

Royal College of Psychiatrists

MEMBERS OF CCQI COMMITTEES, OTHER GROUPS AND EXTERNAL PEER REVIEW TEAMS

POLICY RE CONFLICTS OF INTEREST AND CONFLICTS OF LOYALTIES

1. **Introduction**
 - 1.1 This policy applies to the members of CCQI committees, other groups and external peer-review teams, and sets out guidelines and procedures for identifying, monitoring and managing actual and potential conflicts of interest.
 - 1.2 References to "conflicts" or "conflicts of interest" in this policy include actual and/or potential conflicts of interest and/or duty.
2. **DECLARATION OF INTERESTS IN TRANSACTIONS AND ARRANGEMENTS**
 - 2.1 A member of CCQI Committees, other groups or external peer-review teams must:
 - (a) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the College before the College enters into that transaction or arrangement;
 - (b) declare the nature and extent of any interest, direct or indirect, which he or she has in any transaction or arrangement entered into by the College which has not been previously declared as soon as reasonably practicable; and
 - (c) absent himself or herself from any discussions of the committee, other group or external peer-review team, in which there is a real possibility that a conflict will arise between his or her duty to act solely in the interests of the College and any personal interest (including any personal financial interest) and where appropriate withdraw from the meeting for the duration of those discussions.
 - (d) absent himself or herself from any accreditation or peer-review visit in which there is a possibility of that a conflict will arise between his or her duty to act solely in the interests of the College and any personal interest (including any personal financial interest).
 - 2.2 Failure to comply with the obligation to make the declaration before (or as soon as reasonably practicable after) the transaction or arrangement has been entered into, does not affect the underlying duty to make the declaration.
 - 2.3 Any person absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the committee, other group or external peer-review team, on the matter.
 - 2.4 A member of CCQI committees, other groups or external Peer-review teams is not required to give a declaration of interest unless and until he or she is aware

(or ought reasonably to be aware) of his or her interest and the transaction or arrangement in question.

- 2.5 For the purposes of this section any declaration of interest must be made:
- (a) at a meeting of the CCQI committee, other group or external peer-review team;
 - (b) by including it in the form of declaration (as referred to in paragraph 4.1);
 - (c) by notice in writing in advance of a peer-review visit sent to the programme manager sent by hand, by post or, if the CCQI has agreed to receive it by electronic means, by the agreed electronic means;
 - (d) by notice in writing sent to the other members of the committee, other group or external peer-review team and the CCQI management team sent by hand, by post or, if the CCQI has agreed to receive it by electronic means, by the agreed electronic means.
- 2.6 Where a member of a CCQI committee or other group declares an interest by notice in writing in accordance with this section the making of the declaration shall form part of the proceedings at the next meeting of the committee or other group after the notice is given and shall be recorded in the minutes of that meeting.
- 2.7 A general notice in accordance with this section is a sufficient declaration of interest in relation to the matters to which it relates. A member may give general notice to the effect that he or she:
- (a) has an interest (as member, officer, employee or otherwise) in a specified body corporate or firm and is to be regarded as interested in any transaction or arrangement that may, after the date of the notice, be made with that body corporate or firm; or
 - (b) is connected with a specified person (other than a body corporate or firm) and is to be regarded as interested in any transaction or arrangement that may, after the date of the notice, be made with that person.
- 2.8 Any such general notice (or statement in the form of declaration) must state the nature and extent of the member's interest in the body corporate or firm, or as the case may be, the nature of his connection with that person. A general notice is not effective unless it is given at a meeting of the committee, other group or external peer-review team or, if it is given in writing to the other members of the committee, other group or external peer-review team and CCQI management team, the member concerned takes reasonable step to ensure that it is brought up and read at the next meeting of the committee, other group or external peer-review team after it is given. A general notice may cross-refer to any interests of the member (or person connected with that member) in any body corporate as identified in the register of interests.
- 2.9 Where a declaration of interest proves to be, or becomes, inaccurate or incomplete a further declaration must be made. However, this is only necessary if the College has not yet entered into the transaction or arrangement at the time the member becomes aware of the inaccuracy or incompleteness of the earlier declaration (or ought reasonably to have become so aware).
- 2.10 For the purposes of this policy a "connected person" in relation to a member of a CCQI Committee, other group or external peer-review team means:

