

Who this policy applies to?

1. The Council's Managing Interests Policy applies to Council Members, any non-Council Members serving on Committees or Working Groups, Members of the Statutory Committees, assessors and inspectors (visitors) and other office holders. Where the policy refers to Members, this should be read as all the office holders referred to in this paragraph.
2. The Chief Executive and other Members of EMT should also follow the principles of this policy and keep their register of interests up to date¹.

Why this policy is needed?

3. The aim of the Managing Interests Policy and the Register of Interests is to support transparency and probity, to maintain confidence in the regulatory process and to protect both the organisation and the individual involved from any appearance of impropriety. The policy aims to highlight advice to ensure that interests are managed consistently resulting in Members and Chairs being comfortable that interests have been managed so that:
 - a. Actions would not bring the GDC into disrepute,
 - b. Members have acted impartially
 - c. Members have not compromised their responsibility to act in the public interest.
4. **Annex A** sets out the declaration of interests form. Members must declare any professional, personal or business activities or involvement that would constitute an interest. The Dentists Act states that interests should be registered and made publically available.
5. Members and staff are expected to **act and be seen to act impartially and objectively in carrying out the GDC's business**, and to take steps to avoid any conflict of interest arising as a result of their membership of, or association with, other organisations or individuals. This is in line with the principles of openness and transparency and directly applies the Nolan Principles of selflessness, honesty, openness, accountability and integrity – further guidance on this is set out in **Annex B**.
6. If conflicts are not managed there is a risk that it could inhibit free discussion, result in decisions or actions that are not, or are perceived to be not, in the interests of the GDC and risk the impression that the GDC has not acted properly. This could make decisions challengeable.

What is an interest?

7. You should not be involved in decisions that directly affect you or those connected to you, if you or they could benefit or be perceived to benefit from them or your connection could be perceived as having an impact (positive or negative) on your decision.
8. These interests can be relevant to, or conflict with, your responsibilities as Members. The **perception of a conflict** should be viewed from the perspective of a member of the public i.e. given the available information they might interpret the actions of Council or action of a Council Member or someone acting on behalf of Council such as a statutory committee member, as serving their own purposes or those of the people connected to them and not serving the public and patients' interests.
9. Conflicts and perceived conflicts can be categorised on a sliding scale of seriousness:
 - a. Indirect interests - conflicts that do not directly relate to specific issues for discussion
 - b. Prejudicial interests - conflicting directly with specific items of business

¹ Conflicts of interest can exist at all levels of the organisation. It is the responsibility of line management to manage interests of their teams

- c. Irreconcilable interests - conflicting with the essential purpose of the GDC or which gives a perception of bias underlying decisions
10. **Annexes C and D** set out practical examples of what constitutes a conflict of interest.
 11. **Indirect Interests:** A Member can participate in discussions and decisions from which they may indirectly benefit, for example where the benefits are universal to all relevant groups, or where their benefit is minimal. For example, a Council policy decision which directly affects registrants (in the case of registrant Council Members).
 12. **Prejudicial interests:** A Member has a prejudicial interest (perceived or apparent) in a matter. If a member of the public, with knowledge of the relevant facts, would reasonably regard the interest or connection as being sufficiently significant that it would be likely to prejudice the Member's judgement.
 13. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate and may not vote on matters affecting their own interests. Where a Member declares a prejudicial interest at a meeting all decisions on that item should be made by a vote.
 14. The Chair of Council or the committee will decide whether the Member may in the particular circumstances, be present and whether they may speak to the item. In the case of statutory committees, member(s) concerned will not be present for the discussions.
 15. Should the Chair of Council have a prejudicial interest, the Chair will not participate in the discussion of that item; another member of Council will Chair the meeting for that item.
 16. **Irreconcilable interests:** these are interests which cannot be managed and may for example relate to positions in other organisations. The Council Member will be informed that positions are incompatible and the Chair of Council will ask them to step down from one of the roles. The Chair of the Appointments Committee will advise and determine irreconcilable interests for statutory committee members and the Chief Executive for Staff and anyone else acting on behalf of the Council.
 17. In situations where a Member is unsure of the effect of an interest or has a prejudicial interest which they believe to be significant, the Council Member should consult with the Chair of Council, or the Chief Executive for other office holders, to ensure that appropriate action is taken.
 18. The Chair's decision shall be final on all matters relating to managing interests.

How to manage your interests?

