

# Conflict of Interest

Kernow Positive Support

SPECIALISED HIV INFORMATION,  
SUPPORT, RESPITE & RETREAT

POLICY DOCUMENT 2013

Revised 2017



# CONFLICT OF INTEREST

## 1. INTRODUCTION

The intention of this policy is to encourage open and fair dealings between Kernow Positive Support (KPS) and any employee\* or volunteer who believes that they are in a situation where a conflict of interest may arise. To this end employees should seek guidance from a member of the Trustees. KPS in turn will always endeavour to minimise the effect that any actual conflict may have on the employee. [An employee is anyone receiving any remuneration from KPS whether financial or in kind.]

*\*Employee is defined as any members of paid staff and any contracted persons such as; Therapists, Counsellors and Facilitators*

## 2. PRINCIPLES

2.1 To guard against possible conflicts of interest, KPS has laid down principles of conduct for its employees:

- The well-being interests of clients are of paramount importance.
- Employees are to act impartially and honestly in all matters relating to their work and KPS business.
- Official funds are to be used to the best advantage of KPS.
- Employees and Trustees are not to use their official positions for private or family benefit, nor to further their private interests in the course of their official duties. (Trustees should refer to the Charity Commission guidelines ‘C harity Trustee: What’s involved (CC3a)’ regarding this matter)

2.2 These principles are supported in Law by the Bribery Act 2010, which makes it an offence for employees to corruptly accept anything by way of inducement or reward by taking actions or showing favour in their official capacity and by the common law obligations that arise from an employee’s contract of employment.

2.3 KPS employees and Trustees are therefore required to avoid any situation where private and KPS interests may conflict - the most likely occasions of conflict are stated below:-

### 3. GIFTS

Employees and Trustees must in principle decline all gifts offered to them as KPS employees and Board members, especially cash gifts of any amount. The only exceptions are small tokens from patients or clients, or their families; and small items of advertising such as diaries or calendars.

### 4. HOSPITALITY

Employees should accept hospitality only so far as it is polite and reasonable in the circumstances and if it is equivalent to hospitality which KPS itself would offer.

### 5. DUTY TO DECLARE INTERESTS

5.1 An interest is defined as “*having a particular reason for success of a venture*”. It may include strict ownership, partnership - sleeping or active - any form of loan or equity status, contract of employment, service or consultancy held by them directly or indirectly through their family

5.2 Employees and Trustees are to declare to KPS, through the senior member of staff or other Trustees (*being the Chair in the first instance*), any interest, which might affect free and fair competition for the supply of goods or services to KPS or its clients.

5.3 Employees and Trustees are to declare any interest which they already have, at the earliest opportunity, and any new interest at the time they acquire it.

5.3.1 When an employee and/or a Trustee declares an interest, KPS may require that they dispose of their interest, in which case a reasonable timetable will be agreed. Alternatively KPS may rule that they refrain from particular duties on behalf of KPS, or that the interest does not represent a conflict of interest. The Board of Trustees will take this decision.

5.4 Employees and Trustees should in particular declare any situation where they themselves, a close relative, partner or associate, control or hold a significant position in a business or activity that **could or does** compete for the supply of goods or services to KPS.

### 6. PREFERENTIAL TREATMENT

6.1 Employees and Trustees are not to seek or accept preferential rates for themselves or any other personal benefits. (*The only exception is where official concessions are negotiated for the benefit of all KPS employees*).

6.2 Employees and Trustees are likewise to show no special personal favour, or give preferential treatment or priority to current or former employees, close relatives, partners or associates, which could affect recruitment to KPS posts.

## **7. OUTSIDE EMPLOYMENT**

Employees are to avoid any employment with employers other than KPS if it could conflict with their duties towards KPS or be detrimental to them or their clients.

## **8. WRITTEN ARTICLES AND INTERVIEWS**

Any employee, Trustee and member of KPS who intends to have published a written article, whether professional or otherwise, or who intends to take part in any interview, live or recorded, which may take place in public or be broadcast or published should first seek the guidance of the Board of Trustees

## **9. CONCLUSION**

To avoid conflict of interest, employees need to act always in good faith and according to good working practices.

This policy also includes the identification of risks posed to both clients and staff during lone working. KPS recognises that a significant proportion of the support provided will be through one to one contact in a variety of settings and the risks to clients, staff and volunteers need to be identified. Staff and volunteer training and induction procedures will highlight the potential risks to staff and volunteers, and the risk to clients will be identified in the client handbook. As part of the overall service provision staff and volunteers are required to draw to the attention of prospective clients the relevant section of the client handbook which deals with these potential risks.

Information covering these potential risks and how staff, volunteers and clients deal with the possible risks which can arise from one to one working are contained in several policy documents including:

- KPS Risk Assessment
- KPS Lone Worker Policy
- KPS Whistleblowing Policy
- KPS Safeguarding Policy Children/Adults
- KPS Managing your Personal Safety
- KPS Harassment Policy
- KPS Ethics and Practices Policy
- KPS Disciplinary Procedure Policy
- KPS Confidentiality & Data Protection Policy
- KPS Complaints Policy
- KPS Health & Safety Policy

Plus the KPS Client Handbook, and the KPS Staff and Volunteer Handbook.

All KPS policies and procedures are reviewed annually; this CONFLICT OF INTEREST POLICY has been reviewed and ratified by the KPS Board of Trustees commencing 1<sup>st</sup> March 2017 (*under 'policies' as shown in the KPS Annual Report and Accounts*).

***Ref: CoIP2013/14.***