

CONFLICT OF INTEREST (COI) POLICIES & PROCEDURES

DRAFT DOCUMENT



GHANA COLLEGE OF
**PHYSICIANS
AND
SURGEONS**

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1.0 Background

This document draws on Ghana Commission for Human Rights and Administrative Justice (CHRAJ) guidelines on Conflict of Interest (COI). The CHRAJ guidelines were developed to guide public sector ministries, departments and agencies in developing their own agency specific guidelines.

According to CHRAJ, a conflict of interest arises when ***'there is a conflict between a given person's duty as a public officer and his or her interest as a private person.'*** Specifically:

'when the promotion of private interest of a public official results or is intended to result in or appears to be or has the potential to result in an interference with the objective exercise of the person's duty and an improper benefit or an advantage by virtue of his/her position, then it constitute a COI.'

Private interest could be financial or other interest, such as family members, relations, clubs and associations, among others. Implicit in this definition is that COI can real, potential and apparent. Apparent COI occurs when the private interest could improperly influence the performance of a public duty but it is not the case yet. The existence of private interest where there is the possibility of a COI situation arising if the public official were to take the relevant official responsibility in the future is potential COI. Apparent and potential COI's are potentially corrupt conduct, but which may never happen if steps were taken to prevent them from occurring. As soon as a COI situation is foreseeable, the public official involved must take all appropriate steps to remove himself/herself from the situation or the official could report the COI situation and its circumstances to his/her superior officer or disclose the conflict. Private interest could be financial or other interest, such as family members, relations, clubs and associations, among others

2.0 General Conflict of Interest Policies and Procedures

2.1 Definition

Conflict of interest is defined as any situation which has the potential of interfering with the sound managerial, professional and administrative decision of a Fellow, Member, Residents or employee of the GCPS and which could compromise laid down rules, regulations and procedures of the GCPS which may result in unfair advantage to the employee or loss of money or property of the GCPS.

2.2 Conditions for Conflict of Interest

A Fellow, Member, Residents or Employee of the GCPS should not put himself/ herself, family or friends in a position where his/ her or their interest conflicts with the functions of his/ her office and roles in the GCPS. Conflict of interest may arise from the following:

- a. Where a fellow, member, resident or employee of the GCPS receives valuable gift(s) from any person whether in the form of money, goods, hospitality or other personal benefits, and it is perceived that the gifts received are intended to influence his/her judgement or action on a case he/she is dealing with or will handle in the future. In circumstances where a GCPS fellow, member or resident is presented with a gift of any kind, he/she should exercise his/her own judgement as to whether he/she should decline the offer; otherwise he/she should consult with their faculty.
- b. Where a fellow, member, resident or employee of the GCPS gives valuable gift(s) to any person whether in the form of money, goods, hospitality or other personal benefits, and it is perceived that the gift(s) given is or are intended to influence that person's judgement or action in his/her favour presently or in the future.
- c. Where a fellow, member, resident or employee of the GCPS acts as an agent for any person who intends to influence a fellow, member, resident or employee of the GCPS with a benefit.
- d. Where a fellow, member, resident or employee of the GCPS in his/her personal or official capacity receives any payment from Government funds on behalf of, or, as agent for any member of the public.
- e. Where a fellow, member, resident or employee of the GCPS sets up a company or enters any enterprise whose interest conflicts with that of the GCPS.
- f. Where a fellow, member, resident or employee of the GCPS uses his/her professional qualifications in the promotion of commercial products.

2.3 Declaration of Interest

Any a fellow, member, resident or employee of the GCPS who has an interest in a case or transaction which in his/her anticipation may result in a conflict of interest with the GCPS must declare that interest in writing and in confidence to his/her Faculty Chair or their nominee; or if the conflict involves the Faculty Chair the Faculty Chair must declare it to the Rector prior to the proceedings or transaction. After declaration the fellow, member, resident or employee of the GCPS must not take part in the proceedings or that transaction.