19. Members must update the register at least biannually. However, this is a living document; any additional financial or professional interests must be updated on the register within 15 working days.
20. The register will set out details of professional, personal or business interests and any significant interests of the connected people. The register will also include reference to gifts, hospitality or other benefits and political activities and associations with professional organisations.

Who can see the register of interests?

21. The Register is publically available on the GDC website.

Decisions on conflicts of interest

22. In advance of each Council, Committee, Advisory/Working Group, Investigating Committee or Fitness to Practise Panel meeting, the Chair and the relevant secretary will review the agenda with reference to the Register of Interests. Statutory Committee Members will declare any personal connection to cases, which are not already set out in the Register, to the secretary ahead of each meeting. The Chair will assess issues where conflicts may need to be declared by a Member and liaise with this Member.

23. Declarations should be declared by the Member ahead of each item on the agenda. Should a Member realise or believe that another Member has an indirect or prejudicial interest that, for whatever reason, has not been declared in an item for discussion, they have a duty to draw it to attention of the Chair of the Committee or the Chair.
24. The Chair of Council shall regularly review the interests of Council Members to ensure that all interests are managed appropriately. The Executive will regularly review other office holders' interests and escalate issues as necessary.

Annex A – Register of Interests

I, _____, understand and take responsibility that I must act in accordance with the Nolan principles. I must not receive any financial or non-financial benefit that is not explicitly authorised in the appointment letter (i.e. fees for attending meetings and incurred expenses) and should not exert any influence to acquire any preferential treatment for myself or other connected persons.

Areas of interest	Details relating to you <small>(Also include any relevant details relating to a connected person i.e. a person with whom you have a personal or business relationship which could be perceived as influencing your decision)</small>
<p>Give details of all paid employment</p> <ul style="list-style-type: none"> • Non-Executive positions • Full/Part time employment • Consultancies • Self –employed/contract work • Directorships/Trustees <p>Why? Decisions need to be taken in an open and transparent fashion, therefore Members are required to declare positions so that any perceived interest can be easily managed</p>	
<p>Give details of all unpaid work e.g.</p> <ul style="list-style-type: none"> • Roles in organisations associated with healthcare • Public service offices • Roles of posts held in local or national community organisations • Trustees <p>Why? Decisions need to be taken in an open and transparent fashion, therefore, Members are required to declare positions so that any perceived interest can be easily managed</p>	

Areas of interest	Details relating to you (Also include any relevant details relating to a connected person i.e. a person with whom you have a personal or business relationship which could be perceived as influencing your decision)
<p>A business you are involved in which has a direct contract with the GDC or is a potential contractor with the GDC</p> <p>Why? Council decisions need to be taken in an open and transparent fashion, therefore Members are required to declare holdings so that any perceived interests can be easily managed</p>	
<p>All membership bodies and associations including political parties, pressure groups and professional bodies,</p> <p>Why? Members are free to engage in political activities or to maintain associations with professional organisations. Members are required to declare such positions to give assurance that they do not conflict with the essential purpose of the Council which is to protect the public.</p>	
<p>Does the Member have close personal ties with the GDC’s advisers, directors or employees?</p> <p>Why? Members who have close ties with advisors, directors or employees may be perceived as having an undue influence on decisions. This must be declared so that it can be managed in an open and transparent manner.</p>	
<p>Gifts or hospitality offered to you by external bodies over £100– whether this was declined or accepted in the last 6 months</p> <p>Why? Gifts (tangible gifts, services and entertainment) accepted may be perceived as influencing the decisions of the GDC and should be declared so that they can be managed in an open and transparent manner.</p>	
<p>Any other conflicts not covered by the above?</p>	

I will update my register regularly, particularly if any significant changes occur. I will alert the Council Secretary/Head of Hearings/Head of Secretariat if I qualify under the GDC (Constitution) Order 2009 OR the GDC (Constitution of Committees) Order 2009 for disqualification as soon as practicable. All actual, perceived, apparent and potential conflicts are disclosed above.

Signed..... Date.....

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. The information provided will be available publically; the register will be available on the GDC website. If you are not sure what to declare or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue please contact the Head of Secretariat (0207 887 3859), Head of Hearings (020 7887 3822/3820) or the Chair of Council for confidential guidance.

Annex B – Nolan Principles**1. Selflessness**

Holders of public office should take decisions 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.

