



KMTTC is ISO 9001:2015 Certified

# Kenya Medical Training College



**CONFLICT OF INTEREST  
POLICY**

**MAY 2019**

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## PREFACE

On behalf of the Kenya Medical Training College (KMTc) Board of Directors, I am delighted to approve this Conflict of Interest Policy for use by Management. The KMTc Board is determined to improve access to and equity of quality medical training and to ensure that the institution plays its role in the realization of Sustainable Development Goals, Vision 2030, health sector policies and the government agenda on the “Big Four”. The Board continues to realize the set milestones which contribute to improving the quality and quantity of essential health care providers. Inadequate numbers of skilled care providers have had a negative impact on efforts to expand access and improve the quality of health services. This situation is compounded by continued high prevalence of communicable and non-communicable diseases in the country.

Towards this end, the KMTc Board of Directors under my leadership is determined to critically address the task of defining long-term strategies for addressing the constraints to training and development of quality health care providers through:

- i. Improved policy and corporate governance for enhancing accountability and decision making.
- ii. Enhanced access, quality, relevance and equity in medical training.
- iii. Prudent resource utilization and good infrastructural management.
- iv. Increased visibility of Kenya Medical Training College nationally and internationally as a premier institution focusing on training, research and consultancy.
- v. Improved resource base, partnership and linkages.

In response to the 2010 Constitutional agenda, the Board will continue to direct efforts at advancing community – oriented programs that respond positively to the country’s social and economic development agenda. The Board is dedicated to offer oversight on the operations and management of the College to ensure sustainable delivery of health coverage in the country and beyond. I believe successful implementation of the Policy will be realized through total commitment of the entire staff, students and other key stakeholders.



**Prof. Philip Kaloki, MBS,**  
**Chairperson, KMTc Board of Directors.**

## FOREWORD

The Mission of the College is to provide quality training and development of competent multidisciplinary health professionals. The Vision is to be a model institution in the training and development of competent multidisciplinary health professionals in the region. An effective Conflict of Interest Policy is paramount in order to ensure that KMTC upholds good corporate governance and organisational integrity by strengthening transparency and accountability instruments.

The aim of this Policy is to outline the obligations of the Board and KMTC employees with reference to declaration and management of conflict of interests. All employees are expected to discharge their duties with utmost honesty, fairness, transparency and to act in the best interest of the institution at all times as espoused in the Constitution of Kenya Article 73 (2) (b) and (c) on the guiding principles of leadership and integrity.

Objectivity and impartiality in decision making should not be subjected to influences such as nepotism, favouritism or other corrupt practices and motives.

This Policy is also intended to strengthen public confidence and trust in the integrity of the College. Adequate identification, management and resolution of conflict of interests whether actual, apparent, potential or perceived, will prevent the escalation of the interest into corrupt practices. It is expected that KMTC officials will take personal responsibility for identifying and resolving problematic situations, as the institution endeavours to continuously strengthen its management standards through such policy frameworks.



**Prof. Michael Kiptoo,**  
**Chief Executive Officer.**

## ABBREVIATIONS

<b>KMTC</b>	-	Kenya Medical Training College
<b>CEO</b>	-	Chief Executive Officer
<b>Col</b>	-	Conflict of Interest

## **VISION**

A model institution in the training and development of competent health professionals

## **MISSION**

To produce competent health professionals through training and research and provide consultancy services

## **CORE VALUES**

Accountability

Integrity

Responsiveness

Equity

Teamwork

Professionalism

Creativity and innovation

## DEFINITION OF TERMS

<b>Conflict of Interest:</b>	Is a set of circumstances that creates a risk that professional judgement or actions regarding the College's interest will be unduly influenced by a personal interest.
<b>Investigation:</b>	A process designed to gather and analyse information in order to determine whether misconduct has occurred and if so, the party or parties responsible.
<b>Anti-Corruption Steering Committee:</b>	Refers to KMTC's committee or individuals that advise the CEO on conflict of interest matters in addition to the other relevant duties. The committee consists of membership of between four (4) – eight (8) senior staff that will be chaired and appointed by the CEO.
<b>Family:</b>	Means any member of the employee's or KMTC Board Directors' immediate family, specifically, any dependent, children and spouse.
<b>Financial Interest:</b>	Means anything of monetary value received or held by an Investigator or an investigator's family, whether or not the value is readily ascertainable, including, but not limited to: salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships other than scholarly works); any equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights), upon receipt of royalties or other income related to such intellectual property rights and interests.
<b>Registrable interests:</b>	As contained in Schedule I to this Policy.



## 1.0 INTRODUCTION

### 1.1 Legislative and Administration Requirements

- i. This Policy aims to provide a mechanism for disclosure of conflict of interests and its effective management. The declaration of a conflict of interest does not resolve a conflict in itself, hence the requirement for additional measures to manage the conflict positively.
- ii. The KMTC Chief Executive Officer is responsible for ensuring implementation of this Policy and may suspend all relevant activities until the conflict of interest is resolved or other action deemed appropriate is implemented. Violation of any part of this Policy may also constitute cause for disciplinary or other administrative action pursuant to institutional policy.
- iii. This Policy should be used alongside the following legal frameworks:
  - a. The Constitution of Kenya 2010
  - b. The Kenya Public Officers Ethics Act (2003)
  - c. Leadership and Integrity Act (2012)
  - d. Ethics and Anti-Corruption Commission Act (2011)
  - e. Anti-Corruption and Economic Crimes Act (2003)
  - f. KMTC Code of Conduct Ethics and related policies
  - g. Public Procurement and Disposal Act (2015)

### 1.2 Scope

- i. This Policy is designed, as a general guideline, to enable the Board of Directors, employees and other relevant stakeholders manage actual or perceived conflict of interest cases before they escalate into a malpractice. It covers;
  - a. Nature of registrable interests/conflict of interest situations
  - b. Disclosure procedure of conflict of interests
  - c. Evaluation of conflict of interest cases
  - d. Investigation and disciplinary actions
- ii. This Policy covers the activities of the College and all the subsidiaries within KMTC. This is without prejudice to the requirements by administrators of the various subsidiaries to put in place respective policies.

### 1.3 Objectives

- i. This Policy is intended to demand of the Board of Directors, staff and other relevant stakeholders to act with utmost integrity in discharging their duties devoid of any external or personal influences which may blur the impartiality in decision making.
- ii. Specific objectives of the Policy are:
  - a. To promote impartial administrative decisions within the institution devoid of personal biases and interests.
  - b. To promote fair competition among KMTC stakeholders without undue influence from the employees, Board Directors or other stakeholders.
  - c. To provide conflict of interest register.
  - d. To encourage all improper, unethical or inappropriate behavior to be identified and challenged at all levels of the College.

- e. To provide clear procedures for reporting and handling such concern(s).
- f. To proactively prevent and deter misconduct which could impact the financial performance and damage the College's reputation.

### **1.3 Applicability**

This Policy applies to all employees and relevant stakeholders of KMTC. In the event of conflict between this and other policies dealing with the issue of conflict of interest, this Policy will take precedence as far as conflicts of interest are concerned.

### **1.4 Guiding Principles**

The guiding principles for this Policy include;

- i. Service to the public
- ii. Transparency and accountability
- iii. Integrity
- iv. Legitimacy
- v. Fairness
- vi. Responsiveness, efficiency and effectiveness

## **2.0 REGISTRABLE INTERESTS**

This Policy is predicated on the expectation that all KMTC Board Directors and staff should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, this Policy informs the KMTC staff about situations that generate real or perceived conflicts of interest. Schedule I to this Policy provides a list of interests deemed registrable.

### **2.1 Direct Financial Interest**

A direct financial conflict of interest arises when a KMTC member directly benefits, or appears to directly benefit financially, over and above any agreed pay and terms of service contract, as a result of a decision they have made or influenced by virtue of their position. These include:

- i. Having a personal financial, partnership or profit-sharing interest in a firm that is doing or seeking to do business with the College.
- ii. The sale or disposal of assets to a member or someone connected to the member.

### **2.2 Indirect Financial Interest**

This arises when a close relative, business associate of a KMTC staff benefits or appears to benefit from the decisions of KMTC. These include;

- i. Award of contract to an organization where a close relation, business associate or agent, or other proxy of the KMTC staff is a director or has a substantial or controlling interest.
- ii. Employing or influencing employment of a relative, friend or associate.
- iii. Soliciting or obtaining favors, gifts, other guarantees or personal obligations, monetary or non-monetary, for the staff member, relation or close associates, from entities doing business with the College.

## 2.3 Other Business Interests

Participation in any other business activity other than the College's during working hours, or when such activity demands or appear to create an excessive demand of their time and attention during off-hour thus preventing the employee's best effort on the job, is a direct conflict of interest.

## 2.4 Ancillary Employments

- i. KMTC staff intending to engage in part-time employment or other businesses outside the College's working hours, shall seek written approval from their respective departmental head, provided that the employment;
  - a. Does not encroach on the time or attention that should otherwise be devoted to the College
  - b. Does not adversely affect the quality of work performed
  - c. Competes, directly or indirectly with the College's activities
  - d. Involves the use of the College's human and material resources
  - e. Adversely affect, directly or indirectly, the good name of the College
- ii. Such approvals, if granted, will be reviewed periodically by the respective departmental head to ensure that the provisions in this sub-section are not contravened.

## 2.5 Corporate Directorships

A person in a position of senior management in the College, shall not serve as a director of another corporation. However, with prior approval of the Board of Directors, senior management may act as directors of non-profit public service companies, such as religious, educational, cultural, social, welfare, and philanthropic or charitable institutions, subject to policy guidelines of the group.

## 2.6 Confidentiality

An employee shall not disclose or use any confidential information of the College or any information of third parties obtained in the course of executing his/her duties for the College, for any purposes other than to fulfil his/her duties to KMTC.

## 2.7 Non-Financial Interests

Non-financial conflict of interest can occur when a KMTC staff;

- i. Gains or is perceived to gain some other benefit such as reputational advantage or influence in their personal or professional relationships.
- ii. Makes an official decision of a significant nature involving the organization, its resources, strategies, staff, functions, administrative or statutory responsibilities such as a draft law, expenditure, purchase, budgetary allocation, implementation of a law or policy, recruitments, promotions, disciplines, performance assessments etc. to his/her personal advantage either as an individual or as an office.
- iii. Receives gifts and other forms of benefit on behalf of the College that exceeds the reportable gift thresholds set by the College in line with the National laws.

### 3.0 DISCLOSURE OF CONFLICT OF INTERESTS

#### 3.1 General Provisions

- i. All KMTC staff and Board Directors are individually responsible for disclosing their conflicts of interests to the institution on an ad hoc basis, as soon as a conflict of interest is realized. The CEO is responsible for the distribution, receipt, processing, review and retention of disclosure forms (Appendix I).
- ii. The disclosure forms should be made available at the various functional departments within the College for ease of admission.
- iii. The individual willing to make a disclosure of a real or perceived conflict of interest, will fill the Appendix I forms in duplicate and submit the original to the CEO.

#### 3.2 Disclosures at the Commencement of a Meeting

- i. Where a KMTC official is present at a meeting where an issue which is likely to result in a conflict of interest is to be discussed, he/she shall declare the interest at the beginning of the meeting or before the issue is deliberated upon. A declaration of a conflict of interest will then be recorded in the minutes of that meeting.
- ii. The Secretary of the various meetings will ensure that a conflict of interest register is availed and attendees to declare whether they have a conflict of interest or not based on the agenda.
- iii. These include among others;
  - a. All Board of Directors meetings
  - b. All Executive Committee meetings
  - c. All Academic Council meetings
  - d. All procurement related meetings
  - e. All HR Committee meetings

#### 3.3 Provision for Confidential Reporting

The College will as far as reasonably practicable, make provisions for confidential reporting of conflict of interests where applicable.

