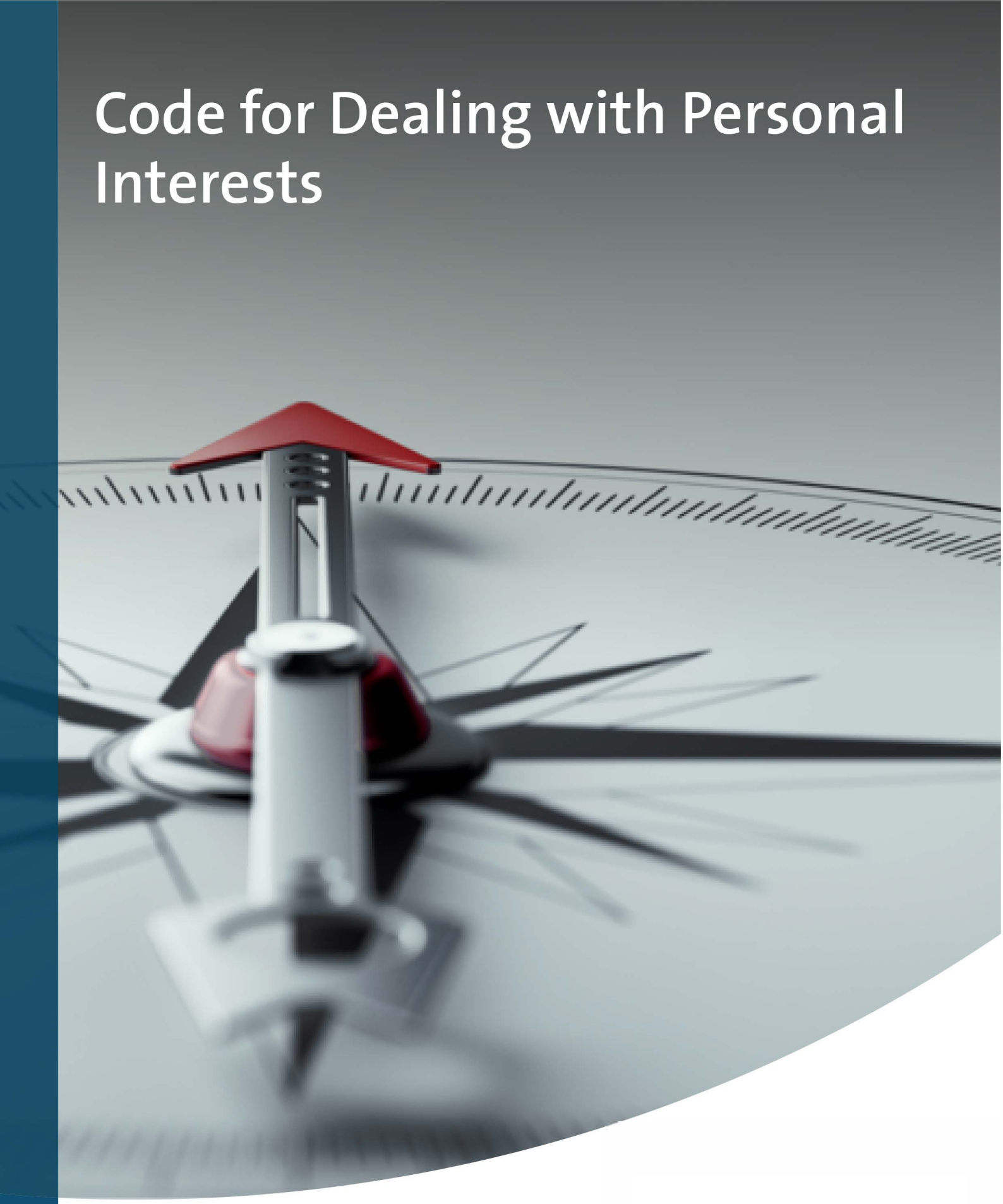
Code for Dealing with Personal Interests



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ZonMw

Introduction

The Netherlands Organisation for Health Research and Development [Nederlandse organisatie voor gezondheidsonderzoek en zorginnovatie or ZonMw]contributes to the improvement of care and health in the Netherlands by funding health research and innovation in care and by encouraging the use of the expertise developed.

