

POLICY AUTHORISATION FORM

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Mar 2020	Updated to reflect best practice on conflicts of interests and new procedures	ADCA	Audit and Risk Committee	6.0
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Standards of Business Conduct Policy

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Approved by	Integrated Governance and Quality Committee
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This document may be made available to the public and persons outside of the CCG as part of the CCG's compliance with the Freedom of Information Act 2000.

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1. Introduction

- 1.1. Gloucestershire Clinical Commissioning Group (the CCG) aspires to the highest standards of business conduct and has therefore developed this policy to ensure that the CCG's Governing Body, all staff, member practices and others acting on behalf of the CCG observe and comply with all relevant legislation and regulations and undertake business in a way that is ethical, and act with integrity at all times.
- 1.2. Standards of Business Conduct are the standards set and expected of staff who work within the public sector in order to ensure that they operate with integrity, openness and honesty and are accountable to the public for the actions that they take on behalf of the CCG. The CCG has a duty to ensure fairness and honesty in its relationships with suppliers, contractors, service providers and service users or any other person or organisation with whom it has or might have business connections with. This policy sets out how the CCG will manage standards of business conduct and underpins the CCG's constitution.
- 1.3. To further support the management of conflicts of interest, Gloucestershire CCG will:
 - **Do business appropriately:** Conflicts of interest become much easier to identify, avoid and manage when the processes are clear, because we will withstand scrutiny;
 - **Be proactive, not reactive:** Commissioners will seek to identify and minimise the risk of conflicts of interest at the earliest possible opportunity;
 - **Be balanced, sensible and proportionate:** Rules will be clear and robust but not overly prescriptive or restrictive;
 - **Be transparent:** We will document clearly the approach and decisions taken at every stage in the commissioning cycle so that a clear audit trail is evident;
 - Create an **environment and culture** where individuals feel supported and confident in declaring relevant information and raising any concerns.
- 1.4. The principles contained within this policy are aimed at GCCG Governing Body Members, all staff, member practices and others acting on behalf of the CCG who must therefore be aware of this policy and comply with the details within it.
- 1.5. The policy describes processes and procedures in place to manage standards of business conduct within the CCG in the following areas:
 - in the operation of the CCGs Governing Body;
 - in the procurement of services;
 - commercial sponsorship;
 - the acceptance of gifts and hospitality;
 - further areas of business conduct including private practice, sponsored events and secondary employment;

- commissioning of new care models.

2. Guidance and Legal Framework

2.1 This policy has considered a number of statutory and regulatory guidance in its development, all of which the CCG expects its staff and employees working on its behalf to comply with. In particular, this policy respects the seven key principles of the NHS Constitution:

- The NHS provides a comprehensive service, available to all.
- Access to NHS services is based on clinical need, not an individual's ability to pay.
- The NHS aspires to the highest standards of excellence and professionalism.
- The patient will be at the heart of everything the NHS does.
- The NHS works across organisational boundaries and in partnership with other organisations in the interest of patients, local communities and the wider population.
- The NHS is committed to providing best value for taxpayers' money and the most effective, fair and sustainable use of finite resources.
- The NHS is accountable to the public, communities and patients that it serves.

2.2 The Standards of Business Conduct policy also respects the seven principles of public life promulgated by the Nolan Committee, which form a basis for the standards expected of all staff. The seven principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Nolan Principles can be found in full [here](#).

2.3 Bribery Act 2010

The CCG has a responsibility to ensure that all staff are made aware of their duties and responsibilities with regards to the Bribery Act 2010. Under this act there are four offences, the first three are most applicable to the NHS:

1. Offer, promise or give a bribe to another person to perform a relevant function or activity improperly (this is known as 'active bribery').

2. Request, accept or agree to receive a bribe to perform a function or activity improperly (even if the bribe is not for the recipient's benefit or is received via a third party). This is known as 'passive bribery'.
3. Failure of an organisation to prevent bribery.
4. Offer, promise or give a financial or other advantage to a foreign public official.

For further information, please refer to the CCG Counter Fraud and Corruption Policy.

- 2.4 Section 25 of the Health and Social Care Act 2012 imposes duties on CCGs in relation to maintaining registers of interest and managing conflicts of interest. Further guidance was also published in December 2014 to reflect the opportunity for CCGs to take an increased responsibility for commissioning of Primary Care.
- 2.5 NHS England has also issued guidance for CCGs on the management of conflicts of interest in 2016 and again in 2017, and this policy has been updated to incorporate these requirements. Full NHS England guidance can be found [here](#). This policy also addresses NHS England's Best Practice Update on Conflicts of Interest Management: Call to Action for CCGs published in February 2019 see Appendix 12
- 2.6 Staff may also wish to read the Good Governance Standards for Public Services, and the Equality Act 2010 in which this policy also respects.

3. Responsibilities

3.1 Gloucestershire CCG

- 3.1.1 The CCG is responsible for ensuring that the requirements of this policy are brought to the attention of the CCG's Governing Body, all staff, member practices and others acting on behalf of the CCG and that processes are put in place for ensuring that statutory and regulatory guidelines are effectively implemented.

3.2 Governing Body

- 3.2.1 All members of Gloucestershire CCG's Governing Body are collectively responsible for decisions made by the organisation and are equally obliged to avoid, and/or manage, any real or perceived material conflicts of interest in accordance with this policy as appropriate.
- 3.2.2 The Governing Body has ultimate responsibility for all actions carried out by staff and committees throughout the CCG's activities. This responsibility includes the stewardship of significant public resources and the commissioning of healthcare to the community.
- 3.2.3 It is therefore the duty of the Governing Body to ensure the organisation inspires confidence and trust amongst its patients, staff, partners, funders and suppliers by demonstrating integrity and avoiding any potential or real situations of undue bias or influence in the decision-making of the CCG.

3.3 Accountable Officer

3.3.1 The Accountable Officer has overall responsibility for business conduct and is the Executive Lead on the Governing Body for all corporate governance processes operated by the CCG.

3.4 Chairs of Committees, Sub-committees and Meetings

3.4.1 All Chairs will ensure that meetings are conducted in accordance with this policy and that every meeting gives members an opportunity to declare any conflict of interest in relation to items on the agenda. The Chair is also responsible for ensuring that any declarations are recorded appropriately and suitable action is taken within the meeting, with the assistance of the secretariat for the meeting.

3.4.2 The Chairs have ultimate responsibility for deciding whether there is a conflict of interest and for taking the appropriate course of action in order to manage this.

3.4.3 In the event that the Chair themselves hold a conflict of interest, the Vice Chair is then responsible for deciding the appropriate course of action. If the Vice Chair is also conflicted then the remaining non-conflicted voting members of the meeting should agree between themselves how to manage the conflict(s).

3.4.4 The Chair of the Primary Care Commissioning Committee (Lay Member) has a particularly important role in the management of conflicts of interest due to the responsibilities the Committee has towards delegated commissioning and the matters that subsequently arise.

3.4.5 It is good practice for the Chair, with support of the CCG's Associate Director of Corporate Affairs, to proactively consider any potential conflicts that may arise at a meeting and consider how these should be managed. The Corporate Governance Team will ensure that the Chair has sight of the register of interests before the meeting if necessary to assist this process.

3.4.6 The Corporate Governance Team will be responsible for maintaining the CCG Committee declarations of interest register and ensuring that it is kept up to date with conflicts of interests arising at committees and other meetings.

3.4.7 Further information regarding the management of conflicts of interests at meetings can be found at 4.5.

3.5 Members, Senior Managers and all Staff

3.5.1 All Members including GP Practices, senior managers, staff and others working for or on behalf of the CCG must familiarise themselves with this policy upon their appointment within the organisation. This will include all those acting on behalf of the CCG including contracted and temporary staff and lay persons.

