



South East Clinical Senate

Kent, Surrey and Sussex

South East

Clinical **senate**

Kent Surrey Sussex

Standards of Business Conduct and Managing
Conflicts of Interest

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Standards of Business Conduct and Managing Conflicts of Interest

Standards of Business Conduct:

Members of the South East Clinical Senate (Kent Surrey Sussex) (KSS) Council and ad hoc Council sponsored expert review panels should act in good faith and in line with the high professional standards expected of the South East Clinical Senate (KSS).

Members of the Clinical Senate Council and Clinical Senate expert review groups must comply with the following statements on managing conflicts of interest.

Conflicts of Interest:

The South East Clinical Senate (KSS) will make arrangements to manage conflicts and potential conflicts of interest to ensure that decisions made by the Council and its expert review panels will be taken and seen to be taken without any possibility of the influence of external or private interest.

A conflict of interest will include:

- A direct pecuniary interest: where an individual may financially benefit from the consequences of a commissioning decision (for example, as a provider of services);
- An indirect pecuniary interest: for example, where an individual is a partner, member, employee or shareholder in an organisation that will benefit financially from the consequences of a commissioning decision;
- A non-pecuniary interest: where an individual holds a non-remunerative or not-for-profit interest in an organisation, that will benefit from the consequences of a commissioning decision (for example, where an individual is a trustee of a voluntary provider that is bidding for a contract);
- A non-pecuniary personal benefit: where an individual may enjoy a qualitative benefit from the consequence of a commissioning decision which cannot be given a monetary value (for example, a reconfiguration of hospital services which might result in the closure of a busy clinic next door to an individual's house);
- Where an individual is closely related to, or in a relationship, including friendship, with an individual in the above categories.
 - If in doubt, the individual concerned should assume that a potential conflict of interest exists.
- A person declaring a **personal specific pecuniary or personal family specific interest** shall take no part in the proceedings as they relate to the intervention or matter and will normally leave the meeting until the matter has been concluded. In exceptional circumstances he or she may, at the discretion of the chair, answer questions from

other members but should then leave the meeting until the discussion has been concluded.

- A person declaring a **personal non-specific pecuniary interest** may take part in the proceedings unless, exceptionally, the chair rules otherwise.
- A person declaring a **non-personal specific pecuniary interest, or a personal family non-specific interest** may take part in the proceedings unless he or she has personal knowledge of the intervention or matter either through his or her own work, or through direct supervision of other people's work. In either of these cases he or she should declare this interest and not take part in the proceedings except to answer questions.
- A person declaring a **non-personal non-specific pecuniary interest** may take part in the proceedings unless, exceptionally, the chair rules otherwise.
- When someone declares a **personal non-pecuniary interest** the chair of the meeting shall determine, on a case-by-case basis, whether he or she should take part in the proceedings.

Declaring and Registering Interests:

The South East Clinical Senate (KSS) Management team will maintain a register of the interests of:

- The members of the Kent Surrey Sussex (KSS) Council.
- The members of South East Clinical Senate (KSS) Council-sponsored expert review panels.
- The Clinical Senate Management Support Team.

Individuals will also declare any interest (see Appendix 1) that they have in relation to a decision/recommendation produced by the Clinical Senate Council or its expert review panels in writing to the South East Clinical Senate (KSS) Chair as soon as they are aware of it. Council members will be asked on an annual basis to submit a written declaration of interest. There will also be an opportunity to declare interests as topic(s) for discussion arise, to encompass those who may have a conflict of interest in particular topic(s) being discussed at that meeting.

Where an individual is unable to provide a declaration in writing, for example, if a conflict becomes apparent during a meeting, they will make an oral declaration before witnesses, and provide a written declaration as soon as possible thereafter.

Managing Conflicts of Interest:

Individual members of the Kent Surrey Sussex Clinical Senate Council and its expert review panels will comply with the arrangements determined by the Clinical Senate for managing conflicts or potential conflicts of interest.

The Clinical Senate manager will ensure that for every interest declared, either in writing or by oral declaration, arrangements are in place to manage the conflict of interests or potential conflict of interests, to ensure the integrity of the group's decision making/recommendation processes. The South East Regional Medical Director and Kent Surrey Sussex Clinical Senate Chair are responsible for overseeing management of conflicts of interest on behalf of the Clinical Senate.

