

Conflicts of Interest

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1 Conflicts of interest

Local Healthwatch must to be seen as independent and accessible to all sections of the community, making sure that the public has real involvement in the governance of the organisation. This requires local Healthwatch to have the systems, processes, cultures and values (such as the Nolan Principles) in place to achieve a high level of credibility with the public as these arrangements will be closely watched by the public and failings can attract considerable negative attention. It is essential that local Healthwatch have a transparent conflicts of interest policy.

1.1 Definition

A conflict of interest involves a conflict between the public duty and the private interest, in which the person's private-capacity interest could improperly influence the performance of their duties and responsibilities.

An actual conflict of interest may arise when a member of the Healthwatch (exec or non-exec) is asked to undertake a role that directly affects or impacts their personal or private interests.

Importantly, some conflicts may only be perceived—a member's involvement could be questioned based on a personal or private interest that may not actually have an impact.

A potential conflict of interest arises where a member's has private interests that could conflict with their duties in the future, or where a member has competing interests because they hold more than one public role or duty.



1.2 Transparency

The Healthwatch network strives to be transparent, with a commitment to openness in administrative and organisational processes. By exposing such processes, independence is easier to demonstrate as bias becomes more detectable.

Healthwatch will want to make sure they have access to the most appropriate, experienced and skills members, which may include individuals in senior positions within the sector. Transparent systems can help with any perceived conflicts of interest due to competing interests, by identifying them and putting in processes to mitigate them as an issue.

1.3 Some key questions

Public duty versus private interest

Do any members have personal or private interests that may conflict or be perceived to conflict with our public duty?

Potential

Could there be benefits for a member now or in the future that could cast doubt on their independence?

Perception

Remembering that perception is important, how will a member's involvement in the decision or action be viewed by others?

Politicisation

Do any members have political interests that may conflict or be perceived to conflict with our public duty?

Proportion

Would a member's involvement in the decision making appear fair and reasonable in all the circumstances?



Preparation

What would be the response if an involvement in a decision making forum was questioned publicly?

1.4 Managing conflicts of interest

If conflict of interest situations are not properly identified and managed they can endanger the integrity of the local Healthwatch. Each local Healthwatch may encounter some form of conflict of interest, so besides transparency what can you put in place to manage them?

Register recording the disclosure of a conflict of interest in a register is an important first step. However, this does not necessarily resolve the conflict. It may be necessary to assess the situation and determine whether one or more of the following strategies is also be required.

Restrict it may be appropriate for a member to restrict their involvement in a matter. For example, refrain from taking part in debate about a specific issue, abstain from voting on a decision, or restrict access to information relating to the conflict of interest. If this situation occurs frequently and ongoing conflict of interest is likely, further steps may be required.

Remove from involvement in the matter altogether is the best option when ad hoc strategies are not feasible or appropriate, for example removing from a specific decision making forum such as the Health & Wellbeing board.

Relinquish the personal or private interests may be a valid strategy for ensuring there is no conflict with a member's public duty. This may be the relinquishing of membership of another organisation, but may not be appropriate and resignation may be the only option.

Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

