

Education for Health

Conflict of Interest Policy

1. Policy Statement

The aim of the policy is to protect both Education for Health and the individuals involved with it, from any impropriety, or the appearance of impropriety. It is designed to provide guidance to ensure that when conflicts or perceived conflicts of interest arise, they are acknowledged, disclosed and, where appropriate, properly managed.

All staff, students, trainers and members of committees and particularly Trustees, who also have specific legal obligations to act in the best interest of Education for Health, should act in accordance with Education for Health's governance framework, policies and procedures and avoid situations where there may be a conflict of interest.

To achieve its mission of improving the lives of people living with long-term conditions through education and training activity, Education for Health encourages the wider activities of its staff and students as well as working collaboratively with several stakeholders who support this.

2. Scope

The policy applies to all those connected with Education for Health, including Trustees, staff, students, trainers, volunteers and members of committees.

3. Definitions

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of Education for Health which can objectively be seen as prejudicing a person's impartiality in their judgement, choices or behaviour. Such conflicts may create problems, as they can:

- Inhibit free discussions
- Result in decisions or actions that may not be in the best interests of Education for Health
- Risk the impression that Education for Health has acted improperly
- The most common types of conflict include:
 - Direct financial interest
 - Indirect financial interest, for example where a close family relative benefits
 - Non-financial or personal conflicts including intangible benefits in kind such as reputational, academic, career or opportunity related activities
 - Conflicts of loyalties- if there are competing loyalties between Education for Health and some other person or entity

This list is not exhaustive.

Conflicts of interest include perceived or potential conflict of interest as well as actual conflicts:

- Actual conflicts of interest are existing situations or relationships that could compromise an individual's impartiality, objectivity and or professional integrity and judgement in reaction to their duties/responsibilities towards the charity
- A perceived conflict of interest is one that a reasonable person could consider likely to compromise impartiality and objectivity
- A potential conflict of interest is one which could evolve into an actual or perceived conflict

4. Background

This policy replaces the Conflict of Interest policy for Trustees and Senior Staff updated in March 2015

5. Associated Procedures

For all those connected with Education for Health:

- Research policy

In addition, for students:

- Fitness to Practise Policy
- Code of Practice for Student Discipline

These are all located on the Education for Health Policies and Procedures webpage:

<https://www.educationforhealth.org/education/student-support/regulations-policies/>

For staff, volunteers and trainers:

- Fit and proper persons policy
- Anti-corruption and bribery policy
- Whistleblowing policy

These are located for staff/volunteers in the Human Resources section of the Education for Health organisational shared drive, and for trainers on the iLearn Trainer Portal.

6. Associated Documentation

Declaration of interests Form 1 (Trustees) and Form 2 (staff)

Statement of Interest Register

7. Roles and Responsibilities

- 7.1 The CEO has ultimate responsibility for this policy, dissemination of the policy and management of potential and actual conflicts of interest.

- 7.2 The Trustees have an individual personal responsibility to declare conflicts of interest which affect them as well as being responsible for ensuring that there are strong systems in place so that they can assure themselves as to how the organisation deals with conflicts of interest.
- 7.3 Directors and heads of department are responsible for communicating this policy to all relevant individuals within their areas of responsibility annually and for ensuring that potential or actual conflicts of interest are handled appropriately and reported to the responsible officer.
- 7.4 All staff, including volunteers and trainers, are responsible for identifying and reporting potential or actual conflicts of interest relevant to their role.
- 7.5 All students are responsible for ensuring that they maintain the standard of integrity and conduct expected by Education for Health as outlined in our Fitness to Practise Policy and Code of Practice for Student Discipline found in sections 6.7 and 9.16 respectively on the Policies and Procedures page of our website: <https://www.educationforhealth.org/education/student-support/regulations-policies/>. In signing terms and conditions for studying with Education for Health, students agree to abide by relevant policies including matters relating to conflict of interest.
- 7.6 The responsible officer is the company secretary who is responsible for escalating reports of actual or potential conflicts of interest to an appropriate level within the Charity and, when necessary, to the Board and the regulatory authorities.

