

Conflicts of interest: guidance for applicants

- 1 The NMC is an independent statutory body and a charity. Our role is to regulate the nursing and midwifery professions.
- 2 As part of your application you are asked to declare any actual or potential conflict of interest or loyalty that could be perceived as relevant to the NMC. This is an important part of your application for the NMC; for the Professional Standards Authority who scrutinise the selection process we run to make sure it is robust; and for the Privy Council who need to be assured on this before making any appointment to the Council.
- 3 We know it is not always easy to identify actual or potential conflicts. This guidance note has been developed to help you and includes examples.
- 4 You could have a conflict of interest if any of your commitments, obligations or loyalties to other organisations or people could be seen to prevent you from participating in discussions impartially and making a decision only in the best interests of the NMC. Any conflict which might be relevant to the work of the NMC should be declared.
- 5 It is important to note that if you declare a conflict of interest or potential conflict, this does not necessarily mean that you will not be considered for appointment. There are some conflicts that would preclude you from becoming a Council member. This may mean the Selection Panel would not be able to progress your application. If we think this is the case, we would discuss this with you to ensure that we fully understand the situation before reaching any view.
- 6 To help you, we have given examples of some different types of conflicts in boxes A and B below.

Code of conduct for Council members

- 7 A Council member is expected to demonstrate integrity and high ethical standards, as set out in the Council Code of Conduct ([the Code](#)). The Code states that, as a Council member, you would have a responsibility to:
 - 7.1 avoid being influenced by, or placing yourself under an obligation to, any individual or organisation which might affect, or be perceived to affect, your ability to act impartially and objectively as a member of the Council;
 - 7.2 declare any professional or personal interests which may conflict with, or be perceived to conflict with, your responsibilities as a member of the Council. This may include declaring the interests of family members or close associates.
- 8 This position is reinforced by [the Nolan Principles](#) which apply to all holders of public office.

Identifying a conflict of interest

- 9 It is important that you consider your own particular circumstances when applying to be an NMC Council member and identify any actual conflicts or any potential for conflicts to arise.
- 10 There can be situations where the appearance of a conflict of interest is present even when no actual conflict exists. When considering a potential conflict of interest, it is important to consider how it might be perceived by others, and whether your interests could lead to a perception of bias, even if none exists.
- 11 Conflicts of interest may arise in a number of different circumstances, including but not limited to:
 - 11.1 Professional roles or interests.
 - 11.2 Direct or indirect financial interests.
 - 11.3 Non-financial or personal interests.
 - 11.4 Conflicts of loyalty due to your role or affiliation with another organisation or person, for example your employer, another body of which you are a member or Trustee or if one of your family members has a role or interest that may influence or be seen to influence your decision-making.
- 12 This is not in any way a question about your integrity. It is essential that all our stakeholders have confidence in the independence and impartiality of both the Council as a whole and individual Council members. Even the perception of a conflict of interest in relation to a Council member could be damaging to public confidence in the Council. It is therefore essential that these potential conflicts are declared and explored, in the same way as any actual conflict.

Declaring a conflict of interest

- 13 If you are unsure if your circumstances constitute a possible conflict, you should still complete this section in the Information form, in order to give the Selection Panel as much information as possible. You should also raise any questions or concerns you may have with Catriona Mackie, Aspen People on 0141 212 7555. Catriona will seek advice from the Secretary to the Council at the NMC, if necessary.
- 14 Any actual or perceived conflicts of interest either identified by you or by the NMC may be explored with you at any stage, including by the Selection Panel at any final interview.

- 15 Each case is considered individually. If you are shortlisted for interview, the Selection Panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Council and how this might be handled, if you were to be appointed. However, if, following the discussion with you, the Panel believes that the conflict is too great and would call into question the probity of the Council or the appointment, they can ask you to withdraw your application.
- 16 **If in doubt please err on the side of caution and declare anything that you feel might present a conflict, or potential conflict, of interest, providing as much information as possible. Transparency is key.**

Box A: Examples of conflicts which are likely to preclude you also being on the Council at the same time as holding this role

If you are due to move from this position or retire before the date of appointment to the Council (likely to be May 2022), then this may fall into the potentially manageable list in Box B below.

Please also note that this list is not exhaustive.

- You currently or are soon to work directly for the Scottish Government, or an organisation or body whose remit is closely connected with that of the NMC, for example NHS Education for Scotland (NES) or Healthcare Improvement Scotland, whether full time, part-time or in an advisory or consultancy capacity.
- You are currently or are soon to be on the governing body/Board of, or directly employed by, the Royal College of Midwives, the Royal College of Nursing, Unison, Unite or any another body or union which represents the midwifery and nursing professions. Please note this does not include normal **membership** of a professional body or union.
- You are currently or are soon to be employed by or connected with any organisation or body whose objectives are in opposition or conflict with the NMC's role and purpose.
- You are currently or are soon to be a member of, or employed by or connected with any organisation or body whose principal purposes include influencing public opinion or policy. This includes membership of 'think tank' or lobbying organisations.
- You are currently an NMC fitness to practise or registration appeals panel chair or panel member.
- You are currently a Quality Assurance (QA) registrant visitor (an individual appointed by our QA delivery partner, Mott Macdonald, on behalf of the NMC to assist with quality assurance of education activity).

Box B: Examples of conflicts of interest which may be manageable, but which should be declared and explored

Please note this list is not exhaustive.

- You recently worked, or are soon to step down from working, directly for the Scottish Government whether full time, part-time in an advisory or consultancy capacity.
- You recently or are soon to step down from being employed by or connected with an organisation or body whose remit is closely connected with that of the NMC, for example NHS Education for Scotland (NES) or Healthcare Improvement Scotland.
- You recently or are soon to step down from being employed by or connected with any organisation or body whose objectives are in opposition or conflict with the NMC's role and purpose.
- You recently or are soon to step down from being a member of, or employed by or connected with any organisation or body whose principal purposes include influencing public opinion or policy. This includes membership of 'think tank' or lobbying organisations.
- You are recently, currently or soon to be employed by a university or education institution that provides programmes of midwifery and/or nursing education.
- You are recently, currently or soon to be employed by an organisation or body that employs registered nurses and midwives, for example an NHS health board, one of the special national health boards in Scotland such as NHS National Services Scotland or the Scottish Ambulance Service, or a private hospital.
- You have been an NMC fitness to practise or registration appeals panel chair or panel member in the last five years.
- You have recently been a Quality Assurance (QA) registrant visitor (an individual appointed by our QA delivery partner, Mott Macdonald, on behalf of the NMC to assist with quality assurance of education activity).
- You are a Lead Midwife for Education (LME) based at, and employed by, an Approved Education Institution providing pre-registration midwifery education.
- You recently, currently or are soon to hold office, for example as a Non-Executive board member, in any health care related organisation in the public, private or third sector. This includes NHS health boards, regulatory bodies, professional associations, learned societies, royal colleges and trade unions and charities, trusts and voluntary organisations.

- You have been, or are, involved in any business dealing or other financial transactions, including any contract to supply goods or services to the NMC, or to any person or organisation connected to the activities of the NMC.
- You have a relationship or close personal ties, past or present, to any existing NMC Council member, member of the Selection Panel or to members of the NMC's Executive team.
- You have an interest through close family members or associates which might lead a fair-minded observer to conclude that such an interest might influence your judgement in matters relevant to NMC activity.
- **Any other interest which may be relevant and not covered by the above.** This could include any association through close family members or associates which might lead a fair-minded observer, having considered the facts, to conclude that such an interest might influence an individual's judgement in matters relevant to NMC activity.

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Nursing and Midwifery Council