**Declaration of interest, gifts and hospitality, and sponsorship**

**Guidance for BSW APC members**

Conflicts of interest are inevitable, but in most cases it is possible to handle them with integrity and probity by ensuring they are identified, declared and managed in an open and transparent way.

Members of the APC will most likely be bound by their respective organisation’s policies in regard to standards of business conduct. This guidance for APC members/sub-committee members/formulary applicants should be seen as complementary to such individual organisations’ policies; it is based on current (including statutory) guidance for NHS bodies.[[1]](#footnote-1)

The guidance applies to members of the BSW Area Prescribing Committee (APC) and to members of any Sub-Committees/Groups of the APC. The guidelines also apply to applicants wishing to make a formulary submission.

**Declaration of interest forms can be found in appendix 2, page 12 onwards.**

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| **Quick guide – when to make a declaration of interest**   * On appointment * On changing role or responsibility * As an annual refresher * Within 28 days of an interest arising (or an interest ceasing) * At meetings where your interest may have some bearing on an agenda item   Always err on the side of caution, it is preferable to over-declare rather than under-declare |

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| **Quick Guide – Gifts, Hospitality and Sponsorship**  Gifts   * DECLINE gifts of any nature from providers/suppliers (current or potential) DECLARE * Accept trivial promotional gifts (calendars, pens) with a value under £6 * Accept gifts from the public up to value of £50 (flowers, biscuits) * DECLINE gifts from the public or multiple gifts in a year that value over £50 DECLARE * DECLINE any gifts of money or money equivalents DECLARE   Declare any gifts within 28 days of offer, whether you accept them or not  Hospitality   * Accept up to value of £25 * Accept up to value of £75 but requires prior authorisation DECLARE * DECLINE if value over £75 DECLARE   Declare within 28 days of offer, whether you accept them or not  Sponsorship   * Sponsorship must not compromise commissioning or purchasing decisions * It must be clear that sponsorship does not imply endorsement of any product or company, and there should be no promotion of products apart from that agreed in writing in advance * No information should be supplied to the sponsor from which they could gain a commercial advantage or which is not normally in the public domain * Where events are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published proceedings   Declare within 28 days of offer, whether you accept them or not, and seek authorisation before accepting |

**Conflicts of Interest**

A conflict of interest is a set of conditions/circumstances in which an individual’s ability to exercise judgement, or act in a role is, could be, or is seen to be impaired or otherwise influenced by their involvement in another role or relationship.

A conflict of interest can occur when there is the possibility that an individual’s judgement regarding their primary duty to NHS patients may be influenced by a secondary interest they hold. Such a conflict may be:

* Potential – there is the possibility of a material conflict between one or more interests in the future
* Actual – there is a material conflict between one or more interests
* Perceived – an observer could reasonably suspect there to be a conflict of interest regardless of whether there is one or not.

Conflicts of interest could include (this is not an exclusive list):

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| **Type of Interest** | **Description** |
| **Financial Interests** | This is where an individual may get, or may be perceived to get, direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:   * 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; * A shareholder (or similar ownership 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; * A management consultant for a provider; or * A provider of clinical private practice.   This could also include an individual being:   * In receipt of secondary income; * In receipt of a grant from a provider; * In receipt of any payments (for example honoraria, one-off payments, day allowances or travel or subsistence) from a provider; * 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; and * 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). |
| **Non-Financial Professional Interests** | This is where an individual may obtain a non-financial professional benefit from the consequences of a decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:   * An advocate for a particular group of patients; * A GP with special interests e.g., in dermatology, acupuncture etc.: * An active member of a particular specialist professional body (although routine GP membership of the Royal College of General Practitioners (RCGP), British Medical Association (BMA) or a medical defence organisation would not usually by itself amount to an interest which needed to be declared); * An advisor for the Care Quality Commission (CQC) or the National Institute for Health and Care Excellence (NICE); * Engaged in a research role; * The development and holding of patents and other intellectual property rights which allow staff to protect something that they create, preventing unauthorised use of products or the copying of protected ideas |
| **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. This could include, for example, where the individual is:   * A voluntary sector champion for a provider; * A volunteer for a provider; * A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation; * Suffering from a particular condition requiring individually funded treatment; * A member of a lobby or pressure group with an interest in health and care. |
| **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) for example, a:   * Spouse / partner; * Close family member or relative e.g., parent, grandparent, child, grandchild or sibling; * Close friend or associate; or * Business partner. |

\* These associations may arise through relationships with close family members and relatives, close friends **and associates**, and business partners. A common sense approach should be applied to these terms**. It would be unrealistic to expect staff to know of all the interests that people in these classes might hold. However, if staff do know of material interests (or could be reasonably expected to know about these) then these should be declared.**

If APC members (including sub-committees) or formulary applicants have interests that do not fit with the descriptions above, but which they believe could be regarded as influencing their advice, they should declare such interests.