3.6 Associate Director of Corporate Affairs

3.6.1 The Associate Director of Corporate Affairs will provide advice and assistance to all CCG staff members on matters pertaining to business conduct, and ensure that appropriate registers are maintained.

3.6.2 The Corporate Governance team should be contacted to report any declarations of interests as soon as possible and must be declared within 28 days, these will then be recorded as appropriate.

3.7 Audit & Risk Committee

3.7.1 The Audit & Risk Committee is responsible for reviewing the registers of Gifts, Hospitality and Commercial Sponsorship including Pharmaceutical rebates on behalf of the CCG Governing Body and receives reports on these at least quarterly.

3.8 Primary Care Commissioning Committee

3.8.1 The Primary Care Commissioning Committee (PCCC) has delegated responsibility for agreeing matters pertaining to primary care, and will therefore ensure it complies with the guidance of this policy in terms of managing conflicts of interest. Further information about how the PCCC will manage conflicts can be found at point 4.4.12.

3.9 Core Executive Team

3.9.1 The CCG Executive Team (Core) is responsible for reviewing the full register of declarations of interest and provides sufficient scrutiny on these on a bi-monthly basis.

3.10 New Models of Care Board

3.10.1 Gloucestershire's Integrated Care System (ICS)) supports the delivery of service change across the county. The ICS checklist for governance and engagement supports the Gloucestershire Partnerships and collaborative working that is in place for a system wide development programme. The New Models of Care Board focusses on innovation and collaboration across Gloucestershire GP practices, under the ICS . The purpose of this group means that representatives from partner organisations are included as equivalent members, therefore it is likely that there will be individuals with roles in both the CCG and any new care model provider/potential provider commissioned.

3.10.2 The CCG will ensure that it manages conflicts of interest in relation to New Models of Care locally and in compliance with Annex K of the NHS England guidance which can be found [here](#).

4. **Declarations of Interest**

Statutory requirements: CCGs must make arrangements to ensure individuals declare any conflict or potential conflict in relation to a decision to be made by the group as soon as they become aware of it, and in any event within **28 days**. CCGs must record the interest in the registers as soon as they become aware of it.

4.1 Definition of a Conflict of Interest

4.1.1 A conflict of interest occurs where an individual's ability to exercise judgement or act in one role is, or could be impaired or otherwise influenced by his or her involvement in another role or relationship. It can be described as 'a set of circumstances by which a reasonable person would consider that an individuals' ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold.'

4.1.2 A conflict of interest may be actual or potential:

- Actual – There is a material conflict between one or more interests
- Potential – There is the possibility of a material conflict between one or more interests in the future

4.1.3 Conflicts of interest are not possible to avoid in all instances, however, recognising where and how they arise and dealing with them appropriately will enable the CCG to demonstrate proper governance and decision making with regard to the use of public resources.

4.1.4 The individual does not need to exploit his or her position or obtain an actual benefit, financial or otherwise. A potential for competing interests and/or a perception of impaired judgement or undue influence can also be a conflict of interest.

4.2 Who should declare interests

4.2.1 Declarations of interest and gifts and hospitality should be made by the following groups upon appointment to the CCG:

- **All CCG employees including:**
 - Any full and part time staff
 - Any staff on sessional or short term contracts
 - Any students and trainees
 - Agency staff
 - Seconded staff
 - Voluntary staff
 - Apprentices.
- **Members of the Governing Body**
- **All members of the CCG (i.e. each GP Practice)**

This includes each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act. Declarations should be made by:

 - GP Partners
 - Any individual directly involved with the business or decision-making of the CCG.

4.2.2 GPs and other staff within the CCG's member practices are not required to declare offers/receipt of gifts and hospitality to the CCG which are unconnected with their role or involvement with the CCG.

4.2.3 All CCG staff shall complete a declaration of interests form as part of the appointment process. The DoI form will be included in the paperwork sent to new appointees.

4.3 Conflicts of Interests Guardian (COIG)

4.3.1 The CCG is required by NHS England to have a Conflicts of Interest Guardian (akin to a Caldicott Guardian) who will:

- Act as a conduit for members of the public who have any concerns in regard to conflicts of interest;
- Be the safe point of contact for a whistleblower within the organisation for issues pertaining to conflicts of interest; and
- Support the rigorous application of conflict of interest principles and policies;
- Provide independent advice and judgement where there is any doubt about how to apply conflicts of interest policies and principles in an individual situation;
- Provide advice on minimising the risks of conflicts of interest.

4.3.2 Whilst the COIG has an important role within the management of conflicts of interests, executive members of the CCG's governing body have an on-going responsibility for ensuring the robust management of conflicts of interest, and all CCG employees, governing body and committee members and member practices will continue to have individual responsibility in playing their part on an ongoing and daily basis.

4.3.3 The COIG for Gloucestershire CCG is the Lay Member for Governance and Audit & Risk Committee Chair, who will be supported by the Associate Director of Corporate Affairs and Corporate Governance Manager.

4.3.4 Details about how to get in touch with the COIG can be found in Appendix 14.

4.4 Types of Conflicts of Interests

4.4.1 Types of conflicts of interest that can arise include the following and are fully defined within Appendix 1:

- **Financial interests;**
- **Non-financial professional interests;**
- **Non-financial personal interests;**
- **Indirect interests**

4.4.2 It is not possible, or desirable, to define all instances in which an interest may be a real or perceived conflict. It is for each individual to exercise their judgement in deciding whether to register any interests that may be construed as a conflict. Individuals can seek guidance from the Associate Director of Corporate Affairs, but as a general rule "if in doubt, declare".

4.4.3 Accordingly, CCG Governing Body members are required to declare any relevant and material interests, and any gifts or hospitality offered and

received in connection with their role in the CCG. Interests that may impact on the work of the Governing Body and should be declared include:

- any directorships of companies likely to be engaged with the business of the clinical commissioning group;
- previous or current employment or consultancy positions;
- voluntary or remunerated positions, such as trusteeship, local authority positions, other public positions;
- membership of professional bodies or mutual support organisations;
- investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests;
- gifts or hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months;
- any other conflicts that are not covered by the above.

4.4.4 A declaration of interests form listing the types of interest that should be declared is attached at Appendix 2. The declaration of interests form must be completed in the following instances:

On appointment

4.4.5 Applicants for any appointment to the CCG Governing Body or its Committees are required to declare any relevant interests. If any potential conflicts of interests arise these will be considered on a case by case basis by the recruiting manager and interview panel.

4.4.6 If it is considered that any individual has a material interest in an organisation which provides/is likely to provide substantial business to the CCG they shall not be entitled to be a member of the Governing Body. A material interest can be defined as being so significant that the individual would be unable to make a full and proper contribution to the Governing Body as this interest would preclude them from having involvement in the majority of discussions and decisions.

At meetings

4.4.7 All attendees at meetings are required to declare relevant interests as a standing agenda item for every Governing Body, Committee, Sub-committee or working group meeting, before the item is discussed. It is also good practice to consider any potential interests in relation to the agenda items ahead of the meeting. These declarations will be recorded within the minutes as appropriate.

4.4.8 A series of guides has been developed by NHS England to help effectively manage conflicts of interests including a summary guide for administrator staff responsible for organising and administering meetings. A copy is available **here** and on the CCG's intranet.

When prompted to by the CCG

4.4.8 The CCG will ensure that at least annually, staff are prompted to update their declarations of interest or make a nil return (via a returned form or email) where there are no interests or changes to declare. The CCG may ask for updates from individuals or groups on an adhoc basis where gaps are

identified e.g. within internal audit or there has been a change in organisational circumstances which require a review of declarations.

