

NHS Wales Joint Commissioning Committee

Guidance for the Handling of Interests

April 2024

1. Context

1.1 The NHS Wales Joint Commissioning Committee (JCC) (the Joint Committee) is a joint committee of each Local Health Board (LHB) in Wales, established under the NHS Wales Joint Commissioning Committee (JCC) (Wales) Directions 2024 (the JCC Directions). The JCC is hosted by the Cwm Taf Morgannwg LHB on behalf of each of the seven LHBs.

1.2 The specific governance and accountability arrangements established for the JCC are set out within:

- The JCC Standing Orders (SOs) and the Schedule of Powers reserved for the JCC and the Scheme of Delegation to others,
- The JCC Standing Financial Instructions (SFIs),
- A Memorandum of Agreement defining the respective roles of the seven LHB Accountable Officers; and
- A Hosting Agreement between the LHBs and the host LHB in relation to the provision of administrative and any other services to be provided to the JCC.

1.3 As set out within the JCC SOs, the JCC must operate within a set of values and standards of behaviour that meets the requirements of the NHS Wales Values and Standards of Behaviour Framework. This will be set within the context of the Host Body's Values and Standards of Behaviour Framework ([Standards of Behaviour Policy \(nhs.wales\)](#)).

1.4 The Welsh Government's Citizen-Centred Governance Principles apply to all public bodies in Wales. These principles integrate all aspects of governance and embody the values and standards of behaviour expected at all levels of public services in Wales. "Public service values and associated behaviours are and must be at the heart of the NHS in Wales"

1.4 The JCC is strongly committed to being value-driven, rooted in the Nolan principles and high standards of public life and behaviour, including openness, customer service standards, diversity and engaged leadership.

1.5 The JCC and its members are expected to practice high standards of corporate and personal conduct, based on the recognition that the needs of patients must come first. The "Seven Principles of Public Life", or the "Nolan Principles" form the basis of the Standards of Behaviour requirements of the JCC. These are:

- Selflessness – Individuals should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends;
- Integrity – Individuals 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, recommending individuals for rewards and benefits, choices should be made on merit;
- Accountability – Individuals are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their position;
- Openness – Individuals should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it;
- Honesty – Individuals have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and
- Leadership – Individuals should promote and support these principles by leadership and example.

1.6 In support of these principles, the JCC must be impartial and honest in the way that it fulfils its duties. The JCC must remain beyond suspicion at all times. The JCC, and its members, will achieve the “Seven Principles” above by:

- Ensuring that the interests of patients remain paramount;
- Being impartial and honest in the conduct of its official business;
- Using public funds to the best advantage of the service and the patients, always seeking to ensure value for money;
- Not abusing individual’s official position for personal gain or to benefit family or friends;
- Not seeking advantage or to further private business or other interests in the course of their official duties;
- Not seeking or knowingly accepting, preferential rates or benefits in kind for private transactions carried out with companies, with which they have had, or may have, official dealings on behalf of the JCC.

2. Purpose

2.1 The aim of this guidance is to set out arrangements for the appropriate handling of declarations of interests within the JCC’s business, ensuring that the JCC operates within its SOs and the Standards of Behaviour Framework set by the Host Body.

2.2 The Host Body’s Standards of Behaviour Policy aims to ensure that arrangements are in place to support employees to act in a manner that upholds the Standards of Behaviour Framework as well as setting out specific arrangements for the appropriate declarations of interests and acceptance / refusal and record of offers of Gifts, Hospitality or Sponsorship. The Policy also aims to capture public acceptability of

behaviours of those working in the public sector so that the Health Board can be seen to have exemplary practice in this regard.

2.3 The JCC will discharge its collective duty for the population of Wales and any individual involved in making decisions that relate to JCC functions must act in accordance with this principle, rather than furthering direct or indirect financial, personal, professional or organisational interests. This also includes ensuring that Officer Members do not seek to achieve a greater benefit for the population of their respective Local Health Board over and above that of others.

3. Scope

3.1 The membership of the Joint Committee comprises the Chair and Lay Members appointed by Welsh Ministers, the Chief Executives of all seven Local Health Boards in Wales and the Chief Commissioner who is employed by the Host Body.

