



GRANT MANAGEMENT SOLUTIONS



# Conflicts of Interest

Tim A. Clary, Gordon Mortimore, Iryna Reshevskaya  
I-CCM Induction Workshop  
December 4, 2015





# Conflict of Interest – mitigate and manage

---

- All CCMs will have some conflict of interest; thus, it's about mitigation and management
- Requirement 6: CCMs develop and publish a strategy that manages COI that applies to all CCM members and all CCM functions
- BUT, it's about applying that policy and presenting documented evidence of doing so



# Conflict of interest – definitions (in I-CCM COI Policy)

---

- **A conflict of interest** occurs when someone uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, or those of a close associate, in a way that disadvantages or excludes others.
- A **potential conflict of interest** occurs when someone has the capacity to use his or her position in such a way that a conflict of interest, as defined above, can occur.
- A **perceived conflict of interest** occurs when a person believes or suspects on reasonable grounds that a conflict of interest, as defined above, exists.



# Conflict of interest – definitions (in I-CCM COI Policy)

---

- The presence of a **material interest** includes, but is not limited to, any one or more of the following:
  - being a staff member or member of an organization or institution that is a PR, SR, or other Implementing Partner that is funded within the Global Fund programme for India, or that is a prospective recipient as part of a funding proposal;
  - being a party to a contract, or directly involved in a transaction, for the provision of goods and services to the CCM or an institution or organization funded by the Global Fund programme for India; and,
  - having a material financial interest in an entity that is involved in a contract or transaction for the provision of goods and services to the CCM or an institution or organization funded by the Global Fund programme for India.



# Situation A

---

- PRs are Ministry of Health and Ministry of Justice
- Minister of Health is the Chair
- 20% representation of civil society and no representation of KAPs
- CCM meetings are often attended by the members' alternates
- Minister of Health has stated that the Fund Portfolio Manager is his very good friend



# Situation B

- Very small country: the civil society representatives in the CCM are also PRs or SRs
- The Ministry of Health has seven seats within the 11 member government sector representation
- The CCM Secretariat is directly situated in the MOH
- The CCM Secretariat staff is paid by an NGO sitting on the CCM as a member.
- In Chair's absence, the CCM is chaired by one of his MoH deputies (there is no elected Vice-Chair)



# Situation C

---

- Chair alternates between Permanent Secretaries of Ministry of Health and Ministry of Internal Affairs
- Ministry of Health is the government PR
- PRs are non-voting members
- 27 of the 33 CCM members are SRs
- Government members outside Ministry of Health rarely attend meetings
- CCM Secretariat is employed by UNDP (PR)



# I-CCM Policy: Mandatory Declaration of Interest

---

- All CCM members are required to disclose any actual, potential or perceived material interest in a matter that is placed before the CCM at the start of any CCM meeting.
- CCM members shall make Conflict of Interest disclosures as follows:
  - By verbal or written communication to CCM Secretariat, upon receipt of meeting notice and agenda, of material conflict of interest in respect to proposed agenda for CCM meetings.
  - Verbally to the Chair of the CCM at the start of CCM meeting before the meeting agenda is formally adopted (or during the meeting if an issue arises).



# Procedure for Determining and Addressing Conflict of Interest

- When a declaration of interest is made, the matter shall be dealt with as follows:
  - The CCM Chair shall request the member to leave the room while the CCM considers the disclosure and determines whether a conflict of interest exists. Once a decision is reached the member shall be invited to return to hear the results of the deliberation.
  - If the CCM determines that a conflict of interest exists, the member shall be asked to follow the procedure set out.
  - If the CCM determines that no conflict of interest exists, the meeting shall proceed in the usual way.



# Ways to address conflicts of interest

---

- Personal exemption (recusal)
- Conditional participation in meeting
- Partial participation in the CCM meeting
- Total exclusion from the meeting



# Failure to Disclose Conflict of Interest

---

- Where the CCM Chair has reasonable cause to believe that a member has not disclosed a conflict of interest, the Chair shall inform the individual in question and offer him/her an opportunity to reply.
- Where a member of CCM has reasonable cause to believe that a member has not disclosed a conflict of interest, he/she shall inform the CCM Chair. The Chair shall then inform the individual in question and offer him/her a an opportunity to reply.



# Failure to Disclose Conflict of Interest

---

- If, after hearing the response and making such other investigations or inquiries as may be reasonable, the CCM determines that a failure to properly disclose a conflict of interest has occurred, the CCM Chair shall initiate appropriate action which may include one or more of the following:
  - delivery of a formal apology on the part of the member in question;
  - suspension of the member pending further deliberation on appropriate disciplinary action; or,
  - removal of the member from India CCM.



# Policy Dissemination and Review

---

- This policy shall be reviewed every three years by India CCM. Through the CCM Chair, the CCM may initiate a policy review and amendment process at any time in advance of the review schedule.
- The CCM Secretariat shall distribute a copy of this policy to all CCM members annually, along with a copy of the Conflict of Interest Declaration Statement.



# GRANT MANAGEMENT SOLUTIONS



A U.S. government-funded partnership consisting of Management Sciences for Health, Abt Associates, Futures Group, International HIV/AIDS Alliance, MIDEGO, Pact, Training Resources Group, and committed to strengthening the performance of Global Fund grants.