Change of role or responsibility or circumstance

- 4.4.9 Whenever an individual's role, responsibility or circumstances change in a way that affects the individual's interests (e.g. where an individual takes on a new role outside the CCG or enters into a new business or relationship), a further declaration should be made to reflect the change in circumstances as soon as possible, and in any event within **28 days**. This could involve a conflict of interest ceasing to exist or a new one materialising, and it is the responsibility of the individual concerned to make a further declaration as soon as possible, rather than waiting to be asked.
- 4.4.10 Whenever interests are declared they should be promptly reported to the Corporate Governance Manager within the Corporate Governance team who has designated responsibility for maintaining the register of interests (further information at section 6).

4.5 Managing Conflicts of Interest at Meetings

Statutory requirements: The CCG must make arrangements for managing actual or potential conflicts of interest in such a way as to ensure that they do not, and do not appear to, affect the integrity of the group's decision making.

- 4.5.1 All members of the Governing Body, sub-committees and meetings will be required to declare any interests in any agenda item before it is discussed or as soon as it becomes apparent, albeit if an interest is declared in the register of interests. Declarations of interest will be recorded in minutes of meetings accordingly.
- 4.5.2 When an interest is declared at a Committee or other decision making body, the Chair should make the decision as to whether that individual remains out of the discussion with regards to the topic in which the interest is declared, or other action taken as appropriate (see below). Further information regarding the Chair's role can be found at 3.4 of this policy.
- 4.5.3 It is imperative that the CCG ensures complete transparency in 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;
 - 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.

It must also be recorded that no declarations of interest were made if applicable.

Exclusion of Individuals on Account of an Interest

4.5.4 All Governing Body members are required to declare their interests in relation to any items on the agenda at the start of each meeting however it is also good practice to consider potential conflicts against each agenda item before the meeting, and discuss these with the Chair and Associate Director of Corporate Affairs. Where the conflict is material to the discussion of the Governing Body, that member shall withdraw from discussions pertaining to that agenda item, the conflict and the action will be recorded in the minutes of the meeting and the register of interests updated accordingly.

In some instances, a conflict may be so significant that an individual should not receive any documents/reports in relation to that agenda item. The Chair, with the assistance of the Associate Director of Corporate Affairs will be responsible for making this decision prior to the forwarding of meeting papers. This issue demonstrates the importance of proactive conflicts of interest management.

4.5.5 It is the responsibility of the Associate Director of Corporate Affairs to monitor quorum and advise the Chair accordingly to ensure it is maintained throughout the discussion and decision of the agenda item. Should the withdrawal of the conflicted individual result in the loss of quorum, the item cannot be decided upon at that meeting.

4.5.6 Where permitted under the CCG's Constitution or the conditions of its establishment, the Governing Body has the power to waive restrictions on any clinical professional member participating in the business of the Governing Body, where to authorise such a conflict would be in the interests of the CCG. The application of a waiver can, therefore, be used in the following situations:

- a member of the Governing Body is a clinical professional providing healthcare services to the CCG that do not exceed the average for other practices and NHS entities commissioned to provide services by the clinical commissioning group; or
- where the Governing Body member has a pecuniary interest arising out of the delivery of some professional service on behalf of the CCG, and the conflict has been adjudged by the Chair and the Conflict of Interest Guardian not to bestow any greater pecuniary benefit to other professionals in a similar relationship with the CCG.

4.5.7 Where the Chair and the Governance Lay Member have approved the use of the waiver, the Chair must have discussed it with the Accountable Officer before the meeting. In such circumstances where the waiver is used, the Governing Body member:

- must disclose their interest as soon as practicable at the start of the meeting;
- may participate in the discussion of the matter under consideration; but
- must not vote on the subject under discussion.

4.5.8 The minutes of the meeting will formally record that the waiver has been used, and that this policy and the appropriate document provisions have been observed in managing that authorised conflict. Where a member has withdrawn from the meeting for a particular item, the Associate Director of Corporate Affairs will ensure that the minutes for that member do not contain such information that may compound the potential conflict, but do not

unnecessarily disadvantage the member in their performance of their functions and legal responsibilities.

Decisions Taken With an Interest

- 4.5.9 In the event of the Governing Body having to decide upon a question in which a member has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting meets quorum. Conflicted members **must not vote** on matters affecting their own interests, even where the use of the waiver has been approved by the chairman and used.
- 4.5.10 All decisions under a conflict of interest will be recorded by the Associate Director of Corporate Affairs and reported in the minutes of the meeting as outlined within section 4.5.3 but should also include the use of the waiver if there has been one, and the reason behind it implementation.
- 4.5.11 Where a Governing Body member benefits from the decision; this will be reported in the annual report and accounts, as a matter of best practice. All payments or benefits in kind to Governing Body members will be reported in the CCG's accounts and annual report, with amounts for each Governing Body member listed for the year in question.
- 4.5.12 As stated within the Constitution, a register of all procurement decisions will be maintained and will also be made publicly available on the CCG's website **here**
- 4.5.13 Primary Care Commissioning Committee (PCCC)
- a) Gloucestershire CCG holds delegated commissioning responsibility for Primary Care and therefore has an established Primary Care Commissioning Committee (PCCC). Due to their nature in deciding on Primary Care services, the Committee holds a number of potential conflicts of interests risks. These meetings are held in public unless the CCG has concluded that it is appropriate to exclude them.

Examples of where it may be appropriate to exclude the public include:

- Information about individual patients or other individuals which includes sensitive personal data is to be discussed;
 - Commercially confidential information is to be discussed, for example the detailed contents of a provider's tender submission;
 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is to be discussed;
 - To allow the meeting to proceed without interruption and disruption.
- b) In the interest of minimising these risks, the CCG ensures that GPs do not have voting rights on the committee. The arrangements do not preclude GP participation in strategic discussions of Primary Care issues, subject to appropriate management of conflicts of interest. They apply to decision-making on procurement issues and the deliberations leading up to the decision. GP input into clinical issues in Primary Care is important therefore

they shall remain in attendance at PCCC meetings, as per defined terms of reference.

- c) It is also important that conflicts of interests are managed appropriately within sub-committees and sub-groups. Therefore as an additional safeguard, sub-groups must submit their minutes to the PCCC, detailing any conflicts and how they have been managed. The PCCC should be satisfied that conflicts of interest have been managed appropriately in its sub-committees and other relevant groups, and take action where there are concerns.

5. Gifts, Hospitality and other areas of Business Conduct

5.1 Staff in the NHS offer support during significant events in people's lives, and we should be proud that services are valued, but situations where the acceptance of gifts could rise to conflicts of interest should be avoided. Employees of the CCG may accept gifts, sponsorship and/or hospitality under certain circumstances, which are outlined in the following sections of this policy. In the interests of transparency, any offers outside these circumstances must be refused however must still be recorded. A central register will be maintained by the Corporate Governance team and reported to the CCG Core Team and Audit & Risk Committee at quarterly intervals as part of the CCG's internal assurance process.

5.1.1 CCG staff and members should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way. This is also the case where the CCG staff give gifts on behalf of the CCG to other organisations and individuals. As a general rule the CCG discourages its employees accepting or giving gifts except in exceptional circumstances (see conditions below). Employees are encouraged to seek advice from the Associate Director of Corporate Affairs and / or the Conflicts of Interests Guardian.

5.2 Gifts

5.2.1 A 'gift' is defined as any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value.

5.2.2 All gifts of any nature offered to CCG staff, Governing Body and committee members and individuals within GP member practices by suppliers or contractors linked (currently or prospectively) to the CCG's business should be declined, whatever their value. However, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of **£6**. The person to whom the gifts were offered should also declare the offer to the Corporate Governance team who have designated responsibility for maintaining the register of gifts and hospitality so the offer which has been declined can be recorded on the register.

