



*CCM of the Global Fund
to Fight AIDS, TB & Malaria*

GHANA CCM

ETHICS AND CONFLICT OF INTEREST MITIGATION POLICY

June 2015

List of Abbreviations and Acronyms

ACRONYMS	Meaning
CCM	Country Coordinating Mechanism
COI	Conflict of Interest
DIF	Declaration of Interest Form
ECI	Ethics and Conflict of Interest
ECIC	Ethics and Conflict of Interest Committee
G-CCM	Ghana Country Coordinating Mechanism
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
PR	Principal Recipient
SR	Sub Recipient
TB	Tuberculosis

I. BACKGROUND

1.1 The Ghana Country Coordinating Mechanism (CCM) is a multi-sectoral partnership that is composed of representatives from relevant institutions and agencies – specifically, government; in-country multilateral and bilateral development partners; non-governmental organizations; academic and educational institutions; people living with the disease; private sector; religious and faith based organizations. The CCM is responsible for coordinating the development of country proposal for submission to the Global Fund to Fight HIV/AIDS, TB and Malaria in Geneva for funding. The CCM also plays a major role in overseeing and monitoring the implementation of programs financed by the Global Fund. The CCM recognizes that in order to serve the public interest and fulfil its core functions it must: (1) Involve the interests and perspectives of these constituencies; (2) Promote transparency, accountability, and integrity and build public trust; (3) Engender a culture that is sensitive to actual or perceived conflicts of interest (COIs) and is intolerant of misuse of position; and (4) Addresses COIs as required by the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) by institutionalizing a COI policy and associated procedures. The CCM recognizes that COIs might exist and/or occur in the future. It is imperative to manage these personal, institutional, sector and constituency conflicts with the highest degree of transparency, to safeguard against the perception of undue advantage to any entity.

1.2 As a result of the diversity of interests and perceptions represented by these stakeholders and the need to ensure transparent and ethical standard of behavior the CCM has adopted this Policy to balance or mitigate the effect of conflict of interest.

This *Conflict-of-Interest Policy* and its associated procedures provide guidance for identifying and addressing actual, potential, and/or perceived COIs. It clearly defines potential areas of concern, imposes a duty to disclose conflicts, and outlines procedures for managing these conflicts as they arise. The COI policy is intended to promote the goals of fairness, accountability, and transparency and increase public confidence in the CCM's activities by applying high standards of ethical conduct. By establishing a comprehensive COI policy and procedures, the CCM, its secretariat and other stakeholders will benefit from the transparent and effective management of all COIs.

2. PURPOSE

The purpose of this policy is to enable the Ghana CCM to manage conflict of interest of its substantive members, alternates, secretariat employees, principal recipients, sub-recipients, experts, coopted and affiliates, across all CCM functions, and throughout the life of Global Fund grants in order:

- 2.1 To serve the public interest in the most efficient manner;
- 2.2 To ensure fairness, transparency, accountability and integrity in the decision-making and other processes of the CCM;
- 2.3 To protect the reputation and integrity of members and organizations represented on the CCM and;
- 2.4 To ensure broad public trust, accountability and confidence in its decision making process and grant oversight activities;
- 2.5 To foster a culture that is sensitive to COIs, whether actual, potential, or perceived, and is intolerant of misuse of position.

3. DEFINITIONS

Within the context of the CCM and its functions, a **COI** occurs when a full or alternate member, of the CCM or an employee of the CCM secretariat, or any associated person assigned by the CCM to perform a duty, like a coopted member, an expert, has the opportunity to use his or her position to advance personal ambitions or interests; to use his or her position to advance the interests of an institution with which he or she is affiliated or the interests of a family member or close associate; or to act in a way that disadvantages the CCM, its members or employees, grant beneficiaries, or the wider public.

