

Integrated Care Board

Date of meeting	13 March 2024
Title of paper	Annual Review and publication of Conflicts of Interest Registers
Presented by	Sam Proffitt, Chief Finance Officer
Author	Debra Atkinson, Company Secretary/Director of Corporate Governance Claire Moore, Head of Risk, Assurance and Delivery
Agenda item	15
Confidential	No

Executive summary

The purpose of this report is to provide the board with the annual review and publication of the ICB's registers of interests including gifts, hospitality and commercial sponsorship and the register of procurement decisions, which are published on the ICB's website: [LSC Integrated Care Board :: Lists and registers \(icb.nhs.uk\)](https://www.lsc.nhs.uk/Lists-and-registers).

The report provides an overview of the activity undertaken since the last report to the board in November 2022 including the significant progress made in the development of the ICB's systems and processes to ensure compliance with the statutory requirements for managing Conflicts of Interest (including gifts and hospitality).

Also included is an update on the ICB's arrangements for staff training following the recent launch of NHS England's online training module for Managing Conflicts of Interests for ICB staff. This will be implemented from 1 April 2024 as part of the ICB's core mandatory training requirements.

The publication of the revised NHS England guidance is awaited and will inform any further updates required to the ICB's policy for Managing for Conflicts of Interests.

The report highlights the "substantial assurance" opinion provided by Mersey Internal Audit Agency (MIAA) following their review of the arrangements in place to manage conflicts of interest and gifts and hospitality. This includes compliance with NHS England's statutory guidance on Managing Conflicts of Interest.

The corporate team will continue to provide advice and guidance to all staff on any local matters relating to the management of conflicts of interest (including gifts and hospitality) and ensure it is aligned to national guidance for NHS organisations.

Recommendations

The Board is requested to:

- **Note** the contents of the report;
- **Note** the annual review and publication of the ICB's registers of interests including the significant work undertaken to ensure compliance with the ICB's statutory requirements for managing conflicts of interests;
- **Support** the recommendation that all staff undertake the online training module as part of mandatory training requirements effective from 1 April 2024.

Which Strategic Objective/s does the report contribute to

		Tick
1	Improve quality, including safety, clinical outcomes, and patient experience	Y
2	To equalise opportunities and clinical outcomes across the area	Y
3	Make working in Lancashire and South Cumbria an attractive and desirable option for existing and potential employees	Y
4	Meet financial targets and deliver improved productivity	Y
5	Meet national and locally determined performance standards and targets	Y
6	To develop and implement ambitious, deliverable strategies	Y

Implications

	Yes	No	N/A	Comments
Associated risks			N/A	
Are associated risks detailed on the ICB Risk Register?			N/A	
Financial Implications			N/A	

Where paper has been discussed (list other committees/forums that have discussed this paper)

Meeting	Date	Outcomes
Audit Committee	25 January 2024	The committee noted the report.
Executive Management Team	5 March 2024	Approved.

Conflicts of interest associated with this report

N/A

Impact assessments

	Yes	No	N/A	Comments
Quality impact assessment completed			N/A	
Equality impact assessment completed			N/A	
Data privacy impact assessment completed			N/A	

Report authorised by:	Sam Proffitt, Chief Finance Officer
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Integrated Care Board – 13 March 2024

ICB Managing Conflicts of Interest (including gifts and hospitality) Annual Review of ICB Registers

1. Introduction

- 1.1 The purpose of this report is to present the Board with the annual review of the ICB's registers of interests including gifts and hospitality, commercial sponsorship and register of procurement decisions which are published on the ICB's website.
- 1.2 The report provides an overview of the activity undertaken during the reporting period including the significant progress made in the development of the ICB's systems and processes to ensure compliance with the statutory requirements for managing Conflicts of Interest.
- 1.3 This is to provide assurance of the arrangements for the management of potential or actual conflicts of interest (including gifts and hospitality) and ensure that the decisions made by the ICB are taken, and are seen to be taken, without being unduly influenced by external or private interests, and do not (and do not risk appearing to) affect the integrity of the ICB's decision-making processes.
- 1.4 The report also provides an update on the recently launched NHS England Conflicts of Interest training module for ICB staff which will form part of the ICB's core mandatory training requirements for all staff from 1 April 2024. The ICB is still awaiting publication of the updated national policy guidance which will inform any further changes to the ICB's policy once available.
- 1.5 Finally, the report highlights the "substantial assurance" opinion provided by Mersey Internal Audit Agency (MIAA) following their review of the arrangements the ICB has in place to manage conflicts of interest and gifts and hospitality. This includes compliance with NHS England's statutory guidance on Managing Conflicts of Interest in the NHS.

2. Annual Review and Publication of Registers of Interests

- 2.1 The ICB maintains registers of interests for:
 - Members of the board
 - Members of the board's committees, sub-committees or decision-making groups
 - Its employees
 - Register of procurement decisions.

2.2 The following are published on the ICB's website:

- Registers of interests for members of the board and its committees
- Registers of interests for those defined as "decision makers" in accordance with the national policy including:
 - Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services such as working groups involved in service redesign or stakeholder engagement that will affect future provision of services;
 - Members of procurement (sub) committees or panels
 - Those at Agenda for Change Band 8D or above;
 - Individuals who have the power to enter into contracts on behalf of the ICB; and services, purchasing of goods, medicines, medical devices or equipment and formulary decisions.
- Registers of Gifts, Hospitality and Commercial Sponsorship
- Register of Procurement Decisions (over £20k).

