

Revised statutory guidance on managing conflicts of interest for CCGs: Summary Guide for CCG Governance Leads

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 2017. 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 CCG Governance Leads. This guide is not intended to be a substitute for the full guidance, which can be accessed [here](#).

I am a CCG Governance Lead...

What do I need to know?

- For the purposes of this document, a conflict of interest is defined as a “set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold”.
- In addition to the CCG statutory guidance on managing conflicts of interest, your CCG should have its own **conflicts of interest policy**.
- Everyone is responsible for managing conflicts of interest, but your Accountable Officer has overall accountability in the CCG. It is likely that you or your team will be the CCG’s day-to-day point of contact for conflicts of interest matters. This will include ensuring robust processes are in place to record and manage conflicts of interest. Each CCG should also appoint a **Conflicts of Interest Guardian** to support with any queries or concerns relating to conflicts of interest. As the CCG Governance Lead, part of your role will be to support the Conflicts of Interest Guardian.
- By law, the CCG must make arrangements to ensure that any person who is required to declare any conflict or potential conflict of interest, does so as soon as they become aware of it and in any event within **28 days**. 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. If anyone has a genuine concern that an interest has not been declared or appropriately managed, they should raise this in accordance with the CCG’s policy and be supported by the CCG in doing so. CCG employees, members of the governing body, committees and sub-committees, and GP partners at CCG member practices should be sent reminders to declare interests at least annually (including collation of “**nil returns**”). Declarations should also be collated as part of recruitment processes and be a standing item on agendas.
- It is important to maintain up-to-date **registers of interests, gifts and hospitality and procurement decisions**. As a minimum, CCGs should publish the interests of “decision making staff” annually in a prominent place on their website (and they should be available upon request at the CCG’s headquarters). Template declarations and registers of interest can be found in the revised conflicts of interest guidance.
- In the event of a **breach** of the CCG’s conflicts of interest policy, anonymised details should be published on the CCG’s website and be reported to NHS England. Examples of breaches can be found in the [conflicts of interest case studies](#).
- CCGs are required to undertake an annual audit of conflicts of interest management, as part of their internal audit plan. The results of the audit should be incorporated into the CCG’s annual governance statement. CCGs will also need to report compliance with the conflicts of interest guidance, as part of the [CCG Improvement and Assessment Framework](#).
- NHS England is introducing **mandatory conflicts of interest online training** for CCGs in 2017.

What should be declared?

- The types of interests that should be declared include, but are not limited to:
 - **Financial interests:** This is where an individual may get direct financial benefits from the consequences of a commissioning decision;
 - **Non-financial professional interests:** This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career;
 - **Non-financial personal interests:** This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit;
 - **Indirect interests:** This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above).
- 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, free of charge or 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. Subject to this, low cost branded promotional aids may be accepted where they are under the value of a common industry standard of £6 in total, and need not be declared.
- Gifts from other sources (e.g. patients, families, service users) should also be declined if accepting them might give rise to perceptions of bias or favouritism. When gifts are offered, the following principles and rules should be adhered to:
 - Gifts of cash and vouchers to individuals should always be declined;
 - Gifts valued at over £50 should be treated with caution and only be accepted on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These should be declared by staff;
 - Modest gifts under a value of £50 may be accepted and do not need to be declared;
 - A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value);
 - Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.
- 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):
 - Meals or refreshments of a value of above £75 (subject to the overarching principles these may be accepted if less than £75, but must be declared unless under a value of £25);
 - Offers of business class or first class travel and accommodation (including domestic travel);
 - 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.