

# Conflicts of interest: what our guidance says

Some doctors are concerned that the planned changes to commissioning in the NHS in England may lead to more frequent conflicts of interest. This briefing note pulls together our existing guidance on conflicts of interest. We will be consulting on updated guidance on this issue in 2012.

## *Good Medical Practice\** (Paragraphs 73–76)

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- 73** You must be honest in financial and commercial dealings with employers, insurers and other organisations or individuals. In particular:
- a. before taking part in discussions about buying or selling goods or services, you must declare any relevant financial or commercial interest that you or your family might have in the transaction ....*
- 74** You must act in your patients' best interests when making referrals and when providing or arranging treatment or care. You must not ask for or accept any inducement, gift or hospitality which may affect or be seen to affect the way you prescribe for, treat or refer patients. You must not offer such inducements to colleagues.
- 75** If you have financial or commercial interests in organisations providing healthcare or in pharmaceutical or other biomedical companies, these interests must not affect the way you prescribe for, treat or refer patients.
- 76** If you have a financial or commercial interest in an organisation to which you plan to refer a patient for treatment or investigation, you must tell the patient about your interest. When treating NHS patients you must also tell the healthcare purchaser.

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\* *Good Medical Practice*

[http://www.gmc-uk.org/guidance/good\\_medical\\_practice/probity\\_financial\\_and\\_commercial\\_dealings.asp](http://www.gmc-uk.org/guidance/good_medical_practice/probity_financial_and_commercial_dealings.asp)

[http://www.gmc-uk.org/guidance/good\\_medical\\_practice/probity\\_conflicts\\_of\\_interest.asp](http://www.gmc-uk.org/guidance/good_medical_practice/probity_conflicts_of_interest.asp)

## Conflicts of Interest\* (Paragraphs 4–8)

### Financial interests in institutions providing care or treatment

- 4 Some doctors or members of their immediate family own or have financial interests in care homes, nursing homes or other institutions providing care or treatment. Where this is the case, you should avoid conflicts of interest that may arise, or where this is not possible, ensure that such conflicts do not adversely affect your clinical judgment. You may wish to note on the patient's record when an unavoidable conflict of interest arises.
- 5 If you have a financial interest in an institution and are working under an NHS or employers' policy, you should satisfy yourself, or seek assurances from your employing or contracting body, that systems are in place to ensure transparency and to avoid, or minimise the effects of, conflicts of interest. You must follow the procedures governing the schemes.
- 6 If you have a financial or commercial interest in a business case being considered by your Primary Care Trust under Practice Based Commissioning 3 arrangements, you should declare your interest and exclude yourself from related decisions in accordance with the Department of Health and your PCT's guidance
- 7 If you work outside a formal scheme run by an employing or contracting body you should avoid conflicts of interest, where possible. For example, if you are a general practitioner with financial interests in a residential or nursing home, you should not usually provide primary care services to patients in that home. Exceptions may arise, for example, if a patient asks you to continue acting as their general practitioner, or there is no alternative. If you accept a patient in these circumstances you must be prepared to justify your decision.
- 8 In all cases you must make sure that your patients and anyone funding their treatment is made aware of your financial interest.

## Management for Doctors † (Paragraphs 54–55)

- 54 You must be open and honest in any financial and commercial dealings you are responsible for. You must make sure that you and those you manage are competent and have the necessary training or advice for any financial work you take on.
  - the treatment of patients
  - purchases from funds for which you are responsible
  - the terms or awarding of contracts
  - the conduct of research
- 55 You must declare any interests you have that could influence or be seen to influence your judgement in any financial or commercial dealings you are responsible for. In particular, you must not allow your interests to influence:

### Find out more

If you need more information or advice on a conflict of interest, please contact our standards team at [standards@gmc-uk.org](mailto:standards@gmc-uk.org) or call **0161 923 6602**.

\* *Conflicts of Interest* [http://www.gmc-uk.org/guidance/ethical\\_guidance/conflicts\\_of\\_interest.asp](http://www.gmc-uk.org/guidance/ethical_guidance/conflicts_of_interest.asp)

† *Management for Doctors* [http://www.gmc-uk.org/guidance/ethical\\_guidance/management\\_for\\_doctors.asp#financial\\_and\\_commercial\\_dealings](http://www.gmc-uk.org/guidance/ethical_guidance/management_for_doctors.asp#financial_and_commercial_dealings)