

NETSCC Policy on declaring and managing conflicts of interest for programme advisory committee members

This policy is primarily, but not exclusively relevant, to:	<i>Application & Funding, ID & Prioritisation, Editorial, CTU support funding.</i>
Other related documents:	<i>Programme Advisory Committee Terms of Reference NETSCC Policy on the Appointment of Unpaid Members to NETS Panels and Boards</i>
Review date:	<i>17/09/2018</i>

This document is a NETSCC Policy. The completion of all policies co-ordinated by NETSCC must follow a uniform format that will safeguard consistency. The aim of the NETSCC policy and SOP framework is to ensure NETSCC is compliant with key legislation, University, and Department of Health Policies.

All managers and staff working at NETSCC have a responsibility to ensure that processes, and activities required, adhere to all Policies and any applicable SOP's. This will help maintain the reputation of NETSCC as a coordinating centre for high quality needs-led, science-added research is maintained.

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1. Policy

Potential conflicts of interest must be handled with the necessary level of consistency, clarity and transparency across the NETS programmes, to ensure that probity and legislative requirements are met for both the organisation and external advisors.

2. Underlying Principles

- 2.1 The underlying principles of this policy are those of the (Nolan) committee on standards in public life (see appendix A)
- 2.2 Consistency across NETS and with similar research funding organisations is desirable but programmes must be able to flexibly interpret the policy and its definitions.
- 2.3 A potential conflict which is not declared and managed may result in undue influence or bias, embarrass or put the credibility of the programme and its members at risk.
- 2.4 It is also important that there are sufficient committee members who have the appropriate knowledge and skills to make an informed decision. Each decision to exclude someone from a committee must balance these competing risks - of bias due to conflict of interest versus wrong decisions from lack of expertise.
- 2.5 A conflict of interest will be recorded against the relevant item in advisory committee meeting minutes and published with the public minutes of each meeting.

3. Direct and indirect conflicts of interest

- 3.1 A direct potential conflict of interest arises where a committee member has a personal vested interest in a decision of the committee. For example:

- They, or their partner or close family member, have a financial or commercial interest (in receipt of pensions, consultancies, directorships, honoraria, significant shareholdings, financial interests or voting rights in companies)
 - They or their partner or close family member are an applicant on the proposal being assessed
 - They or their partner or close family member are an applicant on a rival research proposal.
- 3.2 An indirect potential conflict arises when a committee member could gain indirectly from the decision of the committee. For example:
- They are a close colleague of the applicant such as in the same department, or another organisation with a shared budget.
 - A more distant colleague of an applicant for instance from the same University
 - They have previously been or are an important research collaborator (within the last three years).
- 3.3 Institutional applications within the same department or division are almost always likely to be important indirect conflicts. Those from the wider school or institute will need to be judged on a case by case basis, using a value based approach. Applications from the wider faculty or university are unlikely to constitute an important conflict of interest.
- 3.4 The potential conflict may be current, or could arise in future, such as if a member might apply for a grant in a topic under discussion.

4. Examples of what could constitute financial or commercial conflicts of interest

- 4.1 Personal remuneration (of any amount) from organisations including employment, pensions, consultancies, directorships and honoraria
- 4.2 Shareholdings and other financial interests in companies held by committee members or their close family
- 4.3 Non-financial or unremunerated involvement with organisations, such as directorships of companies or organisations, which might benefit from support by the NIHR

5. Declaring potential conflicts of interest

- 5.1 The chair should offer advice and adjudicate on the nature of the potential conflict and rule on if it requires acting on. Panel and Board members should be encouraged to raise concerns over other member's potential conflicts of interest either within the meeting or in confidence with the Chair.
- 5.2 Registry of persistent potential conflicts of interests
It is the responsibility of each committee member to declare interests to the secretariat and/or chair as they emerge or as member's become aware of them.

In addition, committee members are required to complete and sign a declaration of interests form when they join an advisory committee; this must be reviewed and updated at least annually thereafter (see appendix B). Members are required to provide written acknowledgement of their agreement to comply with the advisory group Terms of Reference and relevant policies and procedures such as conflicts of interest via signing and returning the declarations section of the Register of Interest form at appendix B.

The register information for NETS programmes is now publically available on the NIHR website and will be updated on an annual basis, or available on request to support the transparency agenda.

- 5.3 Ad-hoc declarations of potential conflicts of interests
Ad-hoc potential conflicts of interest related to agenda items are to be declared at the meeting and recorded by the secretariat in the minutes (as necessary)

6. Handling potential conflicting interests

The context of a potential conflict of interest, and therefore subsequent action, is related to the item under consideration and not the meeting in which it is being considered; a single meeting could consider items in all categories.