5.2.3 Gifts offered from other sources (e.g. **patients, families, service users**) may be accepted if they are **under the value of £50** and do not need to be declared. Gifts at over this value should be treated with caution and should only be accepted on behalf of an organisation, not in a personal capacity and

should be declared. Multiple gifts from the same source over a twelve month period should be treated in the same way as single gifts over £50 where the cumulative exceeds £50. CCG staff and members should not request gifts, and staff should operate a common sense approach to the valuing of gifts.

5.2.4 Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) **must always be declined**, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Governance team who have designated responsibility for maintaining the register of gifts and hospitality and recorded on the register.

5.2.5 Employees must declare any gifts using the form at Appendix 2 whether or not the offer has been refused or accepted to ensure that the employee and the CCG is protected against any subsequent accusation of compromise.

5.3 Hospitality

5.3.1 Hospitality means offers of meals, refreshments, travel, accommodation and other expenses in relation to attendance at meetings, conferences, education and training events.

5.3.2 A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view however, all offers of hospitality should be approached with caution by employees of the CCG. Any offers of modest hospitality including a drink or a sandwich during an external meeting or free parking to attend a meeting do not require approval from a manager.

5.3.3 Employees should refuse any hospitality which may compromise or be reasonably seen to compromise their ability to exercise judgement in their role. Offers of hospitality including holiday accommodation, sporting fixtures, theatre or other events **must be declined**. Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors, these can be accepted if modest and reasonable, but individuals should always obtain senior approval (e.g. Associate Director of Corporate Affairs) and declare these.

5.3.4 Hospitality must be secondary to the purpose of the meeting and should not be out of proportion to the occasion or exceed the level which the staff member would normally adopt under normal circumstances when paying for themselves, or that would normally be acceptable to the NHS.

5.3.5 Meals and refreshments:

- Under the value of **£25** may be accepted and **need not be declared**;
- Of a value between **£25 and £75 may be accepted** and must be declared;
- Over a value **of £75** should be **refused** unless (in exceptional circumstances) **senior approval is given**. A clear reason should be recorded on the register as to why it was permissible to accept;

- A common sense approach should be applied to the valuing of meals and refreshments (using the actual amount, if known).

5.3.6 Travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted however must be declared;
- Offers which go beyond modest, or are of a type that the CCG itself might not usually offer, need approval by senior staff and should only be accepted in exceptional circumstances;

5.4 Commercial Sponsorship

5.4.1 For the purpose of this policy commercial sponsorship is defined as “NHS funding from an external source, including funding of all or part of the cost of a member of staff, NHS research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs, provision of free services and buildings or premises.”

5.4.2 Commercial sponsorship can include different forms, the most applicable to the CCG include:

- Financial support and hospitality for meetings;
- Attendance at conferences;
- Publications;
- Training.

5.4.3 CCG employees should read the ‘Policy for the Joint Working between NHS Gloucestershire CCG and the Pharmaceutical Industry’ in conjunction with this policy where commercial sponsorship is from pharmaceutical companies.

5.4.4 In all cases, CCG employees must declare sponsorship or any commercial relationship linked to the supply of goods or services **where this is above the estimated value of £25.00**. This should be declared on the form at Appendix 2 of this policy, returned to the Corporate Governance team and recorded within the Commercial Sponsorship Register.

5.4.5 As a general rule, sponsorship arrangements involving the CCG will be at a corporate, rather than individual level.

5.4.6 If publications are sponsored by a commercial organisation, that organisation should have no influence over the content of the publication. The company logo can be displayed on the publication, but no advertising or promotional information should be displayed. The publication should contain a disclaimer which states that sponsorship of the publication does not imply that the CCG endorses any of the company’s products or services.

5.4.7 All CCG employees and individuals acting on behalf of the CCG should discuss the implications, with their manager, before accepting an invitation to speak at a meeting organised by a pharmaceutical company. The company should have no influence over the content of any presentation made by the CCG

employee/representative. It should be made clear that CCG presence does not imply that the CCG endorses any of the company's products or services.

5.4.8 Under no circumstances will the CCG agree to 'linked deals' whereby sponsorship is linked to the future purchase of particular products or to supply from particular sources.

5.4.9 Sponsorship of NHS events can sometimes occur and is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefiting NHS staff and patients. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result of this, the CCG will ensure proper safeguards in place to prevent such conflicts occurring.

5.4.10 When sponsorship is offered, the following principles must be adhered to:

- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS;
- During dealing with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;
- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event;
- The involvement of a sponsor in an event should always be clearly identified in the interest of transparency
- CCGs should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event; An appropriate disclaimer by the CCG should be included on any brochures / leaflets (consult the Associate Director of Corporate Affairs for further advice);
- Staff should declare involvement with arranging sponsored events to their CCG.

5.5 Secondary Employment

5.5.1 As per the standard contract of employment, individuals working for the CCG are required to notify the CCG of any secondary employment. This is also covered in the CCG Working Time Regulations Policy. The CCG reserves the right to take action where it believes a conflict will arise which cannot be effectively managed.

5.5.2 The purpose of this is to ensure that the CCG is fully aware of any potential conflicts of interest. Examples of work which might conflict with the business of the CCG include:

- Employment with another NHS body;

- Employment with another organisation which might be in a position to supply goods or services to the CCG;
- Self-employment, including private practice, in a capacity which might conflict with the work of the CCG or which might be in a position to supply goods or services to the CCG;
- Directorship of a GP federation / Primary Care Network.

5.5.3 Outside employment and private practice (secondary employment) must be declared as a potential conflict of interest, whether the individual believes it to be a conflict or not.

5.5.4 Should a staff member hold any secondary employment which may conflict with the work of the CCG, the CCG will consider whether, practically, such an interest is manageable at all. If it is not, the appropriate course of action may be to refuse to allow circumstances which give rise to the conflict to persist. This may require an individual to step down from a particular role and/or move to another role within the CCG.

5.6 Co-operation with product suppliers

5.6.1 All requests for co-operation from product suppliers that are received by members of staff should be referred to their senior managers. Suppliers should also be provided with a copy of this policy and the Counter Fraud and Corruption Policy. They must be reminded that the CCG has a zero tolerance approach to fraud and bribery (see the CCG's Bribery Statement **here**).

5.6.2 There are occasions when it may be beneficial to patients and clients for staff to participate in trials of products and appliances which may be used in the delivery of our services. Patients may ultimately benefit from the development of new products, and being involved in such trials ensures our staff are up to date with current product development.

5.6.3 Any financial incentives offered to staff to participate in such trials should be dealt with in the same way as monetary gifts given by patients. Staff are reminded that if they are asked to participate in any research or trials, this must be submitted to their Line Manager / Director before any agreement to participation is given. Advice can also be sought from the Associate Director of Corporate Affairs / COIG.

5.6.4 Employees who attend educational meetings or conferences where some part of their costs (registration fees, travel or accommodation) are paid by commercial companies, they must declare the sponsorship to the Corporate Governance team on the form at (Appendix 3) in addition to seeking the usual agreement for study leave.

5.7 Personal Conduct

5.7.1 The lending or borrowing of money between staff should be avoided, whether informally or as a business, particularly where the amounts are significant.

5.7.2 It is a particularly serious breach of discipline for any member of staff to use their position to place pressure on someone in a lower pay band, a business

contact, or a member of the public to loan them money.

5.7.3 No member of staff may bet or gamble when at work or on CCG premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or the Grand National among immediate colleagues.

5.7.4 Staff who become bankrupt or insolvent must inform their line management and Human Resources as soon as possible. Staff who become bankrupt or insolvent cannot be employed in posts that involve duties which might permit the misappropriation of public funds or involve the handling of money.

5.7.5 A member of staff who is arrested and refused bail or convicted of any criminal offence must inform their line management and Human Resources who will take appropriate action in line with the CCG disciplinary policy. All CCG staff should make themselves aware of the CCG Counter Fraud and Corruption Policy. CCG managers must ensure they adhere to the NHS Management Code of Conduct at all times.

