

Appendix 1: Update on implementation of Motion 2

CIEH would like to thank the proposers, and others, for their contributions. CIEH recognises the value in this work and hopes that through continued dialogue and action a lasting process will be determined that delivers the expected outcomes.

The approach of CIEH has, and continues to be, delivering on the intentions of the motions. There are some challenges for CIEH to do so that have now been shared by releasing a Board paper. Whilst the Board paper sets out the challenges and options for CIEH it was not originally a paper meant for a wider audience. Any tone inferred from that paper should not be considered the tone or intent of CIEH. It is hoped this paper achieves the intended tone.

This paper sets out the motion together with

- What CIEH has done
- What CIEH intends to do
- What CIEH cannot do

This is not a final position but the current status of activities. CIEH remains open to dialogue with the proposers in order to achieve the best outcomes.

Motion

(a) The declared interests of all members of the Council (also known as the Board of Trustees) and the Executive Management Team shall be published to members within one month of this meeting, and in future published in the Annual Report.

(b) Any interests declared by Council members at the start of each meeting shall be published in the minutes without redaction.

(c) The details of all consultants and the reason for their engagement who have been paid more than £5k in the last 12 months shall be published to members within one month and in future such details in bands of £5k will be published in the Annual Report.

(d) The Council shall review all contracts for the supply of goods and services which have not been subject to competitive tendering within the last three years.

(e) The Council shall publish to members within three months of this meeting a list of all such contractors, with the proposed arrangements and timetable for advertising and tendering these contracts

What have we done

(a) And (b)

The declared interests are now published on the member-only section of our website. These are published in full with no redactions.

<https://www.cieh.org/about-us/who-we-are/declarations-of-interest/>

Board minutes with declared interests are published in our minutes which are also available on the member-only section of our website.

<https://www.cieh.org/portal/meeting-minutes/>

The charter, byelaws and operational procedures can be found here.

<https://www.cieh.org/governance/how-cieh-is-governed/governance-documents/>

(e)

CIEH has created a section of the website so that contracts can be advertised, and contracts awarded can be published.

<https://www.cieh.org/about-us/work-for-us/>

(c)

Contract values

There are some legal/contractual obligation issues with publishing historical contract details but please refer to the “What CIEH intends to do” section.

There is no central repository or procurement function so contracts sit within directorates, and CIEH does not routinely record the date of the last tender. To create a system to do this is a significant administrative burden which will be at extra cost. CIEH want to deliver on this motion, therefore, work to date is such that CIEH can be in a position to advise on future tenders with priority areas of governance, policy and training (education). Please see the timetable for tender section below. For those we are able to add as a future tender on the work for us page we have done so.

EMT has created a central supplier database for supplies with a contract value in excess of £5k. They are working to populate with relevant data including timetable plans for future tendering arrangements. This will be summarised for the Board when ready. The principle is that it will be cumulative. It may be that some things cannot be planned for but CIEH aims to minimise that.

CIEH’s Procurement policy has been reviewed and updated in readiness of publishing more detail in the future. The policy also includes a lot more clarity on the management of a contract for procuring managers who have responsibility to manage. An implementation plan is being created and will be rolled out once approved by EMT.

(e)

Timetable for tendering

The discussion with proposers was extremely useful as it allows CIEH to be able to give some information on some areas now.

Governance, Training (Education) & Policy Contracts

CIEH can summarise the expected future tenders for contracts with a value in excess of £5k in respect of the three areas discussed with the proposers.

Service	Timeline for next tender	Planned service delivery dates
Training & Events		
Existence of a tender will depend on need and market conditions. The items listed below are based on 2024 demand and markets. This may be subject to change.		
HHSRS Training	September/October 2024	2025
Food Safety Training	September/October 2024	2025
HMO & Damp Training	September/October 2024	2025
Electrical Training	September/October 2024	2025
Preferred suppliers for external contract delivery	CIEH will be seeking to create a preferred supplier lists for delivering external contracts. Timeline to be confirmed once policy implementation plan approved.	Dependent on customer timelines
External Customer contract delivery – Customer led contract or courses	Per contract tender received. Tender will be issued to preferred suppliers. Timeline dependent on customer timelines	Dependent on customer timelines
Governance		
Governance advice	August 2024	2025-2028
Governance administration	September 2026	2027-2030

CIEH does not have any current policy contracts. If circumstances change, they will be added to this forward plan.

