

## Management of Interest Policy

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Linked policies, guidance and regulation:	<ul style="list-style-type: none"> <li>• Expenses Policy</li> <li>• Allocation of Roles and Responsibilities</li> <li>• Code of Conduct (members)</li> <li>• Corporate Complaints policy</li> <li>• GOC Standing Orders</li> <li>• Council meeting protocol</li> <li>• Council and Committee Appointments Process</li> <li>• Employee Conduct (Disciplinary)</li> <li>• Recruitment policy</li> <li>• GOC Retention Schedule</li> <li>• Equality and Diversity</li> <li>• Anti-financial crime policy</li> <li>• Gifts and Hospitality policy</li> <li>• 'Seven Principles of Public Life' (the 'Nolan Principles')</li> <li>• GDPR</li> <li>• PSA Good practice in Making Council appointments</li> </ul>
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Policy review:	September 2021 – Updated and renamed “ <b>Managing Conflicts of Interest Policy</b> ” – no material changes have been made. The policy has been rewritten to ensure simple concise understanding and to make the policy more accessible. No changes around legal requirements under section 1C of Schedule 1 of the Opticians Act 1989 and the Charities Act 2011 have been made.
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## **Management of Interest Policy Introduction**

1. The General Optical Council (GOC) is committed to ensuring well defined and transparent arrangements for managing conflicts of interest, both real and perceived, in order to demonstrate to the public and stakeholders that our decisions are made in the best interests of the public.
2. The existence of an actual, perceived or potential conflict of interest does not imply wrongdoing on anyone's part. However, any private, personal or commercial interests, duties or obligations which give rise to such a conflict of interest must be recognised, disclosed appropriately and either eliminated or properly managed.
3. The GOC recognises that individuals covered by this policy have diverse interests and contacts within the local and national community. It considers those links can often be in the public interest and potentially beneficial. However, it also recognises that such connections may give rise to conflicts of interest or duty. Conflicts of interest and conflicts of duty or conflicts of loyalty and potential conflicts of interest, are the subject of legal requirements in section 1C of Schedule 1 of the Opticians Act 1989 and the Charities Act 2011.
4. Under Charity law and optical regulation conflicts of interest must be declared and the GOC expects individuals to recognise conflicts of interest and to ensure that their decision making in their role is not or could not be perceived to be affected by any other interest.
5. Individuals have an obligation to act in the best interests of the GOC in relation to their duties and activities.

## **Purpose**

6. The purpose of this policy is to:
  - assist individuals in identifying any conflicts of interest, conflicts of duty or potential or perceived conflicts
  - enable the disclosure of conflicts or potential or perceived conflicts
  - provide guidance to those responsible for dealing with conflicts
  - assist in the management of conflicts in order to protect the GOC.
7. The Secretariat can provide support and guidance in relation this policy.

## **Scope**

8. This policy applies to all GOC members (such as Council members, Hearing Panel members, members of committees and sub-committees), employees, workers, contractors and consultants. It will also apply when making an application to become a member, permanent or temporary employee, worker, contractor or consultant working with the GOC.
9. What is a Conflict of Interest or Conflict of Duty? For the purpose of this policy, the term 'conflict' includes conflicts of interest and conflicts of duty or loyalty and/or perceived and potential as well as actual conflicts. A perceived conflict is one which a reasonable person could consider likely to compromise the relevant individual's ability to make a decision only in the best interests of the GOC.