5.8 Political Activities

5.8.1 Any political activity should not identify an individual as an employee of the CCG. Conferences or functions run by a party political organisation should not be attended in an official capacity, except with prior written permission from the Accountable Officer and Chair of the CCG in exceptional circumstances.

5.9 Appointing Governing Body or Committee Members

5.9.1 The CCG needs to consider whether conflicts of interest should exclude individuals from being appointed to the Governing Body or to a Committee or Sub-Committee membership. This will be considered on a case by case basis with reference to the disqualification criteria outlined in the NHS England documents, CCG Governing Body members: Roles outlines, attributes and skills (April 2012), Managing Conflicts of Interests: Statutory Guidance for CCGs and the CCG's own Constitution.

5.9.2 In these instances, the CCG will assess the materiality of the interest, in particular whether the individual could benefit from any decision the CCG might make. This will be particularly relevant for Governing Body, committee and sub-committee appointments, but should also be considered for all employees and especially those operating at a senior level.

5.9.3 The CCG will need to determine the extent of the interest and the nature of the appointee's proposed role within the CCG. If the interest is related to an area of business significant enough that the individual would be unable to operate effectively and make a full and proper contribution in the proposed role, then that individual should not be appointed to the role.

5.9.4 The responsibility for this decision will sit with the recruiting manager for the particular post (usually the Associate Director of Corporate Affairs for Governing Body members) in liaison with the interview or appointment panel as appropriate. For committee membership issues, this will be the responsibility of the Chair with advice and support from the Associate Director

of Corporate Affairs and the Accountable Officer. Sometimes the Governing Body as a whole may discuss the issue together to reach a decision. However, this decision relies on the applicants declaration of interest as outlined in this policy.

5.10 The Commissioning Cycle

- a) Conflicts of interest need to be managed appropriately throughout the whole commissioning cycle. At the outset of a commissioning process, the relevant interests of all individuals involved should be identified and clear arrangements put in place to manage any conflicts of interest. This includes consideration as to which stages of the process a conflicted individual should not participate in, and, in some circumstances, whether that individual should be involved in the process at all.
- b) The way in which services are designed can either increase or decrease the extent of perceived or actual conflicts of interest. Particular attention should be given to public and patient involvement in service development.

5.10.1 Commissioning Services from GP Practices

The CCG will abide by the NHS Commissioning Board Code of Conduct 'Managing conflicts of interest where GP practices are potential providers of CCG-commissioned services', first published in October 2012 which sets out additional safeguards to use when commissioning services for which GP practices could be potential providers.

5.10.2 Procuring Services

- a) The management of conflicts of interest is vitally important in the procurement of clinical services and managing them appropriately is paramount to the probity and accountability of the CCG's decision making and will ensure that the principles of transparency and fairness are upheld. The CCG must and will comply with two different regimes of procurement law and regulation when commissioning healthcare services:
 - The NHS procurement regime
 - The European procurement regime
- b) The nature of the CCG means that it is led by GPs, therefore there is an increased risk that conflicts of interest could arise when procuring clinical services. An obvious area in which conflicts could arise is where the CCG commissions (or continues to commission by contract extension) healthcare services, including GP services, in which a member of the CCG has a financial or other interest.
- c) The Procurement Strategy for the Purchase of Healthcare Services considers conflicts of interest that may exist when commissioning services from providers including GP practices, and should be read in conjunction with this policy where appropriate.

Such a conflict could arise:

- In carrying out a competitive tender: where GP practices or other providers in which CCG Members have an interest are amongst those bidding to provide those services;
- When procuring clinical services through Any Qualified Provider: where one or more GP practice (or other providers in which CCG members have an interest) are amongst the qualified providers from which patients can choose.

In managing conflicts of interests in procuring services the CCG will:

- Comply with its statutory obligations in relation to the management of conflicts of interest;
- Have regard to relevant guidance published by NHS England in relation to the discharge of its statutory obligations; and
- Comply with its constitution in relation to the management of conflicts of interests;
- Maintain and publish a register of completed procurements outlining any conflicts of interests declarations;
- Make the register of procurement decisions available within its annual accounts.

Regulation 6 of the NHS (Procurement, Patient Choice and Competition) Regulations 2013 requires CCGs to:

- Manage conflicts and potential conflicts of interest when awarding a contract by prohibiting the award of the contract where the integrity of the award has been or appears to have been affected by a conflict; and
 - Keep appropriate records of how conflicts of interest have been managed in individual cases.
- d) The CCG will complete the Procurement checklist (Appendix 9) when procuring services from providers, to ensure full due consideration is given to the process of procurement. This information will then be transferred onto the Register of procurements decisions and contracts awarded (Appendix 10 and 11) and made publically available.
- e) Bidders and contractors will be required to declare any potential conflicts of interest that could arise if they were to take part in any procurement process and/or provide services under, or otherwise enter into any contract with, the CCG, or with NHS England. The CCG will request bidders and contractors to complete the form at Appendix 12 of this policy.

6. Registers of Interests

Statutory requirements: CCGs must maintain one or more registers of interest of: the members of the group, members of its governing body, members of its committees or sub-committees of its governing body, and its

employees. CCGs must publish, and make arrangements to ensure that members of the public have access to, these registers on request.

6.1 The CCG has a statutory requirement to maintain one or more registers of interest of the members of the group, members of the Governing Body, members of its committees or sub-committees of its Governing Body, and its employees in relation to the issues detailed in section 4 and 5 of this policy:

- Interests declared at decision making bodies;
- Interests declared by Governing Body members and other staff which could potentially influence their decision making;
- Members of the CCG (i.e. each Practice) including GP Partners;
- Gifts and Hospitality declarations;
- Commercial Sponsorship
- Association of British Pharmaceutical Industry (reference to this register shall be included on the CCG's website).

6.1.1 CCGs must publish the registers at least annually, and will also make arrangements to ensure that members of the public have access to these registers upon request.

6.2 Interests will be recorded on the CCG's Register of Interests as and when they are declared, within 28 days. They should be reported to the Associate Director of Corporate Affairs on the relevant form who will maintain the register on behalf of the Accountable Officer. The register will be accessible by the public and inspection of the register of Governing Body members' interests will be encouraged, as appropriate.

6.3 The CCG will maintain a register of interests for each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act. Declarations should be made by the following groups:

- GP partners (or where the practice is a company, each director)
- Any individual directly involved with the business or decision-making of the CCG.

6.4 Any interests must be promptly transferred onto the relevant register and should remain on the public register for a minimum of 6 months after the interest has expired. The register will also remain on file for 6 years after archiving (see Appendix 13 to describe the process in more details)

6.5 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register(s). Where an individual believes that substantial damage or distress may be caused, to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing. Decisions not to publish information must be made by the COIG for the CCG, who should seek appropriate legal advice where required, and the CCG should retain a confidential un-redacted version of the register(s).

6.6 The register(s) of interests (including the register of gifts and hospitality) will be published as part of the CCG's Annual Report and Governance Statement.

7 Counter Fraud

7.1 The CCG aims to ensure that all staff can feel supported should they have any concerns of dishonest or fraudulent behaviour conducted at their workplace.

7.2 Staff concerned about how to raise their suspicions can receive independent and confidential advice from their Local Counter Fraud Specialist, the NHS Fraud and Corruption Reporting Line, the online fraud reporting tool (FCROL) - <https://www.reportnhsfraud.nhs.uk/>; from the charity "Public Concern at Work" or from the CCG's own whistleblower contact, Alan Elkin (Lay Member).

7.3 Further information about the CCG's approach to Counter Fraud can be found within the Counter Fraud, Bribery and Corruption Policy.

