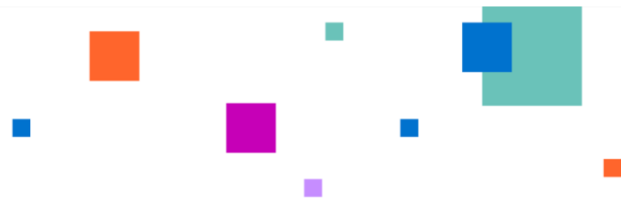




# Hampshire & Isle of Wight LPC

SUPPORTING LOCAL COMMUNITY PHARMACY

## *Committee Governance* Statement and Undertakings



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# Introduction

The Hampshire and Isle of Wight Pharmaceutical Committee (LPC), known as Community Pharmacy Hampshire and Isle of Wight, is the body recognised under NHS legislation with a duty to represent the NHS pharmacy contractors in the counties of Hampshire and the Isle of Wight. The LPC is funded by the contractors it represents and is accountable to those contractors for the work that it does on their behalf and for the effective and economical use of LPC funds. High standards of corporate and personal conduct are a requirement for the LPC and its members and all aspects of the LPC's operations must be open to critical scrutiny.

To achieve these standards, rules and procedures need to be in place and that is what good governance is about: making sure the LPC is acting transparently, honestly and not in the self-interest of its members. This is important if the LPC is to have credibility with others: much of the LPC's external dealings are with the Wessex Area Team of NHS England, with Integrated Care Boards (ICBs) and local authority Health & Wellbeing Boards, all of which themselves have stringent requirements for good governance and will expect sound governance arrangements in the organisations they work with - such as the LPC.

It is a requirement for the LPC to provide the Wessex AT with a copy of the LPC Constitution for approval and the LPC believes it is good practice for the AT to have sight of a statement of the LPC's governance arrangements – being seen to have good governance is as important as having the arrangements in place.

# Principles of Good Governance

Corporate governance has been defined by the Audit Commission as:

*'The system by which an organisation is directed and controlled in order to achieve its objectives and meet the necessary standards of accountability and probity'*

There is now an agreed and accepted set of principles for the foundation of a system of good governance and these are normally referred to as the Nolan principles. These principles were developed by Lord Nolan who, in 1995, chaired the Committee on Standards in Public Life. It was subsequently recommended that these principles should be incorporated into the codes of conduct of all public bodies.

The Nolan principles, as they apply to the LPC, are:

- **Selflessness (Representativeness)** - members must reflect the interests of the contractors who elected or appointed them to the LPC, and must make decisions in the interests of the general body of contractors; they must not make decisions in order to gain financial or other material benefits for themselves, family or friends.
- **Integrity** - members must not put themselves under any obligation that might influence their performance on the LPC or their ability to reflect the interests of the contractors who elected or appointed them or to make decisions in the interests of the general body of contractors.
- **Objectivity** - in making decisions and in carrying out the business of the LPC members should act within the constitution and make decisions only on merit.
- **Accountability** - Members of the LPC are accountable for their decisions and actions to contractors and the public and therefore submit to scrutiny.
- **Openness** - Members should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only for short term tactical reasons, or when the wider public interest clearly demands.
- **Honesty** - Members have a clear duty to declare any private interest relating to their LPC duties and take steps to resolve any conflicts arising.
- **Leadership** - Members should promote and support the above principles by leadership and by example.

The LPC accepted at its meeting of 26th April 2006 the above guiding principles for members. It was further noted that the effect of the principles of representativeness and Integrity is that the nominating bodies can mandate the member to express a view, but cannot bind them in how they vote or decide on a particular issue. This means the member can hear and participate in debate, and is free to amend their view in the light of the debate. They will no doubt then reflect back to the relevant body why they made the decision they did, recognising his accountability.

New members of the Committee will be deemed to accept the principles and be asked to sign a copy to declare this.

# Governance and the Constitution

The LPC Constitution is the key document setting out the membership of the committee and the constitutional rules under which it operates. It has to be approved by contractors and the AT from which the LPC is seeking recognition.

Adherence to the constitution is a vital governance requirement and the constitution should be read and understood by all members and officers.

The Hampshire and Isle of Wight LPC have adopted the model constitution provided by the PSNC (rebranded as Community Pharmacy England (CPE) as of 2023) with minor changes, which have been made in accordance with the terms of the constitution:

- The addition of a Deputy Chairman as an officer of the Committee (not provided for in the PSNC model) together with their duties [9.2, 10.2]

All other differences to the PSNC model are insubstantive, such as numbering or order of clauses.