10. A **potential conflict** is a situation which could develop into an actual or perceived conflict although no conflict currently exists. For example, if your partner works for a firm that provides services that the GOC does not currently use but could use in future.
11. A perceived conflict is a conflict of interest arises when an individual has a personal interest in a transaction with the GOC that could or could appear to prevent that individual from making a decision only in the best interests of the GOC.
12. Conflicts of interest generally involve financial interests i.e. anything of monetary value including, but not limited to, pay, commission, consultancy fees, shareholdings connected to any GOC related business, equity interests, debt, property, royalties and intellectual property rights.
13. Examples of financial interests that could be in conflict include:
  - a situation where an individual employed by the GOC is a Director or shareholder of a company which may provide contracted services to the GOC
  - or the GOC's action resulting in an individual receiving a benefit from a third party.
14. Conflicts of interest in such cases are particularly serious and any financial benefit requires authorisation by the Charity Commission. Such matters will generally be considered relevant conflicts of interest even if an individual resigns prior to seeking such a contract or employment or entering into a transaction with the GOC. Legal advice will generally be taken in these circumstances.
15. Conflicts of interest may also arise from a non-financial benefit or advantage, including, but not limited to, enhancement of an individual's career, education or professional reputation, access to information or facilities that could be used by others, advancing a cause or reputation or improving access to any beneficial connection or other advantage. For example, making use of information learned at a strictly confidential Council meeting to assist a company that employs the child of a Council member.
16. Conflicts of duty or conflicts of loyalty are any interests, duty, role or loyalty, relationship or conviction which could directly or indirectly affect that person's ability to make decisions solely in the best interests of the GOC. These include:
  - where a relationship of the individual, for example, to a relative or close friend may be felt to influence the decisions of the individual
  - other roles, for example, as a Trustee of another charity
  - employment by another organisation, for example, one with which the GOC contracts, collaborates or competes
  - providing advice or support to another body
  - active membership of a body
  - strongly held beliefs.
17. **Connected Person** A conflict can arise because of the individual's relationship with or connection to a third party or organisation (a connected person).
18. These must be dealt with in the same way as personal conflicts. Examples of connected persons are close members of the individual's family, a business partner or colleague, anyone whose finances are interdependent with the individual (e.g. joint bank accounts, joint mortgages or property held in joint names, one party financially dependent on the other, joint beneficiaries of a trust) or contractual relationship or anyone receiving a benefit where it could otherwise be perceived that such benefits

could lead to a conflict of interest, i.e. by influencing the individual's decisions other than in the best interests of the GOC.

## **Disclosure of Interests**

### **When must you disclose?**

19. There are five occasions when interests should be declared using the relevant form at Annex 4:
  - pre-selection: any prospective individual should be requested to complete a Declaration of Interests form prior to confirmation of appointment in order that any relevant issues may be considered in confirming their appointment
  - on arrival: every new individual should complete a declaration form (or amend an earlier declaration) at the time of appointment.
  - annually: conflicts of interest should be reviewed and confirmed each year
  - as a new conflict arises: new matters should not await an annual declaration before being notified
  - verbally at any formal decision-making meeting where a conflict may arise: conflicts of interest should be a standard agenda item at the beginning of each relevant meeting. Any such declaration will be minuted.
20. This information will be held by the GOC on the relevant register of interests, considered by the relevant chair or staff member. Interests relating to Council and Committee Members are made available on the GOC website to ensure transparency and assist in the process for declarations to be managed properly.

### **What must be disclosed?**

21. The law requires that the nature and scope of any actual, perceived or potential conflict must be disclosed. The disclosure must include sufficient information to enable appropriate decisions to be taken as to its seriousness and its management. This is likely to include;
  - the type of potential conflict
  - the nature of the activity
  - a description of all parties involved and their relationship
  - the potential financial or non-financial interests or benefits, or duties or obligations.

### **Responsibility to declare**

22. All interests need to be declared to the Secretariat Team, even if individuals feel that there may not be an actual or potential conflict, or feel that the interest could not be perceived as a conflict. The Secretariat Team will consider individual declarations and publish declarations that they assess are relevant.
23. If anyone becomes aware of a possible conflict of interest, which the relevant person appears not to have considered, they should bring it to the attention of their relevant Chair or line manager, who will liaise with the Secretariat.
24. Some personal information about third parties can only be held with their agreement. Generally, the limited information needed to declare a conflict will not require such consent. If consent was needed it would be the responsibility of the individual providing the information to ensure that this consent is given. Should a third-party decline to consent, then it is the responsibility of the individual to nevertheless ensure

that a potential conflict is declared. Any declaration where data is held in relation to a third party will be dealt with in a manner consistent with Data Protection legislation and the GOC Retention Schedule.

