

# Conflicts of Interest Policy

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July 2020

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## 1. Introduction

- 1.2 Healthwatch Cornwall (HC) is committed to the [Nolan Principles of Public Life](#) and expects all its directors and employees to adhere to these.
- 1.3 The directors and employees of HC are obliged to act in the best interests of HC and not for their own private interest or gain. However, there may be situations where a director's or employee's own interests and the interests of HC arise simultaneously or appear to clash. The issue is not the integrity of the director or employee but the management of the conflict of interest.
- 1.4 The duty of loyalty owed by the directors and employees to the community interest company requires that each be aware of the potential for conflicts of interest and act openly in dealing with such situations.
- 1.5 HC will name an Appointed Officer to manage Conflicts of Interest.

## 2. Directors

- 2.1 All Directors complete a Register of Interests on appointment. The Appointed Officer must be notified of any conflicts of interest that may arise, such as information on director's financial and other interests, interests through family connections, personal friendships and business associations. These details will be entered in the Register.
- 2.2 The Appointed Officer will ensure that the Register is updated at least annually, and all directors should notify the Appointed Officer of any changes which need to be made to their entry in the Register when those changes occur.
- 2.3 Prior to, or at the beginning of, Board meetings (or committee meetings), directors must declare any conflicts of interest which may arise in relation to matters on the agenda, whether or not the interest is already recorded in the Register. Notification can be in the form of a letter or email in advance or by oral notification to the chair at the meeting. Any new conflicts declared in this way will be entered in the Register by the Appointed Officer.
- 2.4 After disclosure of a conflict the directors will have the right to determine (without the conflicted director being present) whether a conflict exists in the circumstances. Any determination regarding the existence of a conflict will be made by a vote of disinterested directors based on an objective evaluation.



- 2.5 If it is determined that a conflict exists:
- 2.5.1 the director concerned must withdraw from the relevant part of the meeting, unless expressly invited to remain;
  - 2.5.2 in the case of personal interests, the director concerned:
    - 2.5.2.1 will not be counted in the quorum for that part of the meeting;
    - 2.5.2.2 will withdraw during the vote and will have no vote on the matter concerned.
  - 2.5.3 Employees do not count towards the quorum or have a vote unless they hold a position as a Director in which case all conditions as laid out in this policy shall apply.
  - 2.5.4 When recruiting an employee to the Board HC will follow Companies House guidelines and a signed Agreement detailing the conditions of their position on the Board will be signed by the employee.
- 2.6 Minutes of the Board meetings and any committees at which conflicts are an issue must record:
- 2.6.1 the nature of the conflict and determinations regarding the conflict;
  - 2.6.2 the relevant director's non-participation with respect to consideration of the matter;
  - 2.6.3 any limitation on the director's ability to act with respect to such matter;
  - 2.6.4 any alternatives that were discussed;
  - 2.6.5 the names of persons present for discussion;
  - 2.6.6 the votes taken regarding the conflict; and
  - 2.6.7 any other relevant information.

### 3. Employees

- 3.1 Employees are not expected to complete a Register of Interests but are expected to abide by the Nolan principles of public life as outlined in 1.1 above.
- 3.2 It is recognised that there may be occasions where a potential conflict of interest may arise, for example if a relation or friend is part of a organisation tendering for or awarding a contract. In such a situation, employees must declare any conflicts of interest which may arise in relation to the process. Notification can be in the form of a letter or email in advance or by oral notification to the Appointed Officer.
- 3.3 In the case of organisations tendering for a contract, Paragraph c (v) (b) of the [Finance Policy](#) will be applied regardless of the amount involved.
- 3.4 In the case of organisations awarding contracts the Appointed Officer would liaise directly with the organisation involved if required.



3.5 In such cases where the Appointed Officer is the person with the potential conflict of interest, the Chair will act as Appointed Officer.