- 3.1 COIs include **potential** and **perceived COIs**. A **potential COI** occurs when a member of the CCM or the CCM secretariat has the capacity to use his or her position or status in such a way that a COI, as defined above, might occur. A **perceived COI** occurs when a person believes or suspects that member of the CCM or its secretariat has a COI, as defined above.
- 3.2 *Member of the CCM*: Shall mean a substantive member or an alternate;
- 3.3 An associated member is a person coopted to serve as a member of any committee, task force, technical writing team or any other delegated body of the CCM, and employees of the CCM Secretariat;
- 3.4 *Affiliate*: The term affiliate shall mean a partner, colleague, member, or an entity that directly or indirectly controls or can control the CCM process or can be controlled by a third party.
- 3.5 A **close associate of a person** includes a family member (spouse, child, sibling, parent, cousin, or relative by marriage), friend, business partner, or professional associate.
- 3.6 A person is affiliated with an **institution** when he or she is an employee or volunteer of or has a financial interest or technical or governance role in that institution.
- 3.7 *Assignee*: Shall mean person(s) nominated or given transferred rights and authority to act for and on behalf of a member.
- 3.8 *Gift*: Means any gratuity, favor, discount, entertainment, hospitality, loan forbearance, honorarium or other item having monetary value, These include services as well as gift of training, transportation, local travels, lodgings and meals, whether provided in-kind or cash, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.
- 3.9 *Ethics and Conflict of Interest Committee*: A committee to be known as Ethics and Conflict of Interest Committee shall be established by the CCM and composed of not more than three members to assist with the implementation of the policy on Ethics and conflict of interest.
- 3.10 *Secretariat*: Means the office and administrative employees designated by the CCM to assist the ECIC in its work.
- 3.11 **Recusal** occurs when persons remove themselves from participation in deliberations and decision making (e.g., voting) when a COI would arise through such involvement.

- 3.12** The COI might arise in the context of receipt or giving of **gifts**, which are defined as including **favors, gratuities, invitations, or sponsorships**, whether of a monetary or intangible nature. Invitations are understood to include travel, meals, and related expenses involved in attending events in or out of the country.
- 3.13** A **CCM body** is any of the organizational or governance structures that a CCM establishes, including committees, subcommittees, working groups, task teams, and the CCM secretariat.
- 3.14** In all CCM procedures and activities one cannot rule out the potential of conflict of interest and the CCM must be alert to this. The following are examples of CCM processes where COI can occur:
- Selection of PR Selection Team;
 - Selection of PRs and SRs;
 - Assessment, monitoring, and oversight of PRs and SRs;
 - Investigating problems on dashboard;
 - Selecting a committee to investigate cases of actual COI;
 - Renewal requests for a grant;
 - A substantial reprogramming of grant funds;
 - Discussions of matters in which CCM members or their institutions have a financial interest, such as procurement, contracting, and staff recruitment;
 - During provision of external expert services to the CCM, its members, the PR or an SR
 - Provision auditing services or of advice to grant recipients in relation to finance, procurement and others areas outside the scope of CCM work;
 - Solicitation and submission of expressions of interest to be PR or SR, bids or CCM tenders
 - When member's action, use of information or decision is perceived to result in individual gain

The above are only illustrative lists, and are not intended to set out all instances where an actual or potential conflict of interest exists, but rather to articulate the principles that will be followed in addressing such conflicts as they arise. Each situation would be assessed based upon its particular facts and circumstances.

4. CCM CONSTITUTION AND CONFLICT OF INTEREST POLICY

The COI policy is an addition to the existing Ghana CCM Constitution, governance manual and standard operating procedures. The policy aims to identify and address conflict of interest situations that may arise in the operations and activities of members as they relate to the Global Fund program implementation. This policy shall be interpreted to be consistent with applicable law or regulations in the country and where the provisions of this policy conflicts with the national law or any other regulatory laws of the country such provisions shall not apply on the basis of its inconsistency.

5. ETHICS AND CONFLICT OF INTEREST COMMITTEE

There shall be established by the CCM a committee to be known as Ethics and Conflict of Interest Committee (ECIC). The function of the ECIC shall be to assist in the implementation of the policy on ethics and conflict of interest mitigation.

6. APPLICATION OF THE COI POLICY

6.1 The COI policy applies to CCM members, alternates, assignees, secretariat staff, and external experts who assist the CCM.

6.2 The CCM ensures that at least once each year, the members of the CCM undergo training in their responsibilities regarding COIs and the requirements of the COI policy. CCM leaders are responsible for identifying and resolving any COI issues (e.g. deliberate nondisclosure of a COI among members).

6.3As appropriate and required, ad hoc COI committees will be established to resolve COI-related matters.

6.4The CCM secretariat will document management of COI issues and archive these documents.

7. PROCEDURES TO MITIGATE CONFLICT OF INTEREST

7.1 Statutory Declarations and Archiving

7.1.1 All CCM members and alternates must have completed the *Acceptance of COI Policy and Procedures & Declaration of Interest Statement* (Appendix 1) when they are seated on the CCM and disclose any actual or perceived COIs then. The statement must be completed at least annually thereafter, as well as whenever a material change occurs in the CCM's COI-related information. The CCM chair will inspect such statements and the secretariat will archive them. These statements will form part of the CCM's public record.