8. Policy

- 8.1 All decisions for Education for Health should be taken by a person whose judgement is demonstrably impartial.
- 8.2 The conduct of staff, Trustees and students should be consistent with Education for Health's legal obligations in respect of promoting our education and research functions fairly and in not allowing a person's connection with Education for Health to be operated for personal external gain or advantage in any other way which is incompatible with Education for Health's best interest.
- 8.3 The disclosure of relevant external interests is mandatory, any conflict will be managed by the Charity in a way that, where practicable, does not prejudice employment, appointment or assessment opportunities.
- 8.4 All Trustees, the CEO, directors, associate directors and module leads should make an annual return in the register of interests (Form 1 (Trustees) or Form 2 (Staff)) on their appointment and at least annually, thereafter, declaring their relevant external interests and any material changes. The annual return should be returned as "nil" where no conflict is identified; failure to return the form will be treated as potential grounds for disciplinary action.
- 8.5 Once a staff member has identified a potential, perceptible or actual conflict, they should, without delay, report the circumstances to the responsible office.

- 8.6 This reporting responsibility applies also to any manager to whom a member of staff discloses a potential, perceptible or actual conflict.
- 8.7 Perceived conflicts of interest may undermine trust and organisational reputation which can be as damaging as actual conflicts; thus it is important when evaluating a potential conflict that its perception by others is also considered.
- 8.8 Any allegations of conflict non-disclosure should be raised under the Charity's whistleblowing policy which applies when appropriate to conflicts of interest; those raising concerns in good faith will not be penalised.

Committee Members

- 8.9 Any committee member who has a clear and substantial interest in a matter under consideration by the committee should declare that interest at any meeting where the matter is to be discussed whether or not that matter is already declared on the register. At the discretion of the meeting's Chair, the member concerned may be asked to withdraw from the meeting during the relevant discussion or decision.

Staff, Trainers and Students

- 8.10 All staff should declare any gifts or hospitality received in connection with their role in Education for Health by completing **Form 2** annually.
- 8.11 Once a staff member has identified a potential, perceptible or actual conflict, they should, without delay, report the circumstances to the responsible officer.
- 8.12 This reporting responsibility applies also to any manager to whom a member of staff discloses a potential, perceptible or actual conflict.
- 8.13 Staff who are uncertain if their declaration needs to be updated should discuss this with the company secretary or the CEO. They should make sure that they are familiar with this policy, any guidelines and should complete any mandatory training about conflicts of interest. They should disclose any activity that might create a potential conflict of interest and if there is any doubt whether or not it represents a conflict of interest, it should be reported.
- 8.14 All staff members or trainers considering paid or unpaid work outside Education for Health should discuss this first with their manager if they think there is any potential for a conflict of interest. A staff member should not take on any activities that could be deemed to compete or conflict with Education for Health activities.
- 8.15 Where there is a personal relationship between a member of staff and a student, the staff member should inform manager and take no part in the academic assessment of the student, nor any decision relating to the student. If the staff member attends an Exam Board where the student is being assessed, their interest should be declared.

- 8.16 Former members of staff or students should not act as external examiners within five years of leaving Education for Health.
- 8.17 Where there is a personal relationship between two members of staff neither shall be involved in any decision or process affecting the other, including promotion, remuneration, discipline or grievance.
- 8.19 Where there is any doubt what to declare or whether/when your declaration needs to be updated please err on the side of caution. If you would like to discuss this issue please contact the company secretary, or the CEO in the first instance who will refer on to the Chair of Trustees as necessary.