The LPC can only act within the powers that the constitution provides. An LPC must not go beyond its powers.

The constitution also gives explicit duties that bind the LPC such as the need to hold an AGM and provide services to contractors.

Before taking any non-routine action, the LPC must satisfy itself that the Committee has the power in the constitution to act in such a way; conversely the constitution must be examined to make sure the LPC is discharging properly the duties required under it.

# Governance in Practice

## Declaration of Interests

As part of transparency and accountability, members of the LPC should avoid any real or apparent conflict between the business of the LPC and their own personal or employer's interests.

Members should complete a Declaration of Interest form specifying sources of remuneration, names of Companies or other bodies in which the member has an interest and other sources of interest or pecuniary support which are relevant or which may be relevant to membership of the LPC (A Declaration of Interests form is shown in **Appendix 1**).

The portfolio of Declarations of Interests is openly available for inspection on the LPC website. It is the responsibility of all members to review and update their Declaration of Interests on an ongoing basis and a request to do so should be a fixed item on the LPC meeting agenda. Additionally, an annual request is made in the Spring of each year to review and update.

## Conflict of Interest

There may be instances where an LPC member has a conflict of interest. In such cases, there is a duty upon that member to advise the Chairman of a possible conflict of interest at that time. The Chairman is then required to assess and deal with the conflict appropriately and may refer to the Governance Subcommittee for review.

Non-exhaustive examples of conflict of interest include:

1. Consideration of a contract application in which the member is personally involved or their employer's organisation is involved
2. Employment by a company or organisation that provides services to the LPC
3. Employment with the AT, an ICB, or a local authority
4. Conflicts of interest may also arise through spouses, partners or children and these interests should be declared to the Chairman appropriately

Non-exhaustive examples of where a breach of these guidelines may occur include:

1. Use of information obtained through LPC meetings/business that is used for an individual's own financial gain or advantage
2. Personal or financial gain from a company or organisation that provides services to the LPC without prior declaration and consideration
3. Placing a contract on behalf of the LPC with a company or organisation that was managed by a business colleague, close friend or family member

Actions to deal with conflict of interests:

- Exclusion from the relevant part of the meeting/business
- Prohibiting the member the right to vote on the issue
- Referral to the Governance Subcommittee where interest undeclared
- Process for investigation as defined by LPC Governance Statements and Undertakings which can be found in **Appendix 5**

Actions to deal with breach of guidelines:

- Suspension from the LPC where an apparent breach of Governance warrants investigation by the Governance Subcommittee.
- Where a breach is proven, the member will be expelled from the committee.

The most common incidence of conflicts is in the consideration of a contract application in which the member is personally involved. In such cases, there is a duty upon members to advise the Chairman of a possible conflict of interest. The member or members are then required not to take part in any of the discussion of the contract application until a decision is reached and agreed upon by a vote. The excluded members are then allowed, if they wish, to make a statement, which may bring facts to light that previously had not been known. The committee will then reconsider its decision in light of the statement(s) and any change in decision will be clearly minuted.

Clearly, members should not attempt to influence other members through canvassing or other activity prior to the meeting.

The LPC believes that, whilst there may be items that provide conflict of interest between LPC membership and employment by the AT, an ICB or a local authority, e.g. as a pharmaceutical advisor, such employment would not necessarily prevent LPC membership.

## Confidentiality

LPC members and in particular LPC Officers, during the course of their work, produce or acquire commercially sensitive or otherwise confidential information.

Sometimes there is an apparent conflict between confidentiality and openness. Whilst the LPC is open and transparent about the conduct of the Committee and its Members, some information will be kept confidential. This is covered by a Confidentiality Agreement that covers information given to the LPC in confidence, commercial information, and sensitive personal information. Not divulging such information does not break the Nolan principles, but careful judgement will always be taken as to whether openness or confidentiality should take precedence.

As a matter of good governance, all the LPC Officers and members have signed a Confidentiality Agreement, a copy of which is provided at **Appendix 2** for information.

## Corporate Responsibility

During a debate on an issue at an LPC meeting, members are able to express their views freely and firmly. However, once a decision has been taken by the LPC then that decision is binding on all members irrespective of any counter views, which may have been expressed during the debate.