7.1.2 Article 21 (c) of the Global Fund grant agreement legally obligates PRs to disclose actual, apparent, or potential COIs affecting any persons affiliated with the PR(s), SRs, Local Fund Agent, or CCM.

7.1.3 A Member shall disclose to the CCM any conflict of interest or situation that may appear to represent a conflict of interest as soon as he/she becomes aware of such situation or conflict of interest.

7.1.4 All conflict of Interest shall be immediately disclosed in writing to the ECIC through the secretariat. The Ethics and Conflict of Interest Committee will provide guidance if questions arise during the application of this policy.

7.1.5 A member shall disclose that he/she has no conflict of interest with regard to services to be performed by the member on behalf of the CCM

7.1.6 Where a member has conflict of interest he shall disclose precise nature of any conflict of interest on an attachment to the declaration form

7.1.7 CCM members shall before their induction undertake to be objective, transparent, independent and professional in their dealings with the CCM and CCM activities

7.1.8 Disclosure statements/ Declarations shall be updated annually and whenever there is a material change in the information they contain, and shall be maintained by the Secretariat as confidential information and made available for inspection by the delegated CCM committee.

7.2 Orientation on COI Mitigation Policy and Procedures

7.2.1 The CCM secretariat will ensure that when taking a seat on the CCM, and at a CCM meeting once a year, the members and alternates of the CCM will undergo an orientation to the COI mitigation policy and procedures and that they are familiar with their responsibilities regarding the management of COIs.

7.3 Chair and Vice-Chair(s)

7.3.1 The CCM will endeavor to ensure that neither its chair nor its vice-chair(s) is affiliated with an organization that serves as a PR for a CCM-initiated project financed by the Global Fund.

7.3.2 If, however, such an affiliation does exist, or if the CCM chair or vice-chairs represents an organization that is a PR candidate, then the chair or vice chair (as applicable) will declare his or her COI and will recuse him- or herself from any pertinent deliberations and/or decision making according to Item 7.6.

7.3.3 Where the Chair and or Vice Chair of the CCM is from the same entity as the PR, the Chair and or Vice Chair shall be excused from participating in the deliberations on the performance of the PR. The Member may be allowed to be present but cannot contribute in any way to the discussions. Depending on who is affected between the Chair and or Vice Chair the specific deliberation shall be chaired by the other or if both are involved any other CCM member appointed by the CCM at that meeting.

7.4 PRs and SRs

7.4.1 CCM members representing institutions that are PRs or SRs must not provide oversight of their own grants or serve on the oversight committee. These PRs and SRs may, however, engage in discussions during oversight committee meetings about their grants and, if needed, may attend these meetings as nonvoting participants to provide information on these grants.

7.4.2 CCM members representing institutions that are PR, SR, or sub-SR candidates shall recuse themselves from all activities related to the selection of PRs, SRs, and sub-SRs, including deliberations and voting. Full recusal (including leaving the room during deliberations on critical matters) ensures that an individual who has a COI does not affect discussions and voting indirectly and that all CCM members are free to express their opinions.

7.4.3 Members shall be excused from participating at a CCM meeting where selection of Principal Recipient(s) (PR) or their associated organizations in which members have an interest is being discussed or considered.

7.4.4 The PR and Sub-Recipients (SR), or prospective PR and SR, shall not participate at CCM meetings during:

- Any deliberations or decisions related to the CCM's monitoring and oversight of the PR;
- The selection of the PR;
- Substantial grant reprogramming

- Decisions that have a financial impact on the PR such as contracts with other entities, including sub-recipients.

