



National Joint Registry

www.njrcentre.org.uk

**National Joint Registry
Steering Committee
Handbook**

September 2009

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Section 1

Terms of Reference

The National Joint Registry Steering Committee (NJRSC) has a responsibility to:

- Set the work programme for the National Joint Registry Centre with the Healthcare Quality Improvement Partnership (HQIP), ensuring approval from the Department of Health;
- Ensure that appropriate stakeholders are involved in and consulted on the work of the National Joint Registry Centre as appropriate;
- Recommend any significant changes to the contract between the Contractor (responsible for the National Joint Registry Centre) and HQIP including consideration of value for money;
- Monitor the codes of conduct applied to the Contractor in their relationship with other key stakeholders (orthopaedic units within NHS and independent healthcare organisations and with the orthopaedic implant industry);
- Monitor the delivery and quality of the work of the National Joint Registry Centre against the contract in association with HQIP;
- Monitor the inclusion, closure and performance of orthopaedic units contributing data to the National Joint Registry;
- Provide advice about the performance of prostheses and best surgical practice to Ministers, Department of Health, National Assembly for Wales, providers of orthopaedic services and, in the future, Northern Ireland Department of Health Social Services & Public;
- Review the NJR levy on an annual basis with HQIP, with consultation with the Department of Health, and make recommendations on the amount at which it should be set;
- Provide an annual report on the work of the National Joint Registry and, to make the report available in both the English and Welsh languages;
- Facilitate, where appropriate, the use of NJR data for research purposes.
- Adhere to the terms of the *Code of Practice for National Joint Registry Steering Committee Members* and the *Code of Practice – Register of Interests*¹.

¹ Section 5 of this Handbook

Section 2

Membership, Rules and Meeting Procedures

Membership

Appointments to the National Joint Register Steering Committee (NJRSC) will be made in accordance with the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Appointments.

Membership will include the Chair and Members from:

- Surgical profession (3 Members)
- Patient groups (2 Members)
- Implant manufacturing / supplier industry (2 Members)
- Public health/epidemiology (1 Member)
- Organisations with orthopaedic units providing hip and knee replacement services - NHS organisation (1 Member) and independent healthcare organisation (1 Member).
- Practitioner with special interest in orthopaedics – GP, nurse or allied health professional (1 Member)

Representatives from:

- HQIP
- National Assembly for Wales
- Medicines and Healthcare products Regulatory Agency (MHRA)
- NHS Purchasing and Supply Agency (PASA)

will be 'constant' attenders at the meetings. Consideration will be given to representation from Northern Ireland Department of Health, Social Services & Public Safety, and the Scottish Executive in the future.

At least one representative from the contractor(s) will be a 'constant' attender at the meetings.

Chair Chair and Vice Chair

Rule 1. The Chair shall be appointed by the Secretary of State for a defined period of office.

The Vice-Chair shall be elected by the Steering Committee.

Rule 2. The procedure for the elections shall be as follows:

- i. The Chair shall preside over the election of the Vice Chair.
- ii. Any Member of the NJRSC who has been proposed and seconded shall be deemed as having been nominated.
- iii. If there is only one nomination, that Member shall be elected.

- iv. If there are two nominations a ballot shall take place of all Members of the Committee who are present, and the nominated Member receiving the most votes shall be elected. In the event of a tie, the presiding officer shall decide which nominated Member is elected.
 - v. If there are three or more nominations, there shall be successive ballots with the nominated Member receiving the smallest number of votes being eliminated each time. In the event of there being a tie the presiding officer shall decide which nominated Member is eliminated.
- Rule 3. In the event of the Chair resigning or being deemed to have resigned at any time before the expiry of their term of office the Vice-Chair shall act as Chair.
- Rule 4. If neither the Chair nor Vice-Chair is present at a meeting NJRSC shall elect one of its own Members to preside.

Meetings

The NJR Steering Committee shall meet four times a year.

