



## **Breast Cancer Now**

### **Policy on conflicts of interest**

#### **1. Introduction**

- 1.1 This policy applies to everyone who is involved in providing advice or making decisions relating to the review or funding of scientific research by Breast Cancer Now. It includes all funding committees and panels of the charity, their Chairs and other members. Breast Cancer Now's Secretariat may notify other individuals from time to time that they are covered by this Policy. For convenience, persons covered by this Policy are referred to as '**Scientific Advisers**'.
- 1.2 The purpose of this document is to minimise the potential for conflicts of interest arising and to protect the charity and those who work for it from any perception, real or otherwise, that the external interests and affiliations of its committee members might interfere with their ability to work towards the furtherance of the charity's objectives.
- 1.3 The Committees are coordinated by members of Breast Cancer Now's Research Department, referred to in this document as '**the Secretariat**'.

#### **2. What is a conflict of interest?**

- 2.1 A conflict of interest may arise if non-Breast Cancer Now activities have, or could be perceived as having an impact on Breast Cancer Now's reputation or policies or, in the case of staff, interferes with commitments for Breast Cancer Now.
- 2.2 Not all non-Breast Cancer Now activity is a potential conflict of interest and may well support an individual's role with Breast Cancer Now. However, all commitments that may be a potential conflict of interest should be declared in advance or advice sought to clarify the situation.

##### **Who is affected?**

- All staff, whether on continuing or fixed term contracts
- Trustees
- Consultants
- Scientific Advisory Board (SAB)
- Scientific Advisory Group
- Generations Oversight Body
- Tissue Bank Groups
- In certain circumstances family members or close personal contacts who have links with organisations linked to Breast Cancer Now's activities or policy interests
- Scientific advisors

#### **2.3 External conflicts of interest**

- 2.3.1 Interests which should be disclosed by such individuals include:
- 2.3.2 Equity interests (if worth £10,000 or more, or more than 1% of the total issued capital) in enterprises with involvement in pharmaceuticals, healthcare, biotech or related areas, or in any other enterprise that may have a real or perceived interest in the work of the charity. Third party investments (e.g. ISAs) should be held exempt from this.
- 2.2.3 Potential conflicts of interest highlighted by declarations of interest, including consultancies and appointments, may normally be resolved by the individual concerned not participating in the relevant decision and being restricted in access to information.
- 2.2.4 Breast Cancer Now has set out procedures for evaluating conflicts of interest in its Code of Conduct which is provided to all committee members.

## **2.4 Conflicting interests relevant to a particular proposal**

- 2.4.1 An individual will normally be deemed to be connected with a grant proposal if the individual is any of the below:
- Are an applicant, co-investigator or collaborator on an application
  - Belong to the same institution as an applicant or co-investigator
  - Have co-authored a paper with the lead applicant in the last three years.
  - A named collaborator; or a recent collaborator with the listed main applicant and/or co-applicant(s) of a grant application
  - A relative of one of the grant applicants (“relative” for this purpose includes, but is not limited to, spouse or partner (current or past), children, siblings and parents);
  - A personal friend of one of the applicants
  - A business partner of one of the grant applicants; or a member or employee of the same university, or other institution, as the grant applicant or co-applicant.
  - Has a direct or indirect financial interest with a grant application being considered
  - Has a competitive interest with a grant application being considered which may result in a strong decision bias during the time of his/her commitment for the committee
  - Is aware of any other issues (whether academic, scientific, financial, business, personal or otherwise) that might give rise to a conflicting interest
- 2.4.2 A Scientific Adviser should be aware that they are appointed to a committee as an individual and not as a representative of an organisation by which they are employed or with which they have significant contracts or connections.
- 2.4.3 A Scientific Adviser should not misuse information gained in the course of their role for personal gain or use their position to promote their personal interests.

## **2.5 Declaration of interests**

- 2.5.1 Upon appointment a Scientific Adviser shall complete a declaration of interests form setting out any Conflicting Interests. These Interests will be added to Breast Cancer Now’s Register of Interests of Scientific Advisers. This declaration shall include details of remuneration for any post mentioned in clause 2.3
- 2.5.2 The Secretariat will require Scientific Advisers to update their Declaration of Interests annually
- 2.5.3 Any disputes regarding requested activities involving committee members will be discussed with the Chief Executive.

2.5.4 Panel members (including trustees who serve on panels) should also adhere to the spirit of this document and declare any other interests which they feel may be a source of conflict, or which might be perceived to conflict, with the interests of Breast Cancer Now. This includes interests held by the panel members' spouse or children. In all such cases, the conflict must be declared to the SAB secretariat as soon as it becomes evident.

2.5.5 If a Scientific Adviser has any doubt about whether an interest is a Conflicting Interest they should seek guidance from the Chair of their committee or the secretariat.

### **3. Managing conflicts of interests**

3.1 Breast Cancer Now recognises that the majority of conflicts or potential conflicts will relate to a particular issue and as such will not present any long term restrictions on an individual's ability to work for the charity or to sit on its committees.

3.2 In a small number of cases, major conflicts of interest may arise which compromise an individual's ability to continue in their position within the charity. Where such a situation relates to a member of a funding committee/panel, the matter will be discussed by the chair of the committee together with the secretariat. In cases where agreement cannot be reached through this means, the case will be referred to the committee as a whole, whose decision should be taken as final.