(a)(b) and (c)

Financial Gain

The discussion with proposers was extremely useful in that it allowed CIEH to gain better understanding of the drivers behind the motion. This included the concern that positions were being used for financial gain. There was a discussion about commercial advantage through relationships as well as financial gain of trustees.

For CIEH's work on financial gain concerns please also see "What CIEH intends to do" section. CIEH is able to make some statements now in respect of the financial gain of trustees.

Trustees financial gain

The discussion with proposers highlighted a concern about trustees achieving financial gain during or after their time as Trustees. To that end, CIEH can confirm the following:

All charities have a legal requirement to ensure that transactions with trustees, or any party related to a trustee, are reported in the annual report. These reports are verified by an independent auditor.

CIEH goes further than many other charities, including in its operating procedures a specific prohibition of payment to Trustees for work, meaning that Trustees cannot be remunerated or receive payment for anything other than expenses.

Whilst it is understood that this does not fully resolve the matter it is hoped that this provides some assurance around Trustees whilst in post. Please also refer to "What CIEH intends to do" section.

Extract from operating procedures.

3.16 Members of the Board may not be paid for any work for, or on behalf of, CIEH.

Extracts of the annual reports for the last three years are included below, and the full reports can be found here;

<https://www.cieh.org/governance/agm/annual-reports-and-reviews/>

2022

24. Related Party Transactions

During the year CIEH received Gift Aid payments of £0 (2021:£0) from The Environmental Health Registration Board, a company connected with CIEH.

As part of the provision of its training courses CIEH Limited commissions books, researches new courses and arranges for examination papers to be marked and moderated. Some of this work is undertaken for payment by persons who are members of the Chartered Institute of Environmental Health.

There were no related party transactions.

2021

24 Related party transactions

During the year CIEH received Gift Aid payments of £0 (2020: £0) from The Environmental Health Registration Board, a company connected with CIEH.

As part of the provision of its training courses CIEH Limited commissions books, researches new courses and arranges for examination papers to be marked and moderated. Some of this work is undertaken for payment by persons who are members of the Chartered Institute of Environmental Health.

During 2021 V Wardle, a member of the Board of CIEH Limited was paid £95 (2020: £nil) for services for work on behalf of CIEH.

There were no other related party transactions.

The arrangement with V Wardle occurred in error during her transition onto the Board and was ceased as soon as CIEH discovered the error. As illustrated, it was declared in the annual accounts as it was required to be. CIEH conducted a review of the information provided to Trustees on appointment and induction to ensure that the prohibition on payments was clear and unambiguous.

2020

Notes to the Financial Statements *continued*

for the year ended 31 December 2020

24 Related party transactions

During the year CIEH received Gift Aid payments of £0 (2019: £34,000) from The Environmental Health Registration Board, a company connected with CIEH.

As part of the provision of its training courses CIEH Limited commissions books, researches new courses and arranges for examination papers to be marked and moderated. Some of this work is undertaken for payment by persons who are members of the Chartered Institute of Environmental Health.

During 2020 and the prior year 2019 no member of the Board of CIEH Limited was paid for services for work on behalf of CIEH.

There were no other related party transactions in the current year or the prior year.

What we intend to do

(a) And (b)

Declaration of interests are published under the provisions related to a 'legitimate interest'. Whilst all interests are currently published without redaction, the Board intends to review in the event that it receives requests for redaction. Please note requests are not automatically granted and go through a process to determine whether to grant or not.

(e)

Future tenders for work with an expected value greater than £5k will be published on our website. The website section is in development and will be shared once ready. CIEH will initially focus on the key areas of policy, governance and training. CIEH intends to add course and newsletter content in as well.

The value banding of contracts awarded will be published in the same place as an outcome to the tender process.

For preferred supplier list, this is an illustration of what we will publish

Service	Preferred Suppliers
Training & Events	EH Assessment Services Ltd, EHP Training Ltd, EHO Policy Ltd, etc.

