

### TERMS OF REFERENCE

<b>Committee:</b>	<b>Conflicts of Interest Committee</b>
<b>Frequency Of Meetings:</b>	As required, but at least one meeting per year.
<b>Committee Chair:</b>	Lay Member (Governance)
<b>Membership:</b>	<ul style="list-style-type: none"> <li>▪ Lay Member (Governance) (Chair)</li> <li>▪ Lay Member (PPI) (Deputy Chair)</li> <li>▪ Accountable Officer</li> <li>▪ Chief Finance Officer</li> <li>▪ Chief Nurse</li> <li>▪ Secondary Care Consultant</li> <li>▪ Sessional Lay Member</li> <li>▪ Head of Corporate Governance</li> <li>▪ Director of Commissioning</li> </ul>
<b>Attendance:</b>	<ul style="list-style-type: none"> <li>▪ Officers conducting procurement exercise (as appropriate)</li> </ul>
<b>Lead Officer:</b>	Head of Corporate Governance
<b>Secretary:</b>	Senior Administrator, Business Support
<b>Quorum:</b>	4 Members, including at least one Lay Member and one Member with a clinical background (i.e. Chief Nurse or Secondary Care Consultant).

<b>Approval:</b>	Audit Committee
<b>Date Approved:</b>	
<b>Version</b>	Draft v0.3
<b>Review Date:</b>	October 2017

## **DELEGATED AUTHORITY**

The Board (CCG Governing Body) has established the Conflicts of Interest Committee to support its arrangements for managing conflicts of interest. The Committee has delegated authority on behalf of the Board to make decisions where the Board or a sub-committee or CCG group would otherwise be conflicted.

The Committee is established in accordance with the NHS Thurrock CCG's Constitution. These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the committee and shall have effect as if incorporated into the Constitution.

The Committee terms of reference are available upon request and shall be published on the website of the CCG.

It is acknowledged that the Board is ultimately accountable for the actions of the Conflicts of Interest Committee and therefore the Committee will:

- I. report on its work by presenting the minutes of its meetings to the Board.
- II. present a specific report to the Board for every decision made by the Committee.
- III. report to the Board on no less than an annual basis.
- IV. review the Terms of Reference annually and submit for Board approval.

## **PURPOSE OF COMMITTEE**

The purpose of the committee is to make decisions on issues which affect GPs, or other Members or Officers working on behalf of the CCG that are conflicted either in their capacity as Providers or other conflict as defined within the CCG Conflicts of Interest Committee.

The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee. The Committee is authorised by the Board to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

## **DEVOLVED FUNCTIONS**

The CCG Constitution describes the CCG functions and duties delegated to the Board. The Board delegates to the Conflicts of Interest Committee those functions relating to areas outlined in the remit and responsibilities of the Conflicts of Interest Committee stated below.

## **REMIT & RESPONSIBILITIES**

The key responsibilities of the Committee are to:

1. Act on behalf of the Board to make decisions with regard to issues which affect GP Members, other Member or Officers of the CCG, where significant conflicts exist preventing other committees or the Board from making those decisions. These

decisions are those which would raise significant conflict of interest issues and will be specifically delegated by the Board as and when they arise.

2. Report the outcome of its decisions to the Board, but act independently. Following the meeting of the committee, the Chair will produce a briefing paper for the Board which will inform them of the decisions made.
3. Oversee the procurement / commissioning processes employed within the CCG (primarily in relation to services within primary care such as Any Qualified Provider (AQP)) where conflicts arise to scrutinise the controls exercised ensuring that the principles of governance set out in the Conflicts of Interest Policy have been followed.

## **MANAGING THE COMMITTEE**

Members of the Committee are expected to comply with the same standards of conduct expected of all CCG and Board members, as set out in the CCG Constitution and the national NHS Constitution.

This includes:

- Abiding by the CCG Conflict of Interest Policy and Standards of Business Conduct Policy, thereby declaring all interests honestly and fully and declaring any conflict of interests.
- Abiding by the CCG Standing orders, Standing Financial Instruction and Scheme of Reservation and Delegation as they may apply.
- Abiding by the Nolan Principles of public life when discharging duties. The seven principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- The TOR will be agreed by the Board and reviewed annually.
- The Committee will undertake an annual self-assessment effectiveness survey.

### **Committee Chair**

The Committee shall be chaired by the Lay Member (Governance) as an independent member of the Board. In the event of the Chair of the Committee being unable to attend all or part of the meeting, the Lay Member (PPI) shall deputise in the role of Chair for the Committee.

### **Secretary**

The nominated officer who shall act as secretary is stated at the outset of this Terms of Reference. The secretary will be responsible for managing and administering the Committee.

### **Frequency and notice of meetings**

Meetings will be held as and when a conflict may arise that impacts on procurement or other decisions or at least one meeting per year to assess the arrangements in place for managing conflicts of interest within the CCG.

### **Minutes and Committee Papers**

All Committee papers must be accompanied by the standard cover sheet providing an executive summary of the salient points of the paper being presented.

The minutes of meetings shall be formally recorded within 5 working days of the meeting by the designated secretary and checked by the Chair of the meeting 7 working days following receipt and submitted to the Board. The Chair of the Committee shall draw to the attention of the Board any issues that require disclosure to the full Board, or require executive action.

### **Decision Making / Policy and Best Practice**

In making decisions the Committee will apply best practice in the decision making processes. This will ensure that all decisions are informed by relevant and reliable data that provides sufficient information upon which a decision can be made and in accordance with CCG procedures (for example those set out within Standing Financial Instructions).

Decisions will be made by consensus wherever possible. Where this is not possible, a vote will be taken with the majority carrying the motion. If this results in a tie, the Chair of the Committee shall have the casting vote.

## **RELATED COMMITTEES**

Any Committee or group of the CCG may refer matters to the Conflicts of Interest Committee for decision or for review. Committees / groups include:

- Quality & Patient Safety Committee
- Finance & Performance Committee
- QIPP Committees
- Commissioning Reference Group (CRG)
- Clinical Engagement Group (CEG)
- Medicines Optimisation Committee
- Primary Care Committee
- Estates Committee

## **REPORTING & REVIEW**

### **Reporting to the CCG Board**

The Committee will report to the Board as described above.

## **WORK PLAN**

The Committee will develop a Work Plan based on the remit and responsibilities of the Committee to include the monitoring of systems and processes in place for the management of conflicts of interest.

This Work Plan will detail the reports required and the frequency of reporting. This will be reflected in a rolling agenda of standing items and a programme of reports presented according to the Work Plan.

## **CONFLICTS OF INTEREST**

The CCG's rules on conflicts of interest as set out in the CCG Constitution, SO and SFIs apply to the work of this Committee. Members, including those in attendance, must, at the outset of the meeting, declare any interest and, where there is a potential or actual conflict, withdraw from the discussion on that item.