ZonMw performs its public task by providing financial resources. ZonMw consequently carries a great deal of responsibility in the scientific field, society and the broad area of health research and healthcare. This responsibility means that there are certain requirements as to how ZonMw works when providing financial support:

1. The quality of the assessments has to be of a very high calibre
2. The methodology must satisfy the highest possible standards in the area of integrity
3. ZonMw must, at all times, be able to account for their actions.

The General Administrative Law Act [Algemene wet bestuursrecht or Awb] and the explanatory memorandum are very clear about dealing with personal interests. Under article 2:4, the assessment and decision-making process must not be affected by any bias. In accordance with this article, ZonMw works to ensure that persons belonging to, or working for, the administrative bodies do not influence the decision-making process if they have a personal interest in a decision. At the same time, it is important that these persons understand the subject matter. However, the Netherlands is a small country in which many experts work together or know each other. Therefore, some degree of interdependence cannot be completely ruled out.

The ‘Code of Conduct in Respect of Personal Interests’ (hereafter referred to as the Code) describes the way of dealing with personal interests in the process of the preparation of, advising on and the decision-making about, the distribution of resources (hereafter referred to as the process). The Code also states the way in which decisions about conduct in respect of personal interests in the process must be explained and recorded. This means that ZonMw is able to account for its actions at all times.

Members of the decision-making bodies, employees, referees, jury and committee members who take part in the process (hereafter referred to as participants) are subject to this Code. Where the masculine form appears in the Code, this could also be read as the feminine.

The Code addresses in succession:

1. Who is responsible for what.
2. What personal interests are.
3. How a participant should deal with personal interests in the process.

1 Who is responsible for what

Being administrative bodies, as defined by the General Administrative Act, ZonMw has the final responsibility for dealing with personal interests in the process. The body itselve initially places the responsibility on the participants in the process. These participants have the individual and joint task of considering whether, and under what conditions, participation in the process can take place.

The responsibilities for dealing with personal interests in the process are divided as follows:

The board of ZonMw

It is the responsibility of the board of ZonMw and all other decision-making bodies to:

- establish frameworks

- ensure that all participants in the process are adequately equipped to take responsibility in respect of dealing with personal interests
- maintain supervision of dealing with personal interests in the process
- take a final decision about dealing with personal interests in the process

Directors, employees, referees, and jury and committee members of ZonMw are in that capacity themselves responsible for their conduct in respect of personal interests.

2 What personal interests are

A personal interest is when a participant has an interest that is not that of the administrative body that he should be promoting by reason of his role. A personal interest is therefore a different interest than that which ZonMw promotes as their statutory duty. This interest may be in the application or applicant:

- personal interests
- professional interests
- interests arising out of other positions
- (financial or economic) business interests

The following personal interests always exclude participation in the process:

- being the applicant or joint applicant
- being the actual or anticipated project manager or sub-project manager
- having written any part of an application without being an applicant or joint applicant
- being the direct manager of the applicant
- having any relationship by blood or affinity up to and including the third degree or having entered into a contract of cohabitation (other than a civil partnership)
- being a dean in the Kingdom of the Netherlands, or an official with comparable administrative authority in a knowledge institution that is substantially dependent on Dutch second-level funding for its financing.

For other personal interests, an explicit consideration must be made, about if and under what conditions it is possible to participate in the process. In any case, the following factors must be considered:

- the nature of the personal interest
- the degree of the personal interest
- the number of applications and/or applicants in which the participant has a personal interest
- the number of applications in a round (the size of the round)
- the number of committee members (size of the committee)
- the role the participant has in the process
- the presence of guarantees in the process

3 How a participant should deal with personal interests in the process

In considering interests, all parts of ZonMw follow the same procedure. All decisions, including considerations and explanation, that go with the procedure, must be documented and archived.

How personal interests that do not, by definition, exclude taking part in the process are dealt with varies per participant. A description of the different participants follows below.

Members of decision-making bodies

A member of a decision-making body with a personal interest that does not, per definition, exclude participation considers whether, and under what circumstances, he can participate. The members of the decision-making body then make a carefully considered decision as to whether the member concerned can participate in the process and the application of any possible control measures. This decision, including explanation and considerations, is set down in the report of the meeting.

Employees
An employee with a personal interest must report it to his immediate manager and his director. The director makes a decision about the employee's participation in the process and any possible control measures that should be taken.

Referees
A referee with a personal interest must report it to the relevant employee. The referee does not assess the application in question.

Committee members
Committee members take the following steps when considering personal interests that do not, per definition, exclude participation.

