

Morecambe Bay



Primary Care Collaborative

Conflicts of Interest Policy

Document Reference	POL002
Purpose	The purpose of this document is to clearly establish how the organisation will manage actual and potential conflicts of interest.
Author	Federation Support
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1. INTRODUCTION

1.1 Summary/Background

Effective handling of conflicts of interest is crucial for the maintenance of public trust in the commissioning and provision of NHS services. To that end all employees, including Board members, are required to:

- Ensure that the interests of patients remain paramount at all times,
- Be impartial and honest in the conduct of their official business,
- Use public funds entrusted to them to the best advantage of the service, always ensuring value for money,
- Ensure that they do not abuse their official position or confidential information acquired in the pursuit of their role for personal gain or to the benefit of their family or friends,
- Ensure that they do not seek to advantage or further, private or other interests, in the course of their official duties.

Ultimately the Board has responsibility for all actions carried out by staff and committee's throughout the organisation's activities. This includes the stewardship of public resources and provision of health services for the local community. The Board is therefore committed to ensuring that the organisation demonstrates integrity and avoids any potential or actual situations of undue bias or influence in the decision-making of the organisation.

1.2 Purpose/Policy Statement

This policy reflects the Nolan Seven Principles of Public Life, namely:

- **Selflessness** – holders of public office should act solely in terms of the public interest. They, therefore, should not act in order to gain financial or other benefits for themselves, their families or their friends.
- **Integrity** – holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit
- **Accountability** – holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
- **Openness** – holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands
- **Honesty** – holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest
- **Leadership** – holders of public office should promote and support these principles by leadership and example.

1.3 Scope

This policy applies to all MBPCC employees and directors.

From time to time MBPCC may utilise the resources of sub-contractors to deliver contractual obligations. For avoidance of doubt, where a sub-contractor is providing care to patients, as laid out in the contracts between MBPCC and subcontractors, they are solely responsible for delivery of the regulated activity they are providing, and must ensure all their employees operate under their own policies which must meet the relevant CQC standards. MBPCC will seek assurance from all sub-contractors that suitable policies are in place, and may at their discretion request copies of any relevant policies for review and for verification. In such cases this policy document does not apply.

Definitions, guidance and examples of conflict of interest

In general terms a conflict of interest occurs where an individual's ability to exercise judgment or act in one role could be impaired or otherwise influenced by his or her involvement in another role or relationship.

The individual does not need to exploit his or her position to 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.

Such conflicts may create problems such as inhibiting free discussion, which could:

- Result in decisions or actions that are not in the interests of the organisation and the public it was established to serve
- Risk the impression that the organisation has acted improperly.

1.4 Breaches of Policy

Breaches of this policy may result in the Board member being removed from office. A member of staff breaching the policy may invoke the disciplinary policy.

2. PROCEDURE

2.1 Responsibilities

The Board has a legal obligation to act in the best interests of Morecambe Bay Primary Care Collaborative and to avoid situations where there may be a potential conflict of interest.

It is for each individual to declare any interests they have or could be construed to have and to declare any gifts, hospitality or sponsorship offered and/or received. Gifts of low intrinsic value such as calendars, diaries, flowers or chocolates need not be regarded as subject to this rule. It is the responsibility of all staff employed or appointed by the organisation and those serving in a formal capacity to ensure that they are not placed in a position which creates a potential conflict between their private duties and their duties to the organisation.

The organisation will maintain a register of interests of Board members and its employees and, in line with the Nolan principles set out earlier, will make such registers available upon request.

Line managers must ensure members of staff are aware of the policy and process to be followed.

It is the responsibility of all employee to familiarise themselves with this policy and comply with the provisions set out in it.

2.2 Examples of conflicts of interest

Some interests could be deemed as 'significant interests', which would allow the Board member to remain in the meeting, and to participate in the discussion, but to abstain from taking part in the decision-making process.

Other interests may be deemed 'fundamental interests' which would require the Board member to withdraw from the meeting room completely, and take no part in the debate or the decision-making process.

In certain circumstances, the categorisation of the interest will be determined by materiality, and this will need to be determined on a case-by-case basis by the Chair of the meeting concerned.