- (a) a child, parent, grandchild, grandparent, brother or sister of the relevant member of the CCQI committee, other group or external peer-review Team;
- (b) the spouse or civil partner of the relevant member of the CCQI committee, other group or external peer-review Team or of any person falling within (a) above;
- (c) a person carrying on business in partnership with the member of the Committee, other group or external peer-review team or with any person falling within (a) or (b) above;
- (d) an institution which is controlled:
 - (i) by the member of the CCQI committee, other group or external peer-review team or any connected persons falling within (a), (b) or (c) above; or
 - (ii) by two or more persons falling within (i) when taken together
- (e) a body corporate in which:
 - (i) the member of the CCQI committee, other group or external peer-review team or any connected person falling within (a) to (c) has a substantial interest;
 - (ii) two or more persons falling within (d)(i) above who, when taken together have a substantial interest

Sections 350-352 of the Charities Act 2011 shall apply for the purposes of interpreting the terms "child", "spouse", "civil partner", "control" and "substantial interest".

3. IDENTIFYING CONFLICTS

- 3.1 All members of CCQI Committees, other groups or external peer-review teams should be alert to situations that may give rise to a conflict. It is impossible to set out every situation which may result in a conflict. However, in addition to a "transactional conflict" as identified in section 2 above, a conflict can arise where a member of a CCQI Committee, other group or external peer-review team owes a duty of loyalty to another organisation or person and the conflict is not otherwise authorized under the Bye-Laws.
- 3.2 When making decisions, all members of CCQI Committees, other groups or external peer-review teams must be alert to the possibility that they, or their co-members, could be affected by a conflict of interests.
- 3.3 Conflicts can inhibit open discussions and may result in irrelevant considerations being taken into account or decisions being taken that are not in the best interests of the College.
- 3.4 The members of CCQI Committees, other groups or external peer-review teams will consider whether any conflicts are likely to arise in relation to decisions to be made over the coming year and plan how they will manage such conflicts.
- 3.5 A member of a CCQI Committee, other group or external peer-review team who has identified a possibility of conflict should consult the Senior Associate Director of CCQI before declaring an interest.

- 3.6 There is unlikely to be a conflict when the matter affects healthcare professionals, service users and/or carers generally in a particular area of mental health and the person concerned has no interest (over and above other professionals, service users and/or carers in that area of mental health) except as a practitioner, service user and/or carer within that particular specialty.
- 3.7 If a member a CCQI Committee, other group or external peer-review team has an interest which could lead him or her to be influenced (or reasonably seen to be influenced) by the real possibility of significant personal gain (or loss) of a financial or non-financial nature, the interest is likely to give rise to a conflict. If a member of a CCQI Committee, other group or external peer-review team has an interest in a matter where no significant gain could arise but has a connection or previous involvement in an issue, it will be a matter for the person's discretion (having declared an interest whether to take part in the proceedings, based on whether he or she considers that he or she can bring an open mind to the question.