The APC will proactively manage potential conflicts of interest by:

* Maintaining and reviewing a register of Declarations of Interest;
* Managing the membership of the APC and its sub-committees and formulary applicants;
* Implementing clear meeting and decision making procedures;
* At meetings, being aware of the law and good practice.

**Declaring an interest**

Members of the BSW Area Prescribing Committee (including sub-committees) must make declarations of interest:

* On appointment to the APC
* On changing role or responsibility in their respective organisation
* As an annual refresher
* Within 28 days of an interest arising (or an interest ceasing)
* At meetings where the interest may have some bearing on an agenda item

To make the declaration, please use the form in Appendix 1.

Note that the APC reserves the right not to appoint an individual if the APC forms the view, based on the individual’s disclosure of the extent of the interest, that the interest is related to an area of business significant enough that the individual would be unable to operate effectively and make a full and proper contribution in the role.

Applicants making a new drug submission to the APC are required to complete a Declarations of Interest form (Appendix 1) as part of the formulary application process.

The APC Secretariat holds and maintains a register of both APC members’ and formulary applicants’ interests. It is the responsibility of the APC Secretariat to ensure that the register is up-to-date. Interests remain on the register for six months after the interest has expired, or the individual has left the APC. A historic record of interests is retained for a minimum of six years from the date on which it expired or the individual left the APC. This register may be made available to the public for inspection, e.g. under FOI requests.

The Register of Interests will give the following information:

* Name of individual / formulary applicant;
* Position within, or relationship with, the APC;
* Type of interest;
* Description of interest;
* Relevant dates relating to the interest;
* Action taken to mitigate risk.

**Management of meetings and decision making**

The Chair of a meeting should consider ahead of each meeting what conflicts are likely to arise and how they should be managed. Through the meeting minutes, the Chair should document management action for committee members which could include:

* Requiring the member not to attend the meeting;
* Ensuring the member does not receive meeting papers for the relevant item;
* Requiring the member to not attend all or part of the discussion and decision on the relevant item; this could include requiring the individual to leave the room.
* Allowing the individual to participate in some or all of the discussion when the relevant matter(s) are being discussed but requiring them to leave the meeting when any decisions are being taken in relation to those matter(s). This may be appropriate where, for example, the conflicted individual has important relevant knowledge and experience of the matter(s) under discussion, which it would be of benefit for the meeting to hear, but this will depend on the nature and extent of the interest which has been declared;
* Noting the nature and extent of the interest but judging it appropriate to allow the member to remain and participate in both the discussion and in any decision;
* Removing the member from the group or process altogether.

For formulary applicants declaring financial interests, they will be advised to seek support from a colleague without such conflicts for the application, who should present the application to the APC instead.

For formulary applicants declaring Non-Financial Professional/Personal Interests or indirect interests, the applicant may present their application and deal with questions unless the chair rules otherwise.

The agenda for APC meetings will contain a standing item, at the commencement of each meeting, requiring members to declare any interests relating specifically to the agenda items being considered, including those interests already formally declared and recorded in the APC Register of Interests.

The Chair of the meeting will decide whether there is a conflict of interest and ensure that the appropriate course of action is taken.

Failure to disclose an interest could ultimately result in removal from the APC. Where others at the meeting are aware of facts or circumstances which may give rise to a conflict of interests which has not been declared, this must be brought to the attention of the Chair to take the appropriate course of action.

Where the Chair of a meeting has a personal interest, previously declared or otherwise, in relation to the scheduled or likely business of the meeting, they must make a declaration and the Deputy Chair (or other nominated individual if the Deputy Chair is also conflicted) will act as Chair for the relevant part of the meeting.

The APC may on occasion rely on advisors to inform the committee’s business. It is likely that these advisors will have interests relevant to the subject matter. Advisors must declare their interests on being invited to participate and, where there are material interests, should be allowed to participate but must not participate in decision making.

Specifically but not exclusively:

a) A member or formulary applicant must declare a **financial interest** if he or she has **at any time** worked on the product under consideration and has personally received payment for that work, in any form, from the pharmaceutical industry.

The member shall take no part in the proceedings as they relate to the product, except, at the Chairman’s discretion to answer questions from other members. If the interest is no longer current, the member may declare it as a **lapsed financial interest** (from the past 6 months).

b) A member or formulary applicant must declare a **financial interest** if he or she has a **current financial interest** in the pharmaceutical company concerned which does not relate specifically to the product under discussion.

The member shall take no part in the proceedings as they relate to the product, except, at the Chairman’s discretion, to answer questions from other members.

c) A member or formulary applicant must declare an **indirect interest** if he or she is aware that the department they work within has at any time worked on the product but the member has not personally received payment in any form from the pharmaceutical industry for the work done.

