Conflict of Interest Policy

Purpose

Korus Health Ltd is committed to ensuring that decisions are made fairly, transparently and in the best interests of patients, the organisation and the NHS services we support.

A conflict of interest does not necessarily mean that anyone has acted improperly. However, interests which could influence, or reasonably be perceived to influence, a person's judgement must be declared and appropriately managed.

This policy sets out how actual, potential and perceived conflicts of interest should be identified, declared and managed within Korus Health.

The policy has been informed by NHS England guidance on managing conflicts of interest but has been adapted proportionately to reflect Korus Health's size, structure and role as an independent provider of NHS-funded diagnostic services.

Scope

This policy applies to:

- directors and Board members;
- employees;
- clinicians and other workers engaged by Korus Health, including contractors and self-employed clinicians;
- consultants and advisers acting on behalf of Korus Health; and
- any other person involved in making or materially influencing decisions on behalf of the organisation. Everyone covered by this policy has a responsibility to identify and declare relevant interests.

What is a conflict of interest?

A conflict of interest exists where a person's ability to make, influence or participate in a decision on behalf of Korus Health could be, or could reasonably appear to be, influenced by another interest.

Conflicts may be:

Actual – a conflict currently exists.

Potential – circumstances could develop into a conflict.

Perceived – there may be no actual conflict, but a reasonable person could believe that the individual's judgement might be influenced.

The perception of a conflict can be important even where the individual believes that their judgement is unaffected.

Interests which should be declared

Staff and others covered by this policy should declare any interest which could reasonably be relevant to their work for Korus Health.

Examples include:

4.1 Outside employment and clinical work

Employment, self-employment, consultancy, private practice or other professional activity outside Korus Health which:

- involves another healthcare provider;
- involves an NHS organisation with which Korus Health works;
- involves a current or potential supplier, contractor or competitor;
- could compete with services provided by Korus Health;
- could influence decisions made as part of the individual's Korus Health role; or
- could affect the individual's ability to fulfil their responsibilities to Korus Health. Clinical staff working for more than one healthcare organisation is normal within the sector and is not, by itself, considered a conflict. A declaration is required where the circumstances create an actual, potential or perceived conflict.

4.2 Financial and business interests

Relevant interests may include:

- ownership of, or a significant financial interest in, another healthcare business;
- directorships or partnerships;
- consultancy arrangements;
- significant shareholdings in organisations which supply, compete with or do business with Korus Health; or
- another financial interest which could be affected by a decision made by Korus Health. Ordinary investments held through pensions, diversified investment funds or similar arrangements do not normally need to be declared where the individual has no control over individual investments.

4.3 Personal and family relationships

A conflict may arise where a decision could affect a spouse, partner, close family member, close personal relationship or business associate.

Examples include involvement in:

- recruitment or appointment;
- pay or contractual decisions;
- disciplinary or performance decisions;
- allocation of work;
- selection of suppliers or contractors; or
- other decisions from which the individual or someone close to them could benefit. The existence of a relationship is not itself a problem. The relevant issue is whether it could affect, or reasonably be perceived to affect, a person's judgement.

4.4 Suppliers, contractors and procurement

Anyone involved in selecting, recommending, negotiating with or managing a supplier or contractor must declare any relevant personal, financial or professional relationship with that organisation or its representatives.

An individual with a material conflict must not make or control the relevant procurement or contracting decision.

4.5 NHS organisations, commissioners and other healthcare providers

Relationships with NHS organisations and their staff are an essential part of Korus Health's work and do not ordinarily constitute a conflict.

A declaration should, however, be made where a personal, financial or other relationship could influence, or reasonably appear to influence:

- commissioning or contracting discussions;
- contract management;
- allocation of activity;
- referral arrangements;
- commercial negotiations; or
- other decisions involving Korus Health and an NHS organisation.

4.6 Gifts and hospitality

Staff must not accept gifts, hospitality or other benefits where these could influence, or reasonably be perceived to influence, a decision made on behalf of Korus Health.

Cash or cash equivalents must never be accepted.

Low-value items or ordinary refreshments associated with legitimate business meetings do not normally need to be declared.

More substantial gifts or hospitality offered by suppliers, potential suppliers, commissioners or other organisations with which Korus Health has a commercial relationship should normally be declined and reported to the individual's line manager.

Where there is uncertainty, the offer should be declared before it is accepted.

4.7 Clinical decisions and patient referrals

Clinical decisions must be based on the patient's clinical needs and appropriate professional judgement.

Staff must not allow a financial, commercial or personal interest to influence:

- whether a patient receives an investigation;
- where a patient is referred;
- the content of a clinical report;
- recommendations for further investigation or treatment; or
- any other aspect of patient care. Any interest which could reasonably be perceived as influencing a clinical decision or referral pathway must be declared.

