



**Midlands and Lancashire**  
Commissioning Support Unit



**Pan Mersey**  
Area Prescribing Committee

# Conflicts of interest policy

Guidance for Pan Mersey Area Prescribing Committee  
including declaration of Gifts and Hospitality

## Aim

The aim of this policy is to set out the processes and procedures for managing conflicts of interest within Pan Mersey Area Prescribing Committee (APC) meetings and those of its subgroups. It also ensures that all members, attendees and supporting staff are aware of their obligations.

## Introduction

Conflicts of interest are a common and sometimes unavoidable part of the delivery of healthcare. As such, it may not be possible or desirable to completely eliminate the risk of conflicts. Instead, it is preferable to recognise the associated risks and put measures in place to manage the conflicts appropriately when they do arise.

Pan Mersey APC makes recommendations regarding prescribing that includes high cost and high volume medicines, to be funded by the NHS. These recommendations must be robust, fair and transparent, and any conflicts of interest managed accordingly.

The policy adheres to the general principles defined within NHS England's [Managing Conflicts of Interest: Revised Statutory Guidance for CCGs \(2017\)](#). It provides guidance on:

- what interests need to be declared and when;
- how declared interests should be recorded;
- how declarations of interest will be managed.

## Who does the policy apply to?

This policy applies to all Pan Mersey APC members, subgroup members, regular and occasional attendees, advisors and supporting staff. It is in addition to any requirements of their employing organisation and applies only to interests relevant to their role within Pan Mersey APC or its subgroups.

## What interests are

For the purposes of this guidance, 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”.

Interests can arise in a number of different contexts. A material interest is one which a reasonable person would take into account when making a decision because the interest has relevance to that decision. It is important to exercise judgement and, if there is any doubt as to whether an interest is relevant to the APC or subgroup’s work, it should be declared. The perception of an interest can be as damaging as an actual conflict of interest.

A conflict of interest may be:

- Actual – there is a material conflict between one or more interests.
- Potential – there is the possibility of a material conflict between one or more interests in the future.

Interests fall into the four categories outlined below. A benefit may arise from the making of a gain or the avoidance of a loss.

Type of interest	Description
Financial interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> <li>• A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations. This includes involvement with a potential provider* of a new care model;</li> <li>• A shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations;</li> <li>• A management consultant for a provider*;</li> <li>• A provider of clinical private practice;</li> <li>• In secondary employment;</li> <li>• In receipt of secondary income from a provider*;</li> <li>• In receipt of a grant from a provider*;</li> <li>• In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider*;</li> <li>• In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role;</li> <li>• Having a pension that is funded by a provider* (where the value of this might be affected by the success or failure of the provider).</li> </ul>
Non-financial professional interests	<p>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. This may, for example, include situations where the individual is:</p> <ul style="list-style-type: none"> <li>• An advocate for a particular group of patients;</li> <li>• A GP with special interests e.g., in dermatology, acupuncture etc;</li> </ul>

Type of interest	Description
	<ul style="list-style-type: none"> <li>• A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared);</li> <li>• An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE);</li> <li>• Engaged in a research role;</li> </ul>
Non-financial personal interests	<p>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. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> <li>• A voluntary sector champion for a provider*;</li> <li>• A volunteer for a provider*;</li> <li>• A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation;</li> <li>• Suffering from a particular condition requiring individually funded treatment;</li> <li>• A member of a lobby or pressure group with an interest in health.</li> </ul>
Indirect interests	<p>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). For example, this should include:</p> <ul style="list-style-type: none"> <li>• Spouse / partner;</li> <li>• Close relative e.g., parent, grandparent, child, grandchild or sibling;</li> <li>• Close friend;</li> <li>• Business partner.</li> </ul>

\*For the purpose of this policy, a “provider” includes providers of healthcare services, and any companies involved in the manufacture, promotion, sale or supply of health technologies that are, or may be, used by the NHS, including medicinal products and medical devices.

A person living with a disease or condition relevant to the matter under discussion, or who has a family member in that position, is not seen as an interest and this does not need to be declared.

Interests that are not, or could not be perceived to be, relevant to the APC’s work need not be declared.

## Declaring interests

All APC and subgroup members and attendees will be required to declare any conflicts of interests in the following manner:

- New members and attendees of Pan Mersey APC and subgroups will be asked to submit a [declaration of interest](#) form on appointment.
- All APC and subgroup members and attendees will be prompted to submit a [declaration of interest form](#) annually.
- All members and attendees will be asked to declare any interests as a standing agenda item at the start of every APC and subgroup meeting, before any items have been discussed. Even if an interest has been recorded in the annual declaration of interest, it should still be declared in meetings where matters relating to that interest are discussed.
- It is the responsibility of all APC and subgroup members and attendees to submit a further [declaration of interest form](#) to reflect any new or changed declarations of interest as they arise. This should be submitted to reflect the change in circumstances as soon as reasonably practicable, and in any event within 28 days of the change arising.