7.5 Conducting CCM Meetings

- 7.5.1** Each CCM member and alternate will receive an agenda for each CCM meeting in advance, as stipulated in the CCM framework documents. Members and alternates must decide whether they have a potential COI related to a meeting agenda item and, if so, prepare to recuse themselves from CCM discussions and voting pertaining to that item. These members must disclose the nature of such COIs to the CCM chair.
- 7.5.2** CCM members or alternates must declare whether a COI exists no later than the beginning of the CCM meeting, at the time when all agenda items are read or reviewed.
- 7.5.3** The CCM recognizes that best practices for mitigating COIs require full recusal of members with a COI during both deliberations of and voting on the relevant agenda item. Therefore, a CCM member with a COI recuses himself or herself from all deliberations and voting on the topic in question as outlined in Section 6.6.
- 7.5.4** Any member or alternate of the CCM may raise questions about a potential COI prior to or during a meeting. Members may present an allegation of COI to the CCM body that is charged with enforcing the COI policy and procedures and that investigates each question raised about COIs.
- 7.5.5** The ECI Committee with the assistance of the secretariat will be responsible for all disclosures and deciding whether a conflict of interest exists and, if so whether to issue a waiver defining the extent to which such member may participate in any discussion of the issue that has given rise to the conflict.
- 7.5.6** The ECI Committee may bring any conflict of interest issue to the floor of the CCM (excluding the member or members with potential conflicts) for discussion and determination.
- 7.5.7** When it is determined that a conflict of interest exists, the member shall not participate in the discussions on the matter that has given rise to the conflict. This means the member shall not vote or speak on the matter, and shall absent himself/herself without comment before any discussion or voting on the matter, unless a waiver has been granted by the ECIC.
- 7.5.8** Individuals with conflict of interest who participate in a particular meeting, and the issue, on which there is a conflict, shall be recorded in the minutes for that meeting. When the CCM considers groups of proposal for inclusion into the national proposal, a CCM Member's participation in the consideration shall generally not be considered to be a conflict of interest even though his or her entity that he or she represents may have a direct interest in a proposal in the group. When the CCM or its committee considers specific proposal, the member or any other person shall alert the CCM or its committee of any conflict of interest and follow the procedures outlined in this policy.

7.6 Recusal

- 7.6.1** At the moment in a CCM meeting when the CCM is to discuss and vote on an agenda item with respect to which any CCM members or alternates have a COI, said members and alternates will recuse themselves until voting is complete.
- 7.6.2** Prior to voting, CCM members and alternates having a COI might be called into the meeting room in their capacity as a representative of their organization to provide necessary information

to the CCM. Once they have finished providing this information, they will again leave the room until recalled.

7.6.3 Whether inside or outside the meeting room, CCM members and alternates with a COI will not attempt to exert their personal influence with respect to any topic related to that COI on which a vote is being taken.

7.6.4 If an individual has a COI regarding a matter on which a decision is to be taken and the individual does not recuse himself or herself from deliberations and decision making pertaining to that matter, the CCM may invoke this policy and demand recusal, failing which deliberations will be suspended until the issue is resolved.

7.6.5 If the CCM chair has a COI, he or she must delegate meeting responsibilities to a vice-chair for the period of the deliberations and must recuse himself or herself. If the vice-chair also has a COI, the vice-chair will also recuse himself or herself and the CCM must elect an acting chair for the period of deliberation and thoroughly document the process that was followed.

7.7 Gifts and Favors

7.7.1 CCM members are prohibited from accepting gifts under circumstances in which it could reasonably be construed that the gift is motivated by their position as a CCM member or alternate and interests that could substantially affect the decisions of the CCM.

7.7.2 CCM members and alternates are prohibited from giving gifts if it could be reasonably construed that the gifts are intended to affect the policies or practices of the CCM, a PR, or any of the programs that the CCM funds.

7.7.3 CCM members and alternates who are subject to a code of ethics or standards of conduct as a result of their position may accept invitations to attend, at no charge, widely attended gatherings that they would otherwise be prohibited from attending by this policy where such attendance is permitted under the code of ethics or standards of conduct to which these individuals are subject.

7.8 Reporting Suspected COIs

7.8.1 Any CCM member or alternate can bring allegations of COI to the CCM leadership or designated body. If a suspected COI is reported by any party, the CCM leadership or the designated body of the CCM will review the matter immediately to determine whether the CCM member or alternate has failed to declare a COI and if the breach is his or her responsibility. The issue must be reported to all CCM members for decision making.

7.8.2 If the matter is brought before the CCM for deliberation, the member or alternate will be requested to withdraw while the matter is being deliberated.

7.9 Failure to Disclose a COI

7.9.1 If the CCM learns that a CCM member or alternate has knowingly failed to disclose a COI, the CCM will take all reasonable measures to revoke any benefit gained. Before taking such action, the CCM will inform the member or alternate in writing of the COI issue and provide the member or alternate with the opportunity to explain the alleged failure to disclose the COI.

7.9.2 The CCM chair, vice-chair, or CCM member will refer all available information regarding the COI to the CCM leadership or the ECIC to determine whether a COI exists. If a COI is

deemed to exist, the CCM leadership or designated body will formulate a recommendation to be submitted to the full CCM regarding appropriate action to be taken with respect to the individual(s) concerned.