Corporate responsibility means that individual members will publicly state only the LPC's collective view on an issue and, as an LPC member, will not say or do anything to undermine the LPC's position.

It is important that LPC members make sure they are aware of the views and concerns of the contractors they represent - where a decision is to be made that will significantly affect contractors or a major financial expenditure is planned a more formal consultation may be needed or a meeting of contractors may need to be called. The definition of 'major' in this instance requires further LPC consideration.

## Openness and Transparency

LPCs are accountable to contractors for the way in which they conduct their business, which should be done in an open and transparent manner.

As a matter of good governance, the agenda and minutes for LPC meetings are made freely available from the website where contractors and any other interested party can read it; alternatively, in the absence of web access, the LPC will provide a hard copy to anyone that requests them.

The only caveat to this is that where certain confidential information is being considered, particularly commercially sensitive information, then these items are minuted separately and available to members only.

The LPC always ensures that an Annual General Meeting is held to account to contractors on the work of the Committee and its finances. Sufficient notice is given to all contractors of the AGM and provision made for questions and comments to be put by contractors to the Committee at the meeting.

The Annual Report and Accounts are available to every contractor at the AGM, by download from the website or upon request. At the AGM the Finance Officer should explain the accounts to contractors focusing on any unusual items of expenditure, the honoraria paid to officers of the LPC if not clearly shown in the accounts, standard allowances paid to LPC members for their work. The Finance Officer should also provide information on levy collections and expenditure in the current year at regular LPC meetings.

As part of the discharging of its duties, openness and accountability the LPC not only keeps the website regularly updated but also provides a newsletter to the contractors.

## Financial Governance

Many of the principles of governance impinge on financial accountability. Contractors who fund the LPC will expect openness and accountability in the way their levies are spent.

To help achieve this, the roles of Chief Officer and Finance Officer are clearly separated and the posts are held by different people. The accounts are operated such that there needs to be two separate signatures on cheques. The Finance Officer may not hold any other Officer role within the LPC.

The Finance Officer gives regular updates on finance at meetings of the LPC and prepares annual accounts in sufficient detail, audited by a professional with a practising certificate. Those accounts should be made available to contractors with the opportunity to query the accounts at the AGM. A copy of the accounts is also sent to the ICB.

The levies collected from contractors can only be used for the purpose intended set out in Section 167 of the National Health Service Act 2006, as amended, i.e. to defray the administrative costs of the LPC.

A copy of the LPC's expense policy is included in **Appendix 3**.

## Working with the Industry

The Committee recognises the potential benefits of engagement and partnership working with the Pharmaceutical Industry; however, this must conform to the LPC's governance policy and operate within the Association of the British Pharmaceutical Industry (ABPI) guidelines.

A copy of the LPC's policy on working with the Pharmaceutical Industry and Receipt of Hospitality and Sponsorship can be found in **Appendix 4**.

## Delegation of Powers

The LPC operates a number of sub-committees that deal with locality issues and debates. The LPC sets out very clearly the remit for the groups with absolute clarity in the powers that the group has, together with an instruction that no action should be taken by the sub-group beyond its remit and powers without referring back to the LPC. Other working groups that are formed at such time as events require them have their remit and powers similarly defined.

Similarly, the LPC may delegate power to individuals such as the LPC Chief Officer or Chairman - often this is power to act in an emergency where it is not possible to call the LPC together. The nature and limits of such delegation will be provided in writing to the individuals and will be adopted formally by resolution of the LPC in the near future.

## Enforcing Governance

The LPC believes that the spirit in which we operate is one of relying on trust and members' integrity. However, a Governance Subcommittee has been established:

### **Purpose**

- To ensure the honesty, integrity and probity of the committee;
- To ensure that Contractors money is spent appropriately.

### **Nolan Principles**

- Rules shall be clear and understood by all members of the committee and available to contractors to view;
- All expenses must be legitimate and justifiable.

### **Terms of Reference**

- The Governance subcommittee shall be accountable to the main committee.
- The Governance subcommittee shall determine the frequency of its meetings to discharge its duties. The subcommittee may need to meet more frequently should a specific issue arise which needs further discussion and agreement.
- The Governance subcommittee shall report its discussions and outcomes to the main committee; if confidential information has been discussed by the Governance subcommittee but cannot be immediately reported to the main committee, the

subcommittee shall inform the committee and provide the information when it is in a position to do so.