For successful contractors

Service	Successful Contractor (s)	Estimated Contract Value Banding
Housing Training	EH Assessment Services Ltd	£5,000-£10,000*
External Customer contract delivery	EHP Training Ltd	£15,000-£20,000*

*Where it is deemed commercially sensitive CIEH will retain the right to withhold the value, but that step would be a last resort option with CIEH operating to the principle of transparency first.

Commercially sensitive is defined as any information which may:

- if disclosed to a competitor, be liable to cause real and significant harm to the organisation
- damage the reputation or the confidence of members, customers, supplier or other stakeholders
- threaten the ability to obtain supplies or secure finance

(a) (b) and (c)

Financial Gain

CIEH is now undertaking a review of Trustees and related party transactions. This is to give further assurance that the information published in the annual report is indeed correct. CIEH has already contacted its auditor in this respect which, in any event, would be part of the scope of its annual audit.

CIEH can confirm that work to date (reviewed transactions for individuals and related parties, searched for related parties using other means ie. LinkedIn) shows that there was no financial gain achieved by Trustees or related parties' whilst during, or after, in post.

The discussion with proposers also highlighted a concern in respect of conflicts of interest. CIEH takes conflicts of interest extremely seriously. Ensuring conflicts of interests are identified and managed appropriately is critical to CIEH's reputation. To that end CIEH intends to undertake a review of its policies and the operation of its policies. A specific historical event was raised and CIEH will ensure that event is considered within its review and that the actions it has taken are consistent with the advice of the Charity Commission for England and Wales.

What we cannot do

(c)

Having agreed with proposers to focus initial efforts on contracts related to governance, policy and training CIEH is committed to working on publishing information of historical contracts. Once those areas are complete CIEH will review the outcome and consider how best to approach publishing information on other areas of supply. Unfortunately, due to the confidentiality issues discussed CIEH cannot guarantee that it will be able to publish any or all information but will endeavour to publish what it can.

(b) (e)

Due to reasons of commercial sensitivity, data protection or confidentiality of our supplier or customer or contract, the Board will have to retain the right to withhold those items deemed necessary to withhold. The principle operated will be to be open first, and the bar to withhold will be set as high as possible. This is not intended as a mechanism to withhold but to protect the best interests of CIEH, which the Trustees have a legal duty to discharge.

Comment to Motion 2 response by CIEH

We welcome the engagement we have had with the CIEH Chair and CE to discuss the practical issues in implementing this Motion following the 2023 AGM. This openness is an important part of re-establishing the trust lost by the previous Board. We also welcome the direction of travel, and recognise the need to put in place building blocks to allow this Motion to be fully implemented. The commitment of the new Board in terms of improving transparency and accountability is evident. We are keen to continue this journey with you and welcome further engagement.

Progress has not been as quick as we would like, and we appreciate that some members may feel impatient. However, we recognise the other urgent and important competing demands on Trustees' time. These include a future Environmental Health workforce that makes the profession sustainable, with a viable CIEH to support it. We want to support the new Board in tackling all these challenges.

Following those discussions we have accepted the suggestion to focus on the areas outlined in the CIEH in the initial stages. As part of the new spirit of openness, we hope that the proposed Procurement Policy will be published, with other related policy documents. We offer the invitation to share the reviewed Policy with us in advance of its publication so that we may comment on its content and support further progress in terms of addressing the fundamental issues which brought about the need for this Motion. We believe it is important for the CIEH to have a grip on the numbers, expenditure, and performance of all its contracts – this is a part of good management across the sectors. We recognise that this work has many facets to it and therefore understand the need to prioritise. We support the areas you have initially identified in terms of priority but ask that CIEH continue to give consideration as to how it can continue to improve its financial visibility and thus accountability across all its areas.

We welcome the clarification and detail over the reporting of financial interests by trustees and others. However, we would stress the importance of also declaring non-financial interests which could affect how the trustee, adviser, or member of EMT contributes to items under consideration. This is not just about financial gain but also about issues such as regulatory capture as one example. It is about ensuring that those with the opportunity to directly influence the policy decisions, consultation responses, etc. on behalf of the CIEH are doing so with the purpose, vision and strategy of the CIEH as opposed to other personal or professional interests.

It will not be possible to tell how well the new arrangements are working until they have been in operation for sufficient time, and the new approach has become embedded. To that end we believe this issue should be reviewed annually alongside the Annual Report.

Lisa Griffin
Tim Everett