The member may take part in the proceedings unless he or she has personal knowledge of the product through his or her own work or through direct supervision of other people's work, in which case he or she should declare this and not take part in the proceedings (except to answer questions).

d) A member or formulary applicant must declare an **indirect interest** if he or she is aware that the department for which he or she is responsible is **currently** receiving payment from the pharmaceutical company concerned which does not relate specifically to the product under discussion.

The member may take part in the proceedings unless, exceptionally, the Chairman rules otherwise.

e) If a member or formulary applicant is aware that a product under consideration is or may become a **competitor** of a product manufactured, sold or supplied by a company in which the member has a **current financial interest**, he or she should declare the interest in the company marketing the rival product.

The member should seek the Chairman’s guidance on whether to take part in the proceedings.

**Gifts and Hospitality**

It is acknowledged that gifts, hospitality and sponsorship may be offered. The APC will ensure that individuals do not accept gifts, hospitality or other benefits, which might reasonably be seen to compromise their professional judgement or integrity.

Members of the APC, its sub-committees, or formulary applicants should not ask for or accept gifts, gratuities or honoraria (such as grants, scholarships) from any individual or organisation that may be capable of being construed as being able to influence any decision or cast doubt on the integrity of such decisions.

**Gifts**

Members of the APC, its sub-committees, or formulary applicants should not ask for or accept gifts, hospitality or sponsorship from any individual (e.g. patients, service users) or organization (e.g. suppliers, contractors) that may affect, or be seen to affect, their professional judgement.

Gifts from suppliers or contractors:

* Gifts from suppliers or contractors doing business (or likely to do business) with an organisation should be declined, whatever their value.
* 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 others sources (e.g. patients, families, service users):

* 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 accepted under a value of £50 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.

All gifts of any nature offered to members of the APC, its subcommittees and formulary applicants by suppliers or contractors linked (currently or prospectively) to the APC’s business must be declined, whatever their value, and a record of the offer made on the Register of Gifts, Hospitality and Sponsorship within 28 days. However, trivial gifts of a promotional nature, e.g., calendars, diaries, pens and other similar articles may be accepted and do not have to be declared on the Register of Gifts, Hospitality and Sponsorship. As a guideline the expectation is that such gifts would be worth a maximum of £6 and in most cases would be worth considerably less.

Gifts of a small or moderate value up to a maximum value of £50, from members of the public for work well done, such as flowers or small tokens of appreciation, where there is no risk that the gift could be suspected of influencing the APC’s actions or the cost of returning the gift would not be warranted may be accepted and do not need to be declared.

Gifts from members of the public over £50 in value must be declined and multiple gifts during a year which collectively exceed £50 must also be declined. Where this may offend, the gift may be donated to charity or accepted on behalf of the organisation, but not in a personal capacity, and must be declared.

Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared for inclusion in the Register of Gifts, Hospitality and Sponsorship within 28 clear days of the gift or offer.

It is not appropriate to give gifts to individuals or organisations at public expense.

**Hospitality**

Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of ‘traditional’ working hours. As a result, colleagues will sometimes appropriately receive hospitality. Colleagues receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

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

Overarching principles applying in all circumstances:

* Colleagues should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
* Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
* Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors – these can be accepted if modest and reasonable but individuals should always obtain senior approval and declare these.
* Extreme caution should be applied when considering attendance at any event with a potential supplier because it could give rise to real or perceived conflict of interests. Approval from the APC Chair must always be obtained in these circumstances, and the offer must always be declared whether or not it is accepted.
* Members of the APC, its subcommittees, and formulary applicants should consider whether attendance at events with potential suppliers would benefit the APC and inform its work, by seeking clarification on the agenda and speakers, and by investigating whether the company or their competitors have been involved in any recent research or initiative that may lead to new findings.

Meals and refreshments:

* Under a value of £25 - may be accepted and need not be declared.
* Of a value between £25 and £75 - may be accepted and must be declared.
* Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval within the employee’s organisation is given. A clear reason should be recorded on the register(s) of interest as to why it was permissible to accept.
* A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

Travel and accommodation:

* Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
* Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by senior colleagues, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on an organisation’s register(s) of interest as to why it was permissible to accept travel and accommodation of this type. A non-exhaustive list of examples includes:
* offers of business class or first class travel and accommodation (including domestic travel).
* offers of foreign travel and accommodation.

Modest hospitality is an accepted courtesy of a business relationship. However, the organisation or individual receiving the hospitality should never put themselves in a position where there could be any suspicion that their business decisions could have been influenced by accepting hospitality from others.

Hospitality may be accepted by all colleagues where it is moderate (not exceeding £25), on a similar scale to what would be offered by the employing organisation, in keeping with what is normal in public sector business relationships and where, as far as it can reasonably be assessed by the potential receiver, will not be deemed by others (and in particular by members of the general public), to influence a business decision. Hospitality of this nature does not need to be declared.

Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors, where it may be accepted but should be modest and reasonable, approved by a senior member of the employee’s organisation in advance and declared.

Hospitality which goes beyond this level may be accepted up to an approximated value of £75 but must be declared. Hospitality above £75 approximated value should be declined and the offer must be declared.  In exceptional circumstances, the hospitality can be accepted with the advance approval of a Director and the reason recorded on the register.

Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared. Offers above this level or above what the employer would itself offer can only be accepted in exceptional circumstances, with the prior approval of a Director and must be declared. Where a colleague is invited to attend an external event as part of their personal life but where this relationship and any hospitality provided could be seen to present a potential conflict, the individual must update their Declaration of Interests to reflect the relationship and should be encouraged to declare the hospitality.

Hospitality of £25 and above, either declined or accepted, must be declared by individuals on the Register of Gifts, Hospitality and Sponsorship within 28 clear days. Individuals from Primary Care may need to also record the gift or hospitality on their own practice register.

**Sponsorship**

Sponsorship by commercial companies, including the pharmaceutical sector, is a common practice and reduces NHS expenditure. Committee members may be offered commercial sponsorship for courses, conferences, events, post/project funding, meetings and publications in connection with the activities which they carry out for or on behalf of their employer.

All offers of sponsorship (whether accepted or declined) must be declared on the register of interests. Declarations must be made within 28 days of the sponsorship being agreed.

Acceptance of commercial sponsorship should not in any way compromise decisions of the BSW APC or be dependent on the purchase or supply of goods or services.

It should be made clear to the sponsor that their sponsorship of an event or the availability of publicity material about the company or product will not constitute an endorsement by the APC and that this will be made clear to the public and those attending the event. Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event.

**Declaration of interests**

| **Name** | **Current position/role and organisation** | **Description of the interest (including for indirect interests, details of the relationship with the person who has the interest)** | **Type of Interest** | | | | **Interest is valid** | | **Action taken to mitigate risk** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Financial** | **Non-Financial Professional** | **Non-Financial Personal** | **Indirect** | **from** | **to** |
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*The information submitted will be held by the BSW APC secretariat for reasons specified on this form and to comply with the declaration of interest policy. This information may be held in electronic form in accordance with Data Protection legislation. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000.*

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the APC secretariat as soon as practicable, and no later than 28 days after the interest arises or ceases. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

*I* ***do / do not [delete as applicable]*** *give my consent for this information to be published on registers that the CCG holds. If consent is NOT given please give reasons:*

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**Completed by**

|  |  |  |
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| Signed [typed full name counts as signing]: | Position / Job title: | Date: |
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**Reviewed and mitigating actions agreed by** (BSW APC Chair)

|  |  |  |
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| Signed [typed full name counts as signing]: | Position / Job title: | Date: |
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**Please send completed copy (scanned, by email) to** [**bswccg.formulary@nhs.net**](mailto:bswccg.formulary@nhs.net)

**Declaration of Gifts, Hospitality and Sponsorship**

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| --- | --- |
| **Recipient Name** |  |
| **Position** |  |
| **Date of Offer** |  |
| **Date of Receipt (if applicable)** |  |
| **Details of Gift / Hospitality** |  |
| **Estimated Value** |  |
| **Supplier / Offeror: Name and Nature of Business** |  |
| **Details of Previous Offers or Acceptance by the Offeror / Supplier** |  |
| **Details of the officer reviewing and approving the declaration made and date** |  |
| **Declined or Accepted?** |  |
| **Reason for Accepting or Declining** |  |
| **Other Comments, incl. mitigation of conflicts of interest** |  |

The information submitted will be held by the APC for personnel or other reasons specified on this form and to comply with the declaration of interest policy. This information may be held in electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable, and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

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| --- | --- | --- | --- |
| **Signature:** |  | **Date:** |  |
| **Name:** |  | **Position:** |  |

**(Line Manager or Senior CCG Manager)**

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| --- | --- | --- | --- |
| **Signature:** |  | **Date:** |  |
| **Name:** |  | **Position:** |  |

Please return a scanned signed copy to [**bswccg.formulary@nhs.net**](mailto:bswccg.formulary@nhs.net)

1. For an overview, see <https://www.england.nhs.uk/ourwork/coi/>

   Specifically for this guidance, refer to NHS (2017), *Managing conflicts of interest in the NHS. Guidance for staff and organisations*, <https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>; and NHS (2017), *Managing conflicts of interest. Revised statutory guidance for CCGs*, <https://www.england.nhs.uk/wp-content/uploads/2017/06/revised-ccg-conflict-of-interest-guidance-v7.pdf> [↑](#footnote-ref-1)