- A Governance subcommittee member with a conflict of interest should step down temporarily, in which case the subcommittee shall co-opt an additional member from the main committee.
- The subcommittee, may invite the LPC Chief Officer or other officer to part or all of one or more of its meetings if their input is required to deal with a specific issue.
- There is no quorum for the subcommittee, but the maximum attendance will be sought when arranging a meeting.

### **Actions**

- Finance Officer should regularly submit reports to the Governance Subcommittee of members' expenses claims;
- Governance Subcommittee to be able to require any LPC member to report directly to it;
- To investigate all complaints or allegations made against members of the committee.

Significant breaches of governance may lead to the individual being asked to consider their future position on the Committee.

This Committee should be re-elected 2-yearly, or if a member resigns their position or becomes an Officer. This election should coincide with the election of the new Officers.

## **Governance Health Check**

A failure by the LPC to have sound governance arrangements in place could result in challenges or possibly legal action against the LPC by contractors suffering injustice or financial loss as the result of the LPC's weak or lacking governance framework.

As unincorporated associations such a claim could mean that LPC members personally would be liable for any costs or compensation as a result of any successful legal action by an aggrieved contractor.

Good governance arrangements, soundly adopted, provide a useful safeguard for LPC members and engender confidence in and respect for the actions of the committee.



# APPENDIX 1

## Corporate Governance CODE OF CONDUCT – DECLARATION OF INTERESTS

Name: \_\_\_\_\_

1.	Remunerated Directorship of company(s) (public or private) and businesses owned personally or in partnership	
2.	Remunerated employment or Office	
3.	Remunerated Consultancy(s)	
4.	Remunerated work performed under contract	
5.	Names of companies or other bodies in which I have an interest (either on my own account, my spouse or infant children, for a beneficial interest in share holdings greater than the 10% of the share capital)	
6.	Remunerated contributions to professional and scientific publications	
7.	Other sources of income or pecuniary support relevant to my membership of the LPC	
8.	Membership of other pharmaceutical bodies	

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## APPENDIX 2

### Corporate Governance CONFIDENTIALITY AGREEMENT FOR LPC MEMBERS

**Name:** \_\_\_\_\_

I understand that as an LPC member I may have sight of or acquire information that will be commercially sensitive or may for other reasons be information that the LPC or the pharmacy contractor(s) to whom the information relates would not wish to be communicated to third parties.

I acknowledge my obligation to ensure that I do not make use of any such information for purposes other than those of the LPC. I further acknowledge that all information received from or about contractors that relates to their business and financial affairs may not be disclosed to anyone without the express consent of the contractor to whom it relates, in which case the disclosure will be through the LPC Chief Officer.

I will make full disclosure to the LPC of all appointments or offices held by me and I will consult the LPC prior to accepting any appointment or office that may reasonably be thought to be relevant to my membership of the LPC.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# APPENDIX 3

## **CORPORATE GOVERNANCE EXPENSES POLICY**

### **PURPOSE**

To provide a policy whereby LPC members will be reimbursed for actual expenditure incurred wholly, exclusively and necessarily in the course of LPC business activities, travel, meetings and entertainment provided that such expenses were approved in accordance with the requirements of the policy.

### **1. Introduction**

This document sets out in detail the Hampshire and Isle of Wight LPC expense policy that is to be applied from the 1<sup>st</sup> of the month following its introduction. The LPC will reimburse members and employees for reasonable business expenses incurred on the LPC's behalf whilst they are engaged in authorised business or training activities provided they fall within the limits set by this policy. It is our intention that members should neither gain nor lose financially as a result of incurring expenses on LPC business. LPC members are subject to Inland Revenue rules and guidelines as to what is allowable as a business expense. It is therefore important that all claims adhere strictly to the policy.

Expenses defined as 'reasonable' are those that are cost effective when weighed against the purpose of the business activity. Members are responsible for the settlement of any business expenses incurred and for reclaiming these costs through the process set out in this document. Any breach of this policy will be referred to the Governance Subcommittee for consideration under the LPC's Governance Statement.

It is each LPC members' responsibility to ensure that their LPC expenses are submitted within the time designated. Failure to do so may result in claims not being approved.

### **2. Submission of claims for reimbursement**

2.1 Members are expected to:

- Submit claims within two months of the expenditure (unless otherwise agreed with the Finance Officer) and present those cheques for payment within two months. All claims in any one financial year should be submitted within one month of that year end.
- Provide original invoices, receipts or itemised bills to support all expense claims.
- LPC claims for expenses should be on the LPC expense claim form.

