

Improvement and Assessment Framework

Conflicts of interest indicator: submission process for CCGs

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Introduction

1. The CCG [*Improvement and Assessment Framework \(IAF\)*](#) includes a conflicts of interest indicator to assess CCGs' compliance with the requirements of the revised [*statutory guidance on managing conflicts of interest for CCGs*](#). The indicator can be found in the [*technical annex of the IAF*](#) under Probity and Corporate Governance (section 162a). CCGs are required to demonstrate compliance with the conflicts of interest indicator through an annual and quarterly self-certification submission.
2. NHS England expects all CCGs to fully implement the revised *statutory guidance on managing conflicts of interest*, which was published in June 2017. Where a CCG has decided not to comply with one or more of the requirements of the guidance, they should discuss and agree this in advance with their local NHS England team. They should also include the reasons for deciding not to fully implement the guidance on a 'comply or explain' basis within the annual and quarterly self-certification statements. In such circumstances and depending upon the alternative arrangements put in place and the level of assurance this gives that conflicts of interest are being managed appropriately by the CCG, the NHS England local team will allocate a rating of compliance.
3. This document includes:
 - The quarterly and annual self-certification proformas (Annex 1 and 2);
 - The timescales and process for submitting the proformas;
 - The process for individual CCG conflicts of interest ratings to be published on myNHS.

Part one (Annex 1)

4. The annual self-certification seeks confirmation that:

- The CCG has a clear policy for the management of conflicts of interest (in line with *managing conflicts of interest: revised statutory guidance for CCGs*) and that the policy includes a robust process for the management of breaches.
- The CCG has a minimum of three lay members, including the number of days per month their lay members are employed. *
- The CCG's audit chair has taken on the role of the conflicts of interest guardian, supported by a senior CCG manager(s).
- **From 2018/19**, 100% of relevant CCG staff have been offered module one of the online training on managing conflicts of interest and 90% of relevant CCG staff have completed it. **

* Lay members play an important role in the management of conflicts of interest, not least as the CCG's Conflicts of Interest Guardian and Chair of the Primary Care Commissioning Committee. We know the number of lay members and the number of days they work per month varies across CCGs. We have requested confirmation of the number of days lay members work through the self-certification process to gather national intelligence on lay members' capacity.

** Module 1 of the online conflicts of interest training is mandatory for:

- CCG Governing Body Members
- Executive members of formal CCG committees and sub-committees
- Primary Care Commissioning Committee members
- Clinicians involved in commissioning or procurement decisions
- CCG governance leads
- Anyone involved or likely to be involved in taking a procurement decision(s)

We recognise that due to possible changes in staffing levels (as a result of staff sickness or recruitment issues for instance), it may not be possible for 100% of relevant CCG staff to complete the training by the deadline each year (in 2019/20 this is 31 January 2020). That is why we have set the compliance rating at 90%. However, our expectation is that module one should be completed by all relevant CCG staff. For example, we would expect newly recruited staff in relevant roles to complete the training within two months of taking up their post.

Part two (Annex 2)

5. The quarterly self-certification process seeks confirmation that:

- The CCG has processes in place to ensure individuals declare any conflict or potential conflict of interest as soon as they become aware of it, and within 28 days, ensuring accurate, up-to-date registers are complete for:
 - conflicts of interest
 - procurement decisions
 - gifts and hospitality.

These registers must be made available on the CCG's website and upon request at the CCG's headquarters.

- If there have been any breaches of the CCG's policy on managing conflicts of interests, confirmation that the breaches have been:
 - published on the CCG's website
 - communicated to NHS England.

Self-certification submission process

6. The **quarterly self-certification** (annex 2) should be completed and submitted to CCGs' relevant NHS England local team within the first two weeks following the end of each quarter. The data is published on MyNHS.
7. For 2019/20, the **annual self-certification** (annex 1) should be completed by 01 May 2020 and submitted to the CCG's relevant NHS England local team.
8. The self-certification must be signed by the CCG's Accountable Officer and Audit Chair to confirm the information given in the quarterly and the annual (when applicable) self-certification is accurate.
9. NHS England local teams will collate their CCGs' information onto a spreadsheet (provided by the national Co-Commissioning team) and send it to the primary care team at their NHS England regional office. NHS England regional teams will then collate the spreadsheets for their region and email them to the national Co-Commissioning team at england.co-commissioning@nhs.net.

