

# Conflict of interest and Standards of Business: Policy and Procedures

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Version 1.0

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## 1. Introduction

This policy sets out how The London Clinical Senate will manage conflicts and potential conflicts of interest.

This policy has been drafted by London Clinical Senate drawing on examples from other Clinical Senates and NHS organisations.

It is anticipated that this policy will cover members of The Senate Council and Forum and relevant individuals who have been commissioned to undertake any work on behalf of the Senate<sup>1</sup>. The aim of this policy is to provide transparency and assurance to the public and other parties.

Members of the Senate need to demonstrate that the advice they give:

- clearly meets local health needs and have been considered appropriately;
- goes beyond the scope of a single provider or organisation; and
- is in the public and patient best interests.

### Standards of Business Conduct

Members of the London Clinical Senate should act in good faith and in the interests of the Senate and comply with the instructions on managing conflicts of interest.

Individuals appointed or commissioned to work on behalf of the London Clinical Senate will be made aware of their obligation with regard to declaring conflicts or potential conflicts of interest.

This policy supplements and does not replace the code of conduct of the individual's employing organisation. Ultimately, it is the responsibility of any individual to declare a known conflict.

### Policy Statement

This policy supports a culture of openness and transparency with Senate business. All Senate members are required to:

- ensure that the interest of patients remain paramount at all times;
- be impartial and honest in the conduct of their official business;
- ensure that they do not abuse their official position for personal gain or to the benefit of their family or friends.

## 2. Purpose

The purpose of this policy is to provide guidance to relevant individuals on handling possible conflicts of interest that may arise as a result of their role in London's Clinical Senate. This

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<sup>1</sup> Senate refers to both Council and Forum

policy applies to all staff and other individuals whenever they interact or potentially interact with any of the London Clinical Senate's business.

## 2.1 This policy:

- Defines what is meant by conflict of interest
- Describes the role of conflict of interest in the context of working with, or for, London's Clinical Senate
- Sets out the roles and responsibilities for managing conflict of interest within London's Clinical Senate

## 2.2 Scope

- The policy covers the Council, Forum and the Senate Management Team.
- This policy also applies to other individuals who may contribute to the work of the Senate e.g. invited onto a working or review group.

## 3. Definition of conflicts of interest

A conflict of interest can be defined as any situation in which a member's responsibilities or interests, professional or personal, may, or may appear, to affect the impartiality of the Clinical Senate's advice. It is important to state, however, that members of the Clinical Senate Council have been appointed or nominated in large part because of the particular knowledge or expertise that they can bring to the Council and this may relate directly to the professional responsibilities that they hold. This policy aims to ensure that actual or potential conflicts, which will arise, are acknowledged and managed in a transparent way.

The most common types of conflicts of interest include:

- **a direct financial interest:** when a Senate member obtains, or is perceived to obtain, a direct financial benefit over and above the agreed remuneration and terms of membership agreed by the Senate. This may arise as a result of holding an office or share in a private company, or a charity or voluntary organisation that may do business with the NHS and be apart of a Senate review or be included in Senate advice.
- **an indirect financial interest:** this arises when a close relative of a Senate member benefits from the decisions of the Senate advice/guidance. As healthcare providers, commissioners, individual health care professionals, patient representatives and members of the Senate there may be a situation where Senate members have a commercial interest in organisations that the Senate is commenting on or that could potentially bid/offer to provide services that the Senate might advise on. The positions which might create real or perceived conflict due to financial interests include:
  - Directorships, including Non-Executive Directorships held in private companies or PLCs (except of those of dormant companies)
  - Ownership or part-ownership of private companies businesses or consultancies likely or possibly seeking to do business with the NHS

- Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS.
  - A position of authority in a charity or voluntary organisation contracting for NHS services
  - Research funding/grants that may be received by an individual or their department
  - Interests in pooled funds that are under separate management.
- **a non-financial or personal interest:** these occur when a Clinical Senate member receives no financial benefit, but is influenced by external factor such as gaining some other intangible benefit or kudos, for example, the Senate provides advice which results in awarding contracts to Senate members friends or personal business contacts.

