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**Name of Policy:**

Managing Conflicts of Interest Policy

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This policy supersedes all previous issues

## Version Control

<b>Version</b>	<b>Release</b>	<b>Author/Reviewer</b>	<b>Ratified by/Authorised by</b>	<b>Date</b>	<b>Changes (Please identify page no.)</b>
<b>1.0</b>	Jan 2000		Trust Board	January 2000	
<b>2.0</b>	July 2006		Trust Policy Forum	July 2006	
<b>3.0</b>	05/07/2012	K Ward D Atkinson	HR Committee	11/06/2012	Now incorporates OP01
<b>4.0</b>	08/01/2016	S Kilner D Atkinson	HR Committee	07/12/2015	Simplified policy, removal of duplicative information
<b>5.0</b>	02/10/2017	K.O'Brien / D.Atkinson	HR Committee	08/08/2017	New 'Managing Conflicts of Interests in the NHS' requirements from NHS England adopted, including national policy. Renamed from Standards of Business Conduct.

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## 1 Introduction

Gateshead Health NHS Foundation Trust and the people who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients.

These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely. But there is a risk that conflicts of interest may arise.

Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution. We are committed to maximising our resources for the benefit of the whole community. As an organisation and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of patients.

## 2 Policy Scope

At Gateshead Health NHS Foundation Trust we use the skills of many different people, all of whom are vital to our work. This includes people on differing employment terms, who for the purposes of this policy we refer to as 'staff' and are listed below:

- All salaried employees
- All prospective employees – who are part-way through recruitment
- Contractors and sub-contractors
- Agency staff; and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation)

For the purpose of this policy, decision making staff are defined as:

- Executive and non-executive directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers' money
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services
- Those at Agenda for Change band 8D and above, and on 'Very Senior Manager' (VSM) contracts

## 3 Aim of policy

This policy will help our staff manage conflicts of interest risks effectively. It:

- Introduces consistent principles and rules
- Provides simple advice about what to do in common situations.
- Supports good judgement about how to approach and manage interests

This policy should be considered alongside these other organisational policies:

- Standing Financial Instructions
- Other HR policies where conflicts of interest could arise
- Fit and Proper Person Test Policy
- Professional Staff Codes of Practices
- Local procedures and guidance

## 4 Duties (Roles and responsibilities)

### Responsibilities of the Trust

- Ensure that this policy and supporting processes are clear and help staff understand what they need to do.
- We will **NOT** avoid managing conflicts of interest.
- We will **NOT** interpret this policy in a way which stifles collaboration and innovation with our partners

### Responsibilities of Trust Secretary

- Keeping this policy under review to ensure they are in line with the guidance.
- Providing advice, training and support for staff on how interests should be managed.
- Maintaining register(s) of interests.

### Responsibilities of Line Managers/Clinical Leads

- Review declarations made by staff members, agree where appropriate and/or escalate if necessary for a decision.

### Responsibilities of Staff

- Familiarise yourself with this policy and follow it. Refer to the guidance for the rationale behind this policy <https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>
- Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent
- Regularly consider what interests you have and declare these as they arise. If in doubt, declare.
- Seek your employer's permission before taking on outside work regardless of whether there is any question of it adversely affecting your NHS duties.
- You must **NOT** misuse your position to further your own interests or those close to you
- You must **NOT** be influenced, or give the impression that you have been influenced by outside interests
- You must **NOT** allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money

## 5 Definitions

A 'conflict of interest' is:

"A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold."

A conflict of interest may be:

- Actual - there is a material conflict between one or more interests
- Potential – there is the possibility of a material conflict between one or more interests in the future

Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently and perceived conflicts of interest can be damaging. All interests should be declared where there is a risk of perceived improper conduct.

Interests fall into the following categories:

- **Financial interests:**

Where an individual may get direct financial benefit<sup>1</sup> from the consequences of a decision they are involved in making.

- **Non-financial professional interests:**

Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.

- **Non-financial personal interests:**

Where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.