8 Internal Audit

8.1 The CCG is required to undertake an audit of conflicts of interest management as part of their internal audit on an annual basis. The results of this will be reflected in the CCG's Governance Statement.

9 Target Audience

9.1 The target audience for the policy is the CCG Governing Body, members of staff, Member Practices and any other persons working on behalf of the CCG or members of CCG committees.

9.2 A copy of this policy will be made available on the CCG external internet site for the public to access, in line with best practice guidance.

10 Communication

10.1 The policy will be sent to members of the Governing Body and the wider CCG membership via email, included within Team Brief and placed on the CCG intranet site for onward access.

11 Training

11.1 NHS England requires that all CCGs have a structured conflicts of interests training programme in place for all staff. The CCG will use the NHS England mandatory online training package and other training materials in order to comply with this requirement and all staff will be required to complete training on an annual basis and by 31 January each year. The training requirements for CCG staff are detailed in Appendix 14.

11.2 CCG Lay Members and Governing Body members will receive additional training in accordance with national guidelines, including any face to face training offered by NHS England. Training will also be offered to non-CCG members who sit on CCG committees so that they may discharge their duties effectively.

12 Managing Breaches

- 12.1 Failure to comply with this policy could have serious implications for the CCG and the individuals concerned.
- 12.2 It is a duty of every CCG employee, Governing Body member, committee or sub-committee member and GP practice member to speak up about genuine concerns in relation to the administration of the CCG's policy on conflicts of interest management, and to report these concerns. These individuals should speak to the Associate Director of Corporate Affairs and/or COIG or Freedom to Speak-up Guardian should they have any concerns (see Appendix 15 for contact details).
- 12.3 Anyone who wishes to report a suspected or known breach of this policy who is not an employee or worker of the CCG, should ensure they comply with their own organisation's whistleblowing policy. This policy takes into account guidance issued under the 'Freedom to speak up: raising concerns (whistleblowing) policy for the NHS'.
- 12.4 All such notification should be treated with appropriate confidentiality at all times in accordance with the CCG's policies and applicable laws, and the person making such disclosures should expect an appropriate explanation of any decisions taken as a result of any investigation.
- 12.5 Individuals who fail to disclose any conflict of interest or who otherwise breach the CCG's rules and policies relating to the management of conflicts of interest are subject to investigation and, where appropriate, to disciplinary action. CCG staff, Governing Body and committee members should be aware that outcomes of such action may, if appropriate, result in the termination of their employment or position with the CCG.
- 12.6 Any deliberate failure to declare an interest will be addressed through the relevant CCG disciplinary route with the individual concerned.
- 12.7 The CCG will ensure that any breaches are anonymously published on the public facing website at least annually in line with NHS England guidance, and will also state clearly if no breaches have occurred.

13 References/Further reading

- 13.1 Please find listed below details of organisations used in researching this protocol.
- NHS Commissioning Board – Towards establishment: *Creating responsive and accountable clinical commissioning groups* (February 2012)
 - NHS Commissioning Board – Towards establishment: *Technical Appendix 1 - Managing conflicts of interest* (February 2012)
 - NHS Commissioning Board – Code of Conduct: *Managing conflicts of interest where GP practices are potential providers of CCG commissioned services* (June 2012)

- ICSA Guidance Note 120228 – *Model conflicts of interest policy for clinical commissioning group board members* (February 2012)
- NHS Confederation / RCGP Centre for Commissioning – *Managing conflicts of interest in clinical commissioning groups* (September 2011)
- NHS England – *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017 version 7*
- NHS England's - *Best Practice Update on Conflicts of Interest Management: Call to Action for CCGs published in February 2019*
- NHS Protect – *Bribery Act 2010 Guidance 2015*
- Department of Health - *Commercial Sponsorship – Ethical Standards for the NHS*
- NHS England - *CCG Governing Body members: Roles outlines, attributes and skills* (April 2012)
- CCG Improvement and Assessment Framework (March 2016)
- The Good Governance Standards for Public Services (2004)
- The Equality Act (2010)
- Standards for members of NHS Boards and CCG governing bodies in England
- CCG Whistleblowing Policy
- CCG Disciplinary Policy
- CounterFraud, Bribery and Corruption Policy

14 Commitment to Review

- 14.1 The CCG will review this policy at least every three years and where required in order to comply with new guidance and regulations as appropriate.

Types of Conflicts

Interests can be captured in four different categories:

Financial Interest

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 possible seeking to do, business with health or social care organisations.
- 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 possible seeking to do, business with health or social care organisations.
- A management consultant for a provider.

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 special interest e.g. in dermatology, acupuncture etc
- A member of a particular specialist professional body (although routine GP membership of the RCGP, British Medical Association (BMA) 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.

GPs and practice managers, who are members of the governing body or committees of the CCG, should declare details of their roles and responsibilities held within their GP practices.

Non Financial Personal Interest

This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a 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 in or connection with a voluntary sector organisation;
- Suffering from a particular condition requiring individually funded treatment;

- A member of a lobby or pressure group with an interest in health.

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 (as those categories are described above) for example, a:

- Spouse/partner
- Close relative e.g. parent, grandparent, child, grandchild or sibling;
- Close friend;
- Business partner.

A declaration of interest for a 'business partner' in a GP partnership should include all relevant collective interest of the partnership, and all interests of their fellow GP partners (which could be done by cross referring to the separate declarations made by those GP partners, rather than by repeating the same information verbatim).

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

Further information on examples of situations that may arise can be found within the NHS England case studies which can be found [here](#).

Declaration of Interest form

Name:				
Position within, or relationship with, the CCG (pay band)				
Detail of interests held (complete all that are applicable):				
Type of Interest* *See reverse of form for details	Description of Interest (including for indirect Interests, details of the relationship with the person who has the interest)	Date interest relates From & To		Actions to be taken to mitigate risk (to be agreed with line manager or a senior CCG manager)

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I do / do not [delete as applicable] give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

--

Signed:

Date:

Signed: **Position:**
(Line Manager or Senior CCG Manager)

Date:

Please return to the **Corporate Governance Support Officer, Sanger House**
glccg.conflictsofinterestglos@nhs.net

Declaration of Gifts and Hospitality Form

Name:	Position:	Date of offer:
Details of Gift/Hospitality:	Date of Receipt (if applicable):	
	Estimated Value:	
	Supplier/Offeror Name and Nature of Business:	
Details of previous offers or acceptance by this offeror/supplier:	Declined or Accepted? :	
	Reason for Accepting/Declining:	
Details of Officer reviewing the offer:		
Other Comments / Supporting Information:		

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

I **do / do not (delete as applicable)** give my consent for this information to be published on registers that the CCG holds. If consent is NOT given please give reasons:

Signed:

Date:

Signed (Line Manager):

Position:

Date:

Please return completed form to the Corporate Governance Team, Sanger House within 28 days of the interest arising.

glccg.conflictsofinterestglos@nhs.net

Register of Interests – Template

Name	Current Position	Relevant Business Interests	Interest Type	Direct or Indirect	Date of Submission	Last Updated (where changed)	Action taken to mitigate

Template Register of Gifts and Hospitality

Name	Position	Date of Offer	Declined or Accepted?	Date of Receipt	Description	Value (est)	Supplier/Offeror	Nature of Business	Reason for accepting/declining

Template Declarations of Interest checklist (For meetings)

Under the Health and Social Care Act 2012, there is a legal obligation to manage conflicts of interest appropriately. It is essential that declarations of interest and actions arising from the declarations are recorded formally and consistently across all CCG governing body, committee and sub-committee meetings. This checklist has been developed with the intention of providing support in conflicts of interest management to the Chair of the meeting – prior to, during and following the meeting. It does not cover the requirements for declaring interests outside of the committee process.

