Management of Interests Policy

Executive Summary
This policy aims to protect YORLMC Ltd from having, or being perceived to have, a conflict of interest. It ensures transparency by requiring all representatives to declare regularly all their interests. It suggests a simple scoring system by which representatives can assess whether they have interests that could be perceived as conflicting and when they should discuss these potential conflicts of interest with the relevant Branch Chair and Chief Executive to consider whether they may need to step down from one or more posts. It does not, in any way, intend to suggest or infer that representatives should not or cannot be involved in or work for CCGs or other organisations.

1. Aim

To ensure that all YORLMC representatives declare all areas of interest outside YORLMC in order to avert criticism from any party that a representative may unduly influence decisions taken by YORLMC on topics discussed and issues debated during any main committee or other meetings. It also aims, through a scoring system, to help representatives identify when their various roles may lead to an actual or perceived conflict of interest and gives guidance as to what action they should take.

2. Background

Potential conflicts of interest exist in all walks of life and it is often the case that those with a conflict caused by personal involvement in an issue are best placed to provide expert advice because of their knowledge. The Committee on Standards in Public Life (established by the Nolan Committee) has a code of practice for dealing with potential conflicts of interest. This states that:

- The purpose of these provisions is to avoid any danger of committee members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties."

It has long been recognised that overall LMCs benefit far more from representatives' involvement in a number of groups and committees (in the same way, these other groups and committees benefit from representatives' experience on LMCs). However, it is imperative that representatives understand that there might be a perceived or actual conflict brought about by working on a number of different committees. It must also be realised, that there is a finite number of GPs willing to work on the various committees that require GP input. Further, the majority of GPs are independent, self-employed contractors to the NHS and, therefore, have pecuniary and other interests relating to their own businesses.

The following are the most common situations in which a YORLMC Member will be required to declare any potential conflict of interest:

- Annual declaration to the Corporate Affairs Team
- Declaration at the beginning of a meeting
- Declaration during the course of a meeting
- Declaration in Election Statement

The document “Roles & Responsibilities of YORLMC Members states:

“*YORLMC members who also sit on other groups such as Clinical Commissioning Groups should make it clear in which capacity they are acting when involved in discussions or attending meetings. Once stated it is expected that a member will represent the views of that organisation during any meeting or ensuing discussion.*

If matters are being discussed in which a member has a direct pecuniary interest, this should be declared and the member should be prepared to withdraw. Issues relating to a member’s own practice should not be raised unless they illustrate a point of principle affecting other constituent GPs.

Any member who feels unable to avoid a conflict of interest should withdraw from that discussion or meeting.”

This document is also under-pinned by the constitution of the committee, which highlights representatives’ obligations to “disclose” the fact that he or she has a “pecuniary or other significant interest” to the meeting.

“1.6 A member of the Committee shall be disqualified if:-
1.6.6 he fails to disclose a pecuniary or other significant interest in a matter which is the subject of consideration at a meeting of the Committee and takes part in the consideration or discussion of that matter or votes on any question with respect to that matter or acts in any way contrary to the ['Management of Interests Policy'] (or successor policy) or the roles and responsibilities described in an anti-conflict policy adopted from time to time by the Committee”

And

“11 If an Officer of the Committee or Committee Member sits on or works for any stakeholder or relevant organisation or has a pecuniary or other significant interest, direct or indirect, in any contract, proposed contract, stakeholder or relevant organisation or other matter and is present at a meeting of the Committee or sub-committee when the contract, proposed contract, or other matter is the subject for consideration he shall at the meeting and as soon as practicable after its commencement disclose that fact and shall act in accordance with the "Management of Interests Policy" (or subsequent relevant policy) drawn up by the Committee from time to time.

If any Officer of the Committee or a Committee Member has any doubts about whether or not he has such an interest he shall report the matter to the Chairman who shall advise as to whether or not the matter should be declared.

The Committee shall publish and maintain a ‘Management of Interests’ policy, a document which shall be available for inspection to members and Represented GPs.”

The Constitution also highlights the obligation for candidates standing for election to a Committee to declare any potential conflict of interest:

“2.4 Each candidate shall be required to declare in their election statement, with reference to the [Management of Interests Policy], any matter which may be perceived by the electorate to present a conflict of interest.”

For example an association/link with another practice(s) may be perceived by the electorate as a conflict of interest and therefore should be declared in an election statement.

Annually, all representatives are asked to complete a Conflicts of Interest declaration form. Representatives who do not complete such a form are not able to speak or vote at meetings until they have returned their form. Further, at each meeting representatives are asked to declare any specific personal interest, pertinent to an item on the agenda, which might represent a conflict.

As GPs move into influential positions within Clinical Commissioning Groups (CCGs), then the potential for interests to conflict becomes more likely. The aim of this policy is to ensure that all interests are declared, potential criticism regarding a conflict avoided, and the reputation of representatives and YORLMC as a whole is maintained.