2.2 Authorisation/ limits:

- Expense claims must be approved by the Finance Officer
- Single items of expenditure or activity exceeding £500 should be cleared with the Finance Officer in advance
- The Finance Officer is required to question claims which fall outside of the policy and seek additional consideration from the LPC.

### 2.3 Payment:

- Expenses will be paid via cheque or BACS payment. Committee members and employees must, when requested, provide appropriate bank account details to the Finance Officer to allow claims to be processed.
- Once the Finance Officer has authorised the claim, expenses claims will normally be processed for payment within 28 days.

## 3. Expenses claim allowed

### 3.1 Locum Expenses:

- Where a Locum has been engaged to provide backfill the Locum expenses will be paid in full where meetings have been attended on behalf of the LPC during typical business hours for that business. This claim should be at the rate that had to be paid, backed up with copy invoice, if that rate exceeds the hourly rate quoted below. It may include the employment of an Agency although this should be avoided with careful planning to minimise costs to LPC.
- If a Locum has not been necessary for the LPC member to attend the meeting, then it may be that that individual could have been profitably employed as a Locum during normal business hours (9am-6pm Mon – Fri, 9am-5.30pm Sat). In this case, the maximum claim for attending a full day meeting would be 10 hours @ £35 per hour. This rate will be reviewed at least annually. Submission of claims should be via company invoice, clearly marked as being for an out of scope supply and with no VAT added.
- Part attendance of a LPC meeting should be reflected in the submission of a claim. LPC members should remain available for the full duration of a meeting, recognising that a meeting may occasionally overrun. Where a LPC member leaves before the conclusion of a meeting any claim must reflect the actual hours attended and be submitted rather than as a full day claim.

### 3.2 Travel/ Transport:

- Private vehicle: mileage is paid at £0.45/mile disregarding the engine size of the vehicle. This rate applies to the first 10,000 miles travelled on any business in any financial year. Where a member has already reached 10,000 business miles in the financial year, claims from 10,001 miles onwards should be at the rate of £0.25/mile.
- Passengers: Where a member claiming mileage carries another member(s) as a passenger on LPC business, £0.05/mile can additionally be claimed for each passenger carried.
- Any other travel should be by the most cost-efficient means.

### 3.3 Parking and Tolls:

- The LPC will reimburse you for the cost of parking and road tolls incurred on LPC business, but parking fines, towing away charges or fines for other traffic violations will not be reimbursed.

### 3.4 Accommodation:

- Accommodation may be claimed if members are required to attend a location on LPC business and this location is sufficiently far away from home or normal place of work to make a return journey unreasonable.
- Daily limits for overnight accommodation are up to £95 per room per night to include breakfast, without prior authorisation.
- If commitments require evening travel and/or accommodation then a meal up to the value of £30 may be claimed if required

#### 3.5 Business Calls:

- The cost of calls you make on LPC business can be reclaimed. You must provide details of the calls you have made by attaching an itemised bill with the business calls highlighted.

#### 3.6 Miscellaneous:

- Other legitimate claims will be considered.

## 4. INLAND REVENUE

Failure to conform to these guidelines may give rise to personal tax charges on the individuals making the claim. The Inland Revenue requires under Self-Assessment that records of expenditure and mileage are kept for 6 years. Please ensure when completing expense claims that they are explicit as possible. The Inland Revenue may review them at any time.



- Be impartial and honest in the conduct of their official business.
  - Use funds entrusted to them to the best advantage for the contractors, ensuring value for money.
  - Ensure that they do not abuse their position for personal gain or to benefit their family or friends.
  - Ensure that they do not seek advantage or further private business or other interests, in the course of their official duties.
  - Identify, declare and resolve where possible any potential conflicts of interest.
  - Make clear the arrangements for monitoring and evaluation of any agreement.
- 1.3 Sponsorship should not compromise purchasing or committee decisions.
- 1.4 Data is confidential and may not be shared with the Pharmaceutical Industry/commercial organisations, unless this falls within the requirements of the Freedom of Information Act 2000. Requirements of the Data Protection Act, Caldicott principles etc also apply.
- 1.5 It should be made clear that acceptance of sponsorship does not imply endorsement of any product or company.
- 1.6 When organising any sponsorship, members should always consider approaching a number of potential sponsors so that the LPC is not seen to be favouring one particular company or product.
- 1.7 No one organisation will be given preferential treatment or competitive advantage
- 1.8 If the LPC becomes aware of any unapproved sponsorship, swift and appropriate action must be taken to bring the situation within the requirements of the policy