Timing	Checklist for Chairs	Responsibility
In advance of the meeting	1. The agenda to include standing item on declaration of interests to enable individuals to raise any issues and/or make a declaration at the meeting.	Chair and secretariat
	2. A definition of conflicts of interest should also be accompanied with each agenda to provide clarity for all recipients.	Chair and secretariat
	3. Agenda to be circulated to enable attendees (including visitors) to identify any interests relating specifically to the agenda items being considered.	Chair and secretariat
	4. Members should contact the Chair as soon as an actual or potential conflict is identified.	Meeting members
	5. Chair to review a summary report from preceding meetings i.e. sub-committee, working group, etc, detailing any conflicts of interest declared and how this was managed.	Chair
	6. A copy of the members' declared interests is checked to establish any actual or potential conflicts of interest that may occur during the meeting.	Chair
During the meeting	7. Check and declare the meeting is quorate and ensure that this is noted in the minutes of the meeting	Chair
	8. Chair requests members to declare any interest in agenda	Chair

	<p>items – which have not already been declared, including the nature of the conflict</p> <p>9. Chair makes a decision as to how to manage each interest which has been declared, including whether/to what extent the individual member should continue to participate in the meeting, on a case by case basis, and this decision is recorded.</p> <p>10. As minimum requirement, the following should be recorded in the minutes of the meeting:</p> <ul style="list-style-type: none"> • Individual declaring the interest; • At what point the interest was declared; • The nature of the interest; • The Chair’s decision and resulting action taken; • The point during the meeting at which any individuals retired from and returned to the meeting – even if an interest has not been declared 	<p>Chair and Secretariat</p> <p>Secretariat</p>
<p>Following the meeting</p>	<p>11. All new interests declared at the meeting should be promptly updated onto the declaration of interest form.</p> <p>12. All new completed declaration of interest should be transferred into the register of interests.</p>	<p>Individual(s) declaring interest(s)</p> <p>Designated person responsible for registers of interest</p>

Appendix 7

Template for Meeting reports

Committee Name

Meeting Date	
Report Title	
Executive Summary	
Key Issues	
Risk Issues: Original Risk Residual Risk	
Management of Conflicts of Interest	Include details of conflicts of interest to be declared. Confirm recording of interest on the register of interests.
Financial Impact	
Legal Issues (including NHS Constitution)	Think about NHS Constitution issues here as well.
Impact on Health Inequalities	Not acceptable to say Yes or No. This must be described in more detail and an Equality Impact Assessment completed.
Impact on Equality and Diversity	Yes/No – an assessment should be completed If yes describe
Impact on Sustainable Development	
Patient and Public Involvement	
Recommendation	Paper for information only or decision
Author	
Designation	
Sponsoring Director (if not author)	

Template Register of Interests declared during a meeting

The CCG will hold one register per meeting

Date of Meeting	Name	Title	Agenda item	Interest	Action taken

Appendix 9

Procurement Checklist – For Commissioning General Practice

Service:	
Question	Comment/ Evidence
1. How does the proposal deliver good or improved outcomes and value for money – what are the estimated costs and the estimated benefits? How does it reflect the CCG's proposed commissioning priorities? How does it comply with the CCG's commissioning obligations?	
2. How have you involved the public in the decision to commission this service?	
3. What range of health professionals have been involved in designing the proposed service?	
4. What range of potential providers have been involved in considering the proposals?	
5. How have you involved your Health and Wellbeing Board(s)? How does the proposal support the priorities in the relevant joint health and wellbeing strategy (or strategies)?	
6. What are the proposals for monitoring the quality of the service?	
7. What systems will there be to monitor and publish data on referral patterns?	
8. Have all conflicts and potential conflicts of interests been appropriately declared and entered in registers?	
9. In respect of every conflict or potential conflict, you must record how you have managed that conflict or potential conflict. Has the management of all conflicts been recorded with a brief explanation of how they have been managed?	
10. Why have you chosen this procurement route e.g., single action tender? ¹	

¹Taking into account all relevant regulations (e.g. the NHS (Procurement, patient choice and competition) (No 2) Regulations 2013 and guidance (e.g. that of Monitor).

11. What additional external involvement will there be in scrutinising the proposed decisions?	
12. How will the CCG make its final commissioning decision in ways that preserve the integrity of the decision-making process and award of any contract?	
Additional question when qualifying a provider on a list or framework or pre selection for tender (including but not limited to any qualified provider) or direct award (for services where national tariffs do not apply)	
13. How have you determined a fair price for the service?	
Additional questions when qualifying a provider on a list or framework or pre selection for tender (including but not limited to any qualified provider) where GP practices are likely to be qualified providers	
14. How will you ensure that patients are aware of the full range of qualified providers from whom they can choose?	
Additional questions for proposed direct awards to GP providers	
15. What steps have been taken to demonstrate that the services to which the contract relates are capable of being provided by only one provider?	
16. In what ways does the proposed service go above and beyond what GP practices should be expected to provide under the GP contract?	
17. What assurances will there be that a GP practice is providing high-quality services under the GP contract before it has the opportunity to provide any new services?	

Template Procurement decisions and contracts awarded

Procurement Title & Tender Reference / Advertisement Reference	Existing Contract or New Procurement	GCCG Commissioning Area	Provider Name & Address	Contract Start Date	Contract End Date	Total Contract Value & Contract Value to GCCG	Procurement Type	Summary of Conflicts of Interest Declared and how these were managed	Decision Making Committee & Process
Example:									
Provision of Out of Hours P Medical Services NGPT 42 / 2014 2014S / 123456	New Procurement	Urgent Care and Contracting	SWAST	1 April 2015	31 March 2018	£21M £21M	OJEU Restricted Procedure	Out of County GP – Clinical Director in a Social Enterprise who might bid for the service. The organisation didn't bid. Senior Manager Engagement & Inclusion – Married to a registered paramedic employed by one of the bidding organisations. The individual's line manager monitored the evaluation to ensure it was conducted in a fair and robust manner. Procurement Specialist – Married to a registered paramedic employed by one of the bidding organisations. Not involved in the decision making process.	Governing Body Full commercial technical and financial evaluation based on the most economically advantageous tender

Appendix 11

Template Declaration of conflict of interests for bidders/contractors

Name of Organisation:	
Details of interests held:	
Type of Interest	Details
Provision of services or other work for the CCG or NHS England	
Provision of services or other work for any other potential bidder in respect of this project or procurement process	
Any other connection with the CCG or NHS England, whether personal or professional, which the public could perceive may impair or otherwise influence the CCG's or any of its members' or employees' judgements, decisions or actions	

Name of Relevant Person	[complete for all Relevant Persons]	
Details of interests held:		
Type of Interest	Details	Personal interest or that of a family member, close friend or other acquaintance?
Provision of services or other work for the CCG or NHS England		
Provision of services or other work for any other potential bidder in respect of this project or procurement process		
Any other connection with the CCG or NHS England, whether personal or professional, which the public could perceive may impair or otherwise influence the CCG's or any of its members' or employees' judgements, decisions or actions		

To the best of my knowledge and belief, the above information is complete and correct. I undertake to update as necessary the information.

