

## AREA PRESCRIBING COMMITTEE – Birmingham, Sandwell, Solihull and environs

### A CODE OF PRACTICE FOR DECLARING AND DEALING WITH CONFLICTS OF INTERESTS

#### Scope

- 1.1 This code of practice is written for the Chair and members of the Area Prescribing Committee (APC) and advisory and supporting staff. It describes the circumstances in which they should declare an interest that might conflict, or be perceived to conflict, with their duties and responsibilities to the Committee.
- 1.2 It is in accordance with the code of practice defined by NICE.
- 1.3 The chair of APC and its members are concerned with matters that are connected with industries and organisations whose activities have an impact on the health of individuals and/or on the population. These include not only the healthcare industries but also professional bodies such as the Royal Colleges, professional associations, universities, the NHS, and advocacy groups with a primary focus on health or public health, and private healthcare organisations. To avoid any public concern that pecuniary or other interests might prejudice the advice of the Committee, the arrangements that govern relationships between the Committee, its members or advisory members, and both the healthcare industries and professional organisations on the other, should be on the public record.
- 1.4 In this Code, the definition of terms set out below will apply:
- ‘Healthcare industry’** encompasses:
- companies, partnerships or individuals who are involved with the development, manufacture, promotion, sale or supply of health technologies that are, or may be, used by the NHS including medicinal products subject to the licensing provisions of the Medicines Act (1968) and relevant EU legislation; and medical devices subject to relevant EU legislation
  - companies, partnerships and individuals who are involved in the development, manufacture, promotion, sale or supply of products or services which are advertised, promoted or marketed as contributing to the promotion or maintenance of good health
  - trade associations, both in the UK and elsewhere, representing companies involved with such interventions.
- ‘Professional Organisations’** refers to: the medical, nursing, and midwifery Royal Colleges and Faculties; health and public health professional associations, bodies and societies; universities; NHS organisations; or any other bodies with whom members have or are considering a contractual relationship.
- ‘Advocacy Group’** refers to organisations whose functions include speaking for and on behalf of individuals and groups with an interest in health or health-related matters of the kind on which the Committee issues guidance.
- ‘Members’** includes all advisory body members for the committees and groups described in 2 below.
- ‘Family members’** refers to a spouse or partner living in the same residence as the member, children for whom the member is legally responsible, and adults for whom

the member is legally responsible (for example, an adult whose full power of attorney is held by the individual).

**'Expert advisor'** refers to clinical, patient or other experts invited to attend and take part in a Committee advisory body meeting.

**'Evidence contractor'** refers to organisations that Clinical Commissioning Groups contract, directly or indirectly, to supply evidence used by the guidance-producing advisory bodies.

- 1.6 If members or expert advisors have interests not specified in this Code but which they believe could be regarded as either influencing their advice or role or be perceived to influence their advice or role, they should declare them.

## 2 Who is covered?

- Members of the APC
- Expert advisers invited or contributing to meetings
- Any subgroups or delegated groups that may report to the committee
- Applicants to the formulary

## 3 What interests are involved?

- 3.1 The following is intended as a guide to the kinds of interest that should be declared. If a person covered by this code (as defined in section 2) is uncertain whether an interest should be declared, he or she should seek guidance as follows:

- Chair of the APC
- Commissioning lead pharmacists from the CCGs

Neither an individual covered by this Code, nor the Committee, are under an obligation to search out links of which they could not reasonably be expected to be aware between a company or organisation in which they have a connection or interest and another company or organisation.

- 3.2 Although particular attention is given to members' pecuniary interests, the Committee is also conscious that risks to an individual's reputation could also be (or be perceived to be) prejudicial to his or her advice. Arrangements covering 'reputational risk' are therefore also considered in this document (see below).

- 3.3 **A personal pecuniary interest** involves a current personal payment, which may either relate to the manufacturer or owner of a product or service being evaluated, in which case it is regarded as **'specific'** or to the industry or sector from which the product or service comes, in which case it is regarded as **'non-specific'**. The main examples include the following.

- Any consultancy, directorship, position in or work for a healthcare industry that attracts regular or occasional payments in cash or in kind, both those which have been undertaken in the 12 months preceding the meeting at which the declaration is made and which are planned but have not taken place.

- Any fee-paid work commissioned by a healthcare industry for which the individual is paid in cash or in kind, both those which have been undertaken in the 12 months preceding the meeting at which the declaration is made and which are planned but have not taken place.
- Any shareholdings, or other beneficial interests, in shares of a healthcare industry that are either held by the individual or for which the individual has legal responsibility (for example, children, or relatives whose full Power of Attorney is held by the individual)
- Expenses and hospitality provided by a healthcare industry company beyond that reasonably required for accommodation, meals and travel to attend meetings and conferences, both which have been undertaken in the 12 months preceding the meeting at which the declaration is made and which are planned but have not taken place.
- Funds which include investments in the healthcare industry that are held in a portfolio over which individuals have the ability to instruct the fund manager as to the composition of the fund.

No personal interest exists in the case of:

- assets over which individuals have no financial control (for example, wide portfolio unit trusts and occupational pension funds) and where the fund manager has full discretion as to its composition (for example, the Universities Superannuation Scheme)
- accrued pension rights from earlier employment in the healthcare industry.