## **2. Applications**

- 2.1 All initiatives / schemes / sponsorship must have LPC agreement before they may start.
- 2.2 The Governance Subcommittee will periodically report to the LPC on commercial sponsorship
- 2.3 All ventures must meet the following requirements:
  - Open and transparent working relationships between the LPC and commercial company
  - The objectives of collaboration are clearly stated by each party and are defensible
  - Represent good value for money.
  - Clearly define the benefits of the initiative for both parties.
  - Demonstrate probity.
  - Support the delivery of local strategic aims.
  - Any resultant service and cost implications arising from the sponsorship are considered. (Consider short and long term implications, particularly where an initiative is to 'pump prime' a service).

## **3. Hospitality**

- 3.1 Hospitality must not be provided to health professionals and managers except in association with scientific and promotional meetings or similar.
- 3.2 Meetings must have a clear educational content.
- 3.3 Hospitality must be secondary to the purpose of the meeting.
- 3.4 The level of hospitality must be appropriate and not out of proportion to the occasion.
- 3.5 Hospitality costs should not exceed the level, which the recipients would normally adopt when paying for it themselves.
- 3.6 Attendance should not extend beyond those whose role makes it appropriate for them to attend.
- 3.7 Meetings, which are sponsored by external sources, must disclose that fact in the meeting papers and in any published proceedings.
- 3.8 Attendance at social or sporting events is usually considered unacceptable.

#### 4. Records

- 4.1.1 All offers of gifts, hospitality or other benefits other than sponsorship of educational events or provision of educational materials, worth more than the value stated by the ABPI Code of Practice (currently £6.00) must be declared (whether accepted or not) to the Governance Subcommittee (this would also apply where several gifts worth a total of over £100 are received from the same or closely related source in a 12 month period).
- 4.2 Records will be kept, detailing the nature of the sponsorship. Records to be posted on the LPC website within 21 days of the sponsored event or within the minutes of relevant meeting e.g. LPG meeting
- 4.3 These records will be subjected to audit by the Governance Subcommittee.

#### Definitions

**Commercial sponsorship** - is the act of obtaining funding or resources for LPC activities from an external source and includes:

- Funding for research, training and equipment
- Costs associated with meetings
- Printing of publications e.g. guidelines, patient information leaflets etc
- Gifts
- Hospitality including meals associated with working visits, venues for training etc
- Personal hotel and transport costs (including trips abroad)
- Provision of free services such as training events, use of buildings, premises or facilities



**Commercial Sponsorship Notification**

FROM:	ADDRESS:
TEL:	
FAX:	
EMAIL:	

**Event details**

Organiser:
Event name:
Date(s):
Location:
Brief outline and statement of objectives (attach full details if applicable):

**Sponsorship details**

Proposed sponsor:
Contact name:
Contact tel:
Outline of sponsorship (financial value, what provided, what in return, attach full details if applicable)
Benefits to the event and LPC:
Potential risks:

SIGNED:		DATE:
<i>For LPC use only</i>		
<i>Decision: approved / not approved / referred to panel meeting</i>		
<i>Name</i>	<i>Signature</i>	<i>Date</i>



**Receipt of Hospitality During the Course of Official Business**

To be completed for benefits including hospitality, gifts or sponsorship, offered (whether or not received) with a value of more than £6, or for several smaller benefits from the same or closely related source in a 12-month period.

Name:
Position:
Date:

Nature of benefit offered:
Value:
Company from which received:
Name of company representative (if applicable):
Was the benefit accepted?  Yes / No

SIGNED:

DATE:

Please return to:

Chief Officer, Hampshire & IOW LPC, Sentinel House, Harvest Crescent, Fleet, Hampshire  
GU51 2UZ

This should be received within 28 days after the offer of hospitality

## APPENDIX 5

# Guidance on Conducting Investigations into potential breaches of Hampshire and Isle of Wight LPC Governance

Disciplinary and Grievances in the workplace affecting employees of the LPC are outside the scope of this procedure. The Chair is directed to the Employment Act 2008 for dispute resolution and will comply with the Acas Code of Practice.