Commercial or other direct interests in particular services or providers, they are likely to have long-standing professional relationships with colleagues to whom they may have allegiances as peers, and with whom they developed particular ways of working over a period of time. Personal conflicts could therefore exist when advice is made which could affect such relationships in some way.

- **Conflict of loyalties:** may occur when decision-makers have competing loyalties between the organisation to which they have primary duty and some other person or entity. For healthcare professionals, this could include loyalties to a particular professional body, society and special interest group and could involve an interest in a particular condition or treatment due to an individual's own experience or that of a family member.

If in doubt, the individual concerned should assume that a potential conflict of interest exists.

## 4. Roles and Responsibilities

- All relevant staff, members and other individuals involved in Senate work have a responsibility to be aware of the potential for a conflict of interest.
- Such situations must be carefully managed to ensure that any conflict of interest does not detrimentally impact on the work of the Senate, or confidence in the advice provided by the Senate.
- The ultimate responsibility for the management of potential and actual conflicts of interest rests with the Council Chair.

### 4.1 Declaring and Registering Interests

The London Clinical Senate Management Team will maintain and review a secure electronic register of all declared conflicts or potential conflicts of interests relating to current Senate work with details of any arrangements for:

- Council members;
- Forum members;
- Clinical Senate Management Team;

- Other individuals who are asked to support Senate work.

The Clinical Senate Management Team, on behalf of the Council Chair will ensure that for every interest declared, either in writing or by oral declaration, the arrangements provided by the Council Chair are communicated to the declarer.

Senate Forum membership will declare any interest or potential interest they have, in relation to a decision/recommendation by the Senate in writing to the Senate Council Chair.

Senate Council members will declare any interest or any potential interest they have in relation to a decision/recommendation by the Senate Council in writing to the Council Chair or the NHS England Medical Director (London Region)

Any Senate members asked to join a Senate working or review group should declare any interest or potential interest to the Council Chair.

The Council Chair will declare any interest or potential interest they have to the NHS England Medical Director (London Region) for resolution

Where the Chair has a personal interest, previously declared or otherwise, in relation to scheduled or likely business of the meeting she/he must make a declaration and a vice-Chair will act as Chair for the relevant part of the meeting.

All declarations of interest should be made as soon as they become apparent and in any event no later than 28 days after becoming aware.

***A template has been provided in Appendix 1. All members with an interest or potential should fill in Part A of this form and return to the Clinical Senate Management Team.***

Where a Senate member is unable to provide a declaration in writing, for example if a conflict becomes apparent in the course of a meeting, working or review group, they will make an oral declaration before witnesses and provide a written declaration as soon as possible thereafter. Any declarations of interest, and arrangements agreed in any meeting, working or review group will be recorded in the minutes.

In such circumstances, the Council Chair will determine whether such interests amount to sufficient conflict of interest to require that the member or members stand down from the discussions and whether there is a need to co-opt a temporary member or members to assist the Senate Council in its deliberations.

If the Council Chair is sufficiently conflicted to impair the impartiality of the Senate Council, the Chair should stand down and the vice-Chair will assume the role of Council Chair for the duration of the relevant discussion or issue. If there is no appointed vice-Chair the Council members can appoint a temporary chair for the relevant topic or issue before the Senate Council meeting.

Where the Chair or a majority of the Senate Council members are concerned that there is a persistent or serious breach of the governance or standards by a member or members, the Chair or a majority of the membership may apply to the Medical Director, NHS England (London Region) to have that member or members removed from the Senate Council and replaced by the normal means of nomination or appointment.

## 5. Arrangements for managing conflict of interest

Arrangements for the management of conflicts of interest will include the requirements to be put in writing to the relevant Senate member (Appendix 1 Part B) The arrangements will include the following:

- When an individual should withdraw from a specified activity, on a temporary or permanent basis;
- Monitoring of the specified activity undertaken by the declarer, by a designated individual.