- Rule 5. At each meeting the Committee shall agree the date for its next meeting. The Chair may, at his/her discretion, postpone a meeting so fixed if it is considered there are good grounds (such as insufficient business) for doing so.
- Rule 6. A meeting shall be called:
- (a) as instructed by the Committee at a meeting or
 - (b) at the discretion of the Chair

Quorum

- Rule 7. The quorum shall be two-thirds of the Steering Group Members.

Matters for inclusion on the agenda

- Rule 8. Matters will be put on the agenda as directed by the Chair.

Other matters of procedure:

Sub-committees and groups

The NJR Steering Committee may establish sub-committees and groups. Only members of the NJR Steering Committee are eligible to chair these NJR sub-committees and groups. Subject to the approval of the NJR Steering Committee and HQIP, NJR sub-committees and groups may include persons who are not Members of the NJR Steering Committee.

Attendees at meetings

1. Whilst the NJR Steering Committee has no power to co-opt additional Members the Chair may invite outside persons to attend to discuss particular issues.
2. The NJR Steering Committee may invite others to be 'constant attendees' at main, joint or sub-committee meetings subject to approval of HQIP.

Section 3

Chair and Members – Duties and Role

The Chair and Members of the National Joint Register Steering Committee will have collective responsibility for the operation of this Committee and must

- Engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the Department of Health or the responsible Minister;
- Ensure that the Freedom of Information Act is adhered to;
- Respond appropriately to complaints, if necessary with reference to the Department of Health;
- Contribute to the preparation of advice as needed to UK Ministers;
- Contribute to discussion in the Steering Committee on dealing with issues of Parliamentary, media and national interest;
- Attend meetings of the Steering Committee, including any held in public, and (as agreed) sit on its committees, monitoring groups and working groups;
- Ensure that the Committee does not exceed its powers or functions.

Individual Members, who fail to perform the duties required of them in line with the standards expected in public office, can be removed from office by the Minister. See also section on Code of Practice for Members.

Role of the Chair

The Chair has particular responsibility for providing effective leadership on the issues above. In addition, the Chair is responsible for

- Ensuring that NJRSC meets at appropriate intervals and that the minutes of meetings and any reports accurately record the decisions taken and, where appropriate, the views of individual Members;
- Representing the views of NJRSC to the general public;
- Ensuring new Members are briefed on appointment (and their training needs considered), and providing an assessment of their performance, on request, when Members are considered for re-appointment to NJRSC or for appointment to some other public body.

Section 4

Role of Committee, Procedures and Papers

Role

1. The National Joint Registry Steering Committee (NJRSC) has a responsibility to:
 - Set the work programme for the National Joint Registry Centre with HQIP;
 - Ensure that appropriate stakeholders are involved in and consulted on the work of the National Joint Registry Centre as appropriate;
 - Recommend any significant changes to the contract between the Contractor (responsible for the National Joint Registry Centre) and HQIP including consideration of value for money;
 - Monitor the codes of conduct applied to the Contractor in their relationship with other key stakeholders (orthopaedic units within NHS and independent healthcare organisations and with the orthopaedic implant industry).
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 - Provide advice about the performance of prostheses and best surgical practice to Ministers, Department of Health, National Assembly for Wales, providers of orthopaedic services and, in the future, Northern Ireland Department of Health Social Services & Public;
 - Review the NJR levy on an annual basis with HQIP, with consultation with the Department of Health, and make recommendations on the amount at which it should be set;
 - Provide an annual report on the work of the National Joint Registry and, to make the report available in both the English and Welsh languages ;
 - Facilitate, where appropriate, the use of NJR data for research purposes.
 - Adhere to the terms of the *Code of Practice for National Joint Registry Steering Committee Members* and the *Code of Practice – Register of Interests*.

Note:

At present the joint replacements included in the register are for the knee and hip, but may include other joints in the future.