3.4 **A non-personal pecuniary interest** involves payment or other benefit that benefits a department or organisation for which an individual has managerial responsibility, but which is not received personally. This may either relate to the product or service being evaluated, in which case it is regarded as '**specific**,' or to the manufacturer or owner of the product or service, but is unrelated to the matter under consideration, in which case it is regarded as '**non-specific**'.

The main examples include the following.

- The holding of a fellowship endowed by the healthcare industry.
- Any payment or other support by the health industry, that does not convey any pecuniary or material benefit to an individual personally but that might benefit him or her.

Examples include:

- i) a grant from a company for the running of a unit or department for which a member is responsible
- ii) a grant or fellowship or other payment to sponsor a post or member of staff in the unit for which a member is responsible

- iii) the commissioning of research or other work by, or advice from, staff who work in a unit for which the member is responsible;

An individual covered by this Code is under no obligation to seek out knowledge of work done for, or on behalf of, the healthcare industry within the departments for which they are responsible if they would not normally expect to be informed.

3.5 **A personal non-pecuniary interest** in a topic under consideration might include, but is not limited to:

- i) a clear opinion, reached as the conclusion of a research project, about the clinical and/or cost effectiveness of an intervention under review
- ii) a public statement in which an individual covered by this Code has expressed a clear opinion about the matter under consideration, which could reasonably be interpreted as prejudicial to an objective interpretation of the evidence
- iii) holding office in a professional organisation or advocacy group with a direct interest in the matter under consideration
- iv) other reputational risks in relation to an intervention under review.

3.6 **A personal family interest** relates to the personal interests of a family member and involves a current payment to the family member of the Committee member. The main examples include the following.

- Any consultancy, directorship, position in or work for a healthcare industry that attracts regular or occasional payments in cash or in kind.
- Any fee-paid work commissioned by a healthcare industry for which the member is paid in cash or in kind.
- Any shareholdings, or other beneficial interests, in a healthcare industry which are either held by the family member or for which an individual covered by this Code has legal responsibility (for example, children, or adults whose full Power of Attorney is held by the individual).
- Expenses and hospitality provided by a healthcare industry company (except where they are provided to a general class of people such as attendees at an open conference)
- Funds which include investments in the healthcare industry that are held in a portfolio over which individuals have the ability to instruct the fund manager as to the composition of the fund.

No personal family interest exists in the case of:

- assets over which individuals have no financial control (for example, wide portfolio unit trusts and occupational pension funds) and where the fund manager has full discretion as to its composition (for example, the Universities Superannuation Scheme)
- accrued pension rights from earlier employment in the healthcare industry.

## 4 When should interests be declared and what action is required?

### On appointment

- 4.1 The chair, and members of Committee must declare all categories of interests on appointment, and then annually. Only the name of the company and the nature of the interest are required; the amount of any salary, fees shareholding, grant etc need not be disclosed. An interest is current if the member has an ongoing financial involvement with the healthcare industry; or if the member or the department or organisation for which he or she has managerial responsibility is in the process of carrying out work for the healthcare industry; or if the member holds office in a professional body that is contracted to their employing organisation. Non-personal interests involving less than £1000 from all sources in the previous year need not be declared.
- 4.2 Any uncertainty about potential conflicts of members on appointment should be resolved at the discretion of the relevant chair and recorded in the letter of appointment. Members should be transparent about any conflicts in discussions. It is recognised that individuals may have some interaction with the healthcare industry and, while this should be declared, it does not necessarily preclude membership.

### At meetings

- 4.3 Members and other individuals covered by this Code who are attending to take part in the meeting should declare relevant interests at each advisory body meeting and at appeal panels and state into which of the following categories they believe the interest falls.
- A person declaring a **personal specific pecuniary or personal family interest** may only at the discretion of the chair answer questions from other members, or take part in the proceedings.
  - 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** 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 this case they may only at the discretion of the chair answer questions from other members, or take part in the proceedings.
  - 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 advisory body shall determine, on a case-by-case basis, whether he or she should take part in the proceedings.

### Special note on Competitor interventions

If a member is aware that an intervention or matter under consideration is, or may become, a competitor of an intervention developed, manufactured, sold or supplied by a company in which the member has a current personal pecuniary or personal family interest, he or she should declare an interest in the company marketing the

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

## **5 Record of interests and their publication**

5.1. A record is kept of names of individuals who have declared interests on appointment, as the interest first arises or through the annual declaration, and the nature of the interest;

- names of individuals who have declared interests at meetings giving dates, names of relevant interventions and companies, details of the interest declared and whether the member took part in the proceedings.

5.2 Information about any interests declared under this Code will be made publicly through the minutes,

**AREA PRESCRIBING COMMITTEE – Birmingham, Sandwell and Solihull**

**Annual Declaration of Interests for Members of the Area Prescribing Committee**

**Name:**

**Role:**

**Declaration of Interest**

Please detail below any interests in which you are involved as per the Declaration of Interest Procedure. If you have nothing to declare please state this clearly below.

<b>Date / Duration</b>	<b>Details of Interest</b>	<b>Details of any relevant benefit</b>

I confirm that the above declaration is current and undertake to update the committee chair should this alter during the next 12 months.

Print name:

Signed:

Date:

(If preferred members can email the completed form to the APC Secretary from their email registered with the APC Secretary. The email will be taken as the authorised signature).