3.2 This guidance is intended to support the handling of declarations within the business of the JCC. In particular dealing with Members' interests during Joint Committee meetings, in-line with the JCC SOs.

3.3 JCC members should declare any personal or business interests they may have which may affect, or be perceived to affect the conduct of their role as a Joint Committee member. This includes any interests that may influence or be perceived to influence their judgement in the course of conducting the Joint Committee's business.

3.4 The recording of JCC members' interests will be recorded as follows:

- JCC Chair – via the Host Body's policy and process for declaring and recording interests;
- JCC Lay Members - via the Host Body's policy and process for declaring and recording interests;
- JCC Officer Members (Chief Executive of the seven LHBs) – via their respective Health Board's policy and process for declaring and reporting interests; and
- Chief Commissioner - via the Host Body's policy and process for declaring and recording interests.

3.5 The scope of this guidance does not apply to the JCC Team. As employees of the Host Body, the Host Body's Standards of Behaviour Policy and process for the declaring and recording of interests will apply.

3.6 The Committee Secretary will ensure annual reporting of declaration of interests for all JCC Members (utilising the processes set out in 3.4) is reported through the JCC to inform annual reporting to the Host Body.

4. Handling of Interests in JCC Meetings

4.1 The JCC must discharge its collective duty for the population of Wales and any individual involved in making decisions that relate to JCC functions must act in accordance with this principle, rather than furthering direct or indirect financial, personal, professional or organisational interests. This also includes ensuring that Officer Members do not seek to achieve a greater benefit for the population of their respective Local Health Board over and above that of others.

4.2 It is a requirement that at the beginning of every meeting of the JCC that members be invited to declare their interests in relation to any items on the agenda. Where an actual or potential conflict is declared, the Chair with the advice of the Committee Secretary, will consider the appropriate action to be taken using the guidance attached at **Annex A**.

4.3 The actual or potential conflict and the action taken will be recorded in the minutes of the meeting and the relevant Register of Interests will be updated if required.

4.4 Where it becomes evident part way through a meeting that there may be a potential conflict the JCC member must declare their interest immediately. The Chair with the advice of the Committee Secretary, will consider the appropriate action to be taken using the guidance attached at **Annex A**.

5. Categories of Interests

5.1. An Interest is defined as "A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold"¹.

5.2 For the purpose of the JCC's business, interests fall into the following categories:

1. Personal Financial Interests
2. Non-Financial Personal Interests
3. Non-Financial Professional Interests
4. Indirect Interests
5. Provider Organisation Interests

¹ [NHS England: Managing Conflicts of Interests](#)

Annex A sets out the definitions of each of the 5 categories above, along with examples of where these interests may arise, and the actions available to the Chair in mitigating any actual or perceived interests that arise.

6. Role of the Chair and Committee Secretary

6.1 The Chair is responsible for the effective operation of the JCC, including:

- Chairing Joint Committee meetings
- Establishing and ensuring adherence to the standards of good governance set for the NHS in Wales, ensuring that all JCC business is conducted in accordance with JCC SOs and its Standards of Behaviour Framework; and
- Developing positive and professional relationships amongst the JCC's membership and between the JCC and each LHBs Board.

6.2 In respect of the Handling of Interests in JCC meetings, the Chair will need to consider the action to be taken and to what extent this affects the balance of the JCC's discussion and decision-making process. In doing so the Chair should ensure that conflicts and potential or perceived conflicts of interest do not, or do not appear to, affect the integrity of the JCC's decision-making processes.

6.3 The Committee Secretary is the guardian of good governance within the JCC and in doing so will include matters such as:

- Providing advice to the JCC as a whole and to individual JCC members on all aspects of governance;
- Facilitating the effective conduct of JCC business;
- Ensuring that in all its dealings, the JCC acts fairly, with integrity, and without prejudice or discrimination; and
- Contributing to the development of a culture that embodies NHS values and standards of behaviour.

6.4 The Committee Secretary has delegated responsibility for ensuring that the JCC is provided with competent advice and support regarding the effective and appropriate application of the Host Body's Standards of Behaviour Framework and the handling of interests.

