

## Conflict of Interest Policy and Procedure

### 1. Background

A 'conflict of interest' arises when the best interests of an individual member of the Board of Trustees or a volunteer (also known as an active affiliate) are, or could be, different from the best interests of the organisation.

Conflicts of interest may be ongoing, for example a trustee or volunteer who is related to a service user or who is also a trustee or volunteer for another local organisation or grant-maker; or they may be one-off, for example awarding a one-off contract.

A 'conflict of loyalty' is a particular kind of conflict of interest where the duties the trustee or volunteer owes to another body or organisation are, or could be, in conflict with the duties the trustee or volunteer owes to the organisation.

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
- 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.

This policy is a statement of intent and will be implemented as a procedure and will apply to Healthwatch Kingston's (hereafter HWK) Board of Trustees and volunteers (known as active affiliates).

### 2. Legal Framework

HWK shall act in accordance with the following legislation:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Health and Social Care Acts 2012
- The Information Sharing Agreement between Healthwatch England, Care Quality Commission and Local Healthwatch

### 3. Scope

A 'conflict of interest' arises when the best interests of an individual trustee or volunteer are, or could be, different from the best interests of the organisation itself.

This may be something that affects the trustee or volunteer directly, or indirectly, through a family member or friend or business partner.

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.

HWK will:

- Ensure every trustee and volunteer understands what constitutes a conflict of interest and that they have a responsibility to recognise and declare any conflicts that might arise for them
- Document the conflict and the action(s) taken to ensure that the conflict does not affect the decision making of the organisation

### 4. Procedure

When a trustee or volunteer identifies that they have a potential conflict of interest they must:

- Declare it as soon as they become aware of it
- Ensure it is entered in the conflict of interest register, and/or minuted in the appropriate board papers (see Appendix A)
- Not take part in any board discussions relating to the matter
- Not take part in any board decision relating to the matter
- Not be counted in the quorum for decision making related to the matter

In the interests of frank and open discussion, a trustee or volunteer affected by a conflict of interest must leave the room while related discussion/decision making is taking place, unless there is good reason for them to stay.

The minutes should state:

- The declared conflict
- That the trustee or volunteer left the room, or the reason they were asked to stay

- That the trustee or volunteer took no part in discussion or decision making on the matter
- That the meeting was quorate (not counting the affected trustee or volunteer)
- Any other actions taken to manage the conflict

If a trustee or volunteer is unsure what to declare, they should err on the side of caution and discuss the matter with the HWK Manager for confidential guidance.

## 5. Document Control

Title of Document: <b>Conflict of Interest Policy &amp; Procedure</b>	
Board Approval Date: December 2015	Review Date: December 2016

Appendix A

Register of Conflicts of Interest

Date Identified	Name of Trustee or Volunteer	Details of Conflict	How notified*	Action taken**	Follow up required (Y/N)	Date resolved

\*e.g. Verbal notification, written notification, etc

\*\*e.g. trustee or volunteer withdrawing from a decision making process, disclosure in annual report