

Conflict of interest



Conflicts of interest

In line with the Nolan principles of public life people in public services must not take decisions to gain benefits for themselves, their family, or friends financially, non-financially or indirectly. Each of us has a duty to declare any private interests relating to our public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. Declaring and managing a conflict of interest can mitigate the risk of a member exploiting, or being perceived to be exploiting, the system for their personal, business, or other benefit.

Conflicts of interest are a common and sometimes unavoidable. As such, it may not be possible or desirable to completely eliminate the risk of conflicts as this may be detrimental to the quality of local debate and decision making. However, these issues should be transparent.

Interests themselves are not the problem, interests only become so when they are allowed to interfere with the best decisions being made.

Recognising a conflict of interest

Members and leads of the professional collaborative, cluster and pan cluster planning groups should declare any personal or business interest which may influence, or be perceived to be influencing, or have influenced their judgement in the work of these groups.

This should be based on what a reasonable member of the public might perceive to be a conflict of interest.

A conflict may arise due to an individual's financial, political, professional, or personal business. There may also be a conflict based on the members relationships with a close relative, partner, employee, or employer.

Personal responsibility

Members should be guided by the Nolan principles:

- Selflessness - act in the interests of all contractors or organisations within the cluster area
- Integrity - not be under any obligation that might adversely influence decision-making as a collaborative, cluster or pan cluster planning group member or lead or give the appearance of this.
- Objectivity - in making decisions, act fairly and with the best evidence available.
- Accountability - be accountable to the public, contractors, organisations and other representative bodies in the cluster area.
- Openness - be open with the public, contractors, organisations and other representative bodies in the cluster area
- Honesty - act with honesty and truthfulness in all activities; and
- Leadership - promote and support the above principles by leadership and by example.

Categories

Conflicts of interests generally fall into the following categories

- Personal and specific e.g., a direct payment to an individual in relation to the service under consideration
- Personal and non-specific e.g., a direct payment to an individual but not for the service under consideration
- Non-personal and specific e.g., a direct payment to the organisation of the individual in relation to the service under consideration or payment to a friend/relative for the service under consideration
- Non-personal and non-specific e.g., a direct payment to the organisation of the individual but not for the service under consideration or payment to a friend/relative but not for the service under consideration
- Individuals as consumers of (i.e., patients) of primary care services

Declaring a conflict of interest

Once a conflict has been recognised this needs to be declared as soon as possible. If there are changes to recorded conflicts of interest these must be declared to ensure the registered conflict of interest remains accurate.

The declaration should include:

- Date of declaration
- Details of all parties
- Description of the conflict
 - Includes description of the conflict
 - Any work already carried out
 - How it relates to the work of the group

At each meeting the chair should ask for declarations of conflicts of interest for the items on the agenda

It is recognised that by the nature of the role and purpose of the collaboratives and clusters that individual members may be conflicted at times when it comes to the proposals put forward. directly affecting members as deliverers of primary care services.

Management of conflict of interest

It is the responsibility of chair to decide how the conflict will be managed.

The management will depend on the status of the group i.e., decision making, advisory, etc but each case must be managed on its own merits.

Possible outcomes of a declaration of a conflict of interest may include:

- Allow full participation if that person is deemed the most suited member in terms of their area of expertise and the chair/collaborative lead believes they will act in the best interests.
- The member can still input into a piece of work but cannot play any role in the decision making
- Full removal of that member from any input, discussion or decision making of a particular piece of work
- Member is not to receive any papers in relation to the matter

Examples include (but not exhaustive)

Conflict	Management
A collaborative lead is a contract holder / employee of a contractor in the pan cluster area and may benefit from the outputs of pan cluster work, outside of the usual contractual arrangements.	The member is allowed to participate in discussions around the strategic planning and the development of a service area but is excluded from participation in any decision vote. Ensure the members are held to confidentiality governance arrangements
A member of the pan cluster planning group is an employee of an organisation which may directly financially benefit from the outputs of pan cluster work	The member is allowed to participate in discussions around the strategic planning and the development of a service area but is unable to participate in any decision vote. Ensure the members are held to confidentiality governance arrangements
All members of the contractor collaborative will be a contract holder or employee of a contractor providing services in the pan cluster area.	The role of the collaborative is to recommend upwards and implement agreed programmes. As they are not the decision makers they can participate within the collaborative discussion and recommendations
The member is a contractor or employee of a commissioned service who currently receives funding for a specific service separate to their contractual requirements. The service is subject to the discussion and decision on its future	May provide information about the service Does not participate in discussion or vote
A member of a collaborative works for a corporate body which will benefit not just in the immediate area but also in Wales as a whole.	Ensure the members are held to confidentiality governance arrangements
The member of the collaborative is closely related to a contractor whose service is subject to discussion and decision on its future funding	Mitigation guided by the specific details of the relationship Assessment and mitigations recorded

There should be an agreed process for managing breaches of the conflict-of-interest policy.

A register of gifts and hospitality should be maintained.