

# Conflict of interest

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## Conflict of interest: policy and procedures

### Policy Statement

All employees, Board members and volunteers associated with Healthwatch Leicester and Leicestershire have a responsibility to put the interests of the organisation before their own personal pursuits. The aim of this policy is to protect both the organisation and the individuals concerned from any appearance of impropriety.

All Healthwatch Leicester and Leicestershire staff, Board members and volunteers are required to identify and disclose activities and relationships that might give rise to conflicts of interest or the perception of conflicts of interests and to ensure that such conflicts are seen to be properly managed or avoided.

When properly managed, an individual's activities can usually proceed as normal whilst at the same time upholding the individual obligations to Healthwatch Leicester and Leicestershire and protecting the integrity and reputation of the organisation. Conflicts which are not managed effectively may jeopardise public confidence and damage the credibility of the organisation and of the individuals concerned.

This policy reflects the Standards of Business Conduct set out by the Committee on Standards in Public life - also known as the 'Nolan principles'.

### What is a conflict of interest?

A conflict of interest may arise where an individual, who is employed by or volunteers for Healthwatch Leicester and Leicestershire, has personal family interest and / or loyalty to some other individual or group, which are likely to be in conflict or may appear to be in conflict, with the interests of Healthwatch Leicester and Leicestershire.

This could inhibit free discussion, result in decisions or actions not in the interests of Healthwatch Leicester and Leicestershire, give rise to an appearance of bias or favouritism towards another organisation or individual within or outside of Healthwatch Leicester and Leicestershire, create or appear to create preferential personal gain.

There can be situations in which the appearance of conflict of interest is present even when no conflict exists. It is important when evaluating a potential conflict of interest to consider how it might be perceived by others.

There is no definitive list of conflicts and every situation should be taken on its own merit. Some examples of areas where conflicts may arise are:

- Staff or volunteers working for or having a commercial relationship with another organisation.
- Voluntary or remunerated positions, including local authority or other public positions.
- Financial interests where there appears to be an opportunity for personal financial gain, such as shareholdings or beneficial interests in organisations where services or contracts are being procured.
- Personal relationships with service users, service providers or service commissioners.
- Personal relationships within the local Healthwatch network, or Healthwatch England.
- Selection and recruitment process
- Membership of political parties.

- The offer of gifts and hospitality, whether accepted or declined.

This list is not exhaustive.

## Recognising a conflict of interest

When a staff member or volunteer joins Healthwatch Leicester and Leicestershire, they will complete a declaration of interest form. This will be reviewed at least annually and updated as soon as circumstances change. If in doubt about a conflict of interest, the individual should declare it in the interests of transparency, and the Chair and Lead Officer will take a view on whether it does constitute a conflict.

These individual forms will create a Register of interest which will be maintained by the Lead Officer of Healthwatch Leicester and Leicestershire and will be accessible by contacting the Lead Officer.

## Action to take with a conflict of interest

If a member of staff, Board member or volunteer has any interest in a matter under discussion, at any meeting where they represent Healthwatch Leicester and Leicestershire they should declare it at the earliest opportunity. They should withdraw from that meeting or discussion until agreement has been sought from the Healthwatch Leicester and Leicestershire Chair regarding action to be taken.

Where the conflict arises as a result of an item on the agenda for Healthwatch Leicester and Leicestershire Board meetings, appropriate action to be taken will be decided by a simple majority vote of the Board. A quorum must be present excluding the interested party who may not vote on matters reflecting their own interests. The Chair has ultimate responsibility for agreeing how to manage any conflict of interest if there is a tied vote.

Options available include but are not limited to:

- Withdrawing from the room for all or part of the discussion.
- Remaining in the room but not taking part in the discussion.
- Taking part in the discussion but not having voting rights.
- Restricting access to papers in advance of the meeting.
- No action to be taken.

Each matter will be assessed on its own merit and the action taken will be noted in the minutes of the Board Meeting, which are publicly available via Healthwatch Leicester and Leicestershire's website.

## Failure to declare an interest

It is the responsibility of each individual to keep their declaration of interests record up to date.

If an individual fails to declare an interest, but that interest is known to others, then the interest can be declared by another individual. Everyone should speak up if they have any concerns about how conflicts of interest are being managed.

If it is discovered after the event that an interest has not been disclosed, then the interested party will be asked to provide a written explanation of the reasons why the information was withheld.

Depending on the nature of the breach of policy, it may be decided that no action is required other than ensuring the register of interest is updated, or in serious cases a suspension or termination of activity may be considered.

## Data protection

The information provided will be processed in accordance with data protection principles and will only be processed to ensure that individuals act in the best interests of Healthwatch Leicester and Leicestershire. The information provided will not be used for any other purpose.

## Review of policy document

The Board of Healthwatch Leicester and Leicestershire will review the effectiveness of the conflicts of interest policy and procedures set out in this document every two years.

Any amendments to this policy and the procedures governing conflicts of interest will require a simple majority of Board members voting in favour.

The amended policy document will be published on the website of Healthwatch Leicester and Leicestershire as soon as is practicable.

## Procedures

Reference to 'Board' incorporates Advisory Boards where the Local Healthwatch is hosted and Governing Boards where the Local Healthwatch is standalone. Healthwatch Leicester and Leicestershire undertakes to carry out the following procedures:

1. The conflicts of interest policy and procedures will be published on Healthwatch Leicester and Leicestershire's website.
2. All Healthwatch Leicester and Leicestershire employees and volunteers (including Board volunteers) will be required to complete a declaration of interest form upon commencement of employment or volunteering opportunity.
3. All Healthwatch Leicester and Leicestershire staff and volunteers (including Board volunteers) will read the policy and procedures document at least once per year to refresh understanding and awareness of individual responsibilities regarding conflicts of interest.
4. All staff and volunteers (including Board volunteers) will update their register of interest annually, or as soon as possible following any changes in individual circumstances.
5. Healthwatch Leicester and Leicestershire board meetings will have processes in place to note interests of Board members and attendees. The minutes of the board meetings are public documents and will provide documentary evidence of how those potential conflicts were managed.
6. Activities of Healthwatch Leicester and Leicestershire staff and volunteers will ensure interests of those involved in that activity are made known to all interested parties, and appropriate action taken in accordance with the policy above.
7. These policy and procedures will be reviewed on two-year basis and Board approval, incorporating any changes, will be noted in the minutes of a Board Meeting. Changes will be made and published on Healthwatch Leicester and Leicestershire's website as soon as is practicable.

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