



right care
right place
right time
right outcome

**MERTON CLINICAL COMMISSIONING GROUP
GOVERNING BODY**

Date of Meeting: 29th September 2016

Agenda No: 6.5

Attachment: 9

Title of Document: Conflicts of Interest Policy	Purpose of Report: For Agreement
Report Author: Terri Burns, Principal Associate, Corporate Affairs, SECSU	Lead Director: Lynn Street, Director of Quality and Governance
<p>Executive Summary: In June 2016, NHS England issued revised statutory guidance on managing conflicts of interest for CCGs. The reason for these revisions is to strengthen the CCGs ability to identify and manage conflicts of interest. The aim is to increase public confidence in decision making processes. The CCGs Conflicts of Interest Policy has been updated to reflect this revised guidance.</p>	
<p>Key sections for particular note (paragraph/page), areas of concern etc:</p> <p>Section 5 – Inclusion of the requirement for all CCG employees, governing body members, committee and sub-committee members and any practice staff with involvement in CCG business to undertake mandatory annual conflicts of interest training. NHSE are developing an online module, which will be made available to CCGs in Autumn 2016.</p> <p><i>“Ensuring that all CCG employees, governing body members, CCG committee and sub-committee members and any practice staff with involvement in CCG business undertake mandatory annual conflicts of interest training;”</i></p> <p>Section 6 – Inclusion of the NHSE and governance review recommendation, that the CCG will have at least three governing body lay members.</p> <p><i>“The CCG will ensure that at least three lay members are appointed to the Governing Body, in accordance with NHS England recommendations, in order to strengthen their voice and influence and bring scrutiny to the decisions involving potentially conflicted members. The CCG Constitution will reflect this.”</i></p> <p>Section 6 – Introduction of the role of Conflicts of Interest Guardian, to be held by the chair of the Audit and Governance Committee.</p> <p><i>“Conflicts of Interest Guardian</i></p> <p><i>The chair of the Audit and Governance Committee will undertake the role of Conflicts of Interest Guardian for the CCG. They will act as a conduit and safe point of contact for anyone with concerns relating to conflicts of interest and provide independent advice and judgment on managing conflicts of interest. They will be supported in this role by the CCG governance lead.”</i></p> <p>Section 6 – Safeguards around the role of the Primary Care Commissioning Chair role, to ensure that the role of Conflicts of Interest Guardian is not compromised.</p> <p><i>“Primary Care Commissioning Committee Chair</i></p>	

The Primary Care Commissioning Committee will have a lay chair and a lay vice chair. The chair of the audit committee will not hold the role of chair of the committee, but may serve as a committee member, provided safeguards are agreed and put in place to avoid compromising their role as the Conflicts of Interest Guardian. The chair of the Audit and Governance Committee may only hold the role of vice chair if specific local circumstances require it, such as the lack of another suitable lay candidate.”

Section 6 – Paragraph included to note that NHSE will provide a conflicts of interest online training module.

“NHS England will make available, an online training package for CCGs to use as part of their annual compulsory conflicts of interest training for CCG employees, governing body members, CCG committee and sub-committee members and any practice staff involved in CCG business.”

Section 7 – Suspected breaches of the policy to be reported to the Conflicts of Interest Guardian or CCG Governance Lead, with substantiated breaches to be published.

“Suspected breaches should be reported to the Conflict of Interest Guardian or the CCG Governance Lead immediately. An appropriate person, unconnected with the breach, will be appointed to investigate and report on the outcome to the Audit and Governance Committee. Any breaches that are substantiated will be reported to NHS England by the CCG Governance Lead and will be published on the CCG website, with anonymised details.”

Section 8 – Revised list of individuals required to make declarations.

“NHS Merton CCG has established a Register of Declarations of Interest, which is held by the Governing Body Secretary. The CCG will maintain one or more registers of the interests of:

- a) its Practice Leads (representatives of the membership of the CCG);*
- b) GP practice partners*
- c) any other practice staff with direct involvement with CCG business and/or decision making activities*
- d) members of its Governing Body;*
- e) members and attendees, of its committees or sub-committees and the committees or sub-committees of its Governing Body; and*
- f) all employees of the CCG.”*

“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 Conflicts of Interest Guardian 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).”

Section 13 – Conflicts of interest to form part of the annual internal audit cycle.

“Conflicts of interest management will form part of the internal audit cycle on an annual basis. This will be carried out according to NHS England guidance and using the template provided alongside it. The results of the audit will be reflected in the Annual Governance Statement.”

<p>Appendices – Revised templates as issued by NHS England, including Appendix 8: Declarations of interest checklist for meeting chairs.</p>
<p>Recommendation(s): It is recommended that the Governing Body agree the changes to the Conflicts of Interest Policy, subject to the clarity requested by the Executive Management Team, to be formally approved by Governing Body.</p>
<p>Committees which have previously discussed/agreed the report: Executive Management Team 31 August 2016 requested the following:</p> <ol style="list-style-type: none"> 1. To clarify with NHSE that the guidance does require all GP partners to make a declaration and to clarify the level of detail required about a personal healthcare declaration. 2. To check MCCG Internal Audit expectations in respect of 1 above. 3. Depending on the outcome of 1 and 2 above MCCG may consider taking legal advice on the guidance and the consequences for individuals and the CCG if individuals do not comply. 4. That the revised Policy goes forward to the September meeting of the Governing Body. <p>Audit & Governance Committee: 22.09.16</p>
<p>Financial Implications: As per corporate objective 4</p>
<p>Implications for CCG Governing Body: As per corporate objectives</p>
<p>How has the Patient voice been considered in development of this paper: As per corporate objective 1</p>
<p>Other Implications: None</p>
<p>Equality Assessment: As per policy</p>
<p>Information Privacy Issues: As per Freedom of Information Act 2000</p>
<p>Communication Plan: (including any implications under the Freedom of Information Act or NHS Constitution) Consideration should be given to providing conflicts of interest training for GPs and practice staff. MCCG Intranet (once approved by the Governing Body)</p>