#### 4. Review

4.1 This policy will be reviewed by the directors on an annual basis.

### The Appointed Officer for the management of Conflicts of Interest is:

Name: Amanda Stratford

Position: CEO

Contact Details: [amanda.stratford@healthwatchcornwall.co.uk](mailto:amanda.stratford@healthwatchcornwall.co.uk) 07739 261737

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## Appendix 1

### Declaration of Interests and Confidentiality Agreement

Type of Interest	Declaration
<p>Current employment or self-employment and any previous employment or self-employment in which you continue to have a financial interest.</p> <p>This includes any contractual relationships with Healthwatch Cornwall or health and social care providers.</p>	
<p>Health/Social Care appointments</p> <p>Representative or lay member of a public body or an organisation with direct links to public services, including in a voluntary capacity.</p>	
<p>Membership of any professional bodies, special interest groups, mutual support organisations, voluntary groups, etc, in relation to the work of Healthwatch Cornwall or health and social care providers.</p>	
<p>Gift or hospitality offered to you in the last 12 months by external bodies (and whether they were declined or accepted) that could be perceived to compromise the impartiality of your role with Healthwatch Cornwall.</p>	
<p>Further conflicts or potential conflicts not listed above. For example, links with charitable, philanthropic or community bodies. Sensitive interests need not be included though it may be appropriate to notify the Chief Executive.</p>	

## Confidentiality agreement

*Your personal responsibility concerning security and confidentiality of information (relating to patients, staff and the organisation)*

During the course of your work with Healthwatch Cornwall, you may acquire or have access to confidential information which must not be disclosed to any other person unless in pursuit of your duties or with specific permission given by a person on behalf of Healthwatch Cornwall. This condition applies during your relationship with Healthwatch Cornwall and after the relationship ceases.

Confidential information includes all information relating to Healthwatch Cornwall and its clients and employees. Such information may relate to client records, telephone enquiries about clients or staff, electronic databases or methods of communication including spoken conversations, hand-written notes made containing personal information etc.. If you are in doubt as to what information may be disclosed, you should check with Healthwatch Cornwall.

I understand that I am bound by a duty of confidentiality and agree to adhere to this Code of Conduct and the requirements of the Data Protection Act and General Data Protection Regulation (GDPR) 2018 and will safeguard all person identifiable information.

### Declaration:

I confirm that the information provided in this declaration is complete and correct. I agree to email [admin@healthwatchcornwall.co.uk](mailto:admin@healthwatchcornwall.co.uk) to notify Healthwatch Cornwall of any changes to the above declaration, within 28 days of the change, and will complete the amendment form that will be provided to me at that time.

**Name (please print):**

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**Position held with Healthwatch Cornwall:**

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**Signed:**

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**Date:**

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## Appendix 2 - Updates and Amendments to Declarations of Interest

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Name: **TYPE NAME BEFORE SENDING**

Position held with Healthwatch Cornwall: **TYPE POSITION BEFORE SENDING**

Please detail any changes to the signed Declaration of Interests form dated **ADD DATE(S) BEFORE SENDING**. Please state 'N/A' if no changes are required.

Type of Interest	Declaration
<p>Current employment or self-employment and any previous employment or self-employment in which you continue to have a financial interest.</p> <p>This includes any contractual relationships with Healthwatch Cornwall or health and social care providers.</p>	
<p>Health/Social Care appointments</p> <p>Representative or lay member of a public body or an organisation with direct links to public services, including in a voluntary capacity.</p>	
<p>Membership of any professional bodies, special interest groups, mutual support organisations, voluntary groups, etc, in relation to the work of Healthwatch Cornwall or health and social care providers.</p>	
<p>Gift or hospitality offered to you in the last 12 months by external bodies (and whether they were declined or accepted) that could be perceived to compromise the impartiality of your role with Healthwatch Cornwall.</p>	

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Further conflicts or potential conflicts not listed above. For example, links with charitable, philanthropic or community bodies. Sensitive interests need not be included though it may be appropriate to notify the Chief Executive.

**Signed:**

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**Date:**

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