#### 3.4 Third Party Disclosures

All third party disclosures are provided for in accordance with the whistle-blowing procedures, unless it is being made on behalf of an employee with the conflict of interest.

#### 3.5 Conflict of Interest Register

Duly filled Appendix II forms will be deposited at the CEO's office, who is the custodian of the Conflict of Interest Register.

##### 3.5.1 Inspection of the Register

To the extent permitted by law, all conflict of interest disclosure forms and related information will be confidential. The register will be available for inspection by making an application to the CEO detailing the reasons for seeking to access the register.

### 3.5.2 Update of the Register

It shall be the responsibility of the employees and Board Directors to ensure that an entry of registrable interests in the Conflict of Interest register is updated and to notify the College of any changes in the registrable interests within one month of each change occurring.

Notification should be in written format, addressed to the CEO.

### 3.5.3 Conflict of Interest Register – the Board of Directors

A separate conflict of interest register shall be held for the Board of Directors to declare their financial or non-financial interests which could potentially lead to or could conceivably be perceived as a conflict of interest, with the provisions of subsection 3.1 withstanding.

The register herein shall be open to the public. Where there are personal safety or similar serious concerns about full publicity, parts or even the whole of the declaration should be submitted to the Chairperson of the Board of Directors, who shall hold it, and act upon it as appropriate, in confidence.

### 3.5.4 Time Limitation of the Register

The College shall keep the register of conflicts of interest for five years after the last entry in each volume of the register.

## 4.0 MANAGEMENT OF CONFLICT OF INTEREST

### 4.1 Evaluation

- i. The evaluation of a conflict of interest must be done by the Board of Directors or the College Anti-corruption Steering Committee. The evaluation process will take into account aspects such as recurrence, gravity, the evaluation may determine the absence of a conflict of interest, or it may lead to the conclusion;
- ii. The respective person should not go ahead with the evaluated activity or that;
  - a. He/she should recuse him/herself from participating in the relevant decision making by the College.
  - b. To retrospectively assess other significant decisions made by the employee in their official capacity.
  - c. Divestment or liquidation of the interest by the employee.
  - d. Restriction of access by the affected staff to particular information.
  - e. Transfer or re-assignment of the employee to a non-conflicting function.
  - f. Resignation from KMTC or from the conflicting private-capacity function.
- iii. The staff or any other person involved in the transaction shall not be present during the Committee/Board's discussion or determination of whether a conflict of interest exists.

### 4.2 Investigation

The College can on its own motion or on receipt of a complaint or declaration of interest may initiate an investigation to establish the veracity and extent of the conflict of interest. The internal audit department will carry out the investigation upon the recommendation of the Audit Committee, CEO or Board of Directors.

### **4.3 Disciplinary Action**

- i. The CEO may refer the internal audits recommendations to the Staff Disciplinary Committee for further deliberation and recommendation of appropriate action. Disciplinary actions may constitute;
  - a. Disciplinary action in line with the existing policies and legal frameworks
  - b. Civil and/or criminal prosecution
- iii. In the event of failure to comply with this Policy, the CEO may suspend all relevant activities or take other disciplinary action until the matter is resolved or other action deemed appropriate is implemented.

## **5.0 POLICY IMPLEMENTATION**

### **5.1 Implementation Date**

- i. This Policy takes effect on the date it is approved by the KMTC Board of Directors.
- ii. The Chief Executive Officer is responsible, in consultation with the head of Corporate Communications and other members of KMTC management, for ensuring that this Policy is distributed and complied with.