[LSC Integrated Care Board :: Lists and registers \(icb.nhs.uk\)](https://www.icb.nhs.uk):

2.3 To ensure compliance with the statutory requirements and in accordance with the ICB's policy all staff are required to:

- Identify and declare material interests at the earliest opportunity (and in any event within 28 days);
- Provide a declaration of interests (including nil returns) on appointment with the organisation;
- Review their declaration of interests upon changing role or responsibility and update their declaration should any changes occur as a result of that; and
- Review their declaration of interest annually, or when requested by the ICB.

3. Registers of Interests for the Board, Committee and Decision Makers

3.1 Throughout the reporting period the ICB's Audit Committee has received quarterly assurance reports that the systems and processes for the management of conflicts of interests (including gifts and hospitality) are in place and operating effectively.

3.2 These reports have provided updates including:

- Changes to the ICB's committees membership;
- Updates to reflect board/committee members who have left their positions within the ICB;

- New interests declared;
- Declared interests that have ceased which must held for period of six months from the date the interest ceased (and then a further record retained for 6 years), in accordance with the ICB's policy;
- Changes to roles or responsibilities of the executives' and non-executive members' portfolios.

3.3 The registers of interests of the members of the board and its committees are circulated as part of the meeting agenda and papers; they are reviewed and re-published on the ICB website on a monthly basis: [LSC Integrated Care Board :: Lists and registers \(icb.nhs.uk\)](https://www.icb.nhs.uk/lists-and-registers).

4. Register of Gifts, Hospitality and Commercial Sponsorship

4.1 The ICB's register of gifts, hospitality and commercial sponsorship is reviewed on a quarterly basis by the ICB's Audit Committee including a report of any new entries to the register to ensure any gifts or hospitality are accepted (or declared and declined) in accordance with the ICB's policy.

4.2 The updated register is re-published on the ICB's website following any new entry made.

5. Register of Procurement Decisions (Over £20k)

5.1 The ICB's register of procurement decisions (over £20k) is presented to each meeting of the ICB's Audit Committee and re-published as required on the ICB's website:

[LSC Integrated Care Board :: Lists and registers \(icb.nhs.uk\)](https://www.icb.nhs.uk/lists-and-registers)

6. Implementation of systems to support declarations of interests

6.1 To support the review and refresh of the ICB's registers the corporate team has developed and implemented a more streamlined process to support all staff in reviewing and submitting their declarations of interest forms.

6.2 These arrangements were implemented through a phased approach commencing in December 2023. Staff communication was undertaken via team briefings, staff bulletins and through the ICB induction process (for new starters). All members of staff, including the board and the members of its committees have been contacted directly and provided with individual links to their pre-populated declaration of interest (DOI) forms for review.

- 6.3 Following the launch of the new system, automatic reminders are issued to staff based on the date they need to undertake their annual review to ensure compliance is maintained on a rolling yearly basis.
- 6.4 The corporate team continue to provide advice and guidance on all matters concerning compliance with the ICB's policy including providing support where required on individual declarations of interests including the acceptance of gifts or hospitality.

7. NHS England Conflicts of Interest Training

- 7.1 NHS England has launched a new online training module (relevant to all ICB staff) in January 2024.
- 7.2 Whilst compliance will not be monitored by NHS England, the ICB will require all staff to undertake this training module as part of mandatory training requirements effective from 1 April 2024.
- 7.3 The ICB is still awaiting the publication of the updated national guidance on managing conflicts of interest. Once published, any additional requirements or amendments will be incorporated as part of the review of the ICB's policy.

8. Mersey Internal Audit Review – Conflicts of Interest

- 8.1 In November 2023, Mersey Internal Audit Agency (MIAA) published their report of the annual review of the ICB's arrangements for managing conflicts of interests (including gifts and hospitality). The report concluded there was **substantial assurance** that there was a good system of internal control designed to meet the system objectives, and that controls were generally being applied consistently.
- 8.2 Several areas of good practice were highlighted including clear communication and information provided to all staff relating to the management of conflicts of interest. The review positively highlighted the arrangements the ICB had implemented to ensure that the significant number of staff that had transferred (via TUPE arrangements) to the ICB during October 2023 (over 200) were proactively contacted to ensure their declaration forms were completed within 28 days of their start date.
- 8.3. The audit report provided recommendations for enhancing the ICB's arrangements including the publication of a "register of breaches" which was actioned immediately and published on the ICB's website (nil recorded to date). The Head of Procurement and Contracting also undertook an immediate action

to update the documentation for single tender waivers and smaller scale procurement activity and quotation exercises (to include confirmation of any declared interests).

8.4 Other areas highlighted included staff training requirements and the review of the ICB's policy. Both of these were impacted due to the delay in the launch of the online training module and the national guidance (awaited) from NHS England.

9. Recommendations

9.1 The Board is requested to:

- **Note** the contents of the report;
- **Note** the annual review and publication of the ICB's registers of interests including the significant work undertaken to ensure compliance with the ICB's statutory requirements for managing conflicts of interests;
- **Support** the recommendation that all staff undertake the online training module as part of mandatory training requirements effective from 1 April 2024.

Mrs Debra Atkinson

Company Secretary/Director of Corporate Governance
13 March 2024