Signed:

On behalf of:

Date:

NHSE Best Practice – Conflicts of Interests Call to Action for CCGs

Work undertaken in response to the 8 Improvement Areas

NHS England Col Best Practice Update	Lead	Best practice	Action undertaken
1. Procurement decisions and contract monitoring processes		Conflicts of Interest management is needed where a third party organisation leads the bidding process.	Procurement has processes in place to manage conflicts of interests by bidders including the management of Col of those representatives on individual procurement project groups.
		Discussions around conflicts of interests take place when procurement specifications are produced etc.	The Head of Procurement ensures that the individual procurement project groups declare their interests and these are actively managed. Also bidders are required to declare any interests.
		Conflicts of Interests are a standing item on procurement / contract meetings.	This is already in place
		The CCG should take conflicts of interest into consideration prior to the approval of single tender waiver	There are procurement processes in place with regard to managing Col for all aspects of procurement including quotes and STW. Procurement documentation contains up-to-date COI statements and templates for bidder completion / return
2. Completeness of registers of interests, gifts and hospitality		Completeness of Register of Interests, Gifts and Hospitality	Registers are updated as gifts and hospitality is declared and they are published on the CCG's website in March and September each year and more often if required. The procedures for declaring interests has been changed to ensure that all staff declare their interests by 28 February each year. See appendix 13

			for more details.
3. Governance structures for managing conflicts of Interests		Governance Structures should operate in a manner consistent with the statutory principles identified in the statutory guidance. The CCG's Constitution needs to reflect current arrangements.	Standards of Business Conduct policy; guidance and forms available; The Constitution covers this but will be reviewed and updated to a short 30-40 page Constitution and Corporate Governance handbook with more detail in it around policies and procedures including Col ref to statutory guidance paragraph 69 to be included in the handbook.
4. Managing conflicts when making joint decisions with other partners e.g. other CCGs or Local Authorities		ICS Structures and NMOC board	There is a standing item of declaring conflicts of interests in CPGs, ICS Board and ICS Executive as well as NMOC etc A point of good practice is to include the Register of Interest in the Governing Body papers – this new procedure will take effect from March 2020.
		Standing Agenda item declaring conflicts of interests	At each and every formal meeting undertaken by the CCG there is a standing item 'Declarations of Interests' and minutes record if there are any interests declared and how they have been handled.
5. Conflicts of Interests Training		Targeted staff need to complete training on an annual basis	There is a training programme for all staff see training requirements in appendix 14 Standards of Business Conduct Policy. As part of the Corporate Induction held on a quarterly basis conflicts of interests is covered as well as the CCG's policy on accepting gifts and hospitality.
6. Accepting Gifts, Hospitality and Sponsorship		Prior approval is required for gifts, hospitality and sponsorship worth more than £75.00 within 28 days.	CCG has good guidance on accepting gifts and hospitality. Where issues are raised they are discussed with Col Guardian for final decision. Further communication will be sent out to staff about ensuring that gift / hospitality declared within 28 days of the interest arising.
7. Management of conflicts of interests at meetings		Management of Col in meetings Chairs and secretariat for all committee meetings need access to the role specific guide for admin staff	GB and other committee members are asked to leave meetings if it is deemed advisable by the Chair. Committee chairs have been sent the Col Checklist which is also appended to the Standards of Business

		and to remind chairs of their role in managing conflicts of interests	Conduct Policy. The role specific guide for admin staff has been sent to admin /sec staff to be backed up with face to face training on Col throughout the year also through corporate induction for new staff and e-learning on Col. The guide is available on the intranet as well.
8. Appointments to and changes to roles and responsibilities within decision making bodies		Appointment process for those individuals appointed to GB roles. Conflicts of Interests need to be declared prior to appointment whether a new appointment or a change in roles	See recruitment process for GB members and search on Companies House / Land Registry (Counter Fraud request) etc. Procedures are in place for ConsultHR to send out the Staff Handbook and Col form but they will not collect the form and record it; the Governance Team is therefore responsible for following up new starters and obtaining their form from their line manager.

Declaring interests

The following process is followed in declaring interests.

All CCG staff are expected to complete a declaration of interests form on appointment. The Commissioning Support Unit's Recruitment Team sends out the CCG's Staff Handbook and Declarations of Interests form to all new appointees. The CSU will inform new starters that it is their responsibility to complete the declaration of interests form and give a copy to their line manager on the day they start with the CCG.

A statement on conflicts of interests is included in CCG's staff employment contracts. The CSU is responsible for producing an employment contract for each member of staff and sending a copy to them.

The form should be completed by the staff member and sent to the CCG's Governance Team within 28 days of appointment as stated in their contract of employment, Staff Handbook and Declarations of Interests form.

The Governance Team maintains a list of all CCG staff, and records on an annual basis updates to the register of interests as well as changes to declared interests in year.

The CSU HR team will send the Governance Team a monthly spreadsheet of new starters and leavers so that the register is kept up to date.

In January of each year the Governance Team will issue email guidance requiring all staff to make an annual declaration. This will be communicated to staff via the electronic e-bulletin and through team / directorate meetings. Staff will be asked to complete all parts of the form including the type of interest, dates when the interest is effective from and to and actions that will be taken to mitigate the risks (where relevant and appropriate) if they have to date not completed the form. For those members of staff / Governing Body members etc who have already completed a form their annual declaration can be made via an email sent to the Governance Team, which states if there are any new interests to declare or if there are no changes to report.

Staff members will be given 2 email reminders the second of which will include their line manager. Staff are required to submit their annual update by 28 February each year. Those who fail to make a declaration by 20 February will be placed on a list and their respective Director will be asked to ensure that the staff member completes the form / send an email update.

The register of interests contains details that relate to all staff; however the publishable register will only include those staff members who are in Band 8A and above. The rationale is that staff in these grades relate to senior managers and have a greater role in decision making.

The Governance Team will check names of Governing Body members against the details contained at Companies House with regard to directorships and shares within companies. In addition checks will be made with regard to Bankruptcy or Debt Relief Restrictions.

In accordance with instructions from Counter Fraud the Governance Team will undertake an audit of staff (10% random check) on the Land Registry to ascertain the properties they own and record if there is any conflict of interest.

The Register of Interests will be published on the CCG's website in March and updated in September each year. There are separate registers related to staff, governing body members and GPs.

The registers of interests will be uploaded onto the CCG's website under Governing Body. The CCG shall retain registers for up to six years in accordance with this policy; thereafter the register will no longer be retained.

Training Requirements

All staff are expected to complete training in conflicts of interests delivered via e-learning and through face to face opportunities.

All new staff should attend the Corporate Induction which includes a Governance Session covering conflicts of interests.

The conflicts of interests e-learning runs from 1 February to 31 January each year. Staff are required to complete the training in year. If you complete in January for the year ahead it will not register as being completed. Therefore it is best to complete training in the February each year to allow for a full one year before it needs to be repeated.

Training deadlines

By 31 **August 2020** all staff should have completed NHS England's Module One in Conflicts of Interests

By 1 **November 2020** all staff graded 8A and above must have completed NHS England's Module One and Module Two in Conflicts of Interests.

By 1 **November 2020** all sub-committee chairs of the Governing Body and the Governign Body chair to complete Module three on Conflicts of Interests e-learning.

Module 3 provides advice on how chairs should manage conflicts of interest; an overview of the safeguards that should be applied in Primary Care Commissioning Committees; and how to identify and manage breaches of conflicts of interest rules, through a series of practical scenarios.

Each training module ends with a short assessment – individuals will need to achieve 80% in the assessment to pass each module.

Log onto the ConsultOD portal

<https://www.consultod.co.uk/login/index.php>

NB. For those members of staff who are not in bands 8A and above but are working in governance or procurement roles modules 1 and 2 should be completed.

During the year there will be opportunities to attend face to face training in Conflicts of Interests including:

- Corporate induction
- Directorate meetings
- Team meetings
- Lunch and Learn sessions
- Dedicated training in conflicts of interests on request.

The Governance Team arranges face to face training with the respective team / directorate administrators.

Contact Details

Conflicts of Interests Guardian

Colin Greaves
Lay Member for Governance
Email: Colin.greaves@nhs.net

Freedom to Speak up Guardians

Rob Mauler, Senior Manager, Quality and Commissioning
Linnet Hooper, Business Manager, Executive Team
A confidential mailbox operates for Freedom to Speak Up concerns: <mailto:glccg.freedomtospeakup@nhs.net>

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