

Revised statutory guidance on managing conflicts of interest for CCGs: Summary Guide for GPs in Commissioning Roles

We have developed a series of summary guides to the revised *statutory guidance on managing conflicts of interest for CCGs*, which was published in June 2016. The guides are intended to be a helpful resource, which pull out the essentials you need to know. Conflicts of interest are inevitable in commissioning and it is how we manage them that matters. Conflicts of interest can affect anyone, although it is likely that some roles will have greater exposure to them than others. We have therefore developed a series of role specific guides - this guide is for GPs in commissioning roles. This guide is not intended to be a substitute for the full guidance, which can be accessed [here](#).

I am a GP Involved in Commissioning...

What do I need to know?

- A conflict of interest occurs where an individual's ability to exercise judgement, or act in a role is, could be, or is seen to be impaired or otherwise influenced by his or her involvement in another role or relationship. In some circumstances it could be reasonably considered that a conflict exists even when there is no actual conflict. In these cases it is important to still manage these perceived conflicts in order to maintain public trust.
- NHS England has published revised *statutory guidance on managing conflicts of interest* to support CCGs to manage conflicts of interest. Your CCG should also have a **conflicts of interest policy**.
- By law, conflicts of interest must be declared within **28 days** of them becoming apparent, but it is best to declare them as soon as possible. They should also be declared at the start of each meeting, where a conflict is likely to arise. CCG employees should be sent reminders to declare interests on a six-monthly basis (including collation of "**nil returns**"). Declarations should also be collated as part of recruitment processes and be a standing item on agendas.
- The **chair** of the meeting has ultimate responsibility for agreeing how to manage the conflict of interest in the meeting. Possible actions may include (but are not limited to):
 - Asking conflicted individuals to leave the meeting when the relevant matter(s) are being discussed
 - Allowing conflicted individuals to participate in some of the discussion, but asking them to leave the meeting at the point of decision-making
 - Restricting access to papers in advance of the meeting
- Clinical input is vital in commissioning and we strongly encourage clinicians and GPs to be members of CCGs' **primary care commissioning committees**; however, as an additional safeguard against the increased risk of conflicts of interest arising in primary care commissioning committees, it is recommended that GPs do not have voting rights on this particular committee.
- By law everyone must speak up if they have any concerns about how conflicts of interest are being managed. Details of how to report suspected or known **breaches** should be set out in your CCG's conflicts of interest policy.
- To raise awareness of the different types of conflicts of interest and to support individuals to manage them, NHS England is introducing **mandatory conflicts of interest online training** for all CCG employees and any practice member with involvement in CCG business. The training will be made available in the autumn of 2016.

What should be declared?

- The types of interests that should be declared include, but are not limited to:
 - **Financial interests**, where individuals may directly benefit financially from the consequences of a commissioning decision e.g., being a partner in a practice that is commissioned to provide primary care services;
 - **Non-financial professional interests**, where individuals may benefit professionally from the consequences of a commissioning decision e.g., having an unpaid advisory role in a provider organisation that has been commissioned to provide services by the CCG;
 - **Non-financial personal interests**, where individuals may benefit personally (but not professionally or financially) from a commissioning decision e.g., if they suffer from a particular condition that requires individually funded treatment;
 - **Indirect interests**, where there is a close association with an individual who has a financial interest, non-financial professional interest or a non-financial personal interest in a commissioning decision e.g., spouse, close relative (parent, grandparent, child, etc.) close friend or business partner.
- If in doubt, it is better for an interest to be declared, and managed appropriately, than to for it to be ignored.

What gifts and hospitality can be accepted?

- A 'gift' is any item of cash or goods, or any service, which is provided for personal benefit at less than its commercial value. Any personal gift of cash or cash equivalents or gifts offered by suppliers/contractors linked (currently or prospectively) to the CCG's business should be declined. Individuals must declare any offers of this nature (even if they are declined).
- Gifts from other sources should also be declined if accepting them might give rise to perceptions of bias or favouritism. However, items of little financial value (i.e., less than £10) could be accepted such as diaries and flowers and do not need to be declared.
- There is a presumption that offers of hospitality which go beyond modest or a type that the CCG itself might offer, should be politely refused. This includes (but is not limited to):
 - Hospitality of a value of above £25; and
 - In particular, offers of foreign travel and accommodation.
- There may be some limited and exceptional circumstances where accepting the types of hospitality described above may be contemplated. Express prior approval should be sought from a senior member of the CCG (e.g., the CCG governance lead or equivalent) before accepting such offers, and the reasons for acceptance should be recorded in the CCG's register of gifts and hospitality.
- In addition, particular caution should be exercised where hospitality is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business. Offers of this nature can be accepted if they are modest and reasonable but advice should always be sought from a senior member of the CCG (e.g. the CCG governance lead or equivalent) as there may be particular sensitivities, for example if a contract re-tender is imminent. All offers of hospitality from actual or prospective suppliers or contractors (whether or not accepted) should be declared and recorded.