10. The table below sets out the timescales for submissions:

Action	2019/20			
QUARTER	Q1	Q2	Q3	Q4
CCG submission of quarterly return to Regional team	12 July 2019	01 November 2019	28 February 2020	01 May 2020
CCG submission of annual return to Regional team	N/A	N/A	N/A	TBC
Regional team to forward completed spreadsheet to national co-commissioning team	31 July 2019	29 November 2019	25 March 2020	28 May 2020
Publication of rating on MyNHS	Oct-19	Jan-20	Apr-20	TBC

Indicator ratings

11. Each CCG will be rated as:

- Compliant (if 100% of the conflicts of interest indicator criteria are met or suitable alternative arrangements are in place and agreed with NHS England);
- Partially compliant (if less than 100%, but more than 0%, of the indicator criteria are met or suitable alternative arrangements are in place agreed with NHS England);
- Not compliant (if 0% of the indicator criteria are met and no suitable alternative arrangements are in place).

12. The national Co-Commissioning team will publish each CCG's rating on the MyNHS website which is available to the public. Information will be uploaded to MyNHS at the end of each quarter. Therefore, information on the conflicts of interest indicator will be published one quarter in arrears.

Further information

13. If you have any queries regarding this process, please contact your local NHS England team in the first instance or england.co-commissioning@nhs.net

Annex 1 Conflicts of Interest indicator: Part one (annual assessment)

Name of CCG: _____ Date: _____

Conflicts of Interest Annual Assessment		
Requirements	Please complete	Additional comments <i>(If non-compliant in any areas, please outline the reasons why, the planned actions and any support needed from NHS England)</i>
The CCG has a clear policy for the management of conflicts of interest (in line with the <i>statutory guidance on managing conflicts of interest for CCGs</i>) and the policy includes a robust process for the management of breaches.	Y / N	
The CCG has a minimum of three lay members. Please confirm the: <ul style="list-style-type: none"> • Number of CCG lay members: • Number of days per month all CCG lay members are employed: 	Y / N	
	[insert number]	
	[Insert number]	
The CCG Audit Chair has taken on the role of the Conflicts of Interest Guardian, supported by a senior CCG manager(s).	Y / N	
From 2018/19 , 100% of relevant CCG staff have been offered module one of the online training on managing conflicts of interest and 90% of relevant CCG staff have completed it by 31 January 2020. Relevant staff includes: <ul style="list-style-type: none"> • CCG Governing Body Members • Executive members of formal CCG committees and sub-committees • Primary Care Commissioning 	Y / N	

<ul style="list-style-type: none">• Committee members• Clinicians involved in commissioning or procurement decisions• CCG Governance Leads• Anyone involved or likely to be involved in taking a procurement decision(s)		
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Annex 2 Conflicts of Interest indicator: Part two (quarterly assessment)

Name of CCG: _____ Date: _____

Conflict of Interest Assessment Summary Report		
Requirements	Please complete	Additional comments <i>(If non-compliant in any areas, please outline the reasons why, the planned actions and any support needed from NHS England)</i>
The CCG has processes in place to ensure individuals declare any conflict or potential conflict of interest in relation to a decision as soon as they become aware of it, and within 28 days, ensuring accurate, up-to-date registers are complete for: <ul style="list-style-type: none"> Conflicts of interest Procurement decisions Gifts and hospitality 	Y / N	
	Y / N	
	Y / N	
Registers are published on the CCG website and are available upon request at the CCG HQ for: <ul style="list-style-type: none"> Conflicts of interest Procurement decisions Gifts and hospitality 	Y / N	
	Y / N	
	Y / N	
Have there been any breaches of the CCG's policy on conflicts of interest management? If so: <ul style="list-style-type: none"> How many breaches? Are the details of the breach(es) on the CCG's website? 	Y / N	
	[Insert number]	
	Y / N	

<ul style="list-style-type: none"> • Have the breach(es) been communicated to NHS England? 	Y / N	
<p>The Accountable Officer confirms the information given above (including part 1 when applicable) is accurate and the CCG has effective processes in place to manage conflicts of interest in line with the <i>statutory guidance on managing conflicts of interest for CCGs</i>.</p>	Y / N	
<p>The CCG Audit Chair confirms the information above (including part 1 when applicable) is accurate and the CCG has effective processes in place to manage conflicts of interest in line with the <i>statutory guidance on managing conflicts of interest for CCGs</i>.</p>	Y / N	

Signed by

Name of Accountable Officer: _____

Signature: _____

Date: _____

Name of CCG Audit Chair: _____

Signature: _____

Date: _____

