

# HW Kingston Conflict of Interest Policy and Procedures

## 1. Scope

This policy applies to

Employees	x
Contractors	x
Volunteers	x
Partners	
Suppliers	
Consultants	x

Unless otherwise stated, this policy and procedure is non-contractual, does not form part of any contract of employment, and may be adapted or amended at any time by the Board of Trustees.

## 2. Policy Statement

Healthwatch Kingston is committed to ensuring its decisions and decision-making processes are, and are seen to be, free from personal bias.

## 3. Definitions

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

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

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

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 HW Kingston 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.

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 HW Kingston 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 or employee 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 Healthwatch Kingston, whether on commercial terms or not.

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

#### **4. Procedures**

If a trustee, employee, or volunteer has an actual conflict of interest, they should report it at the start of any relevant 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, employee, 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 of the Board of Trustees**, or in relation to the Chief Executive Officer of Healthwatch Kingston, and the Board of Healthwatch Kingston 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 an employee other than the Chief Executive Officer, the Chief Executive Officer's decision will be final.

If a trustee, employee, or volunteer is in any doubt about the application of this policy, they should consult with the Chair (if a trustee or volunteer) or Chief Executive Officer (if an employee).

If a trustee, employee, or volunteer fails to declare an interest that is known to the Chair or Chief Executive Officer, the Chair or Chief Executive Officer (as appropriate) will declare this interest.

Healthwatch Kingston also requires all trustees and employees to complete an annual 'Register of Declarations of Interest' in the interests of transparency and to assist in identifying potential conflicts of interest (see Appendix A below).

## **Appendix 1: Register of Declaration of Interests for Trustees and Staff**

Trustees and employees of Healthwatch Kingston will be asked to review the completeness of the Register annually (to be submitted to the Chief Executive Officer on 1 April each year or on new appointment to the Board of Trustees/employment start date, if this date is after the 1 April). See headings in register on next page.

Data Protection Statement: Healthwatch Kingston 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 purposes.

To support trustees/employees completing this Register, trustees/employees are asked to consider the following questions – however, these questions are for guidance only and trustees and staff are encouraged to think carefully about what might constitute a conflict of interest when completing their declaration:

- Are you an employee of an organisation active in the local health / social care sector in the Royal Borough of Kingston upon Thames (RBK) other than Healthwatch Kingston?
- Are you a committee, trustee, or board member of such an organisation?
- Are you an elected member of RBK Council or any other public body active in RBK?
- Have you been employed by RBK Council (or any other public body active in the RBK) in the last three years?
- Contractors, Consultants and Suppliers. Do you (or someone with whom you have a close personal connection) have employment with, ownership of, or significant shareholding in, a company or partnership providing products or services to: (a) Healthwatch Kingston or (b) an organisation active in the local health / social care sector in the RBK?
- Gifts and Hospitality. Have you received any payment, benefit, transaction, contract, property, gift or hospitality in your capacity as

a trustee / staff member of Healthwatch Kingston (as applicable) since your last declaration?

- Reputation. Do you have any outside interests that could have an impact on the reputation of Healthwatch Kingston?