3. Summary

This policy has been agreed by the Board of YORLMC Ltd as the correct and transparent way to deal with the complex area of potential conflicts of interest. It must be understood that a representative cannot declare too many interests; it is far better to over-declare than to be found with a serious conflict of interest which results in the individual or YORLMC being brought into disrepute. It confirms that:

- The Corporate Affairs Team will hold a register of representatives' interests
- Representatives must also declare interests of first-degree relatives if there is any chance that an actual or perceived conflict of interest might exist. For the purposes of this policy a first-degree relative is defined as parents, wife, husband, children and siblings.
- Representatives will have a responsibility to keep this register up to date
- Representatives will be required to update their declaration of interests every year.
- Representatives will not be allowed to speak at committee meetings until their signed annual declaration of interests has been received by the Corporate Affairs Team.
- At the beginning of each committee meeting representatives will be given the opportunity to express any potential conflicts of interest pertaining to items on the agenda
- Should a member declare an interest, at the beginning or during the meeting, that might be perceived as a potential conflict, the meeting will decide whether that member should participate in the debate, remain silent during the debate or withdraw completely
- Having declared interests, representatives will be scored against a simple scoring system. If above a certain score, representatives will be expected to discuss their interests with the Chief Executive and Chair (or Vice-Chair if it involves the Chair) to decide whether they should consider standing down from one of their positions.
- By default, GPs that hold a Board position on a Clinical Commissioning Groups may also be members of the Committee but are not eligible to stand as Chair or Vice-Chair of the Branches.
- In the event that a Committee believes a Member has not declared a conflict of interest or a dispute arises as to whether or not a conflict of interest exists, this will be considered by a panel comprising YORLMC's Chief Executive and the Chair and Vice Chair of the opposite Branch of YORLMC (ie the Bradford & Airedale Branch or the North Yorkshire Branch). The panel will reach a decision and, if considered appropriate, apply sanctions. The decision of the panel is final and not open to appeal.

4. YORLMC policy

YORLMC prides itself on its openness, transparency and strong governance; we have a responsibility to maintain the highest standards and this policy aims to deal with an area which can lead to accusation of unprofessional behaviour by allowing potential conflicts of interest to influence advice given by YORLMC. The policy should be viewed as protecting individuals against the perception that they have un-declared interests or are acting for personal gain, and having the additional benefit of making different areas of expertise known to other members.

(i) YORLMC Members are paid to attend meetings as representatives of their constituents

 The default position is accepted that at YORLMC meetings, a representative is speaking in their capacity as a YORLMC representative unless specifically requested by the committee to speak in another capacity or he or she specifically states that he or she is speaking in a different capacity (in such a circumstance, it is incumbent upon the representative to say in which capacity they are speaking).

 The default position is accepted that at YORLMC meetings, a representative is voting in their capacity as a YORLMC representative.

(ii) YORLMC will keep a register of members' interests based on the system used by the GPC (see Appendix A);

 Representatives will be responsible for ensuring that their entry on the register is kept up to date by notifying the Corporate Affairs Team of any changes within four weeks of the change occurring.

 Representatives will also be responsible for declaring interests of first-degree relatives (parents, siblings and children) if there is any chance that an actual or perceived conflict of interest might exist.

 The register shall be available via the Corporate Affairs Team, but will not be actively disseminated outside YORLMC.

 Representatives will be required to update their declaration of interests every year.

 A copy of the register will be distributed by email to all representatives once a year after it has been updated.

 Representatives will not be allowed to speak or vote at committee meetings until their signed annual declaration of interests has been received by the Corporate Affairs Team.

(iii) There shall be a standing item at the beginning of each meeting which asks members to declare any conflict of interest not already covered by the register pertaining to the agenda for that meeting.

 Should a member declare a conflict of interest, the meeting will decide whether that member should participate in the debate, remain silent during the debate or withdraw completely.

(iv) YORLMC promotes a culture whereby potential conflicts of interest can be explored with individual members by the Chair or other members without offence.

 Representatives will be expected to discuss perceived conflicts of interest with the Chief Executive and Chair (or Vice-Chair if it involves the Chair) and, if appropriate, may be requested to stand down from an executive or board position or a committee if it is identified, through the scoring system below, that holding too many positions may be perceived as a potential conflict of interest, likely to bring that individual or YORLMC into disrepute.

 GPs that hold a Board position on a Clinical Commissioning Group may also be members of YORLMC but are not eligible to stand for Chair or Vice-Chair of the Branches or Division Liaison Officer. CCG Board positions of YORLMC members will be recorded in the register of interests.

 In the event that a Committee believes a Member has not declared a conflict of interest or a dispute arises as to whether or not a conflict of interest exists, this will be considered by a panel comprising YORLMC's Chief Executive and the Chair and Vice Chair of the opposite Branch of YORLMC. The panel will reach a decision and, if considered appropriate, apply sanctions. The decision of the panel is final and not open to appeal.

5. Scoring System

With the creation of CCGs, GPs are in a position to influence the development of NHS services more than ever before and are also under much greater scrutiny by the public as well as by their fellow GPs. For this reason, we have developed the following scoring system to help representatives, YORLMC as a whole, and constituent GPs identify where different roles may come into conflict. GPs are commissioning services on behalf of their patients, providing some of those services, and deriving an income from so doing.