In considering national issues, NJRSC will adopt a UK perspective which will include taking account of differences between England, Wales and Northern Ireland, and of the status of devolved and non-devolved matters.

Papers

2. It is most unlikely that official information provided to the Committee will be covered by the Official Secrets Act. Should it ever be necessary to provide such information, a full explanation of Members' obligations under the Act would be given.
3. It is often necessary and proper for Committee Members to seek the opinions of colleagues outside on matters discussed, so that the Committee's deliberations will be better informed. But they should also take care to safeguard the confidential nature of the Committee's work. It may be helpful, therefore, to clarify the status of papers that are received by the Committee and to give guidance on their handling.
4. The only confidentiality marking that will be used without specific explanation will be RESTRICTED - POLICY. This classification will be used for the Committee's papers on sensitive issues. Members should not photocopy such papers nor discuss them in public, and should take steps to ensure that they are not disclosed to the media. Issues on which Members judge that it is desirable to seek the views of professional colleagues outside should be isolated from the context in which they are raised.
5. Papers not so marked are nevertheless confidential to the Committee. Members may seek the views of professional colleagues outside the Committee on their contents, and may photocopy them for named distribution in keeping with the need to ensure that such papers are not disclosed to the media. The presumption is that such papers would in due course be made available to the public on request under the *Freedom of Information Act*, but that the timing and means of release should be controlled by the authors of such papers, or by the Secretariat, as appropriate.
6. Where Members may copy and distribute a paper freely this will be clearly indicated.

Format and content of papers

7. Steering Committee papers will, wherever possible, have a maximum length of 4 pages. Each paper will have an Executive Summary and indicate whether it is for (i) Information Only, (ii) For Discussion and Decision (during a meeting or at a later date) or (iii) Further Action Required.

NJRSC Secretariat
September 2009

Section 5

Code of Practice for Members

Public Service Values

Members must at all times

- observe the highest standards of **impartiality**, **integrity** and **objectivity** in relation to the advice they provide;
- be **accountable** to Parliament and the public more generally for their activities and for the standard of advice; and
- in accordance with Government policy on **openness**, comply fully with the Code of Practice on Access to Government information.

Standards in Public Life

All Members must:

- follow the *Seven Principles of Public Life* set out by the Committee on Standards in Public Life (see annex to this section);
- comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this body and any relevant statements of Government policy.
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- not hold any paid or high profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of NJRSC. When engaging in other political activities, Members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs, to local councillors, or to Peers in relation to their conduct in the House of Lords.

Handling conflicts of interest

(see also the *Advisory Committees: Declaration of Members' interests Code of Practice*)

The purpose of these provisions is to avoid any danger of Members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties.

All Members should therefore declare any personal or business interest which may, or may be perceived (by a reasonable member of the public) to, influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests, and should normally also include, such interests of close family members and of people living in the same household².

² *Indirect pecuniary interests* arise from connections with bodies, which have a direct pecuniary

The register of interests should be kept up-to-date and be open to the public. A declaration of any interest should also be made at any meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a Member also withdraws from the meeting).

Members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by this body or the sponsor department which required them not to participate and/or withdraw from the meeting.

Personal liability of Members

Legal proceedings by a third party against individual Members of advisory bodies are very exceptional.

A Member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual Members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their committee functions.

Members who need further advice should consult the Department of Health.

interest or from being a business partner of, or being employed by, a person with such an interest. *Non-pecuniary interests* include those arising from membership of clubs and other organisation. Whilst guidance suggests close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these. Members have, in the past, only declared significant interests of partners where it may, or be perceived to, influence a members' judgement.

The Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business including making public appointments, awarding contract, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Section 6

Advisory Committees: Declaration of Members' Interests Code of Practice

Introduction

1. This code of practice guides the Chair and Members of the NJR Steering Committee as to the circumstances in which they should declare any interest³ in health service industries e.g. orthopaedic prostheses manufacturers or suppliers.
2. In this code, "industry" means:
 - a. companies, partnerships or individuals who are involved with the manufacture, sale or supply of orthopaedic prostheses;
 - b. trade associations representing companies involved with such products;
 - c. companies, partnerships or individuals who are directly concerned with the research, development or marketing of an orthopaedic prostheses which is being considered by the Committee;
 - d. companies, partnerships or individual who provide a service to the medical profession, the NHS or independent healthcare organisations.

References to "the industry" include cases involving a single company.

In this code, "the Department" means the Department of Health, and references to "Member(s)" include the Chair.

Different types of interest

3. The following is intended as a guide to the kinds of interests which should be declared. Where Members are uncertain as to whether an interest should be declared, they should seek guidance from the Secretariat; where it may concern a particular product, service or person, which is considered at a meeting of the Committee, they should seek guidance from the Chair of the meeting.
4. If Members have interests not specified in these notes but which they believe could be regarded as influencing their advice they should declare them. However, Members are not under an obligation to search out links between one company and another, for example, where a company with which a Member is connected has an interest in another company of which the Member is not aware and could not reasonably be expected to be aware.

³ Whilst the *Code of Practice for Members* suggests that interests of close family members are declared members have, in the past, limited such declarations to partners with the emphasis on disclosure only where the interest may, or may be perceived (by a reasonable member of the public) to, influence their judgement.

Personal interests

5. A personal interest involves payment to a Member personally. The main examples are:
 - a. Consultancies – any consultancy, directorship, position in or work for the industry which attracts regular or occasional payments in cash or kind.
 - b. Fee-paid work – any work commissioned by the industry for which the Member is paid in cash or kind.
 - c. Shareholdings – any shareholding in or other beneficial interest in shares of the industry. This does not include shareholdings through unit trusts or similar arrangements where the Member has no influence on financial management.

Non-Personal Interests

6. A non-personal interest involves payment which benefits the department for which a Member is responsible, but is not received by the Member personally. The main examples are:
 - a. Fellowships – the holding of a fellowship endowed by the industry.
 - b. Support by the industry – any payment, other support or sponsorship by the industry which does not convey any pecuniary or material benefit to the Member personally but which does benefit their position or department; for example:
 - i. A grant from a company for the running of a unit or department for which the Member is responsible.
 - ii. A grant or fellowship or other payment to sponsor a post or a Member of staff in the unit for which the Member is responsible. This does not include financial assistance for students.
 - iii. The commissioning of research or other work by, or advice from, staff who work in a unit for which the Member is responsible.

Members are under no obligation to seek out knowledge of work done for or on behalf of industry within departments for which they are responsible if they would not normally expect to be informed.

Declarations of interests

Declarations of Interests to HQIP and the Department of Health

7. Members of the Committee should inform HQIP and the Department of Health in writing when they are appointed of their current personal and non-personal interests. Only the name of the company and the nature of the interests is required; the amount of any salary, fee, shareholding, grant, etc. need not be disclosed to HQIP and the Department of Health. This is similar information to that required by the Appointments Commissioner.
8. An interest is current if the Member has an on-going financial involvement with the industry, for example if they hold shares in a

relevant company, if they have a consultancy contract with the industry, or if they or the department for which they are responsible is in the process of carrying out work for the industry. Members are asked to inform HQIP, through the Secretariat, at the time of any change in their personal interest.

9. Changes in non-personal interests can be reported annually. (Non-personal interests involving less than £1,000 from a particular company in the previous year need not be declared.)

Declaration of Interests at Meetings

10. Members are required to declare relevant interests at Committee meetings, and to state whether they are personal or non-personal interests and whether they are specific or non-specific to the product under consideration.
 - a. A Member must declare a *personal specific* interest if they have at *anytime* worked on the product under consideration and have personally received payment for that work, in any form, from the industry.
 - b. A Member must declare a *personal non-specific* interest if they have a *current* personal interest in the company concerned which does not relate specifically to the product under discussion.
 - c. A Member must declare a *non-personal specific* interest if they are aware that the department for which they are responsible has at any time worked on the product but the Member has not personally received payment in any form from the industry for the work done.
 - d. A Member must declare a *non-personal specific* interest if they are aware that the department for which they are responsible is *currently* receiving payment from the company concerned which does not relate specifically to the product under discussion.
11. The examples of “personal”, “non-personal”, and “current” interests given in the previous paragraph should be read in the context of paragraphs 3, 4 and 5. A Member, who is in any doubt as to whether they should take part in the proceedings, should ask the Secretariat for guidance. The Committee has the power to determine whether or not a Member with an interest shall take part in the proceedings.
12. If a Member is aware that a product under consideration is or may become a competitor of a product manufactured, sold, supplied or being developed by company in which the Member has a *current personal* interest, they should declare their interest in the company developing or marketing the rival product.

Record of Interests

13. A record is kept in the Appointments Commission for the Department of Health, and at HQIP of the names of Members who have declared interests to it, and the nature of those interests. This information will be regarded as being in the public domain.

Declaration of Members' Interests Code of Practice

DECLARATION OF INTERESTS BY

(insert name) _____

IN ACCORDANCE WITH THE CODE OF PRACTICE

PERSONAL INTERESTS

(For definition, see paragraphs 4(a), (b) and (c) of the Code of Practice)

Consultancies, Directorships and Similar Positions Held

Fee-Paid Work

Shareholdings

Other (please specify)

PERSONAL INTERESTS

(For definition, see paragraphs 5(a), (b) and (c) of the Code of Practice)

Fellowships

Industrial Support

Other (please specify)

Declaration of Members' Interests Code of Practice

DECLARATION

I confirm that I have read and understood the Code of Practice for Members, including the code of Practice on Declaration of Member's Interests.

I agree to abide by the Codes.

I declare the interest listed on the attached form and declare that these interests will not influence my advice to the National Joint Registry Steering Committee.

Signature: _____

Name: _____

Date: _____

PLEASE RETURN both sheets BY POST (retaining a copy for your records)
TO:

NJRSC SECRETARIAT
The NJR Centre,
Peoplebuilding 2
Peoplebuilding Estate
Maylands Avenue
Hemel Hempstead
HP2 4NW

Section 7

Publication Scheme

The *Freedom of Information Act 2000* requires public authorities, including the National Joint Registry Steering Committee (NJRSC), to adopt and maintain publication schemes having regard to the public interest in having access to the information they hold and in the publication of reason for the decisions made by authorities.

In considering how most appropriately to achieve these aims NJRSC has taken into account the particular nature of its work, the small number of meetings it holds each year, and the limited administrative resources it has available. In the light of all these considerations NJRSC has agreed to publish the information detailed below:

- Terms of Reference and Role
- Minutes of meetings
- An Annual Report
- Contact Address
- Register of Members' Interests
- Code of Practice for NJRSC Members
- Declaration of Members' Interests Code of Practice
- A Publication Scheme.

This information will be published on NJRSC's web-pages on the NJR Centre's web site.

The same information, as current at that time, will be provided by email or post to any individual who makes a request to the Secretariat to NJRSC for it to be provided in that way. No charge will be made for provision of any of this information in any of the ways described above. An exception may be made if the Chair or Deputy Chair of NJRSC confirms the Secretariat's assessment that a particular request is unreasonable. In that case the reason for refusing the request will be conveyed to the person who made the request.

The Chair takes responsibility for the scheme on behalf of the NJRSC.

Northgate is responsible for maintaining the scheme on a day to day basis.

NJRSC Secretariat
The NJR Centre,
Peoplebuilding 2
Peoplebuilding Estate
Maylands Avenue
Hemel Hempstead
HP2 4NW

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