Where an interest has been declared, either in writing or by oral declaration, the declarer will ensure that before participating in any activity connected with the Senate's functions, they have received confirmation of the arrangements to manage the conflict of interest or potential conflict of interest from the Council Chair.

Where an individual member of the Senate is aware of an interest which:

- has not been declared, either in the register or orally, they will declare this at the start of the meeting;
- has previously been declared, in relation to the scheduled or likely business of the meeting.

The individual concerned will bring this to the attention of the Chair of the meeting, working or review group, together with details of arrangements which have been confirmed for the management of the conflict of interests or potential conflict of interests.

The Chair will then determine how this should be managed and inform the member of their decision. Where no arrangements have been confirmed, the Chair may require the individual to withdraw from the meeting, working or review group or part of it. The individual will then comply with these arrangements, which must be recorded in the minutes of the meeting, working or review group.

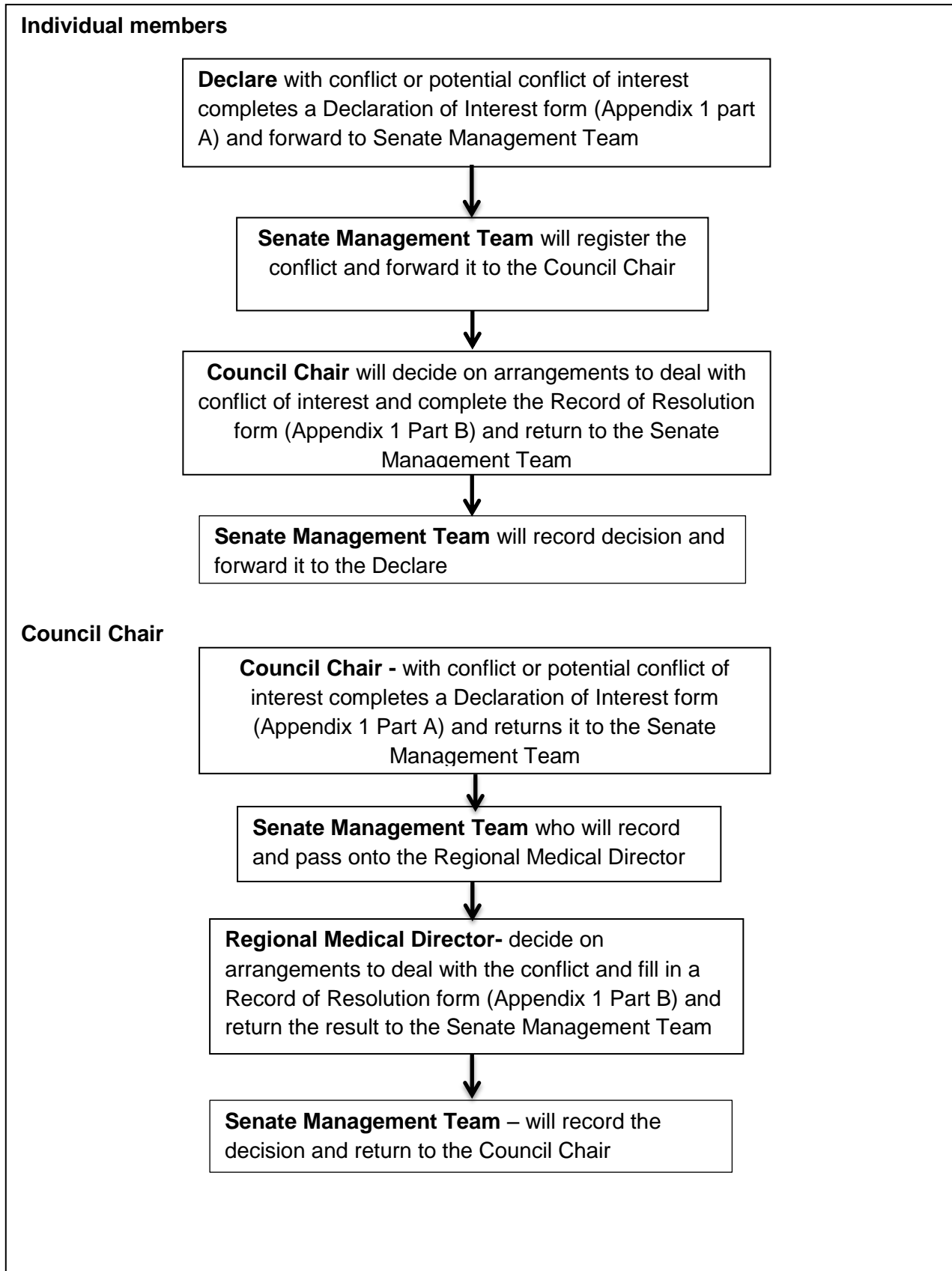
Any declarations of interests, and arrangements agreed in any meeting of the Clinical Senate Council will be recorded in the minutes.