If in doubt, assume that a potential conflict of interest exists and declare the interest.

The declaration of interest process will be managed by Midlands and Lancashire CSU on behalf of Pan Mersey APC. All completed [declaration of interest forms](#) should be submitted to the APC Professional Secretary at: [apc.consultation@nhs.net](mailto:apc.consultation@nhs.net).

## Record of interests

Midlands and Lancashire CSU, on behalf of Pan Mersey APC, will maintain the register of relevant and material interest of all APC and subgroup members, advisors and attendees. The register will include the following information, populated from the completed declaration of interest forms, including nil-returns:

- Name of person declaring interest
- Job title and organisation
- Type of interest
- Description of interest
- Details of any relevant benefit from interest
- The dates to which the interest relates
- Details of how the interest is to be managed
- The declarations of interest register will also be used to maintain a record of relevant Gifts and Hospitality (see page 7).

## Managing conflicts of interest at meetings

The Chair will ask at the beginning of every APC and subgroup meeting if the members or attendees have any conflicts of interest to declare in relation to the business of that meeting. Visitors in attendance at the meeting must also follow the meeting protocol and declare any relevant interests.

The final decision regarding what action needs to be taken to manage individual declarations of interest during the meeting, lies with the Chair. In the event that the Chair has a conflict of interest, the Vice Chair or Deputy Chair will be responsible for deciding the appropriate course of action in order to manage that conflict of interest. If the Vice Chair and/or Deputy Chair are either also conflicted or not available, then the remaining non-conflicted members of the meeting should agree between themselves how to manage the conflict(s).

Each declaration of interest should be managed on a case-by-case basis, however there are three potential responses following a declaration of interest:

### **No action other than the process of open declaration**

The individual can engage in all aspects of the APC's work. Open declaration will usually be sufficient if there is no perceived conflict of interest, or a financial interest occurred in the last 24 months and is no longer held. For example, if a person has ceased to hold shares or undertake relevant private practice, or received payment or sponsorship to attend a past event and has no ongoing relationship with the sponsoring organisation. This is because the potential to benefit has ceased.

### **Partial exclusion**

The individual can engage in committee discussion or provide advice to the meeting (for example, because of their expert knowledge), but is excluded from the decision-making on the matter relating to the interest.

### **Complete exclusion**

The individual can have no input to a specific topic. For example, where the person has a financial interest and could financially benefit from the outcome of the APC or subgroup's discussions.

## Minutes

All declarations of interest should be recorded in the minutes of the meeting. The minimum that must be recorded in the minutes relating to conflicts of interests is:

- Name of individual declaring the interest;
- The nature of the interest;
- The item on the agenda to which the interest relates;
- How the conflict was agreed to be managed;
- The point during the meeting at which any individuals retired from, and returned to, the meeting as a result of declaring an interest.

## Declaring Gifts and Hospitality

For the purposes of this guidance, declaration of gifts and hospitality applies only to those gifts and offers of hospitality that are directly relevant to an individual's role within the APC or its subgroups.

### Gifts

A 'gift' is defined as 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.

Gifts should not be accepted that may affect, or be seen to affect, an individual's professional judgement or could be perceived as seeking to exert influence to obtain preferential consideration by the APC.

Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings relevant to APC business) must always be declined, whatever the value or source. Gifts from companies involved in the manufacture, promotion, sale or supply of health technologies, including medicinal products and medical devices, should be declined, whatever their value.

Low-cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6.

All declined offers of gifts that are, or could be perceived to be, relevant to APC business, should be declared.

### Hospitality

'Hospitality' is defined as offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events etc.

Hospitality should not be accepted that may affect, or be seen to affect, an individual's professional judgement or could be perceived as seeking to exert influence to obtain preferential consideration by the APC. Particular caution should be exercised when hospitality is offered by companies involved in the manufacture, promotion, sale or supply of health technologies, including medicinal products and medical devices.

Meals and refreshments under a value of £25 may be accepted and need not be declared; those of a value between £25-£75 may be accepted but must be declared; any offers over £75 should be declined.

Modest offers to pay some or all of the travel and accommodation costs related to attendance at events that could be considered relevant to APC business, may be accepted but must be declared.

All declined offers of hospitality that are, or could be perceived to be, relevant to APC business, should be declared.

### Recording of Gifts and Hospitality

The APC declarations of interest register will be used to maintain a record of relevant Gifts and Hospitality.