

Conflicts of Interests Check List for Meeting Chairs

(Appendix C of the Conflicts of Interest and Business Conduct Policy)

Meeting Chairs have responsibility for ensuring the appropriate management of conflicts of interest during the course of CCG meetings (see below for a definition and examples of 'interests'). In particular they must ensure:

- They are familiar with the contents of the Registers of Interests as pertinent to their Group or Committee. The CCGs' Registers of Interests can be accessed here:

AWC <http://www.airedalewharfedalecravenccg.nhs.uk/about-us/-/publication-scheme/lists-and-registers/>

BC <https://www.bradfordcityccg.nhs.uk/about-us/publication-scheme/lists-and-registers/>

BD <http://www.bradforddistrictscg.nhs.uk/about-us/publication-scheme/lists-and-registers/>

- They prepare for the meeting mindful of any actual or potential conflicts of interest that may arise relevant to the business of that meeting. Where conflicts of interest are known in advance, the individual concerned must not receive the supporting papers or minutes of the meeting which relate to the matter(s) which give rise to the conflict.
- That declarations of interest are always an item on the agenda.
- That the meeting is quorate and that this is recorded in the minutes.
- That members are asked to declare any interests that are likely to lead to a conflict or potential conflict that could impact (or has the potential to impact) on any items on the agenda. This should be repeated again at individual item(s) where it is considered a conflict is likely to or could potentially arise.
- Any declaration must be made clearly noted in the minutes both at the start of the meeting and at the relevant item. If there is any doubt as to whether or not a conflict of interest could arise, a declaration should be made and noted in the minutes.

The minutes must specify how the Chairs have decided to manage the declared interest. The appropriate course of action will depend on the particular circumstances, but could include one or more of the following:

- Where the Chair has a conflict of interest, deciding that the vice Chair (or another non-conflicted member of the meeting if the vice Chair is also conflicted) should chair all or part of the meeting;
- Requiring the individual who has a conflict of interest (including the Chair or vice Chair if necessary) not to attend the meeting;
- Ensuring that the individual concerned does not receive the supporting papers or minutes of the meeting which relate to the matter(s) which give rise to the conflict;
- Requiring the individual to leave the discussion when the relevant matter(s) are being discussed and when any decisions are being taken in relation to those matter(s). In private meetings, this could include requiring the individual to leave the room and in public meetings to either leave the room or join the audience in the public gallery;
- Allowing the individual to participate in some or all of the discussion when the relevant matter(s) are being discussed but requiring them to leave the meeting when any decisions are being taken in relation to those matter(s). This may be appropriate where, for example, the conflicted individual has important relevant knowledge and experience of the matter(s) under discussion, which it would be of benefit for the meeting to hear, but this will depend on the nature and extent of the interest which has been declared;
- Noting the interest and ensuring that all attendees are aware of the nature and extent of the interest, but allowing the individual to remain and participate in both the discussion and in any decisions. This is only likely to be the appropriate course of action where it is decided that the

interest which has been declared is either immaterial or not relevant to the matter(s) under discussion. The conflicts of interest [case studies](#) include examples of material and immaterial conflicts of interest.

In making this decision the Chairs will need to consider the following points:

- the nature and materiality of the decision
 - the nature and materiality of the declared interest(s)
 - the availability of relevant expertise
 - as a general rule (and subject to the judgement of the Chairs), if an interest involves a financial interest or a significant non-financial interest, the individual should be asked to leave the meeting for the whole item
- Any declaration arising during the course of a meeting / individual item must be minuted and action how to handle it agreed by the Chair and recorded in the minutes. It is imperative that CCGs ensure complete transparency in their decision making processes through robust record-keeping. If any conflicts of interest are declared or otherwise arise in a meeting, the Chair must ensure the following information is recorded in the minutes:
 - **Who has the interest;**
 - **The nature of the interest and why it gives rise to a conflict**, including the magnitude of any interest;
 - **The items on the agenda to which the interest relates;**
 - **How the conflict was agreed to be managed;** and
 - **Evidence that the conflict was managed as intended** (for example recording the points during the meeting when particular individuals left or returned to the meeting).
 - Quoracy of the meeting or for individual items must be checked if an interest is declared. If the meeting is no longer quorate (in full or for particular items) or there is insufficient relevant expertise to inform decision-making once those with conflicts of interests are excluded, the Chairs must agree how this should be managed, i.e. defer the item / meeting or refer any decisions for particular items(s) to another Committee for consideration and formal approval.
 - Refer to Standard Financial Instructions for Delegated Limits

Definition of Conflicts of Interest (Section 5 of the CCG Conflicts of Interest Policy)

Conflicts of interest may arise where personal interests or loyalties conflict with those of the CCGs. Such conflicts may create problems such as inhibiting free discussions which could result in decisions or actions that are not in the best interests of the CCGs, patients or the public and risk creating the impression that the CCGs have acted improperly.

NHS England defines a conflict of interest as occurring:

“Where an individual’s ability to exercise judgement or act in a role is, could be, or is seen to be impaired or otherwise influenced by his or her involvement in another role or relationship.

In some circumstances, it could be reasonably considered that a conflict of interest exists even when there is no actual conflict” (i.e. a perceived conflict).

The latest version of this guidance is *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs, June 2017*. This guidance supersedes the previous version (June 2016) and has been fully aligned with the new cross-system guidance on *Managing Conflicts of Interest in the NHS* which was published in February 2017.

NHS England identifies four categories of conflicts of interest:

(1) **Financial interests:** This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:

- A director, including a non-executive director or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with a health or social care organisation.
- A shareholder (or similar ownership interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do business with a health or social care organisation.
- A management consultant for a provider

This could also include an individual (or their practices, in the case of GPs) being:

- In secondary employment (see Section 7.2)
- In receipt of secondary income from a provider.
- In receipt of a grant from a provider.
- In receipt of payments (for example, Honoria, one-off payments, day allowances or travel or subsistence) from a provider.
- In receipt of funding from the pharmaceutical or med-tech industry as part of a joint working arrangement.
- In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role; and
- Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).

(2) **Non-financial professional interests:** This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:

- An advocate for a particular group of patients;
- A GP with a special interest(s);
- A member of a particular specialist professional body (although routine GP membership of the Royal College of General Practitioners, British Medical Association or a medical defence organisation would not usually by itself amount to an interest which needed to be declared);
- An advisor for the Care Quality Commission (CQC) or the National Institute for Health and Care Excellence (NICE);
- A medical researcher.

(3) **Non-financial personal interests:** This is where an individual may benefit personally in ways which are not directly linked to their professional career or do not give rise to direct financial benefit. This could include, for example, where the individual is:

- A voluntary sector champion for a provider;
- A volunteer for a provider;
- A member of a voluntary sector board or has any other position of authority with a voluntary sector organisation.
- A member of a lobby or pressure group with an interest in health.

(4) **Indirect interests:** This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision, for example:

- Spouse / partner
- Close relatives e.g. parent, grandparent, child, grandchild or sibling;
- Close friend;
- Business partner. A declaration for a “business partner” in a GP partnership should include all relevant collective interests of the partnership and all interests of their fellow GP partners (this could be done by cross-referring to the separate declarations made by those GP partners).

Whether an interest held by another person gives rise to a conflict of interest will depend upon the nature of the relationship between that person and the individual and the role of the individual within the CCGs.

It is not possible to define all instances in which an interest may be a real or perceived conflict.

If in doubt it is better to assume the existence of a conflict of interest and declare it, rather than ignore it.