

Date:	11 August 2016
Meeting:	CCG Governing Body
Item Number:	8.6
Public/Private:	Public <input checked="" type="checkbox"/> Private <input type="checkbox"/>

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Report Title:
Conflicts of Interest Guidance
Decisions to be made:
To receive, note and discuss the revised NHS Conflicts of Interest guidance

Continue to improve the quality of services	<input checked="" type="checkbox"/>	Improve patient experience	<input checked="" type="checkbox"/>
Reduced unwarranted variations in services	<input type="checkbox"/>	Reduce the inequalities gap in North Lincolnshire	<input type="checkbox"/>
Deliver the best outcomes for every patient	<input checked="" type="checkbox"/>	Statutory/Regulatory	<input checked="" type="checkbox"/>

Executive Summary (Question, Options, Recommendations):
The attached paper briefly outlines the key recommendations as set out in the final guidance for CCG's on the management of conflicts of Interest (COI) and its implications for NL CCG. The paper has been reviewed by the Audit Group who will monitor COI compliance.

Equality Impact	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Sustainability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Legal	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	COI is statutory guidance
Finance	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Guidance requires appointment of a third lay member

Patient, Public, Clinical and Stakeholder Engagement to date									
	N/A	Y	N	Date		N/A	Y	N	Date
Patient:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Clinical:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Public:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Conflicts of Interest Guidance for CCGs

Background

Following a period of consultation the NHS England Board has issued strengthened guidance to CCG's on the management of COI based on principles as set out in the NHS Board paper 31.03.2016/09. The guidance has been revised in the light of a significant number of concerns that have emerged as to how COI is managed in the NHS and the move for CCG's taking on responsibility for commissioning primary care.

The guidance comes into effect immediately and will be monitored from October onwards. The CCG's management of COI will form a key element of how the CCG is assessed under the new Improvement and Assessment Framework.

New COI Core proposals

The proposals in the NHS Board Paper are based cover 7 main areas:

- 1 CCG's to have a minimum of three lay members to support greater scrutiny and increased support for the management of COI. It is strongly recommended that all three should sit on Joint Commissioning Committees.
- 2 All CCG's to appoint a COI Guardian (akin to a Caldicott Guardian) this role to be undertaken by the Audit Chair. The role of the Guardian will include providing independent support and advice, to be a conduit for members of the public who have concerns and provide advice re the minimising situations where COI may occur. The Guardian is to be supported by the Head of Governance (or equivalent) who will manage the day to day implementation of the guidance. The AO remains accountable for COI compliance.
- 3 CCG's to include an Annual Audit of COI in their audit plans and publish the results in the Annual Governance Statement.
- 4 Strengthening of provisions around management of gifts and hospitality and ensure a publicly available register.
- 5 Enhanced robustness for CCG' managing breaches of COI and publication of any breaches
- 6 Strengthening of the decision making process when members may be conflicted
- 7 There will be a requirement for all CCG staff and the staff of all member practices to complete mandatory online COI training.

Implications for NL CCG

In order to adhere to the revised guidance the CCG will need to implement a number of actions including:

- 1 Additional training for the Audit Chair as COI Guardian.

- 2 Appointment of an additional lay member.
- 3 Ensuring the CCG audit plan includes a COI review - this could lead to an increase in the audit resource required.
- 4 Increasing awareness of COI and its management across the CCG
- 5 Ensuring that a register of gifts and hospitality is published and updated.
- 6 Reviewing and updating the CCG COI policy including the management of any breaches and ensuring they are published and the register is updated
- 7 Adopting the COI requirements across all commissioning functions; including procurement, reviewing potential COI before meetings, monitoring training programmes, appropriate minute taking etc.
- 8 Ensuring that at least 90% of all 'relevant' staff members have completed their training by the end of January 2017. The final guidance requires all CCG staff and primary care staff who engage with the CCG and practice partners to undertake the training. There will be three levels of training for staff linked to their levels of responsibility.

It is planned that the CCG will be fully compliant with the new guidance by September and in advance of the required November deadline.

Support required for ensuring on-going COI compliance

It is anticipated that the Business Support Manager will be responsible for maintaining the COI declarations, Register of interests& gifts and hospitality, COI publication regime and monitor training compliance.

The Head of Governance to have overall responsibility for COI implementation, updating the COI Policy, liaising with Internal Audit, strengthening procedures across the range of CCG functions, provide specialist and on-going advice to committee chairs, and COI Guardian. In addition they will provide on-going assurance on the effectiveness of CCG systems to the COI Guardian.

03.08.16