Trustees

- 8.18 Trustees have a duty to act in the interests of the Charity and not to receive any benefit unless they are authorised to do so. Trustees must not put themselves in a position where their personal interests conflict with their duty to act in the interests of the Charity unless authorised to do so. Trustees are entitled to have their reasonable expenses met from the funds of the Charity but only in specific circumstances can Trustees be paid for the supply of services. Trustees are authorised to receive payment by:
- An explicit power contained in Education for Health's governing document where limited criteria are complied with, namely:
 - a) Amounts paid are deemed to be reasonable in the circumstances
 - b) The Trustee absents themselves from the part of meeting where it is discussed (including any vote that is required)
 - c) The reason for the decision is recorded in minutes
 - d) Such payments remain exceptional, and are not normalised in the Charity's activities
 - e) The other Trustees are satisfied that it is in the interests of the Charity to contract with the Trustee rather than someone else
 - An explicit power provided by the Charity Commission, if requested and granted prior to offering paid employment to a Trustee, former Trustee or other connected person
 - The statutory power introduced by the Charities Act 2006 to pay Trustees for services under certain conditions may be summarised as follows
 - a) There is a written agreement between the Charity and the Trustee or other connected person who is to be paid
 - b) The agreement sets out the exact or maximum amount to be paid
 - c) The Trustee concerned may not take part in decisions made by the Trustee Board about the making of the agreement, or about the acceptability of the service provided
 - d) The payment is reasonable in relation to the service to be provided
 - e) The Trustees are satisfied that the payment is in the best interests of the Charity
 - f) The Trustee Board follows the 'duty of care' set out in the 2006 Act
 - g) The total number of Trustees who are either receiving payment or who are connected to someone receiving payment are in a minority
 - h) There is no prohibition against payment of a Trustee

- i) Trustees must 'have regard to' the Charity Commission's guidance on the subject, and Trustees must be able to show that:
 - a. They are aware of this guidance
 - b. In making a decision where the guidance is relevant, they have taken it into account,
 - c. If they have decided to depart from guidance, they have good reasons for doing so.

8.20 In fulfilling their legal duty to act only in the best interests of the Charity, Trustees have a personal responsibility to declare conflicts of interest. Trustees are required to declare such interests, and any gifts or hospitality received in connection with their role in Education for Health, by completing form 1 (Trustees), at least annually and when a material change occurs.

8.21 Where there is any doubt what to declare or whether/when your declaration needs to be updated please err on the side of caution. If you would like to discuss this issue please contact the Company Secretary or Chair of Trustees.

Decisions taken where there is a conflict of interest

8.21 In the event of the Board having to decide on an issue in which an individual has an interest, all decisions will be made by vote with a simple majority. A quorum must be present for the discussion and decision. Interested parties will not be counted when deciding whether the meeting is quorate. Interested parties may not vote on matters affecting their own interests. All decisions pertaining to conflicts of interest will be recorded and reported in the minutes of the meeting. The report will record

- The nature and extent of the conflict
- An outline of the discussions
- The actions taken

8.22 Where a party benefits from the decision, this will be reported in the Charity's accounts and annual report, in accordance with the current Charities Statement of recommended practise.

8.23 All payments or benefits in kind paid to a Trustee will be reported in the Charity's accounts and annual report, with amounts for each Trustee listed for the year in question. Where a member of Education for Health's staff is connected to a party involved in the supply of a service or product to Education for Health, this information will also be fully disclosed in the annual report and accounts.

8.24 An independent external moderation should be used where conflicts cannot be resolved through the usual procedures.

Managing Contracts

8.25 Staff must not be involved in managing or monitoring a contract in which they have an interest.

Data Protection

- 8.26 The register of interest shall also be used to record all gifts received in connection with their role in Education for Health by Trustees, the CEO and staff. Interests and gifts will be recorded on the Charity's register of interests, which will be maintained by the company secretary. The register will be accessible by the CEO, company secretary, Trustees, executive assistant and auditors. It will be reviewed annually by the Chair.
- 8.27 The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Trustees, CEO and senior staff act in the best interests of Education for Health. The information provided will not be used for any other purpose.

9. Policy History (Amends)

This policy replaces the Conflict of Interest policy for Trustees and Senior Staff updated in March 2015.

Date of Next Review: December 2019