### **5.2 Monitoring and Evaluation**

- i. The College shall conduct monitoring and evaluation of the effectiveness of this Policy in line with the Monitoring, Evaluation and Reporting framework through the office of the Corporation Secretary.
- ii. The office of Corporation Secretary shall:
  - a. Develop and maintain strategies and mechanisms for monitoring and evaluation of this Policy.
  - b. Undertake regular check on implementation of the Policy.
  - c. Carry out annual evaluation on the implementation of the Policy.
  - d. Use the information for planning and management.
  - e. Propose potential areas for review.

### **5.3 Review**

This Policy will be reviewed after every three (3) years or earlier as need arises with an aim to enhance efficient delivery of effective outcomes.

## **SCHEDULE 1: REGISTRABLE INTERESTS**

1. Held shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in a conflict of the staff's personal interests and the officer's official duties
2. Directorships in public or private companies, whether or not remunerated directly or indirectly.
3. Remunerated employment (including office, trade profession or vocation which is remunerated or which the staff has any pecuniary interest)
4. Contracts for supply of goods and services
5. Plans or expectations for or offers of future employment
6. Sponsorship from companies, trade unions, professional bodies, charities, universities or other organisations or individuals
7. Shareholdings (amounting or not amounting to a controlling interest)
8. Land and property which the staff has or may have, an interest or duty that may create (directly or indirectly), a conflict with the staff's duties
9. Travel facilities and overseas visits (made by a State officer or the State officer's spouse or child substantially catered for by the office of the State officer)

Gifts, benefits and hospitality (to a State officer or the State officer's spouse or partner or child or any other material benefit of a prescribed value, from a company, organization or person within Kenya or overseas, which relates substantially to the membership of a state office to a state office or Parliament or County Assembly).

10. Miscellaneous financial interests (not falling within the above categories but which a reasonable member of the public would think might influence the conduct of a State Officer in his office).
11. Non-financial interests (which may reasonably be thought to affect the way a member discharges the duties in a State Office (such as unremunerated directorships; membership of public bodies such as hospital trusts, governing bodies of universities, colleges or schools, and other spheres of government; trusteeships, etc.))
12. Pending civil and criminal cases touching on the State officer or business associate or firm
13. Possession of dual citizenship or pending applications for dual citizenship and the status of such application

**APPENDIX 1: DECLARATION OF CONFLICT OF INTEREST****Part A- Declaration (to be completed by staff member and submitted in duplicate)**

Reported to: .....

I would like to report the following existing/ potential\* conflict of interest situation arising during the discharge of my official duties:

1. Persons/ companies where there is conflict of interest

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

2. Brief description of the nature of conflict of interest.

.....

.....

.....

.....

.....

.....

.....

**Name of declaring staff member**  
**Date**

.....

**Title/ Department**

.....

**Signature and**

**Part B- Acknowledgment (to be completed by approving authority)**

To: (Declaring member).....

This information contained in your declaration for.....is noted. It has been decided that:

- ◇ You should refrain from performing or getting involved in performing the work/ participating in deliberations regarding the issue as described in Part A.

OR

- ◇ You should continue to handle the assigned duty provided that there is no change in information declared in Part A.

Other conditions (please specify) .....

.....

.....

.....

**Name of Approving Authority**

.....

**Title/ Department**

.....

**Signature and Date**



**APPENDIX 2: REGISTER OF CONFLICT OF INTERESTS**

Serial No	Name and Officer Making the Declaration	D/Passport No of the Officer making the Declaration	Registrable Interest	Date of Declaration	Name and signature of the person making the entry	Registrable Interest	Nature of Conflict	Date of Declaration	Name and signature of the person making the entry	Date	Update of registered interest

## APPROVAL

**Title** : Conflict of Interest Policy

**Contact** : Corporation Secretary

**Approval Authority** : The Board of Directors

**Commencement Date** : May 2019

## SIGNED



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**Prof. Philip Kaloki, MBS,**  
**Chairperson, KMTC Board of Directors.**

**15th May 2019**  
**Date**



KMTC is ISO 9001:2015 Certified.

**Kenya Medical Training College**

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