

## DOCUMENT TITLE:- TPCHF Conflict of Interest Policy

### Introduction

TPCHF needs to meet professional standards in the delivery of its business and engagement with external stakeholders. The integrity of TPCHF depends on ethical behaviour throughout the organisation, and in particular, on fair, well-informed decision-making. The ability to make decisions is sometimes affected by other interests (personal or professional).

Such conflict of interest situations are a regular part of organisational and personal life and cannot simply be eliminated. Older policies regarding conflicts of interest generally aimed to “exclude” or “prohibit” conflicts of interest arising. Newer policies focus more accurately on managing conflict of interest situations so that the outcomes of decision-making are not the result of inappropriate influences.

The phrase “conflict of interest situation” refers to circumstances where there is a possibility of a conflict which must be further identified and managed.

The object of this policy is to permit TPCHF to manage conflict of interest situations successfully and resolve them fairly. Formal recognition is given to *The Canadian Council for International Co-operation (CCIC) Code of Ethics* for substance of this policy, who make available draft policy frameworks for adaptation by individual agencies.

This policy is to be used in conjunction with [TPCHF’s Conflict of Interest Guidelines](#), which have been drafted for use by TPCHF with specific reference and thanks to the *Australian Code for the Responsible Conduct of Research (2007)*. This Code<sup>1</sup> is a guide for responsible research conduct in Australia, providing a basic reference for the development of appropriate policies and procedures.<sup>2</sup> TPCHF has specific responsibilities regarding the assessment and funding of medial research grant applications so the TPCHF’s Conflict of Interest Guidelines has used the *Australian Code for the Responsible Conduct of Research (2007) Section 7 and NHMRC Guidelines* in developing the Foundation’s Conflict of Interest Guidelines.

### Scope:

This policy applies to TPCHF Board members, Research Committee members, Finance Committee members, and all Foundation Committee members, staff members, contractors, volunteers and all grant applicants.

### Defining a Conflict of Interest:

A conflict of interest is a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties in respect of TPCHF.

---

<sup>1</sup> This Code has been jointly developed by the National Health and Medical Research Council, the Australian Research Council and Universities Australia, and has broad relevance across all research disciplines. This Code replaces the *Joint NHMRC/AVCC Statement and Guidelines on Research Practice (1997)*.

<sup>2</sup> The Code has been written specifically for universities and other public sector research institutions. It is a reference for people outside the research community who require information on the standards expected in the responsible conduct of research within Australia. Compliance with this Code is a prerequisite for receipt of National Health and Medical Research Council and Australian Research Council funding.



“Private or personal interest” refers to an individual’s self-interest (e.g. to achieve financial profit or avoid loss, or to gain another special advantage or avoid a disadvantage); the interests of the individual’s immediate family or business partners; or the interests of another organisation in which the individual holds a position (voluntary or paid).

“Objective exercise of duties” refers to an individual’s ability to carry out her or his responsibilities in the best interests of TPCHF as an entity and its organisational strategic objectives.

### **Types of conflict**

A Board member, sub-committee member, employee, volunteer or grant applicant may be in a conflict of interest situation that is:

1. Actual or real, where his/her official duties are or will be influenced by his/her private interests.
2. Perceived or apparent, where his/her official duties appear to be influenced by his/her private interests.
3. Foreseeable or potential, where his/her official duties may be influenced in the future by his/her private interests.

### **Responsibilities:**

Directors of TPCHF Board, members of sub-committees eg Research & Finance Committees, CEO, staff and volunteers are all responsible for managing conflict of interest situations to ensure that workplace behaviour and decision-making throughout TPCHF are not influenced by conflicting interests.

### **Preventing Conflicts of Interest arising**

TPCHF supports an organisational culture in which people freely take responsibility for both “self-declaring” possible conflicts of interest, and respectfully raising possible conflicts faced by others in the organisation. This culture makes it possible to avoid many such situations from arising in the first place.

Practical preventive measures, such as:

- asking what to do when gifts and hospitality are offered;
- providing meeting agendas in advance to enable participants to foresee possible conflicts;
- ensuring that people are clearly informed when information is confidential and identifying improper use of access to knowledge such as details of confidential reports, grant applications and rankings, and
- declining involvement in an action (such as supporting a questionable outside activity)

are all part of this policy’s recommended day-to-day actions to help prevent conflict of interest situations arising and are the responsibility of each person associated with TPCHF.



## Managing Conflict of Interest Situations

Where prevention is not the solution, conflict of interest situations must be managed.

In summary, these are the policy steps:

- 1. Declare it.** Ensure transparency by self-declaration, and by making sure that a record of the declaration is made.
- 2. Discuss it.** If in doubt, discuss, do not keep silent. Raise the matter with the chair of your meeting, or undertake a full dialogue with the group, if the situation warrants it.
- 3. Deal with it.** Measures to mitigate or eliminate a conflict of interest will depend on what is appropriate to the severity of the situation.

### There are specific options for action and examples include:

- a) Restrict the involvement of the individual. For example, withdraw from decision-making. This would not be appropriate if the conflict of interest arises frequently, or if the individual cannot be separated from parts of the activity.
- b) Recruit a third party to assist. For example, ask a disinterested party to sit on a hiring board. There will be situations where no appropriate third party is available.
- c) Remove the individual from affected duties. When *restrict* and *recruit* are not suitable options, the individual with the conflict may be removed from duties related to the conflict. The individual could transfer to other duties.
- d) Relinquish the private interest. In cases of serious conflict, the individual may choose to drop the private interest, such as membership on the Board of another organisation, which is causing the conflict.
- e) Resign from the official duties. In certain cases where other solutions are not possible, the individual may have to resign from the position creating the conflict.
- f) Document what has been done. Board minutes, correspondence to interested parties, or other documentation will provide a record of steps taken.

### Transparency:

The application of this policy requires:

- 1. Disclosure:** Affected persons must provide information on possible conflicts of interest and related matters to the CEO, Committee Chairperson or Board Chair if appropriate.
- 2. Declaration to Concerned Parties:** If the Board Chair (or CEO if appropriate) deems that information on a possible conflict of interest must be provided to a wider audience of concerned parties (such as the members of a committee or the Board, or the public at large), then a declaration of the conflict of interest situation will be made and recorded. The person involved should be consulted prior to the wider declaration.





### **Policy Application**

1. This policy has been under review by the TPCHF Board from 19<sup>th</sup> Feb 2009. In Nov 2009, it has been added to the suite of documentation supporting 2010 Grant programs and made publicly available in Nov 2009. The policy has also been added staff handbook, explained to current staff and explained to all new Directors, new staff and volunteers, especially those volunteering on committees and special projects.
2. The TPCHF Board has as a standing agenda item declaration of conflicts of interest and required Directors to complete a form declaring conflicts of interest on an annual basis.
3. As relevant, either the Board Chair, the sub-committee Chairperson and/or the CEO will indicate to an individual whether further action is necessary to manage the possible conflicts of interest disclosed.
4. The Board Chair is the final authority on resolving disputes, for example when an individual does not agree with the perception that he or she is facing a conflict of interest.
5. Board Chair is the final authority on dealing with real conflicts of interest which are discovered "after the fact". A variety of serious measures, such as cancelling a contract or hiring decision, may have to be considered, case by case, in such situations.
6. For the purposes of this policy, the Board Chair is the appropriate authority in all matters relating to the affairs of the Board, and to any issues involving the CEO's own affairs. Any issues involving the Board Chair's own affairs will be dealt with by the Minister for Health.

*As of 16.11.2009*



Under the patronage of His Royal Highness,  
Prince Charles, the Prince of Wales, K.G.