### **Managing Conflicts of Interest**

25. Once a conflict has been disclosed it must either be removed or managed. Until the conflict has been resolved in either of these ways, the individual should take no part in the matter(s) relating to that interest.
26. The way in which an individual's conflict of interest is managed will normally be decided by their manager or the individual in charge of relevant proceedings that give rise to the conflict, where necessary with the assistance of the Secretariat or legal advice.
27. In deciding how a conflict will be dealt with, the level of conflict will be evaluated, and this may require further details being obtained from the individual. The outcome of this may be that the interest:
  - is not significant and does not create a real danger of bias or conflict (Category A)
  - creates a significant but not substantial danger of bias or conflict or might reasonably cause others to think it could influence a decision (Category B)
  - creates a substantial danger of bias or conflict (Category C) or
  - creates a severe or substantial and recurring conflict (Category D).
28. Once a decision is reached on the severity of the conflict the relevant Chair or line manager must work with the Secretariat to resolve how it is to be managed. Generally, the following will be appropriate:
  - Category A, the individual must declare the interest but not vote or be counted in the quorum in relation to any decision making
  - Category B, it shall be at the discretion of the Chair or staff member (who do not themselves have an interest in the matter) whether the individual may contribute information to the meeting, but the individual must not participate in the discussion, or vote on the matter and will not be counted in the quorum for that issue
  - Category C, the individual must leave the meeting, not participate in the discussion or vote on the matter. Steps will need to be taken to ensure sensitive information is not made available to the individual
  - Category D, Other steps will need to be taken to manage the conflict. An example of such a step could include:
    - the individual agreeing to obtain consent from the other party creating the conflict, for example his client or employer, that the individual be relieved of his or her obligation to disclose relevant information to that other party where the information was obtained from or relates to the GOC
    - Withholding all other papers that relate to the conflict from that individual
    - The GOC ceases to undertake the activity giving rise to the conflict
    - The individual resigns
29. Once a decision on how to manage a particular conflict has been taken, that response may be used on each recurrence of a similar situation of conflict where the factual background has not changed.

### **Managing Information**

30. An individual with a conflict of interest must not be provided with information in that capacity which enables him or her to obtain any advantage. In particular, the person

who is responsible for sending information to the individual prior to a meeting should check the register of interests and take any other reasonable steps to ensure that no information is sent to an individual who may have a conflict of interest relating to that information.

### **Recording Steps Taken**

31. In all cases, in order to protect the interests of the individual and the GOC, the GOC will keep a record of the disclosure and steps taken to manage the conflict.

### **Review**

32. Review of the effectiveness of the policy and compliance with it will be the responsibility of the Secretariat and reported to the Board for consideration within its self-assessment process.

### **Transparency**

33. This policy is available on the GOC's website  
*<https://optical.org/en/publications/management-of-interests-policy/>*

### **Verification**

34. The GOC may undertake appropriate steps to verify information provided.

## **Annex 1: Glossary of terms**

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The following terms are used in this policy:

**Individual:** permanent or temporary employees, workers, members, contractors or consultants working with the GOC.

**Optical education institution (OEI):** undergraduate optical education providers that are currently approved by the GOC or seeking/anticipating seeking GOC accreditation, or providers of post-graduate or Continuing Education and Training (CET) in optics.

**Optical sector:** includes optical education, businesses, organisations, optical services, charities and NHS bodies.

**Senior Management Team (SMT):** includes the Chief Executive and Registrar and the directors.

**Licensing Body:** means anybody, other than the Council, anywhere in the world that licenses or regulates any profession, as set out in the Committee Constitution Rules.

