** I have picked this up in the column headed “Nature of interest”.