ANNEX A

An Interest "A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold".			
Category	Description	Examples	Action for consideration in handling declared interests
1 Personal Financial Interests	<p>This is where an individual could or may get direct financial benefit from the consequences of a decision that they are involved in making.</p> <p>A benefit may arise from the making of gain or avoiding a loss.</p>	<p>Where an individual may get direct financial benefits from the consequences of a decision that they are involved in making. This could include:</p> <ul style="list-style-type: none"> • A director (including a non-executive director) or senior employee in another organisation which is, or is likely to do business with an organisation in receipt of NHS funding • A shareholder, partner or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding • Outside employment • A secondary income • Receipt of a grant(s) 	<p>Where a JCC member has a direct pecuniary interest in any matter being considered by the JCC, including a contract or proposed contract, that member must not take part in the consideration or discussion of that matter or vote on any question related to it. This requirement is absolute as set out in <i>The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009</i>.</p> <p>The JCC Chair may determine that the JCC member concerned shall be excluded from that part of the meeting.</p>

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.

Category	Description	Examples	Action for consideration in handling declared interests
		<ul style="list-style-type: none"> • Receipt of sponsored research • Receipt of other payments (e.g., honoraria, day allowances, travel or subsistence for attendance at an event) • Holding of patents and other intellectual property rights (either individually, or by virtue of their association with a commercial or other organisation). 	

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.			
Category	Description	Examples	Action for consideration in handling declared interests
2 Non-Financial Personal Interests	<p>This is where an individual may benefit (or be perceived to benefit) personally in ways that are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions that they are involved in making.</p> <p>A benefit may arise from the making of gain or avoiding a loss.</p>	<p>Where an individual may benefit personally from a decision that they are involved in making, in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit.</p> <p>This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> • A member of a voluntary sector/not for profit board or has a position of authority within a voluntary sector/not for profit organisation • A member of a lobbying or pressure group with an interest in health and care 	<p>If a member has an actual, potential or perceived interest the Chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:</p> <ul style="list-style-type: none"> • Requiring the member to not attend the meeting • Ensuring that the member does not directly receive any confidential meeting papers relating to the nature of their interest • Requiring the member to not attend all or part of the discussion and/or decision on the related matter • Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate fully • Removing the member from the group or process altogether.

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.

Category	Description	Examples	Action for consideration in handling declared interests
		<p>It is also important to consider an interest that a member of the public, who knew the relevant facts would reasonable consider to be so significant that it is likely to prejudice the JCC members judgment of what is in the public interest</p>	

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.			
Category	Description	Examples	Action for consideration in handling declared interests
3 Non-Financial Professional Interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a decision that they are involved in making, such as increasing their professional reputation or status or promoting their professional career.</p> <p>A benefit may arise from the making of gain or avoiding a loss.</p>	<p>Where an individual may obtain a non-financial professional benefit from the consequences of a decision that they are involved in making, such as increasing their professional reputation or status or promoting their professional career.</p> <p>This could include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients • A clinician with a special interest. • An active member of a particular specialist body, e.g. Royal Colleges 	<p>If a member has an actual, potential or perceived interest the Chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:</p> <ul style="list-style-type: none"> • Requiring the member to not attend the meeting • Ensuring that the member does not directly receive any confidential meeting papers relating to the nature of their interest • Requiring the member to not attend all or part of the discussion and/or decision on the related matter • Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate fully • Removing the member from the group or process altogether.

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.

Category	Description	Examples	Action for consideration in handling declared interests
		<ul style="list-style-type: none"> • An advisor for the Healthcare Inspectorate Wales, Care Quality Commission or National Institute of Health and Care Excellence. • Is undertaking a research role. 	

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.			
Category	Description	Examples	Action for consideration in handling declared interests
4 Indirect Interests	<p>This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.</p> <p>A benefit may arise from the making of gain or avoiding a loss.</p>	<p>Where an individual has a close association with another individual e.g., a close family member, close friend, associate or a business partner, who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision that they are involved in making.</p> <p>This would include the examples above for personal financial, personal and professional non-financial interests.</p>	<p>If a member has an actual, potential or perceived interest the Chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:</p> <ul style="list-style-type: none"> • Requiring the member to not attend the meeting • Ensuring that the member does not directly receive any confidential meeting papers relating to the nature of their interest • Requiring the member to not attend all or part of the discussion and/or decision on the related matter • Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate fully • Removing the member from the group or process altogether.