The following scoring system is designed to indicate to representatives that they have or may be perceived to have a potential conflict of interest in relation to their dual roles as commissioners and representatives of the profession. It does not include other interests that GPs may have, and representatives should always also take into account other roles and positions they hold not included in this scoring system.

Should a representative score 6 or more, then he or she should discuss their position with the Chief Executive and Chair (or Vice-Chair if it involves the Chair) and consider whether the positions they hold provide a level of interest such that he or she may be perceived to have a conflict of interest. He or she should consider whether it is appropriate to stand down from one or more positions until their score drops to 5 or less.

As a green, amber or red guide:

- Green: representatives with less than 5 points would be considered not to have too many interests or a conflict of interest in relation to their dual roles as commissioners and YORLMC representatives.
- Amber: Representatives with 5 to 6 points should consider whether they have a potential conflict of interest likely to bring them or YORLMC into disrepute, and should discuss this with the Chief Executive or Chair (or Vice-Chair if it involves the Chair).
- Red: Representative with 7 or more points are highly likely to have or be perceived to have a conflict of interest which could bring them or YORLMC into disrepute. They are likely to be asked to step down from one or more committees.

	Position Held	Score
	YORLMC Role (Score once only from the following options)	
Office Holder	**Branch Chair or Vice Chair; Division Liaison Officer**	**4**
	YORLMC Board Member who is not Chair or Vice Chair of any Branch	**3**
	YORLMC Representative who is not an office holder	1
	CCG Role (Score once only from the following options)	
CCG Governing Body or Clinical Board	**CCG Chair, Vice Chair or Accountable Officer**	**4**
	CCG Board Member (Governing Body or Clinical Board) who is not Chair, Vice Chair or Accountable Officer	**3**
	CCG Locality Lead who is not on the CCG Governing Body or Clinical Board	2
	Practice CCG Representative who is not also a CCG Lead	1
	CCG Clinical Lead in any capacity who is not also in one of the above categories	1
	Add YORLMC and CCG scores together <5 = Green 5-6 = Amber 7-8 = Red	

Appendix A - Categories of information which should be declared
The categories of information which members should consider declaring as potential conflicts of interest are as follows:

 Directorships: Both paid and unpaid directorships of public or private companies, including Medical Directorship of public or private organisations.

 CCG positions: including Chair, Vice-Chair, board and executive management position; locality Chair or locality board position; advisor

 Link with another practice(s): This includes membership of a GP Federation, partnership, employment or other financial interest relating to more than one practice.

 Other remunerated work: Any paid employment or other sources of income outside their normal medical work. Examples might be paid consultancy or advisory positions with government departments, pharmaceutical companies or the medical press, articles sold to the paramedical press, or remunerated speaking engagements. Also included should be work for companies active in other health care fields, NHS trusts, health authorities or health boards.

 Gifts, benefits and hospitality: This includes any substantial gift or material advantage received by a member which in any way relates to his/her membership of YORLMC. This would include trips or visits arising out of membership of YORLMC, where the cost has not been wholly borne by the member or YORLMC. Gifts of less than £500 in value and other benefits of less than £500 in value would be exempt as would events to which all members of YORLMC are invited.

 Shareholdings: Declaration of the name of any public or private company, active in the field of healthcare, in which the member holds significant shareholdings. Significant is defined as either (a) greater than 1% of the issued share capital of the company or body, or (b) less than 1% of the issued share capital but more than £25,000.

 Family interests: These would include financial and other interests of close family members that might be considered relevant to an individual's position as a member of YORLMC.

 Miscellaneous and unremunerated interests: This includes other interests which do not fall clearly within any of the above categories, for example, an active role within a political party, membership of societies such as the Freemasons or of other organisations. Membership of, or work for, other bodies such as charities or trusts which could possibly influence a member's position with regard to his/her YORLMC activities should also be included, as well as membership of Government or Department of Health committees/working groups (or their equivalents in Scotland, Wales or Northern Ireland) on which the member is not a designated YORLMC representative.

Administrative arrangements
The administrative arrangements for the establishment and maintenance of the register of interests are as follows:
 At the start of each session, members will be asked to register their interests on a proforma reflecting the above categories.
 The Corporate Affairs Team will hold the information submitted. It will be made available on request for inspection by any member.
 YORLMC Members will be responsible for notifying any changes in their registerable interests within four weeks of the change occurring so that the register can be updated.
 Information held in the register will not be processed in any way or disseminated outside the process outlined above. At the end of each session, the register will be closed and access only granted to it in any case of dispute arising over the conduct of business relevant to the session in which a conflict of interest may have occurred. This late access procedure will be subject to the decision of the Chief Executive, in consultation with the relevant Branch Chair, if appropriate

Date	Author	Document History
May 2013	Corporate Affairs Team, YORLMC Ltd	Document considered by YORLMC Board
August 2013		Addition of panel mechanism following further discussion by YORLMC Board
April 2014		Reviewed and agreed by YORLMC Board
April 2015		Reviewed and agreed by YORLMC Board Updated in respect of links with other practices
August 2016		Reviewed and updated by YORLMC Board
April 2017		Date of next review