7. Advisory committees providing strategic advice

- 7.1 This applies to consideration of items that provide advice to the programme director on the general direction of a work stream or programme
- 7.2 This applies to some considerations of EME Board and Strategy Group, NIHR Journals Library Editorial Board, HTA Prioritisation Group, PHR Programme Advisory Board, PHR Prioritisation Group, HS&DR Board and Panels, CTU Standing Advisory Committee, and the SRP Advisory Group.
- 7.3 The guiding principle is that conflicted members may normally be present but must declare conflicts so it can be taken into account in decision making. The Chair may rule that the member must leave the room and has discretion over the extent to which the conflicted members may contribute to discussion and voting if they remain.
- 7.4 If the Chair has a potential conflict of interest the deputy chair should chair the item and rule if the chair may remain and contribute to the discussion.
- 7.5 In the event of both Chair and Deputy Chair having a potential conflict of interest requiring both to leave the room, the particular agenda item will be chaired by another member of the committee or secretariat as identified by the Programme Director. For HTA and EME funding boards, this could be the Programme Director if they are not conflicted.
- 7.6 If the Programme Director is conflicted, and the advice is aimed at them, they may remain and careful summing up and recording can ensure probity despite the conflict.

8. Advisory committees advising on pre-proposal items

- 8.1 This applies to consideration of items that do not involve a specific project/applicant
- 8.2 This applies to research topics or briefs considered by the HTA panels and Prioritisation Group, HS&DR panel, EME Strategy Group and PHR programme advisory board.
- 8.3 The guiding principle is that conflicted members may normally be present but must declare potential conflicts so it can be taken into account in decision making. The Chair may rule that the member must leave the room and has discretion over the extent to which the conflicted members may contribute to discussion and voting if they remain.
- 8.4 If the Chair has a potential conflict of interest the deputy chair should chair the item and rule if the chair may remain and contribute to the discussion.
- 8.5 In the event of both Chair and Deputy Chair having a potential conflict of interest requiring both to leave the room, the agenda item will be chaired by another member of the committee or secretariat. For HTA and EME funding boards, this could be the Programme Director if they are not conflicted.

9. Advisory committees giving specific recommendations on projects or proposals

- 9.1 This applies to consideration of items that will impact a specific project or applicant.
- 9.2 This applies to funding decisions, post award monitoring reports, or editorial reports considered by the EME board, HS&DR board and panels, HTA pre-board researcher-led PG and post-board PG teleconferences and panels considering researcher led proposals, HTA funding boards, NJL editorial board, PHR programme funding board, Global Health Research Programme Panel, CTU Standing Advisory Committee, Cochrane funding panels and Cochrane Programme Advisory Board and post award management handling of reports, visits, or requests for funding extensions.
- 9.3 The guiding principles are that members with a direct or important indirect (including departmental) potential conflict of interest should not be present for discussion or vote on conflicted items. Where there is an indirect potential conflict, such as academic or wider institutional conflict of interest, the Chair may take a values based approach and rule that the member may remain in the room and contribute to the discussion, and whether they may vote. Declared conflicts, the decision and those leaving the room will be recorded in the minutes.
- 9.4 The Chair or Programme Director will also leave the room for more minor indirect potential conflicts including where an applicant is from their institution.
- 9.5 In the event of both Chair and Deputy Chair having a potential conflict of interest requiring both to leave the room, the agenda item will be chaired by another member of the committee or secretariat as identified by the Programme Director. For HTA and EME funding boards, this could be the Programme Director if they are not conflicted.

9.6 Conflicted members may not receive items within their papers where these potential conflicts are known ahead of the meeting (from the registry or other means). They also do not see referees comments or responses from applicants.

9.7 Chairs and Programme Directors may receive all paperwork even if they are conflicted. This is required to ensure they can perform their duties in managing the overall portfolio of the programme.

10. Teleconferences

Due to the particular operational difficulties with teleconferences and the impact disruption has on the robustness of decision making, the interpretation of the policy during teleconferences is left to the discretion of the chair. This will usually result in co-applicants leaving the teleconference; for wider conflicts members may remain (subject to chair's discretion) with probity and transparency ensured through the chair, group responsibility and careful minuting.

11. Other meetings/forums

For example monitoring reports, site visits, and email exchanges. Conflicted members should follow the spirit of the above policy for face to face meetings with the same context in regards to whether they should be party or contribute to discussions, or be involved.

12. Dealing with concerns regarding potential conflicts of interest

A confidential process to deal with potential conflict concerns, raised by interested academics and other third parties, is accessible via the 'Contact us' web page on the NIHR website. Concerns raised via this route should be directed to the relevant [NIHR programme contact](#), who will oversee the independent review of allegations received.