- 7.9.3** The full CCM will consider and vote on such recommendations at the first meeting following receipt of recommendations.
- 7.9.4** Following the CCM's vote, the circumstances of the CCM member's or alternate's failure to disclose the COI will be reported to the member's constituency. The constituency might be requested to immediately replace the member or alternate on the CCM.
- 7.9.5** Where a member is found to have a conflict of interest that has not been disclosed as required above, or the Ethics Committee has reasonable cause to believe that a member has failed to disclose a conflict of interest, it will inform the member of the basis for such belief and provide him or her with the opportunity to explain the alleged failure to disclose. If, after hearing the response and making further investigations as may be warranted, the ECIC determines that the interested person has in fact failed to disclose a conflict of interest, it shall notify and make recommendations to the CCM on appropriate action to be taken.
- 7.9.6** The CCM will report all instances of COIs that are in apparent violation of any operative laws to the appropriate official government body responsible for enforcing these laws.

7.10 Documenting COIs

All decisions associated with COIs will be recorded by the CCM secretariat and reported in the minutes of the relevant meeting, and these minutes will be archived appropriately. The record must state the nature and extent of the COI, a summary of the discussions pertaining to the COI, and the actions taken to manage the COI.

7.11 Dissemination and Periodic Review of COI Policy and Procedures

The CCM Secretariat shall distribute a copy of this policy to all members annually, along with a copy of the Declaration of Interest Form (DIF). Copies of this policy and the DIF shall be posted on the CCM website.

The COI policy and procedures will be reviewed periodically or as the need arises in a manner that is consistent with the CCM's review of other governance documents or earlier as needed.

This document has been read and endorsed by all members at the full CCM meeting and signed by the CCM Chairman and Executive Secretary as follows:

CCM Chairman.....

Executive Secretary.....

Dated:

APPENDIX

Section I: Acceptance of COI Policy and Declaration-of-Interest Statement

Upon appointment to the Ghana CCM, please complete this declaration and submit it to the chair and secretariat of the CCM prior to attending your first meeting of the CCM. You will be asked to update this document annually throughout your term of office.

Name of CCM member or alternate:
Institution: **Title:**
Constituency:

I, the undersigned, hereby pledge to comply with the attached COI mitigation policy of Ghana CCM.

As a CCM member or alternate, I will not participate in deliberations, the making of recommendations or decisions, or other processes in which I have a COI or a potential COI, as defined in the attached COI mitigation policy.

I will complete Section 2 of this document concerning my professional and personal affiliations. I promise to declare my COIs to the general assembly of the CCM prior to or at the commencement of any CCM meeting at which a relevant matter will be considered. I will state the nature of the COI and all relevant facts pertaining to my interest. I will then recuse myself from participating in any proceedings concerning the matter.

If another person alleges that I have a COI, I will respond to this charge and will abide by the decision taken by the CCM.

If I have reason to believe that a person has a COI in relation to any matter arising from his or her role or responsibilities in the CCM, I will report my belief and the information on which it is based to the CCM chair, and I will provide such further information as is requested from me by the chair to the best of my abilities. I undertake not to make allegations of COI except in good faith and on the basis of a genuine belief that such COI or COIs could compromise the transparency, accountability, or inclusiveness of or public confidence in the CCM.

If I have any questions about or need any assistance in understanding or complying with the COI mitigation policy, I will contact the chair of the CCM or the CCM secretariat, who will assist me.

I hereby certify that I have received a copy of the Ghana CCM's COI mitigation policy and have read this policy.

Signed:.....

Date:.....

Section 2: Declaration-of-Interest Statement

Please answer the following questions fully and write your initials at the bottom of the form.

Name of CCM member or alternate:

Institution: **Title:**

Constituency:

	Question	Response
1.	Are you a board member or a member of any organization? If so, please list the organization(s).	
2.	Are you the owner, co-owner, or stockholder of a private business? If so, please list the business(es).	
3.	Do any of the organizations listed above serve as a PR or SR of a Global Fund grant? If so, please list the organization(s) and disease program(s).	
4.	Does a close family member work for or hold an ownership interest in an organization serving as a PR or SR of a Global Fund grant? If so, please list the person, organization, and disease program.	
5.	Do you serve on a CCM committee? If so, please specify the committee and whether you have a leadership role on that committee (e.g., chair or co-chair).	
6.	Do the mission or policies of the organization you work for conflict or have the potential to conflict with the mission or policies of the national disease strategy? If so, for which disease strategy does your organization have a conflict or potential conflict and what is the nature of that conflict or potential conflict?	
7.	Please list any other affiliations or situations that you believe may cause a COI for you.	

Initialed by:.....