

## **Managing Interests Policy for Staff**

Owner	People Services Team
Authors	Head of People Services and Head of Governance
Reviewed by EMT Board	9 November 2020
Effective from	9 November 2020
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## 1. Policy Statement

- 1.1. This policy applies to:
  - Staff Members – all GDC employees, including interims, secondees, temporary staff and those on fixed term contracts.
  - The Executive Management team (EMT) – The Chief Executive and Registrar, and Executive Directors. The EMT are considered to be part of the staff group, except when identified separately within the policy.
- 1.2. The policy is designed to provide guidance as to:
  - How to identify a potential or perceived conflict of interest.
  - How the organisation will manage a conflict of interest; and
  - How declared conflicts of interest will be recorded, reviewed and monitored.
- 1.3. The purpose of the GDC's Managing Interests Policies is to encourage transparency, accountability and probity, in line with the principles of right-touch regulation. In requiring regular and considered declarations of any conflicts, or perceived conflicts of interest, the GDC seeks to promote public confidence in the regulatory process.
- 1.4. The GDC subscribes to the Nolan Committee's report on 'Standards in Public Life' ('the Nolan Principles') which sets out the seven principles of public life. These are set out at **Appendix 2**.
- 1.5. Conflicts of interest are a normal and unavoidable part of decision-making and seeking to eliminate them is unlikely to be feasible or desirable. At the same time, for all public bodies, it is essential to maintain public trust and confidence in the organisation and individuals associated with it. Where a conflict of interest does arise, the principles of transparency and integrity apply, and the GDC requires disclosure of such conflicts to allow the organisation to manage the conflict accordingly.
- 1.6. The policy aims to ensure that conflicts of interests are managed consistently to: protect the integrity of decision making in the organisation, limit the risk of successful challenge to GDC decisions and ensure that staff are able to act consistently with their responsibility to act in the public interest.
- 1.7. There are separate policies in place in the relation to managing the interests of Council Members, Independent Governance Associates<sup>1</sup> and the wider Associates group.
- 1.8. Making appropriate declarations, in relation to actual or potential conflicts of interest, is vital given the roles that GDC staff members, Council Members, Independent Governance Associates and the wider Associates group play in administering the GDC's statutory functions.
- 1.9. The table below illustrates the functions that are delivered by the organisation and the types of groups or individuals who deliver them. For each group, it is imperative that they adhere to the principles set out in their respective policies to ensure that the decisions they take or advise on are robust, transparent and accountable.

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<sup>1</sup> Defined as the independent members of the non-statutory Committees of the Council (such as the Audit and Risk Committee, Finance and Performance Committee and the Remuneration and Nomination Committee) and the members of the Statutory Panellists Assurance Committee (SPC). These Associates are managed through the Governance team.

Function or role	Examples of Individuals or groups that fulfil this role
Strategic decision making for the organisation as a regulator	<ul style="list-style-type: none"> <li>• Council Members</li> <li>• Independent Governance Associates</li> <li>• Chief Executive and EMT Members</li> </ul>
Operational Management of the organisation	<ul style="list-style-type: none"> <li>• Chief Executive and EMT Members</li> <li>• Senior Leadership</li> <li>• GDC Managers</li> </ul>
Exercising a statutory discretion or taking statutory decisions for the organisation	<ul style="list-style-type: none"> <li>• The Registrar (and his delegates)</li> <li>• Fitness to Practise Panellists</li> <li>• Case Examiners</li> </ul>
Providing expert advice to the statutory decision makers for the organisation	<ul style="list-style-type: none"> <li>• Education Associates</li> <li>• Registration Assessment Panellists</li> </ul>
Operational delivery of the GDC as a public sector regulator	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Associates</li> </ul>

## 2. Definitions

- 2.1. A **'conflict of interest'** is defined by the International Standards for the Professional Practice of Internal Auditing as *'any relationship that is or appears to be not in the best interests of the organisation. A conflict of interest would prejudice an individual's ability to perform his or her duties and responsibilities objectively'*. A conflict of interest could relate to any professional, personal or business activity.
- 2.2. A **'connected person'** is a person with whom you have a personal or business relationship which could be perceived as influencing your decision making for or on behalf of the organisation.
- 2.3. An **'irreconcilable conflict of interest'** will be interests which are significant, ongoing and would impede the ability of the individual to carry out the duties of their role in the organisation in line with their obligations. These interests will not be able to be managed by the organisation without action to remove the conflict. One example of an irreconcilable conflict of interest would be for a member of staff to hold employment with a Dental Defence Union at the same time as being employed for the GDC. In these circumstances, the member of staff would be expected to resign from one of the posts held in order to manage the conflict.
- 2.4. A **'prejudicial interest'** will be those interests which may affect a member of staff's ability to fairly and objectively consider the subject at hand. This might be a perceived or apparent. Members of staff should not be involved in decisions which directly affect them or those connected to them or which benefit or may appear to benefit them or those connected to them. This is because these external factors could be seen to impact the integrity of the decision-making process. Examples of prejudicial interests may include providing advice on an issue where you have expressed a strong personal belief about an organisation's practices or having prior knowledge of an individual's conduct. In both cases it could be perceived that you would not be able to approach the matter with an open mind.

- 2.5. A '**perceived conflict of interest**' will be present if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest or connection as sufficiently significant that it would be likely to prejudice the member or associate's judgement. This member of the public might interpret the actions of the member or associate as serving their own purposes, those of a person or organisation connected to them and not serving the interests of the GDC.
- 2.6. An '**indirect conflict of interest**' will be present where the decision-making in question might confer an indirect benefit on the member of staff but this benefit will be universal to all relevant groups, or only a minimal benefit will arise. Staff members should declare a potential conflict of interest in these circumstances but may participate in these discussions and decisions. An example of this might be where there is a decision to be taken around whether the GDC will move a proportion of its operations to another site. The member of staff should declare their interest in this discussion but can still participate in it.

### 3. Declaring interests - Periodically

- 3.1. All members of staff are expected to act and be seen to act impartially and objectively in carrying out business on behalf of the organisation. Staff are responsible for disclosing any potential conflicts of interest, as and when they arise and annually.
- 3.2. All members of staff must:
  - On appointment, declare all conflicts of interest or potential conflicts of interest by completing the Declaration of Interest form found at **Appendix 1**.
  - For EMT members: They must update their declaration as soon as they are aware of any change in circumstances, or at least every **three months**.
  - For the wider staff group: They must update their declaration as soon as they are aware of any change in circumstances, or at least every **12 months**.
- 3.3. New employees will be sent a copy of this policy via People Services and the declaration of interests form (**Appendix 1**) with their offer of employment. All staff should complete a declaration even if they have nothing to declare.
- 3.4. For EMT members, declarations of interest should be submitted by email to the Governance Team, to [governance@gdc-uk.org](mailto:governance@gdc-uk.org) to ensure that they are centrally captured and logged.
- 3.5. For wider staff members, declarations of interest should be submitted by email to the People Services team, to [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org) to ensure that they are centrally captured and logged.
- 3.6. These declarations of interest will be reviewed in line with the *Standard Operating Procedures for Managing Interests*.
- 3.7. For EMT members, whether or not an interest has been declared on the form, the Governance team will send a copy of the form to the Chief Executive and Registrar for review and approval. Secondary employment, where there is a potential conflict of interest, should be authorised in advance by the Chief Executive and Registrar.
- 3.8. The Governance team will maintain the register of interests for EMT Members, ask for quarterly updates, ensure that declarations are published appropriately and report on them annually to the Audit and Risk Committee.

- 3.9. For the wider staff group, where an interest has been declared, the People Services team will send a copy of the form to the relevant Executive Director for review and approval. For budget holders, a copy will also be sent to the Finance Department for noting. Secondary employment where there is a potential conflict of interest should be authorised, in advance, by the line manager, their relevant Head of department and relevant People Partner.
- 3.10. The People Services team will maintain the register of interest for members of staff, ask for annual updates and report on them annually to the EMT Board.

#### **4. Declaring Interests – As they arise**

- 4.1. Whilst it is not possible to define all instances in which an interest may give rise to a real or perceived conflict of interest, members of staff are expected to exercise their judgement in deciding whether or not an interest may need to be declared.
- 4.2. The perception of a conflict should be viewed from the perspective of a member of the public and whether, given the available information, they might interpret the actions of the GDC or the action of the member of staff as serving their own purposes or those of a person or organisation connected to them and not serving the interest of the GDC, the public and patients. Staff members should always bear this perspective in mind when considering whether to declare any interest.
- 4.3. Members of EMT should discuss with the Head of Governance or the Chief Executive and Registrar as to whether they have an interest that may need to be declared.
- 4.4. Wider staff members should, in the first instance, seek guidance from their line manager. If this does not help to resolve the issue, individuals can seek guidance from their Head of department and relevant People Partner.
- 4.5. For the avoidance of doubt, however, should a staff member be involved in a relationship with another member of staff, an Associate or a Council Member, then that interest must be declared. All secondary employment should be declared to People Services.

#### **5. Determination of Conflicts of Interest**

- 5.1. When a conflict of interest or perceived conflict of interest is declared, it will be reviewed as follows:
  - 5.1.1. The line manager and the People Services team will conduct an initial review to determine whether the conflict can be managed appropriately and make a recommendation as to how it should be approached.
  - 5.1.2. Where an interest has been declared, the People Services team will send a copy of the form and recommendation to the relevant Executive Director for review and approval.
  - 5.1.3. If there remains any dispute as to how the declared interest should be managed, the matter should be referred to the Chief Executive and Registrar, whose decision will be final.
- 5.2. Where a staff member who falls within this policy is unsure of the effect of an interest or has a prejudicial interest which he or she believes to be significant (or the line manager/Head of People Services believes it to be so) to ensure that appropriate action is taken, the member should consult with the Executive Director, Organisational Development, who will liaise with the Chief Executive and Registrar if appropriate. If the query is complex or novel, the Governance team can also support in resolving it.
- 5.3. The decisions of the Chief Executive and Registrar on these matters will be final.

## **6. Monitoring of Conflicts of Interest**

- 6.1. The Governance Team will record, maintain and publish (as appropriate) the declarations of interest received in connection from EMT members. The People Services team will record and maintain the declarations of interest received in connection with the wider staff group.
- 6.2. In relation to Case Examiners, as they perform a statutory function that was previously carried out by a statutory Committee, their declarations of interest will be published (as appropriate) on the GDC website.
- 6.3. When quarterly declarations are made by EMT Members, the Chief Executive and Registrar will review the interests declared to ensure that they are being managed appropriately. The results of this exercise will be reported to the Audit and Risk Committee annually, or by exception if required. The Chair of the Council will review the declarations made by the Chief Executive and Registrar.
- 6.4. When annual declarations are made by staff, the People Services team will conduct an initial review and provide a report to the Executive Director, Organisational Development, who will review the interests declared to ensure that they are being managed appropriately. The results of this exercise will be reported to the EMT Board annually, or by exception if required.

## **7. Non-Compliance**

- 7.1. Non-compliance with this policy will be dealt with under the GDC's disciplinary processes, as appropriate.

## **8. Review**

- 8.1. This document will be reviewed every two years by the Governance team and any proposed amendments must be approved by the EMT Board.

## **9. Related Codes, Policies and legislation**

- 9.1. Policy on Gifts and Hospitality for Staff

## **10. Appendices**

- 10.1. Appendix 1 – Declaration of Interests form
- 10.2. Appendix 2 – Nolan Principles



## Appendix 1: Staff Declaration of Interest Form – Part 1

To be completed by all GDC employees, whether or not they have an interest to declare, including:

- Executive Directors (who will return the form to [governance@gdc-uk.org](mailto:governance@gdc-uk.org))
- Interim post-holders
- Secondees
- Temporary staff and
- those on fixed term contracts

Name (Print):	Directorate:
Job Title:	Budget Holder:

All staff must complete **one** of the following statements and return the form to the People Services Team [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org).

### EITHER

- a) I have reviewed the form below and have no interests to declare. I will inform the People Services Team/Governance Team (delete as appropriate) as soon as possible of any changes to the information provided.

Signed: .....

Date: .....

### OR

- b) I have declared my interests on the form below. All actual and potential conflicts have been disclosed. I will inform the People Services Team/Governance Team (delete as appropriate), as soon as possible of any changes to the information provided. A copy of this form will be sent to your Director for approval and to the Finance Department if you are a budget holder.

Signed.....

Date.....

Completed forms should be returned to [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org). New starters should return their forms with their acceptance of the appointment.



## Declaration of Interest Form – Part 2

### To be completed if you have an interest to declare

Areas of interest	Details relating to you <small>(Also include any relevant details relating to a connected person as defined in the Managing Interests Policy for Staff)</small>
<b>Give details of all paid employment outside the GDC</b> <b>Why?</b> All secondary employment must be declared and approved	
<b>Give details of all unpaid (including pro bono) work e.g.</b> <ul style="list-style-type: none"><li>• Roles in organisations associated with healthcare</li><li>• Public service offices</li><li>• Roles of posts held in local or national organisations</li><li>• Trusteeships</li></ul> <b>Why?</b> Decisions need to be taken in an open and transparent fashion, therefore, staff are required to declare positions so that any perceived interests can be easily managed	

Completed forms should be returned to [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org). New starters should return their forms with their acceptance of the appointment.

## Declaration of Interest Form – Part 2

Areas of interest	Details relating to you <small>(Also include any relevant details relating to a connected person as defined in the Managing Interests Policy for Staff)</small>
<p><b>A business that you or a connected person are involved in which has a direct contract with the GDC or is a potential contractor with the GDC.</b></p> <p><b>Why?</b> Staff members may derive benefit from such a direct conflict and by declaring the relationship steps can be taken to manage the situation.</p>	
<p><b>All membership bodies and associations including political parties, pressure groups and professional bodies of which you are a member or are associated</b></p> <p><b>Why?</b> Staff are free to engage in political activities or to maintain associations with professional organisations. Staff are required to declare such positions and give assurance that they do not conflict with the GDC's statutory functions, their duties, and the values and behaviours expected of them.</p>	
<p><b>Do you have close personal ties with the GDC's Council members, associates advisers, directors or employees?</b></p> <p><b>Why?</b> Staff members who have close ties with Council members, associates, advisors, directors or other 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>	

Completed forms should be returned to [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org). New starters should return their forms with their acceptance of the appointment.

## Declaration of Interest Form – Part 2

Areas of interest	Details relating to you <small>(Also include any relevant details relating to a connected person as defined in the Managing Interests Policy for Staff)</small>
Any other conflicts not covered by the above?	

Have you informed your line manager of the areas of interest you have outlined in part 2:

- Yes
- No

Please note if you have answered no, we reserve the right to inform the line manager unless there is a specific reason not to.

### Data Protection

- The information provided will be processed in accordance with data protection principles as set out in the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018. The basis on which the GDC processes personal data in connection with employment is that the processing is necessary for the exercise of the GDC's statutory functions.
- Information about how the GDC will use and share the information you give us, the various rights you have in connection with any personal data about you that is held by the GDC, and how long we will keep your information for can be found in the privacy notice on our website at [www.gdc-uk.org/privacy](http://www.gdc-uk.org/privacy).

Completed forms should be returned to [staffdeclarations@gdc-uk.org](mailto:staffdeclarations@gdc-uk.org). New starters should return their forms with their acceptance of the appointment

## Appendix 2 – 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.