4. PROCEDURE FOR DECLARING INTERESTS, GIFTS AND HOSPITALITY

- 4.1 On appointment, all members of a CCQI Committee, other group or external peer-review team will be required to complete a declaration of interests form:
- (a) listing any personal interests or positions that may potentially give rise to a conflict of interests (including those interests referred to in paragraph 5.2 below);
 - (b) declaring any gifts or hospitality received in their capacity as member of a CCQI Committee, other group or external peer-review team, the value of which is more than £100;
 - (c) confirming that they are not aware of any conflict, other than those already disclosed, that exists between their role and their personal circumstances or other interests;
 - (d) confirming that they will update the form annually, or sooner if any changes occur; and
 - (e) confirming that they will declare any conflict that arises in the future.
- 4.2 At least once in every 12 month period, all members of a CCQI Committee, other group or external peer-review team must review the information relating to him or her contained in the register of interests and declare that the information is correct or make a further declaration if necessary.
- 4.3 It is for the person concerned to decide which matters to declare but, if in doubt, they should make a declaration.
- 4.4 The information provided by members of a CCQI Committee, other group or external peer-review team will be processed in accordance with data protection principles as set out in the General Data Protection Regulation 2018 and the Data Protection Act 2018. Data will be processed only for the purposes set out in this policy and the purposes set out in the College's privacy policy and not for any other purpose.
- #### **5. MAINTAINING THE REGISTER OF INTERESTS**
- 5.1 The Senior Associate Director of CCQI will be responsible for maintaining the register of interests, and will:

- (a) record in the register all conflicts, interests, gifts and hospitality declared; and
 - (b) circulate amendments or additions to the register (if any) to the committee, other group or external peer-review team at the start of each meeting.
- 5.2 The following interests should normally be declared and entered in the register of interests:
- (a) Posts held in the course of employment or practice;
 - (b) engagement with any organisation in which the member of a CCQI Committee, other group or external peer-review team currently receives or received treatment;
 - (c) any contract for goods, services or works between the College and any firm or organisation in which the trustee is an employee or director has an interest, whether as shareholder or otherwise;
 - (d) any office in a public or professional body (other than the College or where the appointment to that office is made by the College);
 - (e) engagement with any organisation in which the member of a CCQI Committee, other group or external peer-review team is currently or has been involved in the planning, delivery or organisation of services (including service user involvement)
 - (f) membership of a body (including a political party) whose principal purposes include influencing public opinion or policy in areas relevant to the College's work;
 - (g) any significant financial interest relevant to the College's work
 - (h) The interests of a person who is a connected person in relation to the trustee (see paragraph 2.10 above) where:
 - (i) The member of a CCQI Committee, other group or external peer-review team is aware of that interest; and
 - (ii) A fair-minded observer might reasonably perceive a conflict of interest
- 5.3 Registration of an interest does not obviate the need to declare the interest at a meeting when the need arises.
- 5.4 The register of interests will be available for inspection by any member of a CCQI Committee, other group or external peer-review team on request.
- 6. PROCESS FOR DECLARING CONFLICTS**
- 6.1 The first item on the agenda of each meeting will be a standing item requiring all people attending the meeting to declare any conflicts of which they are aware.
- 6.2 If a member of a CCQI Committee, other group or external peer-review team considers that he or she has an actual or potential conflict, he or she should inform the chair as soon as possible but no later than the start of the meeting at which the relevant matter is on the agenda.

- 6.3 If a member of a CCQI Committee, other group or external peer-review team considers that another member, adviser, carer representative or service user has an actual or potential conflict that has not been declared, he should inform the chair at the start of the meeting at which the relevant matter is on the agenda.
- 6.4 If the chair is declaring a conflict, he shall inform his co-members.
- 6.5 The Senior Associate Director of CCQI will ensure that all conflicts declared are noted in the minutes of the meeting in which they were declared or, if not declared in a meeting, in the minutes of the next meeting.

7. **PROCEDURE FOR MANAGING CONFLICTS**

- 7.1 The Chair will inform the other members of CCQI Committees, other groups or external peer-review teams and the Senior Associate Director of any conflict declared.
- 7.2 The non-conflicted persons will then:
 - (a) assess the nature of the conflict;
 - (b) assess the risk or threat to decision-making;
 - (c) decide whether the conflict is non-trivial (that is, it is material or has the potential to be detrimental to the conduct or decisions taken by the trustees); and
 - (d) decide what steps to take to avoid or manage the conflict.
- 7.3 The conflicted person must be absent from the part of the meeting at which the discussion or decision takes place and will not be counted when determining whether the meeting is quorate.
- 7.4 If the non-conflicted person considers that the declared conflict is trivial and does not in any event involve a direct or indirect benefit of any nature to the person concerned or to a connected person, they may agree that the conflicted person may continue to participate in discussions and the decision-making process.
- 7.5 If the non-conflicted persons consider that the conflict is non-trivial, the non-conflicted persons may authorise the conflict subject to the following conditions and such other conditions as they may determine are appropriate in light of the nature and extent of the conflict:
 - (a) the non-conflicted persons consider it is in the best interests of the College to authorise the conflict in the circumstances applying;
 - (b) the conflicted person is excluded from discussions in relation to the matter to avoid inadvertently influencing the non-conflicted persons;
 - (c) the conflicted person is excluded from decision-making in relation to the matter while the conflict exists and he or she is not counted when considering whether there is a quorum of members of the Committee or other groups at the meeting.