- Members of the public and members of the dental professions are entitled to expect that you make decisions based on your conscientious assessment of what is in the public interest, without regard to your own interests or those of other organisations or individuals you are connected to.
- Do not exploit your association with the GDC for your own gain or that of others, and avoid any situation in which you might – even accidentally – give the impression that you are in a position to trade influence or access.
- If you have any involvement with a dental business or organisation whose value, prospects or well-being might be affected by GDC decisions or policies, take responsibility for ensuring that your motivation and actions could not be challenged by managing interests openly.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- Do not accept payments, gifts, hospitality or favours where the nature of the person or organisation concerned, or the circumstances of the exchange, could give rise to a concern about your integrity.
- Do not put yourself – or allow others to put you – in a position in which your advancement or personal interests, or those of anyone close to you, could be seen as being linked to any decisions or actions you might take in the course of your GDC work.
- Assess your own behaviour by reference to the Nolan Principles and make sure that you are seen to be following them.

3. 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.

- In all that you do on behalf of the Council, demonstrate the same high standards of professionalism and personal probity which the Council expects of registered dental professionals.
- Answer any questions asked of you about your interests truthfully and in a spirit of openness.
- If you are asked about an interest, or the way in which you have managed it, avoid taking a defensive or narrowly legalistic approach.

4. Objectivity

In carrying out public business holders of public office should make choices on merit such as making appointments, awarding contracts, or recommending individuals for rewards and benefits,

- When making recommendations and decisions, declare and manage any non-GDC interests which would conflict with the decisions in question.

- Consider available options on their merits. Do not allow yourself to confuse the interests of the dental profession, or any other particular sector of society, with the public interest.
- Take full account of all available evidence which is relevant to the decision you have to make in the course of your GDC work. Make sure that you can distinguish clearly between the weight which is properly given to such evidence, and any undue, inappropriate or undeclared influence.

5. 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.

- You have a responsibility to explain your actions when asked. Engage constructively and positively with appropriate opportunities to explain the ways in which you have managed your interests.

6. 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 it.

- Make a full and open declaration of interests when asked to do so. If in doubt about whether or not you need to declare an interest, err on the side of openness and let others make an assessment of relevance. Perceptions vary, and you may not be best placed to make an objective assessment in your own case.
- Complying with the formalities is important but, on its own, is not enough. Take active steps to assure yourself that those who need to know about your interests on any particular occasion are aware of the situation.
- Demonstrate that you are open not only to disclosing any interests you may have but also that you are open to discussing their significance. Reflect on any feedback and advice you receive and act on any learning points that emerge from your experience and the views of others.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

- Let your approach to managing your interests provide an example of good practice within the Council, enhancing the Council's standing as a model of good practice for the dental professionals we regulate.
- Provide leadership by ensuring that your actions match the words which we have agreed to live up to. Speak and act in ways which promote and encourage a culture of open discussion about issues concerning interests. Help promote a culture of accountability, in keeping with the spirit of this guidance.
- Support others with leadership roles within the Council, so that they are empowered and supported to fulfil their responsibilities on behalf of the whole organisation, in the public interest.

Annex C

Council Practical Guidance for the management of interests

Issues	Perceived Conflict	How Managed?
<p>The Council Member holds an Executive position or Non-Executive position of a registrant association/institution/group</p>	<p>It maybe perceived that the GDC is acting in the interest of registrants and not the interests of the public/patients; this depends on the nature of office.</p>	<p>Indirect conflict: Membership of a registrant organisation will not ordinarily raise a perceived conflict</p> <p>Prejudicial interest: Membership would cause a perceived conflict if an item of business specifically relates to the association/institution/group</p> <p>Irreconcilable conflict: If a senior office/Non-Executive position is held this may pose an irreconcilable conflict. Members will be asked to address this conflict with the Chair of Council and where appropriate may have to step down from one of the positions.</p>
<p>The Council Member holds a senior office or non-executive position in another organisation which conflicts with the aims and interests of the GDC or which may from time to time conflict</p>	<p>It maybe perceived that the GDC is acting in the interest of the other organisation and not in the interests of the public/patients.</p>	<p>Irreconcilable conflict: If a senior office/Non-Executive position is held this may pose an irreconcilable conflict due to perception. Members will be asked to address this conflict with the Chair of Council and where appropriate may have to step down from one of the positions.</p>
<p>Membership of two Healthcare Regulators</p>	<p>It may be perceived that there is a conflict where the regulators have opposing or differing opinion on particular topics.</p>	<p>Prejudicial interest: Membership would cause a perceived conflict if an item of business specifically relates to an issue where the other healthcare regulators have opposing opinions.</p>
<p>The Council Member holds a position in another organisation where the GDC performs a quality assurance function.</p>	<p>It may be perceived that there is a conflict in that the member's position would influence the assurance verdict of the organisation.</p>	<p>Indirect conflict: Inspectors of institutions are independent of Council Members and therefore should not be influenced by the connections of the Council Members.</p> <p>Prejudicial interest: This may cause a perceived conflict where a Council Member or committee Member reviews information relating to their organisation; in such circumstances the Member should not participate in the discussions. Consideration should be made with the Chair of Council/Committee where a Member is considering information relating to a direct competitor.</p>