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.			
Category	Description	Examples	Action for consideration in handling declared interests
			<p>Where a JCC member declares an indirect pecuniary interest in any matter being considered by the JCC, including a contract or proposed contract, that member must not take part in the consideration or discussion of that matter or vote on any question related to it. This requirement is absolute as set out in <i>The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009</i>.</p> <p>The JCC Chair may determine that the JCC member concerned shall be excluded from that part of the meeting.</p>

An Interest “A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement, or act, in the context of delivering, commissioning or assuring taxpayer-funded health and care services is, or could be, impaired or influenced by another interest they hold”.			
Category	Description	Examples	Action for consideration in handling declared interests
5 Provider Organisation Interests ² (relevant to JCC Officer Members only given their role as a Chief Executive of one of the 7 LHBs in Wales)	<p>This is where an individual’s employing organisation, as a provider of services, may or be perceived to directly benefit financially because of decisions that they are involved in making. A benefit may arise from the making of gain or avoiding a loss.</p> <p>A benefit may arise from the making of gain or avoiding a loss.</p>	<p>Where a provider organisation (one of the 7 LHBS) may get direct financial benefits from the consequences of a decision that they are involved in making.</p> <p>This could include:</p> <ul style="list-style-type: none"> • award of contracts as a single provider • award of contracts as a cohort of providers • agreement of financial uplifts. 	<p>The JCC must discharge its collective duty for the population of Wales and any individual involved in making decisions that relate to JCC functions must act in accordance with this principle, rather than furthering direct or indirect financial, personal, professional or organisational interests. This also includes ensuring they do not seek to achieve a greater benefit for the population of their Local Health Board over and above that of others.</p> <p>In taking any actions to mitigate actual, potential or perceived conflicts of interest, the JCC Chair should act proportionately and should seek to preserve the spirit of collective decision-making, whilst balancing the benefits of having a particular individual involved.</p> <p>In looking at mitigations, the Chair may need to take account of a range of factors in order to determine what the risks are of</p>

² Informed by guidance to Integrated Care Board in NHS England: [conflicts-of-interest-nhsp-advice-from-mwe-jun23.pdf](https://www.nhs.uk/consult/iaconline/documents/2023/06/23/20230623-conflicts-of-interest-nhsp-advice-from-mwe-jun23.pdf) (nhsproviders.org)

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Category	Description	Examples	Action for consideration in handling declared interests
			<p>including an individual with an actual or perceived conflict in the decision-making process and how that may be perceived or challenged.</p> <p>Where a JCC Officer Member declares an actual, potential or perceived Provider Organisation Interest, the Chair should determine whether this declaration could result in a material³ benefit to the provider organisation and could therefore be deemed to influence the individual in decision-making.</p> <p>If a material interest is declared, the Chair will need to consider to what extent this affects the balance of the JCC’s discussion and decision-making process, and in doing so the Chair should ensure that conflicts and potential or perceived conflicts of interest do not, or do not appear to, affect the integrity of the JCC’s decision-making processes.</p>

³ NHSE, Managing Conflicts of Interest Guidance describes a material interest as 'one which a reasonable person would take into account when making a decision regarding the use of taxpayers' money because the interest has relevance to that decision'.

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Category	Description	Examples	Action for consideration in handling declared interests
			<p>If so, the Chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:</p> <ul style="list-style-type: none"> • Requiring the Officer Member to not attend the meeting • Ensuring that the Officer Member does not directly receive any confidential meeting papers relating to the nature of their interest • Requiring the Officer Member to withdraw from any decision or vote, but they may continue to participate in discussion recognising their role as a commissioner; • Requiring the member to not attend all or part of the discussion and/or decision on the related matter; • Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate fully, requesting clarity on any contributions made to be clear as to whether they are made as a provider or a commissioner of services