

Southwark Clinical Commissioning Committee & Southwark BSU

Conflicts of Interest Approach for Clinical Commissioning Pathfinders

Southwark Council Overview & Scrutiny Committee

Context

1. As they develop and move from 'leadership of' to 'accountability for' commissioning activities Clinical Commissioning Groups (CCGs) will need clear and robust mechanisms for managing conflicts of interest. This briefing and the attached papers seek to provide an update on the approach and guidance developed for this area in South East London and for Southwark in particular. The documentation provided here seeks to describe arrangements for the transition period ahead of any formal authorisation of CCGs in the future, pending legislation. As part of that authorisation we expect further national guidance on the management of this critical area.
2. In December 2010 Southwark Health Commissioning (SHC), a consortium (now referred to as CCG) of all Southwark practices was awarded first wave Pathfinder status for clinically led commissioning. The establishment of Pathfinders across the country was an arrangement that sought to provide groups of clinicians with the opportunity to test new ways of working as outlined by the White Paper published early that year.
3. As a Pathfinder SHC have worked with the Southwark Business Support Unit (BSU) to lead the commissioning process and to develop a Pathfinder Delivery Plan which outlines the points at which, during the transition period running to April 2013, local clinicians would take on delegated responsibility for commissioning areas prior to receiving any accountability for that commissioning. As a Pathfinder, SHC worked with commissioners and provided clinical leadership to the process. As Pathfinders with 'Delegated Responsibility' from the PCT Board they would be responsible for commissioning budgets. Once they are authorised they would become accountable to the NHS Commissioning Board for these areas.
4. The SHC Pathfinder Delivery Plan was submitted for consideration in June 2011 and the outcome of that application will be known in September 2011. SHC has already received the recommendation of the PCT Board to proceed with its plan but final approval is required from NHS London, the Strategic Health Authority. Any delegation would be managed and governed through the Southwark Clinical Commissioning Committee (SCCC), a committee of the PCT Board that has been established formally since May 2011 (but has met in Shadow form for some time). The terms of reference for the committee are attached as **Appendix B**, this is a clinically led group with BSU Executive and Non-Executive membership in addition to Southwark LINK representation. Clinicians have the majority voting rights and the committee is chaired by a GP, Dr Amr Zeineldine.
5. SHC's plan, when approved would transfer responsibility to the Pathfinder in three phases (previously reported to the OSC) each being approximately equivalent to one third of the overall PCT budget. The first phase would be in September 2011, the second in November / December 2011 and the third in January 2012. This will provide SHC will more than 12 months opportunity to hold delegated responsibility, supported by the BSU, before seeking formal authorisation. It is for this period specifically, and in reality since April 2011, that the current conflicts of interest guidance is applicable.

Managing Conflicts of Interest

6. Two documents are appended to this briefing. The first (**Appendix A**) is the NHS South East London Pathfinder / LCCC Conflict of Interest Guidance (due to be adopted formally in September 2011) and the second (**Appendix B**) is the terms of reference for the Southwark Clinical Commissioning Committee.
7. **Appendix A** provides details of the full guidance that will be followed in the six boroughs that make up NHS South East London. Although this document is yet to be formally adopted SHC have ensured that all requirements in the document have been established for the SCCC since its formal establishment in May 2011. Specifically the SCCC, as a committee of the Board, has adopted the Nolan Principles of Public Life; a register

of members' interests has been created and is publically available; declarations of interest a standing agenda item for all meetings and they, along with the register are minuted and accepted by each meeting.

8. The SCCC has two PCT Non Executive Director members and one of those members, Richard Gibbs, has been formally identified as the Southwark Champion or Guardian for Conflicts of Interest and their management and he specifically advises the committee in its management of this area.
9. **Appendix B** provides the terms of reference for the SCCC. These are aligned to the NHS South East London guidance and describe the specific Southwark arrangements. In particular, Appendix C of that document provides the SCCC's approach to conflicts of interest.