## Annex 2: Types of Interest and GOC specific conflicts

Type of Interest	Examples
Financial Interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> <li>• a director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with the GOC</li> <li>• a shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with the GOC</li> <li>• a management consultant in the optical sector</li> <li>• in secondary employment in the optical sector</li> <li>• in receipt of secondary income in the optical sector</li> <li>• in receipt of a grant in the optical sector</li> <li>• in receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider</li> <li>• in receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role</li> </ul>
Non-Financial Professional Interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a decision made by the GOC, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual:</p> <ul style="list-style-type: none"> <li>• is a member of a university that provides courses for optical services</li> <li>• is a member of a lobby or pressure group that has a contract to provide services to the GOC</li> <li>• has any close personal ties with GOC employees, members or advisors</li> <li>• is employed as a consultant, director or advisor by an organisation which advises the GOC or organisations/ individuals in the optical sector</li> <li>• hold office, are appointed to a position in, are a member of or affiliated to a professional body, specialist society, charity or other regulator.</li> </ul>
Indirect Interests	<p>This is where an individual has a close association with a person who has a financial interest, a non-financial professional interest or a non-financial personal interest in a GOC decision (as those categories are described above). For example, this should include:</p> <ul style="list-style-type: none"> <li>• spouse partner (civil and unmarried);</li> <li>• close members of the individual's family</li> <li>• a business partner or colleague</li> <li>• anyone whose finances are interdependent with the individual (e.g. joint bank accounts, joint mortgages or property held in joint names, one party financially dependent on the other, joint beneficiaries of a trust)</li> <li>• employer/employee or contractual relationship or anyone receiving a benefit where it could otherwise be perceived that such benefits could lead to a conflict of interest, i.e. by influencing the individual's decisions other than in the best interests of the GOC.</li> </ul>

## **GOC Specific Interests**

### *Fitness to Practice Proceedings*

In relation to conflicts for a worker or member who is subject to any investigation or proceedings concerning their fitness to practise either at the GOC or any other licensing body, the procedure to be followed (including following the outcome of any investigation/proceedings) is set out in the GOC (Constitution) Order 2009 and GOC (Committee Constitution) Rules 2005. Where a decision is required in accordance with the Order or Rules, this will be made by:

- the Chair of the committee for Advisory Committee members and the Investigation Committee; and
- the Chair of Council for members of Council, members of the Hearings Panel and independent members.

### *Unmanageable Conflicts*

Interests that are likely to require the conflicting interest to be removed include:

- individuals cannot be an employee and a member e.g. case examiners cannot be a member on an advisory committee
- members cannot be on Council or the Advisory Panel and on the Hearings Panel or the Investigation Committee
- employees, members and workers cannot act as an expert witness or a character witness on behalf of a registrant who is appearing before the GOC Fitness to Practise (FTP) Committee.

### *Other*

- Employees, members and workers cannot provide references for individuals applying to be an employee or for a member role at the GOC.
- In relation to employees, members and workers making decisions in respect of organisations in which they currently have or previously had an external role (e.g. a CET provider) – factors that may be taken into account when looking at a previous external role include how long ago they left the organisation, the individual's former position within the organisation, the length of time the person was in the organisation and their reason for leaving.
- Individuals at the GOC cannot use their position as GOC employees to gain what they deem as an improved service from optician services. Should a complaint be received along these lines the GOC Employee Conduct (Disciplinary) policy will be applied.

If an employee or member feels undue pressure from a third-party about how to undertake their role at the GOC, they should try to resolve this within the organisation of the third-party employer. If this is not possible, they should raise the matter with the Secretariat.