Conflicts of interest include:

- **Direct financial interests** – where an individual may financially benefit from the consequences of a decision
- **Indirect financial interests** – for example, payment to a spouse, or where an individual is a partner, member or shareholder in an organisation that will benefit financially from the consequences of a decision
- **Non-financial interests** – for example, where an individual may enjoy a qualitative benefit from the consequence of a decision such as a positive effect on an individual's reputation
- **Conflicts of loyalty** – for example, where an organisation of which the individual is a member or with which they have an affiliation benefits from the consequence of a decision
- **Conflicts from personal or professional relationships with others** – for example, where the role or interest of a family member, friend or acquaintance may influence an individual's judgment or actions, or could be perceived to do so.

In case by case situations the Chair of the meeting decides if the conflict of interest represents a significant conflict or fundamental conflict. Interests will be clearly recorded in the minutes of each meeting, showing clearly when a member's participation started and ended, and how each member voted.

2.3 When to declare an interest

On appointment any applicants should be asked to declare any relevant interests. The organisation will assess the materiality of any declared interest, in particular whether the individual (or a family member or business partner) could benefit from any decisions the Board might take. The organisation will need to consider whether conflicts of interest should exclude individuals from being appointment the Board or a committee of the Board.

If the appointment is made then a formal declaration of interests should be made and recorded on the register of interests.

Interests that must be declared (including those of the individual themselves or of a family member or close friend) include:

- Roles and responsibilities held within member practices
- Directorships, including non-executive directorships, held in private companies or PLCs

- Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the organisation
- Shareholdings (more than 5%) of companies in the field of health and social care
- A position of authority in an organisation (e.g., charity or voluntary organisation) in the field of health and social care.
- Any connection with a voluntary or other organisation contracting for NHS services
- Research funding/grants that may be received by the individual or any organisation in which they have an interest or role
- Interests in pooled funds that are under separate management (any relevant company included in this fund that has a potential relationship with the organisation must be declared)
- Gifts, hospitality or sponsorship offered to you by external bodies and whether this was accepted or declined in the last 12 months
- Non-financial or personal interests
- Conflicts of loyalty
- Any other role or relationship which the public could perceive would impair or otherwise influence the individual's judgement or actions in their role within the organisation.

Annually all interests should be confirmed and amended.

At meetings all Board members should declare any interest that they have in any agenda item before it is discussed or as soon as it becomes apparent. Even if the interest has already been recorded in the register of interests it should be declared in meetings where matters relating to that interest are discussed. How the interest is managed should also be recorded within the minutes of the meetings.

On changing role or responsibility, or upon any change of circumstances any change to the individual's interests should be declared. This could involve a conflict of interest ceasing to exist or a new one materialising.

Where individuals are unsure whether a situation may give potential for a conflict of interest they should seek advice from the Chief Executive or Chair.

The register of interests will be presented to the Board for review on an annual basis.

2.4 How to declare an interest

A declaration of interests form is provided for this purpose, see Appendix 1. If an individual is unsure what to declare they should err on the side of caution.

Individuals must complete the declaration of interests form as soon as they are aware of an interest and in any event no later than 28 days after becoming aware.

Gifts, hospitality or sponsorship offered and received should also be recorded using the form set out in Appendix 2 and will be recorded upon the Register of Gifts and Hospitality.

2.5 Action to take when faced with a conflict of interest

If interests are declared in relation to any items on the agenda at the start of a meeting the Chair of the meeting will decide if the interest is fundamental and the member is to be excluded from the relevant part of the meeting. The conflict and action will be recorded in the minutes of the meeting

detailing the nature and extent of the conflict, an outline of the discussion and the actions taken to manage the conflict. The register of interests will also be updated if relevant.

Once a conflict of interest is declared the Chief Executive should notify the person making the declaration, in writing, if any individual arrangements for managing the conflict are required. For example: when an individual should withdraw from a specified activity, on a temporary or permanent basis; or monitoring of a specified activity undertaken by the individual.

Interested members must not vote on matters affecting their own interests. The Vice Chair will take the Chair's role for discussions and decisions which involve a conflict of interest for the Chair.

