



## **Business Conduct Policy**

### **Introduction**

The College of Mental Health Pharmacy must be impartial, honest and transparent in the conduct of its business. This includes directors and employees.

All staff and directors will strive to avoid any conflict of interest between the interests of the organisation and personal, professional and business interests. This includes avoiding actual conflicts of interest as well as the perception of conflicts of interest.

The purpose of this policy is to protect the integrity of the College decision making processes, to enable stakeholders including members to have confidence in the organisations integrity and to protect the integrity and reputation of staff and directors.

### **Declarations of Interest**

Upon appointment, each director will make a full, written disclosure of interests, such as relationships and posts held that could potentially result in a conflict of interest. This is usually obtained as part of the election process. This should be updated annually (usually just after the AGM) and will include information about primary NHS, academic or private employment e.g. Chief Pharmacist of an NHS Trust, Director of a private company etc.

In addition, each director is required to submit declarations of interest before each council meeting detailing any activities that they may have undertaken since the previous council meeting that may be a conflict of interest.

The information required is as follows:-

- A description of the activity and company involved e.g. attendance at a conference sponsored by Lilly
- The capacity in which the person was acting e.g. CMHP director, NHS pharmacist
- The monetary band that applies to the activity e.g. Band B

The CMHP council have decided, in the spirit of transparency, to include a pragmatic estimate of monetary value as part of the ongoing declaration of interest process:-

- Band A = £10-£100
- Band B = £101-£500
- Band C = £501-£1000
- Band D = over £1000.

It is recognised that whilst in some circumstances the exact monetary payment will be known, on other occasions e.g. sponsored conference attendance it will not be known. In these cases it is expected that the following criteria will be used:-

- Anything up to one day – Band A
- Anything including an overnight stay – Band B
- Anything including more than a one night stay or abroad – Band C or D depending upon length of stay and venue

It is acknowledged that this may overestimate some activities but it will also underestimate others and is a practical way of ensuring that all activities are declared.

There is no requirement for individual directors to report any attendance at presentations by commercial organisations at CMHP council meetings as this is dealt with by the Corporate Partnership Scheme and is declared centrally as part of meetings records.

The declarations of interest will be collated and presented at the Annual General Meeting each year before being displayed on the College website.

In addition, the memorandum of association for the College states that a director must declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not previously been declared. A director must absent himself or herself from any discussions of the directors in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

If a conflict of interests arises for a director because of a duty of loyalty owed to another organisation or person and the conflict is not authorised by virtue of any other provision in the articles, the unconflicted directors may authorise such a conflict of interests where the following conditions apply:

- the conflicted director is absent from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;
- the conflicted director does not vote on any such matter and is not to be counted when considering whether a quorum of directors is present at the meeting; and
- the unconflicted directors consider it is in the interests of the charity to authorise the conflict of interests in the circumstances applying.

## **Conduct of Directors**

No director shall use their position as director of the College for personal gain. Directors should only state that they are representing the College when this has been specifically approved by the council, President or Vice President. This approval may be undertaken on an individual basis e.g. when a director is asked to attend a conference

or meeting and wishes to represent the College or on an ongoing basis e.g. as media spokesperson for the College.

## **Relationship with industry and other organisations**

The CMHP may choose to interact with other commercial, charity or voluntary sector organisations in a number of ways. These include:

- **CMHP Corporate Partnership Scheme**

The CMHP Corporate Partnership Scheme is a way of ensuring that the CMHP has a transparent relationship with the pharmaceutical industry and other commercial organisations. The application form, giving details of the scheme, is attached at Appendix 1.

As part of the scheme, Corporate Partners may have potential enquiries that, will be routed to a director via the Executive Officer. In these cases, any response from a Director will be on behalf of the CMHP and not in an individual capacity. There are no other requirements from individual directors as part of the corporate partnership scheme.

- **CMHP Partner Organisations**

The CMHP may choose to designate individual organisations as CMHP Partner Organisations. These will usually, but not exclusively, be other charities or academic organisations that have similar aims or work closely with the CMHP. These organisations will usually have a free or reduced fee stand at the annual conference. The CMHP council decides who will become a partner organisation. There are no requirements for individual directors with regards to these partner organisations. If an individual director has any connection with one of the partner organisations it should be declared either annually e.g. if employed by them on an ongoing basis or before each meeting as necessary.

- **Individual contracts with specific organisations**

The CMHP may also have contracts for specific pieces of work or ongoing projects with other commercial organisations. All requirements with regards to any responsibilities for individual directors should be detailed in each contract.

## **Use of CMHP e-group**

No director will use the CMHP e-group for personal gain. All members of the CMHP, including directors, may share information from their main employing organisation e.g. details of job vacancies, courses they have organised but they must make it clear that they work for the organisation involved.

## **Raising concern about a Council Member**

- If a Council member or person employed by council has any concern about the performance or behaviour of another Council member they should bring this concern to the attention of the Immediate Past President (IPP)
- The IPP should hear the concerns and consider the following actions
  - The IPP should consider the seriousness of the concern. If it is a minor matter, it may not be necessary to breach confidence regarding the

identity of the person raising the concern and the matter may be dealt with using an informal approach by the IPP. If the Council member in question accepts the concerns are genuine and an appropriate course of action can be agreed between the Council Member and the IPP then the matter should be considered closed. The IPP should advise the person raising the concern that the matter has been dealt with

- If the concerns are more serious or the Council member in question does not accept an informal approach then it will be necessary to deal with the matter in a more formal manner. The concerns should be addressed in writing and in this case the identity of the person raising the concern will be disclosed. The IPP and another Council member should address the matter and document the discussion and the actions recommended.
- In any case, if agreement can't be reached, the matter should be brought before Council. Council and the member in question must be given 21 days notice of the allegations prior to the meeting. The council member is entitled to nominate another College member to support them at the meeting. The discussion and outcome of the meeting will be recorded the Council minutes.
- If the concerns involve the Immediate Past President, then the President should hear any concerns.

### **Raising concern about person employed by the College**

For the purposes of this policy, an employed person is any person who has been engaged under contract (including those considered self employed) to complete work for the College. People employed by the College are line managed by the President. Any concerns about their performance should be addressed to the President.

- The President should consider the seriousness of the concern. If it is a minor matter, it may not be necessary to breach confidence regarding the identity of the person raising the concern and the matter may be dealt with using an informal approach by the President. If the employee in question accepts the concerns are genuine and an appropriate course of action can be agreed between the employee and the President then the matter should be considered closed. The President should advise the person raising the concern that the matter has been dealt.
- If the matter is considered to be more serious or the employee will not accept an informal approach then a panel consisting of the President, Immediate Past President and the Vice President will be convened to hear the allegations. The employee will be notified of the details of the concerns in writing 21 days before the meeting. The employee is entitled to nominate a person to support them at the meeting.
  - The panel will document the discussion and outcome.
- The employee has the right to appeal the outcome within 28 days. This appeal should be addressed to the Treasurer who will convene a panel with the Registrar and the Honorary Secretary to hear the appeal. The panel will document the discussion and outcome.