



## YORLMC LIMITED

### POLICY: CONFLICTS OF INTEREST

YOR Local Medical Committee Limited (YORLMC Ltd) is the brand name for Bradford & Airedale and North Yorkshire LMCs. It is the professional voice for all NHS GPs and practice teams across the areas of North Yorkshire & York and Bradford, Airedale, Wharfedale & Craven. YORLMC Ltd is a gateway to pastoral care and provides personal and totally confidential support for GPs and practices in difficulty or experiencing major change. It also provides personal advice and support for practices on a wide range of issues.

#### 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 Committee 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, a significant number 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 (v5 Sept 2020) 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 be raised via the Corporate Affairs Team so it can be assessed and if needed presented anonymously at meetings.*

*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 Constitutions of the Committees, which highlight representatives’ obligations to “disclose” the fact that they have a “pecuniary or other significant interest” to the meeting.

1.5 DISQUALIFICATION A member of the Committee may be disqualified if:

*1.5.6 they fail 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 Conflict of Interest Policy (or successor policy) or the roles and responsibilities described in an anti-conflict policy adopted from time to time by the Committee*

*&*

*12. DISCLOSURE OF INTEREST 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 they shall at the meeting and as soon as practicable after its commencement disclose that fact and shall act in accordance with the Conflict of Interest 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 they have such an interest they shall report the matter to the Chair who shall advise as to whether or not the matter should be declared.*

*The Committee shall publish and maintain a Conflict of Interest policy 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 will be 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 interests; Directors, Officers, Members and Employees have a responsibility to keep this register up to date and will be required to update their register of interests annually.
- Individuals will not be allowed to speak at any YORLMC meetings until their signed annual declaration of interests has been received by the Corporate Affairs Team.
- At the beginning of every YORLMC meeting attendees will be given the opportunity to express any potential conflicts of interest pertaining to items on the agenda
- Should a Director, Officer, Member or Employee declare an interest, at the beginning or during the meeting, that might be perceived as a potential conflict, the meeting will decide whether that individual should participate in the debate, remain silent during the debate or withdraw completely.
- Having declared interests, individuals will be scored against a simple scoring system. If above a certain score,
  - Officers and members will be expected to discuss their interests with the LMC Chair (or Deputy Chair if it involves the Chair) to decide whether they should consider standing down from one of their positions.
  - Directors and employees will be expected to discuss their interests with the Chief Executive (or Board Chair if it involves the Chief Executive) 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 Group may also be members of an LMC Committee but are not eligible to stand as an Officer of an LMC Committee.
- By default, members are not eligible for an Officer seat if they are members of another LMC.
- 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 the Chair and Deputy Chair of the opposite Committee of YORLMC (i.e. the Bradford

& Airedale LMC or the North Yorkshire LMC). The panel will reach a decision and, if considered appropriate, apply sanctions. The decision of the panel is final and not open to appeal.

- In the event that the Board of YORLMC believes an employee 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 the Chief Executive and Board Chair. If it involves the Chief Executive or Board Chair this will be considered by a panel comprising of other members of the Executive Committee. 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; it has 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 they specifically state that they are 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 interests declaration based on the system used by the GPC (see Appendix A);**

- Individuals will be responsible for ensuring that their entries in the above are kept up to date by notifying the Corporate Affairs Team of any changes within four weeks of the change occurring.
- The register of interests shall be available via the Corporate Affairs Team but will not be actively disseminated outside YORLMC.
- Representatives will be required to update the register of interests annually.
- A copy of both registers will be distributed by email to all Directors, Officers, Members and employees once a year after it has been updated.
- Representatives will not be allowed to speak or vote at YORLMC 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 every meeting which asks Directors, Officers, members and employees to declare any conflict of interest not already covered by the register pertaining to the agenda for that meeting.**

- Should any individual declare a conflict of interest, the meeting will decide whether that individual 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.**

- Officers and Members will be expected to discuss perceived conflicts of interest with the Chair (or Deputy 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.

- Directors and employees will be expected to discuss perceived conflicts of interests with the Chief Executive (or Board Chair if it involves the Chief Executive) 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 Deputy Chair of the Committees or Locality Officer. CCG Board positions of YORLMC members will be recorded in the register of interests.
- In the event that a Committee Member has not declared a conflict of interest or a dispute arises as to whether or not a conflict of interest exists, this matter will be referred to YORLMC's Chief Executive for consideration. They will have absolute discretion and authority to decide on a course of action.
- A Committee Member will have the right to lodge an appeal. The appeal process is set out in YORLMC's Dispute Resolution Policy

## 5. Scoring System

With the creation of CCGs and PCNs, 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, the following scoring system has been developed to help individuals, 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 they should discuss their position with the Chief Executive and Board Chair (or a member of the Executive Committee if it involves the Chief Executive or Board Chair) and consider whether the positions they hold provide a level of interest such that they may be perceived to have a conflict of interest. They 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 and Board Chair (or a member of the Executive Committee if it involves the Chief Executive or Board 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.

	<b>Position Held</b>	<b>Score</b>
	<b>YORLMC Role</b> (Score once only from the following options)	
<b>Office Holder</b>	<b>Committee Chair or Deputy Chair; Locality Officer</b>	<b>4</b>
	<b>YORLMC Board Member who is not Chair or Deputy Chair of any Committee</b>	<b>4</b>
	YORLMC Representative who is not an office holder	1
	<b>CCG Role</b> (Score once only from the following options)	
<b>CCG Governing Body or Clinical Board</b>	<b>CCG Chair, Deputy Chair or Accountable Officer</b>	<b>4</b>
	<b>CCG Board Member (Governing Body or Clinical Board) who is not Chair, Deputy Chair or Accountable Officer</b>	<b>3</b>
	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
	<b>PCN Role</b> (Score once only from the following options)	
<b>PCN</b>	PCN Clinical Director	2
	Add YORLMC, CCG and PCN 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, Deputy Chair, board and executive management position; locality Chair or locality board position; advisor.
- **PCN positions:** including PCN Clinical Director
- **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 their 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 £100 in value and other benefits of less than £100 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 their 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, Directors, Officers, members and employees 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 Directors, Officers, Members & employees 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 Committee Chair, if appropriate.

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August 2013	Corporate Affairs Team, YORLMC Ltd	Addition of panel mechanism following further discussion by YORLMC Board
April 2014	Corporate Affairs Team, YORLMC Ltd	Reviewed and agreed by YORLMC Board
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