Further information on whistleblowing is available at:

<https://www.gov.uk/whistleblowing/who-to-tell-what-to-expect>.

13. Purpose of this document

12.1 This document sets out the policy on how potentially conflicting interests of advisory group members should be declared and managed at NETS programme advisory meetings

12.2 The register of interest form and guidance are included as appendix B and C.

14. Purpose of the policy

13.1 The purpose of this policy is to ensure that all potential conflicts of interest are handled with a minimum level of consistency, clarity and transparency across the programmes and that probity and legislative requirements are met for both the organisation and external advisors.

- 13.2 Flexibility in a particular programme's interpretation of the definitions of potential conflicts is encouraged to ensure pragmatic and proportionate management of potential conflicts and committee business

15. Scope

This policy applies to all NETS programmes, and NETSCC managed areas of Clinical Trials Units contracts and NIHR Systematic Reviews Programme.

16. Terminology

- Potential conflicts of interest exist when professional judgement concerning the interests of the committee in reaching a fair decision could potentially be influenced by a secondary interest that may result in undue influence, embarrass, or put the credibility of NIHR, the programme, or the member at risk.
- Persistent potential conflicts of interests are interests that are predictable and likely to persist over meetings (such as host institution, major collaborators); these should be captured in a register
- Ad-hoc potential conflicts of interests are interests that are unpredictable and are related to the item under consideration (such as a member is likely to apply to an advertised brief); these should be raised at the meeting and captured in the minutes.
- External advisors are members of programme advisory committees. Programme advisory committees include a range of bodies such as boards, panels and groups who make prioritisation, editorial or funding recommendations and/or provide strategic advice to the programme.
- Important and minor conflicts have not been defined but are left to the judgement of the chair of the appropriate committee to ensure pragmatic and proportionate management of potential conflicts and committee business.

17. Overall Responsibility

The Assistant Director with responsibility for the applicable work area (who is also the Accountable Policy Holder) is responsible for ensuring that this policy is compliant and implemented in their directorate.

The Document Control Manager has overall responsibility of the online management of this document.

18. Version history

NIHR Website: V1.0 January 2018

19. Appendix A: (Nolan) Committee on standards in public life (public information only)

The seven principles of public life

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

- **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

20. Appendix B: Declaration of Interests Form for advisory committee members v2
NETS ADVISORY GROUP MEMBERS
REGISTER OF INTERESTS FORM

1. This Register is intended to capture **long term predictable interests** that could be perceived to lead to conflicts of interest. These and any other interests will be judged on a case by case basis and should be raised with NETSCC when you are sent a list of proposals to review or at the advisory group meeting.
2. This form should be used to report any interests that could potentially cause embarrassment or damage the credibility of yourself, the programme or NIHR if they subsequently come to light in relation to the decision making of the NETS group of which you are a member. In line with the government's transparency agenda the information submitted on this form will be made publically available on NETS programme websites.

Name:	<i>NETSCC to complete</i>
NETS Programmes and Advisory Groups: (where members sit on more than one NETS advisory group, this register applies to all)	<i>NETSCC to complete</i>
Primary Employer:	

Registerable interest (over the past 3* years)	Yes / No	Nature of interest
1. Personal financial <i>e.g. other employment, honorarium, contracts, academic collaborations where income has been personally received or attributed, consultancies, directorships, shares...</i>		
2. Personal non-financial <i>e.g., honorary contracts, unpaid academic collaborations, memberships, charities, Trustees, pressure groups...</i>		
3. Non-personal financial <i>e.g. funding to a department and not to an individual...</i>		
4. Other interests		

*If an application arises for a major interest that is more than 3 years old you will be expected to declare it at the meeting and appropriate action will then be taken.

I declare the information provided is accurate
 Please check the box to confirm this statement

I understand that this information will be stored electronically and will be publicly available on the NETS website
 Please check the box to confirm this statement

I agree to comply with the advisory group Terms of Reference, and policies and procedures relevant to the advisory group role(s) that I undertake
 Please check the box to confirm this statement

Date:

Notes for completion of declaration of interests form

1. This form (an online Google form) is intended to capture long term predictable interests that could be perceived to lead to conflicts of interest. Other interests will be judged on a case by case basis and should be raised with NETSCC once you are aware of them (e.g. once you have been sent a list of proposals to review) or at the group meeting.

This form should be used to report any interests that could potentially cause embarrassment or damage the credibility of yourself, the programme or NIHR if they subsequently come to light in relation to the decision making of the NETS group of which you are a member. Advisory group members should be aware of the possibility of breaching the [Fraud act 2006](#) and the potential legislative consequences of failing to comply with the conflicts of interest requirements and policy.