Annex D

Practical Guidance for Statutory Committee Members' Management of interests

Current practice for managing Members' interests:

- Members who have prior knowledge of the case or a connection to any person involved in a case should not serve on that case as it will jeopardise the independence of the decision.
- The IC/FtP agenda is sent out in advance to Members and they must declare if they have an interest/know an involved party/aware of the case.
- The names of the IC panel are sent to the defendant and complainant and they have the opportunity to request alternative IC panel Members should they know of a conflict.
- The Appointments Committee will review potential members' conflicts of interest during the appointment process. Appointment letters will contain advice on how conflicts should be managed prior to appointment.

Issues	Perceived Conflict	How Managed?
Member of the Investigating Committee; OR the Fitness to Practise Panel OR the Council of the GDC.	There should be a separation of investigating and adjudication functions; and this should be separate from the Council.	Irreconcilable conflict: Cannot serve concurrently on Practice Committees and the Investigating Committee (Constitution Order 2009). Members of the Council should also not sit as Members of the IC or Practice Committees. Members may however apply for other positions but they would not be appointed unless they agreed to step down from the conflicting post.
Dental Complaints Service Volunteer/Panellist	Members may see complaints/FtP issues in more than one place and therefore an independent view of the case will be compromised	Irreconcilable conflict: In line with the principles set out in the Constitution Order, they cannot serve concurrently on a DCS Panel and the IC/FtP.
GDC Working Group Member or QA Assessor or Inspector	None	No conflict: Membership of a working group or inspection/assessment panels should not raise a perceived conflict.
Any people acting as expert witnesses for the GDC	The Member's independence would be viewed as impaired	Irreconcilable conflict: The Member would not be able to hold both positions at the same time

Issues	Perceived Conflict	How Managed?
Legal Practice	No issue unless they relate to dental practice	<p>Prejudicial interest:</p> <p>Members will not sit on Panels or cases which deal directly with cases that they have previously been involved with.</p>
Dental Defence Organisations e.g. Dental Protection Ltd, Medical Defence Union, Medical and Dental Union of Scotland	Members may see complaints/FtP issues in more than one place and therefore an independent view of the case will be compromised	<p>Prejudicial interest:</p> <p>Members should not sit on panels which deal directly with cases they have already seen.</p> <p>Irreconcilable conflict:</p> <p>If a senior office or a post dealing directly with ftp cases is held this may pose an irreconcilable conflict. Members will be asked to address this conflict with the Chair of Appointments Committee and where appropriate may have to step down from one of the positions.</p>
National Clinical Assessment Service (NCAS) OR the Dental Reference Service OR the Business Services Authority	Members may see complaints/FtP issues in more than one place and therefore an independent view of the case will be compromised	<p>Irreconcilable conflict:</p> <p>If an assessment role, this would pose an irreconcilable conflict as they would have been likely to have been involved in a case before it reaches the IC. Members will be asked to address this conflict with the Chair of Appointments Committee and where appropriate may have to step down from one of the positions.</p>
NHS Governance & Management	Members may know the complainant therefore an independent view of the case will be compromised	<p>Prejudicial interest:</p> <p>Member of Boards/Trusts/Senior Management. No conflict as such, but Members should not deal with dental practitioner/complainants employed by their Trust/Hospital/PCT</p>

Issues	Perceived Conflict	How Managed?
Professional Associations	Members may know the complainant therefore an independent view of the case will be compromised	<p>Indirect conflict:</p> <p>Membership of a registrant organisation will not ordinarily raise a perceived conflict</p> <p>Irreconcilable conflict:</p> <p>If a senior office/Non-Executive position is held this may pose an irreconcilable conflict. Members will be asked to address this conflict with the Chair of Appointments Committee and where appropriate may have to step down from one of the positions.</p>