3. DEFINITIONS/GLOSSARY OF TERMS

Abbreviation or Term	Definition
MBPCC	Morecambe Bay Primary Care Collaborative
CQC	Care Quality Commission
PLC's	Public Limited Companies

4. CONSULTATION WITH STAFF, PRACTICES AND PATIENTS

Enter the names and job titles of staff and stakeholder that have contributed to the document

Name	Job Title	Date Consulted
Barbara Carter	Corporate Affairs Manager	15/09/20

5. DISSEMINATION/TRAINING PLAN

Action by	Action Required	Implementation Date
Jo Knight/Boyana Konar	Upload policy to MBPCC website	Following approval of V1.1 end Sept 2020
Jo Knight	Delete out of date copies and host current copy on Federation G Drive (supporting induction process), updating Policy tracker	Following approval of V1.1 end Sept 2020
Andrew Giles	Ensure all employees are aware of the changes to the policy and are asked to read and understand it	MBPCC Board Meeting 22/09/20
Liz Stedman	Upload to TeamNet	Jan 2021

6. AMENDMENT HISTORY

Version No.	Date of Issue	Section/P age changed	Description of change	Review Date
V1.0	27/02/2020	Approved Policy	New Policy	27/08/2022
V1.1	20/09/2020	All	New format	N/A
		Page 9	Addition of supplementary detail on	



			types interests	
V2.0	22/09/2020	N/A	Approval by MBPCC Board	22/09/2022
V2.1	19/01/21	Page 7	Additional Definitions/Glossary of Terms added	
V2.2	30/06/2023	Complete Review	No material changes	
V3.0	31/07/2023	NA	Approval by MBPCC Board	31/07/2026

7. APPENDICES

Appendix 1: Declaration of Conflict of Interest

Name:

Role within the organisation:

I hereby declare my interests as follows:

Type of interest	Details	Personal interest or that of a family member, close friend or other acquaintance?
Role and responsibilities held within member practices		
Directorships, including non-executive directorships, held in private companies or PLCs		
Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the organisation		
Shareholdings (more than 5%) of companies in the field of health and social care		
A position of authority in an organisation (e.g., charity or voluntary organisation) in the field of health and social care.		
Any connection with a voluntary or other organisation contracting for NHS services		



Research funding/grants that may be received by the individual or any organisation in which they have an interest or role		
Interests in pooled funds that are under separate management (any relevant company included in this fund that has a potential relationship with the organisation must be declared)		
Gifts, hospitality or sponsorship offered to you by external bodies and whether this was accepted or declined in the last 12 months		
Non-financial or personal interests		
Conflicts of loyalty		
Any other role or relationship which the public could perceive would impair or otherwise influence the individual's judgement or actions in their role within the organisation.		

To the best of my knowledge and belief, the above information is complete and correct. I undertake to update as necessary the information provided and to review the accuracy of the information provided regularly. I give my consent for the information to be recorded in the organisation's Register of Interests, which will be available for inspection upon request.

Signed:

Date:

Please completed and return to the Chief Executive's Office.

SUPPLEMENTARY DETAIL: TYPES OF INTEREST

Type of Interest	Description
Financial Interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> • 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



Type of Interest	Description
	<p>which is likely, or possibly seeking to do, business with health or social care organisations.</p> <ul style="list-style-type: none"> • A shareholder (or similar owner 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 health or social care organisations. • A management consultant for a provider. • In secondary employment (refer to paragraphs 56 and 57 of NHS England Revised Statutory Guidance). • In receipt of secondary income from a provider. • In receipt of a grant from a provider. • In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider. • 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. • 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).
Non-financial Professional Interests	<p>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:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients. • A GP with special interests e.g., in dermatology, acupuncture etc. • A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared). • An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE). • A medical researcher.
Non-financial Personal Interests	<p>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:</p> <ul style="list-style-type: none"> • 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 groups with an interest in health.
Indirect Interests	<p>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, this should include:</p> <ul style="list-style-type: none"> • spouse/partner; • close relative e.g. parent, grandparent, child, grandchild or sibling; • close friend; or



Type of Interest	Description
	<ul style="list-style-type: none"> business partner.

Appendix 2: Declaration of the Receipt of Gifts, Hospitality or Sponsorship

Name:

Role within the Organisation:

I wish to declare that I am in receipt of the following gifts/hospitality/sponsorship:

Date received	Received from (supplier)	Form of gift/ hospitality/ sponsorship	Estimated value

I understand that the information I have supplied with be recorded on the organisation's Register of Gifts and Hospitality, which may be made available for inspection upon request.

Signed:

Date:

Please complete and return to the Chief Executive's Office.