### Principles

- The outcome will not be pre-judged
- We will seek to explore and understand early on in the process
- Potential issues of Governance would be considered fully and sympathetically
- The issue(s) will be defined along with the need to investigate further
- We seek to elicit facts (to find out what actually happened rather than arouse emotional reactions on what it is thought happened)
- Confidentiality will be respected
- The individual(s) will be kept appropriately informed
- The process will be conducted in a spirit of openness and fair play which avoids any bias
- The Governance Subcommittee will seek to resolve any issue quickly and within designated timescales
- There may be a requirement to differentiate between employees of the LPC and committee members and if this is the case, it will be documented as to why
- Employee statutory rights will be adhered to during this process
- This process is not for performance-related issues
- If the investigation involves a Governance Subcommittee member then an Officer would be asked to deputise so that a decision is made by at least three individuals
- The decision will be evidence-based
- We are committed to continuous learning and improvement and welcome early feedback

# Governance Statement Investigations Guidance

## Introduction

Any member or officer of the Committee, or pharmacy contractor in the area for which the Committee is formed, may make a complaint to the Committee about an alleged breach of governance by any member or officer of the Committee.

Examples of potential issues include questions regarding LPC conduct, undisclosed conflict of interest, inappropriate use of LPC funds, failure by LPC member to attend three consecutive meetings, breach of corporate governance, breach of LPC confidentiality, misconduct. This list is not exhaustive.

The issue(s) will be brought to the attention of the Governance subcommittee, usually the Governance subcommittee Chair in the first instance, from a number of sources e.g., by another member of the LPC, by a contractor, by an external agency such as ICB, etc.

The Chairman or, if the complaint concerns the Chairman, the Vice Chairman shall make arrangements for any such allegation, or an allegation made by an external organisation, to be investigated, if appropriate by a member, officer or governance panel of another Local Pharmaceutical Committee, and a report of the investigation and its findings shall be prepared.

## Actions

- The issue should be recorded by the Governance subcommittee Chair and some initial inquiries made to decide whether an investigation is appropriate. The other members of the Governance subcommittee would be made aware, and a decision made as to whether a further investigation is needed and whether the Governance subcommittee needs to meet.
- The Governance subcommittee would work with the Chair (or Vice Chair if necessary) of the LPC and keep them informed throughout the process.
- A decision would be made as to whether the potential issue concerns an employee of the LPC, in which case it will be referred back to the Chair to ensure compliance with the Employment Act.
- Some concerns may be resolved by agreed action without the need for investigation.
- If urgent action is required, this must be carried out before any investigation is conducted.
- The Governance subcommittee will recognise whether they have the necessary knowledge to understand the situation and implications and, if not, will work with someone within the LPC who has.
- The Governance subcommittee will record fully the investigation process and ensure compliance with the Data Protection Act.

- The Governance subcommittee will provide a debriefing/closure for all in due course, and this will be considered throughout the process so that events are accurately recorded.

## Timescales

- Any investigation should be carried out as soon as possible after the event in question.
- Timescales will be set by the Governance subcommittee, based on the nature of the investigation with a target completion date rather than a rigid standard (this recognises that some issues will be quickly resolved whilst others may take more time to review).
- Timescales for responses from the complainant and respondent will also be set by the Governance subcommittee and reiterated if the complainant and/or respondent does not reply. Invitation for comment would usually be done within 7 days of the initial contact with the individual(s) dependent on the nature of the alleged issue/incident. Suggested timelines for a response would be to wait for an initial two weeks with a 1<sup>st</sup> reminder at two weeks and a subsequent 2<sup>nd</sup>/final reminder at four weeks if no response has been received. This allows ample time and three separate instances for individuals to respond and for the investigation to proceed.
- Timeframes for responses are to be adhered to by the Governance subcommittee, and the LPC Chief Officer will monitor and prompt the subcommittee to sustain a suitable pace for the investigation to be performed. The Chief Officer should be involved from the initial stages through to completion of the investigation in order to support timeframes.

## Support

- The Governance subcommittee are to utilise the secretariat function from the LPC office, via the Chief Officer, for the duration of the investigation. This is to support provision and furnishing of relevant documentation, for quicker communication and more prompt responses to the individuals concerned.

## Defining the Issue

- The Governance Subcommittee will seek to define the issue, what is known, what needs to be known and how this information can be sought. During the course of the investigation, questions of confidentiality may arise. Two principles are useful in determining whether information should be released concerning a member/employee/allegation, etc.
  - a) Does the individual need to know (e.g. in order to be able to fully co-operate with the investigation?)
  - b) Might releasing the information enable important facts to be gathered which could not have been otherwise?