2.4 Sanctions

All actions that amount to conflict of interest constitute misconduct in respect of which the following appropriate sanction(s) or penalty/ penalties will be meted out:

- a. In cases of proven conflict(s) of interest, the a fellow, member, resident or employee of the GCPS employee shall be removed from his/her normal schedule or post where his/her influence will interfere with the interest of the GCPS.
- b. If a conflict of interest results in huge losses to the GCPS, the matter must be referred to the appropriate security agencies.
- c. A fellow, member, resident or employee of the GCPS accused of conflict of interest may be interdicted until the case is determined.
- d. Any a fellow, member, resident or employee of the GCPS shall be liable to refund/ replace any loss of money or property which is occasioned by any conflict of interest situation.

3.0 Research Specific COI Guidance Notes

1: A **Conflict of Interest** arises where there is any **Interest** present which is a **Financial Interest** (note2), a **Legal Interest** (note3) or a **Perceived or Perceivable Interest**(note4) and which might reasonably be expected to influence the design, conduct or reporting or the relevant research (or other) project.

2: A **Financial Interest** is a situation where you or your **Related Parties** (note 5) have received (or, in the case of **Equity Instruments**, have held or still hold) in the last 12 months aggregate remuneration, payments, values, bursaries (for example, expenses paid for attending or speaking at a conference) or other funding which are equal to or exceed US \$ 6,500 (GHS 35,000). An **Equity Instrument** means a shareholding, holding of other securities or debentures or loan monies on any terms or any option or other right to obtain the same, whether subject to performance conditions or not.

3: A **Legal Interest** is a situation where there is a **Legal Duty** which arises presently, in the last 12 months or where there are arrangements in place which will arise (whether formally under a contract or informally on the basis of an understanding) in the next 12 months. A **Legal Duty** includes: fiduciary duties (which are likely to cover directors or trustees of an organisation, trust or other body); duties which arise under legal documents (this might cover powers of attorney or other legal documents which confer powers upon you, your **Family Members** (see note 5) or your **Remoter Family Members** (see note 5) such that you are able to represent a **Counterparty** (see note 6) in some capacity, for example, a testamentary document); or any other duty that arises by operation of law.

4: A **Perceived or Perceivable Interest** is an Interest in any **Counterparty** (note6) to the grant application or project (taken as a whole and in its normal context) which a reasonable person may, now or in the future, perceive to exist and which relates to past, present or future relationships with a **Counterparty** (being a person, company other business or entity (whether not-for-profit or otherwise) which is not the University and which is not a **Legal Interest** (note3) or a **Financial Interest** (note2) and which may result in any benefit (other than normal and continuing employment benefits provided by an employer) accruing to you or a **Related Party** (note5) of yours.

5: **Related Parties** - are you or your children, parents or siblings (**Family Members**) or your spouse, former spouse or any of such persons Family Members (**Remoter Family Members**) who are **Connected** (see note 7) with any **Counterparty** (note6) with regards to the project or grant.

6: **Counterparty** means any funder, sponsor, collaborator, main contractor or sub-contractor or any consultant to, agent, director or shareholder of any of such parties of the grant.

7: **Connected** means that you, your **Family Members** or your **Remoter Family Members** are employed by, are a director (whether in an executive or non-executive capacity) or **Shadow Director** of, act as a consultant to, are an agent of or a shareholder in or otherwise engaged in any capacity, or have any kind of **Legal Duty** towards a **Counterparty**. A **Shadow Director** is a person who, whilst not a statutory director of a particular company or other entity, is a person in accordance with whose wishes or directions the relevant company or other entity is inclined to act.

8: Is there any matter which you have declared in your last Annual Staff Declaration which might constitute a **Conflict of Interest**? If not, has anything changed since you made your last Annual Staff Declaration which might constitute a **Conflict of Interest**?

4.0 Acknowledgements

Ghana Health Service Code of Conduct and disciplinary procedures (2018) Chapter 12 – Conflict of Interest

1. (https://www.ghanahealthservice.org/downloads/GHS_Code_of_Conduct_and_Disciplinary_Procedures_2018.pdf)
2. Ghana Commission for Human Rights and Administrative Justice (CHRAJ) Guidelines on Conflict of Interest. <https://www.modernghana.com/news/475530/chrajs-guidelines-for-conflict-of-interest.html>
3. University of Leeds Conflict of Interest Guidelines