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| **Date:** | 13October 2016  |  | **Report Title:** |
| **Meeting:** | CCG Governing Body  |  | Conflicts of Interest update and Managing Conflicts of Interest Consultation  |
| **Item Number:** | 8.2 |  |
| **Public/Private:** | Public [x]   |  |
|  |  |  | **Decisions to be made:**  |
| **Author:***(Name, Title)* | John Pougher Head of Governance |  | To note, discuss and comment as appropriate |
| **GB Lead:***(Name, Title)* | Catherine WylieDirector of Nursing & Quality  |  |

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| **Continue to improve the quality of services** |[ ]  **Improve patient experience** |[ ]
| **Reduced unwarranted variations in services** |[ ]  **Reduce the inequalities gap in North Lincolnshire** |[ ]
| **Deliver the best outcomes for every patient** |[ ]  **Statutory/Regulatory** |[ ]

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| **Executive Summary (Question, Options, Recommendations):** |
| Following NHS England guidance to CCG’s in June this year a further consultation document on Conflicts of Interest has been issued (see attached appendix1). Whilst for the most part the consultation document clarifies and strengthens current arrangements it does make some potentially contentious recommendations. The Governing Body is asked to comment on the document. The document has also been circulated to the Council of Members for comment. It is suggested that the Head of Governance collates comments to forward to NHS England by the deadline of 31st October.The CCG is currently implementing the latest CCG guidance and attached for information (appendix 2) is the flow chart outlining the process for updating the CCG’s Register of Interests. Also attached is an outline of the administration process supporting COI compliance. The maintenance of the Register is a key element of the CCG’s compliance regime that will be closely monitored by the Audit Group. |

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| **Equality Impact** | No [ ]  |  |
| **Sustainability** | No [ ]  |  |
| **Risk** | No [ ]  |  |
| **Legal** | No [ ]  |  |
| **Finance** | No [ ]  |  |

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| ***Patient, Public, Clinical and Stakeholder Engagement to date*** |
|  | ***N/A*** | ***Y*** | ***N*** | ***Date*** |  | ***N/A*** | ***Y*** | ***N*** | ***Date*** |
| **Patient:** |[ ] [ ] [x]   | **Clinical:** |[ ] [ ] [x]   |
| **Public:** |[ ] [ ] [x]   | **Other:**  |[ ] [ ] [x]   |

**Managing Conflicts of Interest in the NHS: A Consultation**

The Consultation document has been written by NHS England against a back drop of intense scrutiny and concern as to how conflicts and potential conflicts of interest are managed. There remains a long standing concern that conflicts of interest are not uniformly well managed across the health system, reinforced by recent media coverage of improper personal profit at NHS expense. The new guidance is designed to delivery probity, clarity and transparency in the management of conflicts of interest across the whole NHS.

The document builds upon recent reforms including a new clause added to the NHS Contract (April 2016) and strengthened guidance issued to CCG’s (June 2016). It is intended that the CCG guidance will be refreshed in line with the outcome of this consultation exercise.

For the most part the consultation document’s recommendations do clarify and strengthen the recent spate of guidance. It breaks some areas down into more useful detail and expands into other areas; previously covered in relatively little detail. Thus sponsorship is broken down into general sponsorship, sponsored events, sponsored research and sponsored posts. Guidance on gifts is broken down into gifts from patients, actual or potential suppliers and gifts from foreign dignitaries.

The recommendations that have received the most attention are the requirement for disclosure of shareholdings and other ownership interests which might give rise to potential conflicts of interest (point 55 p29) and the requirement to disclose ‘private practice’ earnings (point 50 p23) on the CCG’s Register of Interests. This recommendation is laid out in full below:

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| **Principles and rules regarding private practice**  |  |
| • Clinical staff should declare all private practice including: • Where they practice (name of private facility) • When they practice (identified sessions) • What they practice (speciality, major procedures) • Their earnings from private practice (Gross earnings in the previous 12 months on the basis of less than  £50K, less than £100K, more than £100K) • The above information should be included on the employing organisation’s register of interests • Programmed NHS commitments should always take precedence over private work14 • Clinical staff should not initiate conversations about private work with patients during the course of  their NHS sessions • Clinical staff should not accept direct or indirect financial incentives from private providers other than  those allowed by Competition and Markets Authority guidelines15  |  |

It is important that that the Governing Body is cognisant of the direction of travel for the management of conflicts of interest and has the opportunity to comment on the consultation document.

It is suggested that the Head of Governance collates responses on behalf of the CCG for submission by the 31st of October deadline. This does not of course preclude any staff member making an individual response.

The full consultation document is attached as appendix 1.

**Administration – supporting COI compliance**

The following outlines the key responsibilities for ensuring CCG compliance with national guidance.

The updating and maintenance of the Register of Interests and Gifts & Hospitality will be the responsibility of the Business Manager. The Business Manager will review these at least monthly and ensure that they are published in line with national guidance. The registers will be further reviewed by the Head of Governance on at least a quarterly basis.

The Head of Governance supported by the Business Manager will be responsible for supporting the mandatory Internal Audit review of COI compliance and overseeing implementation of any proposed actions.

Working with the Board Chair and Committee Chairs to identify potential conflicts of interests and strengthen decision making process (as appropriate) will be the responsibility of the Head of Governance and in their absence the Business Manager.

The Head of Governance will be responsible for providing advice and support to the CCG COI Guardian.

Ensuring that the CCG complies with the 95% training requirement will be the responsibility of the Head of Governance working with CCG directors. The Business Manager will be responsible for maintaining and updating the training register. Bespoke training packages for staff will be developed by the Head of Governance.

Investigation of any potential breaches in COI compliance will normally be undertaken by the Head of Governance in liaison with the COI Guardian.

The Head of Governance will be responsible for ensuring the preparation and submission of the annual declaration of compliance to NHS England.

The Head of Governance will be responsible for ensuring COI compliance work is reflected in the CCG’s Annual Governance Statement.

Additional support will be provided as appropriate by Project/PA staff.

**Appendix 1**



**Appendix 2**

**Declaration of Conflict of Interest Flow Chart**

1. **Staff update DOI Form following any material changes**
2. **Declarations made at meetings reflected in register asap and within 28 days**

**Automatic system sends out DOI Form to staff**

**(bi-annually)**

**Completed form received**

**DOI Form placed on CCG Register and published on website**

**Completed form not received**

**Reminder sent to staff member within 14 days**

**Completed form received**

**Completed form not received**

**Issue escalated to Head of Governance/COI Guardian for resolution**