3.3 Members of funding committees are expected to declare any potential conflicts of interest relating to individual funding decisions to the committee secretariat before the meeting wherein they will be discussed, or during the meeting as soon as the existence of a conflict becomes apparent.

3.4 The Chair of the Committee and the Secretariat shall decide what action should be taken to deal with the Conflicting Interest. This may include:

#### **3.4.1 Automatic exclusion from participation in funding decisions**

Where a panel member is an applicant or co-applicant on a grant application, he or she must declare an interest and withdraw from any consideration of that application. That member will not receive documents pertaining to the application, learn the identity of its referees or receive its referees' reports. He or she must retire from the meeting when the application is assessed. Details of discussion of that application will be deleted from any papers the member receives. This should also apply to Trustees who serve as panel members and are applicants in the grant round.

#### **3.4.2 Exclusion at Breast Cancer Now's discretion**

Individuals may be excluded from Committee discussions at the discretion of Breast Cancer Now in a number of circumstances, of which the following are examples. If they:

- Are a direct competitor of the applicant;
- Have acted as an external referee or on a committee or panel in respect of a proposal at a time when this was being considered by another funding body.

3.5 If an individual becomes aware of any other matter that would reasonably be expected to give rise to, or be viewed as, a conflict of interest (whether academic, scientific, financial or otherwise) then he or she must declare the matter to the secretariat of the committee before the meeting or, if not practicable, as soon as the potential conflict becomes apparent at the meeting.

**3.6** The Secretariat (or where there is doubt as to whether an individual should be excluded, the Secretariat in consultation with the Chair, or Deputy Chair when the Chair is conflicted) will determine whether the individual should:

- Be permitted to take a full part in the meeting;
- Be permitted to comment on the application and participate in discussions but not present the application to the committee
- Be permitted to comment on the application and participate in discussions but not take part in the decision; or
- Absent himself or herself from the relevant part of the meeting.

**3.7** The secretariat will bring to the Chair's attention all relevant information concerning any form of connection between an application and a member of the committee.

#### **4. Confidentiality and transparency**

4.1 Details of funded grants, applications, meeting papers and related correspondence and the names of external referees are strictly confidential and should not be discussed with persons outside of the committee and the Secretariat. Scientific Advisers will also undertake to keep all documents secure and return them to the Secretariat or dispose of them appropriately.

4.2 Where committee members feel it necessary to discuss an application prior to the meeting, this should be declared to the Chair.

4.3 If an individual is approached by an applicant for advice on an application during or after the peer review process, the individual must not engage in discussion and disclose this incident to the secretariat of the committee

4.4 If an individual is approached by an applicant for technical advice on an application in his or her area of specialisation, the individual may provide such advice but must disclose this fact to the secretariat of the committee. The individual may be excluded from all or part of the meeting at which the application is considered.

#### **5. Cases of uncertainty**

5.1 If an individual is in any doubt as to the relevance of an interest that he or she has, such interest should be disclosed to the secretariat before the meeting or, if not practical, as soon as the potential conflict becomes apparent at the meeting.

5.2 The Secretariat will consult as necessary and the Chair, or the Deputy Chair (if the Chair is conflicted), shall make a decision.

#### **6. Matters other than those concerning funding decisions**

6.1 Except to the extent permitted explicitly by any other part of this code, individuals must absent themselves from the relevant part of any meeting where matters concerning their interests are discussed and may not take part in any decisions taken relevant to such interests.

#### **7. Raising concerns about the conflicts of interests of other individuals**

7.1 An individual who is concerned about another individual's potential or actual conflicts of interest should raise the matter as set out below:

- Issues concerning a member of the Committee should be raised with the Chair or secretariat of the Committee
- Issues concerning Breast Cancer Now staff should be raised with the Chair
- Issues concerning the Chair should be raised with the Deputy Chair
- Issues concerning both the Deputy Chair and the Chair should be raised with the Director of Research and the Research Funding Manager.

7.2 Committee members should read this policy in conjunction with the Terms of Reference, Code of Conduct and the Operational Guidelines which are available from the office on request.

## **8. Staff and Consultants**

- 8.1 Any disputes regarding requested activities involving staff and consultants will be discussed with the Chief Executive. If s/he is unable to resolve the situation the matter will be referred to the Trustee Board whose decision will be final.
- 8.2 Any other contravention of the above guidelines will be regarded as a disciplinary offence and the procedure outlined in the non-contractual disciplinary procedure will be followed

## **9. Trustees**

9.1 Any disputes regarding the above will be resolved by a committee consisting of the Chief Executive and two other Trustees. Trustees are reminded of charity law concerning benefit.

## **10. Tissue Bank Groups**

10.1 All groups established under the agreement in respect to the formation of the Breast Cancer Now Tissue Bank are bound under this agreement to work as set out in the Tissue Bank Terms of Reference. These Groups are the Tissue Bank Advisory Council, the Tissue Access Committee, and the Operations Group. The Tissue Bank Terms of Reference includes a conflict of interest policy that non Breast Cancer Now Staff and Trustees on the Tissue Bank Groups must adhere to. Any Breast Cancer Now staff or Trustees that sit on any of the Tissue Bank Groups must adhere to both Breast Cancer Now's general conflict of interest policy and the tissue bank conflict of interest policy."