Declaring an interest

Individuals should declare an interest:

- when joining Korus Health where a relevant interest already exists;
- when a new relevant interest arises;
- when their role or responsibilities change in a way that creates a conflict;
- before participating in a decision where they have a relevant interest; and
- at a meeting where an agenda item creates a previously undeclared conflict. Declarations should be made as soon as reasonably practicable to the individual's line manager or, where appropriate, to the HR & Compliance Manager or Chief Operating Officer. Directors should declare relevant interests to the Board. If an individual is unsure whether something constitutes a conflict, they should declare it and seek advice rather than make that determination themselves.

Register of Interests

Korus Health will maintain a proportionate Register of Interests for relevant declarations.

The register should record:

- the individual's name and role;
- the nature of the interest;
- the date it was declared;
- any action agreed to manage the conflict;
- the person responsible for agreeing the action; and
- where appropriate, the date the interest ceased. Information will only be recorded and retained to the extent reasonably necessary for governance and assurance purposes. Senior managers, directors and staff with significant procurement or contracting responsibilities may be asked periodically to confirm that their declarations remain current, including confirming that they have no relevant interests where appropriate.

Managing a conflict

Declaring an interest does not automatically prevent an individual from carrying out their role.

The appropriate response will depend on the nature and significance of the conflict.

Management arrangements may include:

- recording the interest with no further action;
- ensuring another person reviews or approves a decision;
- restricting the individual's involvement in part of a discussion;
- excluding the individual from a particular decision;
- reallocating responsibility for a supplier, contract, recruitment exercise or other activity;
- restricting access to commercially sensitive information;
- requiring the interest to cease where it is incompatible with the individual's role; or
- in exceptional circumstances, determining that the conflict cannot reasonably be managed alongside the individual's existing responsibilities. The response should be proportionate to the risk presented by the conflict. The agreed management arrangements should be recorded.

Meetings and decision-making

Where a relevant conflict relates to an item being considered at a formal management, governance or Board meeting, the individual should declare it before discussion of that item.

The person chairing the meeting will determine the appropriate action. This may include allowing the individual to provide factual information but excluding them from the decision, or requiring them to leave the meeting for that item.

The declaration and how it was managed should be recorded in the meeting minutes where the conflict is material to the decision.

Recruitment and management relationships

Individuals should not normally have sole responsibility for recruitment, pay, performance, disciplinary or other significant employment decisions concerning a close family member, partner or person with whom they have a close personal relationship.

Where such circumstances exist, they must be declared and alternative oversight arrangements put in place.

Procurement and commercial decisions

Conflicts of interest must be considered whenever Korus Health undertakes a significant procurement, supplier selection or commercial decision.

Individuals involved must disclose relevant interests before participating.

Where a material conflict exists, the individual should normally be excluded from evaluating suppliers or making the final decision.

The conflict and the action taken to manage it should form part of the decision's audit trail.

Confidentiality

Declarations will be handled appropriately and only shared with people who reasonably need the information to assess or manage the conflict.

Where a declaration involves sensitive personal information, Korus Health will seek to manage the matter without unnecessarily disclosing the underlying personal information.

Failure to declare an interest

Failure to declare a relevant conflict, deliberately withholding relevant information, or failing to comply with agreed arrangements for managing a conflict may be investigated.

For employees, serious or deliberate breaches may be dealt with under the organisation's disciplinary procedures.

For contractors, clinicians or other individuals engaged by Korus Health, a serious breach may be addressed through the relevant contractual or governance arrangements.

Responsibilities

All staff and workers are responsible for recognising and declaring relevant interests and complying with arrangements put in place to manage them.

Line managers are responsible for considering declarations, seeking advice where necessary and ensuring proportionate arrangements are put in place.

HR & Compliance Manager is responsible for maintaining appropriate governance arrangements and supporting the management of declarations.

Chief Operating Officer is responsible for operational oversight of this policy and escalation of significant conflicts where required.

The Board is responsible for oversight of significant conflicts involving directors or matters which could materially affect the governance or reputation of Korus Health.

Raising concerns

Anyone who believes that an undeclared or improperly managed conflict of interest may exist should raise the matter with their line manager, the HR & Compliance Manager or the Chief Operating Officer.

Concerns raised in good faith will be considered appropriately and may also be raised through the organisation's Freedom to Speak Up or whistleblowing arrangements where applicable.

Review

This policy will be reviewed every two years, or earlier where there is a significant change to legislation, NHS requirements, contractual obligations or the organisation’s activities.

Related documents

- Gifts and Hospitality Register, where applicable
- Register of Interests
- Procurement procedures
- Recruitment and employment policies
- Disciplinary Policy
- Freedom to Speak Up/Whistleblowing Policy
- NHS England, Managing Conflicts of Interest in the NHS