Where more than 50% including all Patients representatives of the Council meeting are required to withdraw from a meeting or part of it, owing to the arrangements agreed for the management of conflicts of interests or potential conflicts of interests, the Council Chair will determine whether or not the discussion can proceed.

Where the meeting is not quorate, owing to the absence of certain members, the discussion will be deferred until such time as a quorum can be convened. Where a quorum cannot be convened from the membership of the meeting, owing to the arrangements for managing conflicts of interest or potential conflicts of interests, the Chair of the meeting shall consult with the NHS England Medical Director (London Region) on the action to be taken.

These arrangements must be recorded in the minutes of the Council.

## 6. Flow diagram for reporting a conflict or potential conflict of Interest





## Appendix 1

### Part A

#### CONFIDENTIAL

#### Declaration of Interest for London Clinical Senate Members

“[Title of Study/Review]”

[Chair’s name], Chair of Study/Review

I understand that if I, my family members and close relatives and personal friends have any direct or indirect interest in any company/organisation which has dealings with the London Clinical Senate, I shall make a declaration to the Senate Chairs

- I am not a part-time, paid, or unpaid employee of any organisation that are: (a) involved in the study under review: (b) whose services would be directly and predictably affected in a major way by the outcomes of the study/review
- I am not an officer, member, owner, trustee, director, expert advisor, or consultant of such organisations
- I do not have any financial interests or assets in any organisations meeting and above criteria, not does my spouse, dependant children, nor any organisation with which I am connected; and
- I am not a current collaborator or associate of the Chair.

Having read the above: *(please check the appropriate answer)*

I have no relevant interests or activities.

I have noted any exceptions in the space below:

I will notify London Clinical Senate promptly if:

- A change occurs in any of the above during my duration of membership
- I discover that an organisation with which I have a relationship meets the criteria for a conflict of interest.

I acknowledge that, to the best of my knowledge, I have identified any and all actual and apparent conflicts of interest.

Signature: \_\_\_\_\_ Contact details: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

**When completed please return to the London Clinical Senate Management Team,  
Southside, 105 Victoria Street, London SW1E 6QT or  
[england.londonclinicalsenate@nhs.net](mailto:england.londonclinicalsenate@nhs.net)**

**Part – B**

**CONFIDENTIAL**

**Record of Resolution of the Council Chair or Regional Director**

With respect to the above declaration, the Chair passed the following resolution:

\_\_\_ (*name of the person making the declaration*) should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to conflict

\_\_\_ (*name of the person making the declaration*) may continue to handle the work as described in Part A, provided that there is no change in the information declared above

\_\_\_ others (*please specify*)

Senate Manager: \_\_\_\_\_ Chair: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

**When completed please return to the London Clinical Senate Office, Southside, 105 Victoria Street, London SW1E 6QT or [england.londonclinicalsenate@nhs.net](mailto:england.londonclinicalsenate@nhs.net)**