Step 1: Individual decision whether one can take one's seat on a committee

Prior to the committee meeting, the committee member receives an overview of the applications and applicants. If the committee member has a personal interest, the committee member decides himself, after obligatory consultation with the committee chairperson (which is, at the same time, also reported to the secretary of the committee), whether he can take his seat on the committee. If the committee member decides not to take his seat on the committee in question, it is sufficient to just state that decision. The member does not have to explain his reasons.

If the committee member decides that he can take his seat on the committee in question, he does not receive the application or applications in which he has a personal interest.

Result of the step
If the committee member decides to take his seat, he takes and explains that decision about his conduct in respect of personal interests in writing.

Step 2: Decision of the committee about participation in the committee meeting and any control measures to be taken

At the start of the meeting, the chairperson and the secretary discuss the application of the Code with the committee members before all the committee members' personal interests that have been reported beforehand are discussed. After that, the committee chairperson ascertains whether a new personal interest has arisen amongst the members. In doing so, the question as to how any interests are related to each other and what that means for the committee as a whole is explicitly addressed.

The committee then takes a decision about:
- participation in the committee meeting by the member in question
- adequate control measures for participation in the committee meeting by the member in question.

As a standard control measure, the committee member in question does not take part in the process in respect of an application in which he has a personal interest. This includes:
- pre-advice about the application in question
- assessment of the application in question
- deliberation of, and access to deliberations on, the application in question

Additional control measures that may be taken may include but are not limited to:
- participation of a neutral observer in the committee meeting
- an increase in the number of committee members
- splitting the committee into sub-committees

The committee chairperson expressly puts the question to the committee members as to whether the control measures taken will prevent the process from being affected by bias and the decision-making being affected by persons with a personal interest.

As a standard control measure, the committee will at all times proceed with:

- providing insight into deviating scores/judgements of committee members
- questioning of committee members with deviating scores/judgements

Result of this step
A written decision by the committee in writing with explanation about personal interests including the control measures to be taken.

Step 3: Decision of the decision-making body with regard to conduct in respect of personal interests

After the committee meeting, the decision-making body receives advice in writing including an overview of the personal interests of committee members and the way in which the committee has dealt with them. This advice also includes explanation and considerations.

Result of this step
A decision by the decision-making body about conduct in respect of personal interests in the process.

Jury members
A jury member takes the following steps in respect of personal interests which do not exclude him by definition from participation in the process.

Step 1: Individual decision as to whether he can sit on the jury

The jury member receives an overview of the applications and applicants. If the jury member has a personal interest, the jury member makes that known to the relevant member of staff. The jury member decides for himself whether he can sit on the jury in question. If the jury member decides not to sit on the jury, it is sufficient to just state that decision. The jury member does not have to explain his reasons.

If the committee member decides that he can take his seat on the committee in question, he does not assess the application or applications in which he has a personal interest.

Result of the step
If the jury member decides to sit on the jury, he takes and explains that decision about his conduct in respect of personal interests in writing.

Step 2: Decision of the decision-making body with regard to conduct in respect of personal interests

After the assessment of the applicants by the jury, the decision-making body receives advice in writing including an overview of the personal interests of the jury members and the way in which the committee has dealt with them. This advice also includes explanation and considerations.

Result of this step
A decision by the decision-making body about conduct in respect of personal interests in the process.

The Code on dealing with personal interests (version June 2020) will enter into force on 1 June 2020 after adoption by the ZonMw Board of Directors and Management Board. With the entry into force of this slightly amended Code, the Code on the Treatment of Personal Interests (version July 2019) will lapse. The Code of Conduct in Respect of Personal Interests may also be cited as the ‘Personal Interest Code’ [‘Code Persoonlijke Belangen’].

The Netherlands Organisation for Health Research and Development (ZonMw) enforces a Code for dealing with personal interests in order to guarantee that the decision-making process is objective.
The 'Code for Dealing with Personal Interests' (hereafter referred to as the Code) describes the way of dealing with personal interests in the process of the preparation of, advising on and the decision-making about, the distribution of resources (hereafter referred to as the process). The Code also
states the way in which decisions about dealing with personal interests in the process must be explained and recorded. This means that ZonMw is able to account for tits actions at all times. Members of the decision-making bodies, employees, referees, jury and committee members who take part in the process (hereafter referred to as participants) are subject to this Code.

More info on our website: https://www.zonmw.nl/en/about-zonmw/integrity-and-conflicts-of-interest/

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