2. If in doubt you should err on the side of disclosure and/or discuss uncertainties with your chair or NETSCC secretariat.
3. Please complete this form with respect to your own interests and those of your 'institution' which you feel could be perceived to lead to conflicts of interests in relation to the work of the NIHR.
4. The form will be sent to you for checking and updating once a year. However any material changes to the information supplied should be notified to the secretariat of your advisory group as they occur. Please note that as this information is subject to change this does **not** replace the need to report all interests when you are sent a list of proposals to review or at advisory group meetings.
5. PLEASE NOTE: in line with the government's transparency agenda the information submitted on this form will be made publically available on NETS programme websites (updated annually).

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998

21. Appendix C: Guidance on completing Register of Interests Form

GUIDANCE ON COMPLETING THE REGISTER OF INTERESTS FORM FOR NETS ADVISORY GROUP MEMBERS

All members of NETS advisory groups are required to declare any interests which conflict, or may be considered to conflict, with NETS business, or may be perceived as influencing decisions made in the course of your work with NETS programmes. The Register is intended to capture long term predictable interests that could be perceived to lead to conflicts of interest. These and other interests will be judged on a case by case basis at individual meetings. All known interests should be raised with NETSCC once you have been sent a list of proposals to review or at the advisory group meeting.

These declarations support the probity of the decision making process by providing transparency and recognition that any potential conflicts will be raised, considered and managed according to the overarching NETSCC wide policy *Declaring and managing conflicts of interest for programme advisory group members*.

You are asked to declare all relevant private, professional, commercial, financial, political or other interests that might, should they come to light at a future date, lead to a perception of bias or embarrass either the programme, the NIHR or the individual who withheld the fact. Advisory group members should be aware of the possibility of breaching the Fraud act 2006 and the potential legislative consequences of failing to comply with the conflicts of interest requirements and policy.

Members are asked to complete a register entry at the beginning of their tenure and it will be sent to you for checking and updating annually. However, members should notify the programme if any material changes occur during the year. As this information is subject to change members are responsible for ensuring that all known interests are raised with NETSCC once they have been sent a list of proposals to review or at the advisory group meeting.

Please see the guidance provided below for completing the form. Any further questions should be discussed with the person who sent you the form.

Register entries are published on the appropriate NETS website page to provide transparency about NETS processes and the management of potential conflicts of interest.

Register of Interests Form - Introductory information

Please provide the name of your primary employer. Your name and the details of the NETS programme and Advisory Group which you are a member will have been pre-populated by the NETSCC secretariat.

Please complete the form, explaining the nature and describing the interests where they exist.

1. Personal financial

This includes other employment, honoraria, contracts, academic collaborations where income has been personally received or attributed, consultancies, directorships, shares.

- 1.1 Provide the names of the body or company from which you receive personal remuneration (of any amount):
 - (i) Any appointment at a university or research institute or similar body;
 - (ii) Any directorships, employment, consultancies or other connection with companies in any field where the company might benefit from support by the NIHR either as a collaborator or in some other way;
 - (iii) Any position of authority in charities and other bodies providing research funding, or

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support for policy or communication in relevant fields;
(iv) Any other body involved in medical, bio-medical, pharmaceutical, healthcare provision or science or health policy/communication.

- 1.2 Declare any major academic collaborations outside your own organisation. Please provide the name of the university (and department), institute, company or similar body, and the nature of the connection e.g. research collaboration.
- 1.3 Declare the name of any company in which you have direct shareholdings or other financial interests, which are involved or may in the future be involved in the medical, biomedical, pharmaceutical, healthcare provision and similar fields.
- 1.4 The amount(s) of remuneration received or value of any shares **does not** need to be declared.

2. Personal non-financial

This includes honorary contracts, unpaid academic collaborations, memberships, charities, Trustees, pressure groups.

- 2.1 Declare any unremunerated involvement with, or membership of, any other body in connection with medical, bio-medical, pharmaceutical, healthcare provision and similar activity, including relevant:
 - (i) appointments at a university or research institute or similar body;
 - (ii) directorships or employment or other connection with companies in any field where the company might benefit from support by the NIHR either as a collaborator or in some other way;
 - (iii) positions of authority in charities and other bodies providing research funding or science or health policy/communication.
- 2.2 Members are expected not to occupy paid party political posts, or to hold particularly sensitive or high-profile unpaid roles in a political party, pressure group or similar organisation. Any political/pressure group associations should be declared.

3. Non-personal financial

This includes funding to a department and not to an individual.

4. Other interests

This could include other interests not mentioned above, but which you consider could be perceived to lead to a conflict of interest.

Sensitive information

If you have any concerns about sensitive information please ask your NETS group contact.

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