Arrangements for the management of conflicts of interest will include the requirement to put in writing to the relevant individual arrangements for managing the conflict of interests or potential conflicts of interests, within a week of declaration. The arrangements will confirm the following:

- When an individual should withdraw from a specified activity, on a temporary or permanent basis.
- Monitoring of the specified activity undertaken by the individual, by a designated individual.
- Where an interest has been declared, either in writing or by oral declaration, the declarer will ensure that before participating in any activity connected with the Clinical Senate's functions, they have received confirmation of the arrangements to manage the conflict of interest or potential conflict of interest from the Clinical Senate Chair.

Where an individual member of the Clinical Senate Council (KSS) or its expert review panels is aware of an interest which:

- Has not been declared, either in the register or orally, they will declare this at the start of the meeting. The KSS Clinical Senate Chair will then determine how this should be managed and inform the member of their decision. Where no arrangements have been confirmed, the Clinical Senate Chair may require the individual to withdraw from the meeting or part of it. The individual will then comply with these arrangements, which must be recorded in the minutes of the meeting.
- Where an interest has previously been declared, in relation to the scheduled or likely business of the meeting, the individual concerned will bring this to the attention of the chair of the meeting, together with details of arrangements which have been confirmed for the management of the conflict of interests or potential conflict of interests.

Where the chair of the KSS Clinical Senate Council has a personal conflict of interest, previously declared or otherwise, in relation to the scheduled or likely business of the meeting, they must make a declaration, and a deputy chair will act as chair for the relevant part of the meeting. Where arrangements have been confirmed for the management of the conflict of interests or potential conflicts of interests in relation to the chair, the meeting must ensure these are followed. Where no arrangements have been confirmed, the deputy chair may require the chair to withdraw from the meeting or part of it. Where there is no deputy chair, the members of the meeting will select one.

Any declarations of interests, and arrangements agreed in any meeting of the KSS Clinical Senate Council or its expert review panels, will be recorded in either the minutes of the council or the report of the expert review panel.

Where more than 50% of the members of a meeting are required to withdraw from a meeting or part of it, owing to the arrangements agreed for the management of conflicts of interests or potential conflicts of interests, the chair (or deputy) will determine whether or not the discussion can proceed.

In making this decision the chair will consider whether the meeting is quorate. Where the meeting is not quorate, the discussion will be deferred until such time as a quorum can be convened. Where a quorum cannot be convened from the membership of the meeting, owing to the arrangements for managing conflicts of interest or potential conflicts of interests, the chair of the meeting shall consult with the Regional Medical Director on the action to be taken.

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Appendix 1:

South East Clinical Senate (KSS)

Declaration of Interest Form Template

For advice on what items should and should not be declared on this form refer to the Standards of Business Conduct and Managing Conflicts of Interest issued with the terms of reference for the Clinical Senate.

Further advice can also be obtained from the South East Clinical Senate (Kent Surrey Sussex) manager.

Employee/Appointee Name:

Directorate/Area of business:

Declaration submitted for the period: *date*

Please tick the statement which applies to your declaration for the
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I submit a nil return, neither having a direct, indirect, non-pecuniary or for personal benefit or interest.

I have outside interests which require me to submit a completed Declaration of Interest form.

Declaration submitted by: _____

Signed: _____

Position: _____

Date: _____

South East Clinical Senate (HTV) Standards of Business Conduct and Managing Conflicts of Interest

| Senate Council Function | Positions in other organisations | Direct pecuniary interest | Indirect pecuniary interest | Non-pecuniary interest | Non-pecuniary personal benefit | Relatives | Date of declaration |
|--------------------------------|---|---|---|--|--|--|----------------------------|
| | | Where an individual may financially benefit from the consequences of a commissioning decision (e.g. as a provider of services). | Where an individual is a partner, member, employee or shareholder in an organisation that will benefit financially from the consequences of a commissioning decision. | Where an individual holds a non-remunerative or not for profit interest in an organisation, that will benefit from the consequences of a commissioning decision. | Where an individual may enjoy a qualitative benefit from the consequence of a commissioning decision, e.g. a reconfiguration of hospital services which might result in the closure of a busy clinic next door to an individual's house. | Related party disclosures: where an individual is closely related to, or in a relationship, including friendship, with an individual in the listed categories. | |
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Only where a declaration is made is acceptance from a Manager required.

Accepted by (Signature)

Date: