

CCEA Policy No. 4: Conflict of Interest

Introduction

Council on Chiropractic Education Councillors, members of its Committees and Working Parties and employees (representatives) undertake their roles for the benefit of the public. Therefore representatives are expected to act in the public interest. It is an expectation of the Council that representatives have an obligation to ensure that their powers and influence are used ethically.

Council business may require representatives to make decisions or implement Policy in circumstances where their personal values and beliefs, or their individual interests, may be in conflict with the public interest. Or it may be necessary to determine or recommend a course of action in a matter involving conflicts of interests. Given these expectations and responsibilities, concern will be likely to arise where representatives become involved in conflicts between their personal interests and their role on the Council. It is therefore essential that representatives have a clear Policy in relation to disclosure of interests, as described in Section 22 of the Council's Constitution and Rules which reads as follows:

22. Disclosure of interests

- (1) Where a Councillor or any person serving on a Committee of the Council has any direct or indirect pecuniary interest in a contract (or proposed contract) to which the Council is or may be a party, or has a conflict of interest or personal interest in any matter under discussion, the Councillor or Committee person shall disclose the nature and extent of the interest promptly to the Executive Officer and to the Council at its next meeting.
- (2) The Councillor or Committee person may subsequently participate in any deliberations but shall not participate in the decision making.
- (3) Notwithstanding Rule 22(2), if any of the interests referred to in Rule 22(1) arise only as a consequence of a Councillor being an appointee of an Appointing Member, such a Councillor shall be entitled to participate in the decision making.

Conflict of interest definitions

There are many possible reasons for conflicts of interest. In general, only an actual conflict of interest should prevent a representative from participating in a decision making process, however all potential conflicts of interest must be identified and appropriate actions taken by the Council to ensure that representatives are protected from later allegations of conflict of interest adversely affecting the public interest.

Actual conflict of interest:

An actual conflict of interest exists when a reasonable bystander, in possession of the relevant facts, would conclude that the representative's private interests are likely to interfere with the proper performance of their Council duties.

Apparent conflict of interest:

An apparent conflict of interest exists when it appears that a representative's private interests have the potential to interfere with the proper performance of their Council duties.

Direct pecuniary conflict of interest:

A direct pecuniary conflict of interest exists wherever there is potential for a representative to gain financially from the results of a decision making process – this includes circumstances where the accreditation of chiropractic programs is being discussed.

Indirect pecuniary conflict of interest:

An indirect pecuniary conflict of interest arises from the representative's employment, professional interests or from their personal relationships. In such cases the conflict of interest would exist if the employer, professional body or the related person would gain financially from the results of a decision making process.

Non-pecuniary conflict of interest:

A non-pecuniary conflict of interest arises from the representative's employment, professional interests or from their personal relationships. In such cases the conflict of interest would exist if the employer, professional body or the related person would be affected by the results of a decision making process.

Who decides whether an actual conflict of interest applies?

A potential conflict of interest can be identified either by the representative involved or by other representatives participating in a decision making process. The decision as to whether the representative has an actual conflict of interest will be determined by the Council as a whole in accordance with the procedure in support of conflict of interest guidelines below.

Procedure in Support of Conflict of Interest Guidelines

Dealing with possible conflicts of interest, bias or professional misconduct is not simple. For example, the most competent persons in a field are often also persons holding a variety of positions and some of these positions may be easily construed as a possible conflict of interest – while in reality that position may bring much needed insights and expertise. For these reasons it is not wise to adopt a set of rigid standards and procedures to be followed at all times, but to address each potential conflict of interest within its context.

For meetings, the following item will appear as a separate item at the commencement of the agenda paper: "Conflict of Interest: Members are invited to declare or enquire about any conflicts of interest."

If a potential conflict of interest is identified, the committee will determine if the conflict of interest is an actual conflict of interest, and select an appropriate action to be followed (with reference to Section 24 of the Council's Constitution and Rules). Appropriate actions may include the representative:

- abstaining from voting on the matter,
- physically removing himself/herself from the meeting during deliberation and voting on the matter.

Recording conflict of interest considerations

It is vital that all considerations and decisions reached by the Council regarding potential or actual conflict of interest determinations be transparent. Minutes must record the:

- identification of all potential conflicts of interest,
- deliberations of committee members regarding conflicts of interest, and
- actions taken to prevent any actual conflicts of interest from adversely influencing the public interest.

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