The authorisation may provide that the conflicted person be excluded from the receipt of documents and information related to the Conflict and that, where the conflicted person obtains, or has obtained (through his involvement in the Conflict and otherwise than through his position as a member of a CCQI committee, other groups or external peer-review team) information that is confidential to a third party, he or she will not be obliged to disclose that information to the company,

or to use it in relation to the College's affairs where to do so would amount to a breach of that confidence.

Where the committee, other group, external peer-review team or the CCQI management team authorise a Conflict, the conflicted person will be obliged to conduct himself or herself in accordance with any terms imposed by the committee, other group or external peer-review team in relation to the Conflict. The committee, other groups or external peer-review team may revoke or vary such authorisation at any time, but this will not affect anything done by the conflicted person, prior to such revocation or variation in accordance with the terms of such authorisation.

It may be necessary for conflicted person to resign where the conflict is acute or pervasive.

- 7.6 The Senior Associate Director of CCQI will inform the conflicted person of the non-conflicted persons decision. The Senior Associate Director of CCQI will ensure that the conflict declared, an outline of the discussion and the actions taken to manage the conflict are noted in the minutes of the meeting.
- 7.7 CCQI staff will consult the register of interests in advance of any committee, other group or external peer-review team visit to identify any potential conflict.
- 7.8 The Programme Manager, with the support of the Director or Senior Associate Director of CCQI where appropriate, will then:
 - (a) assess the nature of the conflict;
 - (b) assess the risk or threat to decision-making;
 - (c) decide whether the conflict is non-trivial (that is, it is material or has the potential to be detrimental to the conduct or decisions taken by the trustees); and
 - (d) decide what steps to take to avoid or manage the conflict.
- 7.9 if the Programme Manager considers that the declared conflict is trivial and does not in any event involve a direct or indirect benefit of any nature to the member concerned or to a connected person, they may agree that the conflicted person may continue to participate in discussions and the decision-making process.
- 7.10 if the Programme Manager considers that the conflict is non-trivial, the Programme Manager may authorise the conflict subject to the following conditions and such other conditions as they may determine are appropriate in light of the nature and extent of the conflict:
 - (a) the Programme Manager considers it is in the best interests of the College to authorise the conflict in the circumstances applying;
 - (b) the conflicted person is excluded from discussions in relation to the matter to avoid inadvertently influencing the non-conflicted persons;
 - (c) the conflicted person may be excluded attending the external peer review while the conflict exists

8. MONITORING COMPLIANCE AND REVIEWING THIS POLICY

- 8.1 Any member who becomes aware of a breach of this policy shall report it to the Senior Associate Director of CCQI as soon as possible.

- 8.2 The Senior Associate Director of CCQI will:
- (a) report all breaches of the policy of which he or she is aware to the persons at the next meeting;
 - (b) ensure that all such breaches are recorded in the minutes of the relevant meeting; and
 - (c) Report such breaches to the CCQI Board.
- 8.3 The members of CCQI Committees, other groups and external peer-review teams have implemented this policy in order to monitor and manage conflicts of interest. Any failure to comply with the terms of this policy will not, in itself, result in a decision of the members of CCQI Committees, other groups or external peer-review teams being invalidated or in any liability to the **scheme beneficiaries**.
- 8.4 This policy will be reviewed annually, or sooner if required.