

Tribunal Advisory Committee, 30 May 2018

## Conflicts of Interest Policy

### Executive summary and recommendations

#### **Purpose**

The aim of this policy is to set out the expectations regarding real or potential conflicts of interest and the process for dealing with a conflict raised in relation to a partner.

#### **Scope**

The policy is aimed at all individuals who have a HCPC partner services agreement – the types of partner include Fitness to Practise Panel members and chairs; Registration assessors; Appeal Panel members; Visitors; Legal Assessors; CPD Assessors. This list is not exhaustive.

Compliance with this policy is compulsory for all partners and breaches may result in suspension of service or termination of the contract.

#### **What is a conflict of interest?**

A conflict of interest arises where a partner has a private interest which might influence, or be perceived to influence, that person's judgment in carrying out the duties as determined by their contract for service.

When a reasonable, fair-minded and informed observer would conclude that there is a real possibility that a HCPC decision maker is or could be biased because of a particular interest then there is a conflict of interest.

This is not a definitive list but examples of relevant interests where a conflict might arise include:

- Making a decision or leading on a case involving a registrant where the panel member has a strong personal belief about the nature of that registrant's practice.
- A past or present interest that could reasonably be thought to cast doubt on a partner's independence or impartiality with regard to his or her duties as an HCPC partner.
- Membership of or any position within a political party, a pressure/interest group, a voluntary organisation or any association connected directly or indirectly with the wider healthcare sector.
- Where there have been previous interactions with an individual whose case is being considered. These interactions could be personal or

professional. Knowing of the individual would not necessarily be considered a conflict of interest.

- Where a partner's immediate family member, close friend or colleague is attending or has recently graduated from an institute that they have been asked to visit as part of their provision of service.

### **The aims of the Conflicts of Interest Policy**

Our conflicts of interest policy is designed to ensure that our work is carried out free from improper influence and that it is independent, fair and devoid of bias and must be seen to be so.

As we are responsible for promoting and setting standards of conduct among registrants, as well as making decisions about registrants whose fitness to practise may be impaired, our own conduct both as an organisation and as individuals must reflect the highest standards.

### **How does the policy apply in practice?**

This policy sets out how we should manage conflicts of interest and related matters.

The HCPC does not wish to collect or retain private information about its partners' interests unless it is relevant to their role or an aspect of their role within the HCPC.

It is the responsibility of all partners not to put themselves or the work of the HCPC in a position where there is a conflict between the duties required as set out in the contract and their own private interests.

Partners must avoid making decisions or handling matters where they have interests that might influence, or be perceived as influencing their judgement.

### **Register of interests**

On appointment to the HCPC all partners will be asked to complete a declaration of interest form. This will be retained in a central Register of Interests and must be completed at the point of engagement of services. It is the responsibility of the partner to keep the Register of Interests up to date and notify the HCPC of any relevant changes of circumstance. The HCPC also reserves the right to review this information on an annual basis asking all partners to ensure that the information is up-to-date.

The partner will need to consider whether any past or present interest or association with any person or body or any fact or matter (whether entailing an association with any person or otherwise) of whatsoever nature might reasonably be expected to give rise to a conflict of interest or the suspicion of a conflict. The conflict might arise where an interest might influence or be perceived to influence the partner's judgement in carrying

out his or her function – for example as a panellist, whether as to his or her independence, impartiality or in any other way.

The partner has a responsibility at all times to advise the HCPC of any appointments or changes to their personal circumstances which may in turn cause potential conflicts of interest.

If at any time in the course of their provision of services a partner recognises a potential conflict they must advise the operational manager and/or the Partner manager.

Where there is a potential conflict of interest, the operational manager and/or the Partner manager will agree with the partner what if any action should be taken. In many cases this is likely to mean that the partner will be asked to stand down for the particular activity that they have been asked to undertake. Plainly, the sooner the potential conflict is identified and an assessment made the better.

This information may be made public if there has been improper influence as result of the conflict of interest or there is a legal obligation to disclose it.

**Declaration of interest**

**Name:**

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**Registration of interests**

I have read the Conflict of interest policy (and supporting operational guidelines) and I list below the organisations past and present of which I am a member, with which I am associated or in which I have some other interest where a conflict of interest or the appearance of such a conflict of interest could arise (please add rows as required).

<b>Organisation</b>	<b>Position/interest</b>

In line with the conflict of interest policy I also detail other information deemed appropriate.

Signed ..... Date .....

Name (print).....

Last update 13 December 2017