Under the principle of openness, the individual is more likely to be informed of the need to investigate.

- The Governance subcommittee will advise the individual, personally (phone or in person) and in writing, that there is a potential issue and that an investigation is being carried out. This would normally be done within one working day of the Governance subcommittee deciding that an investigation is necessary and having defined the issue. Support would be offered.
- The Governance subcommittee would plan the investigation required in order to establish the facts. The Governance subcommittee would identify and gather relevant documents which provide facts concerning the alleged incident/issue and ensure relevant statements are taken which provide facts concerning the alleged incident.
- The Governance subcommittee would invite comment from the individual(s) concerned or LPC (if the complaint is about LPC conduct) in a way that is appropriate and suits the situation. Questions asked would depend on the nature of the alleged issue/incident. This would normally be done within 7 days of the initial contact with the individual(s). This could be done face to face, virtually, by telephone, email or within a meeting and in line with the individual's preference. The date, time and method/venue for the interview will be confirmed in writing.
- When interviewing an individual, they should always be advised that they have the right to be accompanied by another person of their choice. The Governance subcommittee will inform the individual of the nature of the issue so that they are clear as to how to respond to questions. It is likely that only one member of the Governance subcommittee is required to interview the individual(s) concerned. The meeting will be conducted in such a way as to allow both parties to explain their position.

## Report

It is possible, soon after an investigation is commenced, that it is concluded that there is no case to answer. In such circumstances the Governance subcommittee will make immediate contact with the Chair (or Vice Chair if necessary) to discuss its views since the authority to abort the investigation rests with him/her. However, there must be sufficient documentary evidence to support this decision and an appropriate audit trail would be helpful at such a juncture.

- The Governance subcommittee will produce a full report of the investigation; the facts established and highlighting key issues emerging that will be required in order for the committee to make a decision. The member or officer shall be invited to provide an explanation or to comment to the investigator before the report is prepared.
- On receipt of the report, the Committee shall decide whether the allegations appear to be substantiated and to decide whether the principles of good governance have been breached.
- The LPC will be mindful of their competence and may wish to seek external advice before making a decision. If insufficient information is available for a decision, then the Governance subcommittee would seek to find out the facts and would inform

the individual(s) that this was happening and there may be a delay in reaching a decision.

## Sanctions

- If the Committee decides that there has been a breach, the Committee may decide:
  - To take no further action;
  - To issue a warning to the officer or member;
  - To suspend the member from the Committee for a specified period;
  - To remove the officer or member from the Committee. In this case, the member shall not be eligible for election or appointment to the Committee for the current Term of the Committee.

## Tied Vote

- In the event of a tied vote, the Chairman (or the Vice Chairman if the case involves the Chairman) shall have a second, or casting vote.

## Conclusion

- When a decision has been made, the Governance subcommittee would inform the individual(s) within one working day and record this.
- The outcome would be recorded and posted on the Governance subcommittee reports section of the LPC website.



## **Information to be captured during Investigation into potential breaches of Hampshire and Isle of Wight LPC Governance**

**Date:**

**Name of individual completing form:**

**The potential issue:**

Who raised the issue(s)?

How the issue was brought to the Governance Subcommittee's attention?

When was the Governance Subcommittee first aware of the issue?

To whom does the issue relate?

Does this issue concern an employee of the LPC (Yes/No)?

Define the issue

Preliminary enquiries

**GC meeting/discussion (to be held within 7 working days of when issue first raised):**

Is an investigation required?

What do we know, what do we need to know and how will we find out?

How and when do we inform the individual(s) concerned?

**Informing the individual:**

When was the individual informed and how?

**The meeting:**

Date of meeting

Notes from meeting

**Other information from the investigation:**

What are the facts?

**Decision:**



# APPENDIX 6

## CORPORATE GOVERNANCE

### Code of Conduct

**Code of Conduct** – agreed standards of behaviour for committee members, with reference to the LPC Employee Handbook

- **Policies**
  - » 2.6 Whistleblowing
  - » 2.8 Information Technology – email etiquette and content
  - » 2.9 Social Media – compliance with related policies and responsible use
  - » 2.19 Anti-harassment and bullying
  
- **Procedures**
  - » 3.1 Disciplinary Rules and procedures – Misconduct and Gross Misconduct