### **Annex 3: Questions to help understand a conflict of interest**

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1. Where the answer to the questions regarding “GOC specific interests” are ‘no’, individuals (other than employees, see paragraph 20, bullet two) should complete a declaration confirming ‘no’ for each question. However, they should keep the interest in mind should it need to be declared in the future if circumstances change. For example, the GOC may procure the services of a company in which an interest is held. Individuals must declare the interests of connected persons where these interests are known. Thought must also be given to any perceived conflicts.
2. If individuals are not sure whether the answer to the questions regarding “GOC specific interests” is a yes or no, they should seek guidance from the Secretariat Team [governance@optical.org](mailto:governance@optical.org). If in doubt, individuals should be open in declaring the issue and discussing it.
3. Individuals should ask themselves the following questions in relation to current interests or interests which they have held previously. If the answer is ‘yes’ to any of the questions, the individual must answer yes in the declaration form and provide further information on the interest:
  - In addition to your contract with the GOC do you (or a connected person) have a contract with the GOC to provide any other services to the GOC not covered in your contract as permanent or temporary employees, workers, members, contractors or consultants working with the GOC?
  - Do you (or a connected person) have any close personal ties with GOC individuals?
  - Are you (or a connected person) employed, were previously employed or hold a position of professional practice (including paid and unpaid) in an organisation in the optical sector?
  - Are you (or a connected person) employed as a consultant, director or advisor by an organisation which advises the GOC or organisations/ individuals in the optical sector?
  - Do you (or a connected person) own (or have significant control over) any organisation in the optical sector?
  - Do you (or a connected person) hold any shareholdings or investments of any company either regulated by the GOC or contracted to work with the GOC?
  - Do you (or a connected person) hold office, are appointed to a position in, are a member of or affiliated to a professional body, specialist society, charity or other regulator etc related to the optical sector (i.e. ABDO, AOP, BCLA, FODO, FLMA, Worshipful Company of Spectacle Makers, Royal Colleges, tribunals, ombudsmen etc)?
  - Do you (or a connected person) hold office, are appointed to a position in, are a member of or affiliated to a professional body, specialist society, charity or other regulator etc related to your role (e.g. Solicitors Regulation Authority, Financial Conduct Authority, CIPD, ICSA etc)?
  - Are you (or a connected person) associated with an educational institution which is currently approved by the GOC or is anticipating applying for accreditation (includes UK, overseas and online providers)?
  - Are you (or a connected person) acting as an expert witness or character witness on behalf of a registrant who is appearing before the GOC Fitness to Practise (FTP) Committee?
  - Are you (or a connected person) subject to investigation by the GOC relating to FTP concerns which have been referred to the FTP Committee?
  - Are you (or a connected person) authorised to act on behalf of an organisation subject to investigation by a professional body relating to disciplinary processes?

## Annex 4: Declaration of Interest Form

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### The General Optical Council (GOC) Declaration of Interest Disclosure Statement

This form should only be completed after having read and understood the Conflicts of Interest Policy. Please raise any questions with the Secretariat Team [governance@optical.org](mailto:governance@optical.org).

Name:

- 1) List companies, businesses, charities or other organisations of which you or a person connected to you are involved, for example as a member, director, consultant or adviser or have another role which is relevant for the purpose of determining whether a conflict may exist.

Please provide details of the nature of the connection and state whether each position is remunerated (salary, fees, pensions, honoraria, dividend share option etc)

You:

A connected person:

- 2) List of companies, charities or organisations in which you or a connected person have directly or indirectly shareholdings or beneficial ownership or other financial interest or expectation of such an interest. Shareholdings of less than 1% of the issued share capital need not be declared. State the nature and extent of the interest.

You:

A connected person:

- 3) Membership of or roles or activity in professional bodies or associations, campaigning or special interest groups. State the extent and nature of the involvement.

You:

A connected person:

- 4) Any other potential conflict of which the GOC should be aware e.g. collaborators in academia or industry, involvement with other related organisations, political or other pressure groups.

You:

A connected person:

- 5) Are you or a connected person in receipt of or likely to become in receipt of any benefits, grants, loan or service from the GOC or any direct or indirect pecuniary benefit from the GOC other than expenses as and individual? If so, provide details.

You:

A connected person:

- 6) In respect of any interest or potential interest declared are you aware of any circumstances where that interest may result in any transaction, competition or collaboration with the GOC or where the interest of the GOC may in any way interact with that interest? If so please provide details

You:

A connected person.

- 7) Any other situations or relationships that might create conflicts that have not been covered above. For example, intellectual property rights or differentiating policy stance in the GOC's area of operation.

You:

A connected person:

Any further action required by you to identify other potential conflicts? If yes, please summarise concerns and actions below:

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**DECLARATION**

I have entered the required responses to the best of my knowledge and belief. Signature:

Date:

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**Additional Information**

Full Name (as per passport):

Residential addresses covering the past 4 years, including any time spent abroad:

Date of Birth:

Nationality: