

Nursing and Midwifery Council (NMC) response to the NHS England consultation entitled *Managing Conflicts of Interest in the NHS – A Consultation*

Introduction

- 1 The Nursing and Midwifery Council (NMC) is the independent professional regulator for nurses and midwives in the UK. We exist to protect the public. We do this by setting the standards which nurses and midwives must uphold to join and remain on our register and taking action in the public interest when those standards are not met.
- 2 We also approve the education institutions at which nursing and midwifery students study and the programmes of study that lead to entry onto the register, including annotations on the register which signify the achievement of certain additional qualifications by registrants.
- 3 We welcome the opportunity to respond to this consultation on proposed new principles and rules for managing conflicts of interest within the NHS.
- 4 This is an area that has seen considerable interest within the wider professional healthcare regulatory sector recently, and which we have attempted to address for nurses and midwives via our revised Code which was published in January 2015 and came into effect in March 2015. This consultation provides a real opportunity for all involved with the regulation, commissioning and conduct of the health and care professions and services in England to consider the future shape of the management of potential conflicts of interest in those professions.

Our responses

- 5 In general we as an organisation are very supportive of the proposals that have been put forward in this consultation paper and would answer 'Yes' to the majority of the questions that have been posed within it. There are, however, four questions where we do have further comment, and we identify them and outline any areas of concern we may have below.

Q5: Do you agree with our proposals regarding gifts?

- 6 We do not entirely agree with the proposals regarding gifts. We agree that all cash gifts should be refused but we believe these proposals need tightening up considerably with regard to the value of gifts that can be accepted, whether declared or not.
- 7 The NMC's Code states at section 21.1 that all nurses and midwives must refuse all but the most trivial gifts, favours and hospitality. We would suggest that £50 is not a 'trivial' sum and that a gift or series of gifts worth £50 could not be regarded as a 'trivial' gift.

- 8 Stating in this guidance that gifts up to the value of £50 can be accepted without declaration may not only undermine our Code but may also lead to a two-tier approach where nurses and midwives would feel bound by their Code to refuse such gifts whereas other healthcare professionals may feel that they are able to accept them.
- 9 We would suggest that either the amount considered acceptable is lowered, or that an amount is not actually quoted and it is left to the professional judgement of the person concerned to decide whether the value of the gift makes it appropriate to accept it.

Q6: Do you agree with our proposals regarding hospitality?

- 10 Similarly, we do not entirely agree with the proposals regarding hospitality. We agree that hospitality should only be accepted if there is a legitimate business reason for such hospitality to be offered, but we do believe that the proposals need to be stricter with regard to declaring the value of any hospitality received.
- 11 As with question 5, the NMC's Code states at section 21.1 that all nurses and midwives must refuse all but the most trivial gifts, favours and hospitality. We would suggest that the content of this proposal as it currently stands risks undermining that requirement.
- 12 At the very least we would suggest that it is not sufficient merely to declare that hospitality worth over £25 should be declared but the actual or estimated value need not be stated – we believe that the actual or estimated value should be stated in order to ensure openness and clarity, and to ensure that any such hospitality does not step outside of the boundaries of acceptability.

Q25: Do you agree with our proposals on breaches and sanctions?

- 13 Again, we do not entirely agree with the approach taken with regard to these particular proposals. Whilst there is nothing in them that we disagree with per se, we feel that these proposals need to recognise and highlight to a far greater extent the role of professional healthcare regulators (e.g. NMC, GMC etc.) in addressing instances where these guidelines have been breached (and where by logical extension the relevant professional codes of conduct have also been breached) and in imposing sanctions against those found guilty of breaching such guidelines.

Q26: Do you agree that the underlying principles and rules in this consultation should (perhaps with some amendment) also apply to non NHS providers in respect of NHS funded services they provide?

If YES, which of the proposals in this consultation do you think should apply (or what amendments should be made)

- 14 Yes, they should apply in full to non-NHS providers without amendment or exception.