- **Indirect interests:**

Where an individual has a close association<sup>2</sup> with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

Bribery is defined as the giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. Under the Bribery Act 2010 there are five possible offences:

- Bribing another person - The offering, promising or giving of a reward to induce a person to perform a relevant function or activity improperly.
- Being bribed - The accepting of, agreeing to accept or requesting of a reward in return for performing a relevant function or activity improperly. A 'relevant function or activity' includes any activity of a public nature or any activity connected to a business. 'Acting improperly' will be any breach of what a reasonable person in the UK would expect in relation to the performing of the function or activity.
- Bribing a foreign public official.
- Senior officer connivance or consent – The senior officer ignores or consents to bribery although does not benefit directly from it.
- Failure to prevent bribery - This 'corporate offence' occurs when an organisation fails to stop people who are operating on its behalf from being involved in bribery.

'Gifts' are defined as 'rewards' and 'advantages' that can be financial or otherwise, including any item of cash or goods, or any service, which is provided for personal benefit at less than its commercial value.

## **6 Identification, declaration and review of interests**

### **6.1 Identification & declaration of interests (including gifts and hospitality)**

All staff should identify and declare material interests at the earliest opportunity (and in any event within 28 days). If staff are in any doubt as to whether an interest is material then they should declare it, so that it can be considered. Declarations should be made:

- On appointment with the organisation.
- When staff move to a new role or their responsibilities change significantly.
- At the beginning of a new project/piece of work.
- As soon as circumstances change and new interests arise (for instance, in a meeting when interests staff hold are relevant to the matters in discussion).

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<sup>1</sup> This may be a financial gain, or avoidance of a loss.

<sup>2</sup> A common sense approach should be applied to the term 'close association'. Such an association might arise, depending on the circumstances, through relationships with close family members and relatives, close friends and associates, and business partners.

A declaration form is available on the Trust's Intranet Site.

Declarations should be made to the Trust Secretary, Corporate Affairs Office based in Trust Headquarters, QE Hospital.

After expiry, an interest will remain on register(s) for a minimum of 6 months and a private record of historic interests will be retained for a minimum of 6 years.

## **6.2 Proactive Review of Interests**

We will prompt decision making staff annually to review declarations they have made and, as appropriate, update them or make a nil return.

## **6.3 Records and publication**

The organisation will maintain a register of gifts, hospitality and interests. All declared interests will be promptly transferred to the register by the Corporate Affairs Team.

### **6.3.1 Publication**

We will:

- Publish the interests declared by decision making staff in a register
- Refresh this information annually
- Make this information available on the Trust's website

If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Trust Secretary to explain why. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, information may be withheld or redacted on public registers. However, this would be the exception and information will not be withheld or redacted merely because of a personal preference.

### **6.3.2 Wider Transparency Initiatives**

Gateshead Health NHS Foundation Trust fully supports wider transparency initiatives in healthcare, and we encourage staff to engage actively with these.

Relevant staff are strongly encouraged to give their consent for payments they receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative. These "transfers of value" include payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel, both inside and outside the UK
- Donations, grants and benefits in kind provided to healthcare organisations

Further information about the scheme can be found on the ABPI website:

<http://www.abpi.org.uk/our-work/disclosure/about/Pages/default.aspx>

## 7 Management of Interests – General

If an interest is declared but there is no risk of a conflict arising then no action is warranted. However, if a material interest is declared then the general management actions that could be applied include:

- restricting staff involvement in associated discussions and excluding them from decision making
- removing staff from the whole decision making process
- removing staff responsibility for an entire area of work
- removing staff from their role altogether if they are unable to operate effectively in it because the conflict is so significant

Each case will be different and context-specific, and Gateshead Health NHS Foundation Trust will always clarify the circumstances and issues with the individuals involved. Staff should maintain a written audit trail of information considered and actions taken.

Staff who declare material interests should make their line manager or the person(s) they are working to aware of their existence. Should it be required, a final decision would be made by the Corporate Management Team and/or Chief Executive.

### 7.1 Management of Interests – Common Situations

This section sets out the principles and rules to be adopted by staff in common situations, and what information should be declared.

#### 7.1.1 Gifts

- Staff should not accept gifts that may affect, or be seen to affect, their professional judgement. This included illegal, illicit or politically motivated items.

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6<sup>3</sup> in total, and need not be declared.

Gifts from other sources (e.g. patients, families, service users):

- Gifts of cash and vouchers to individuals should always be declined.
- Staff should not ask for any gifts.
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of Gateshead Health NHS Foundation Trust, not in a personal capacity. These should be declared by staff.
- Modest gifts accepted under a value of £50 do not need to be declared.
- A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).
- Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

#### What should be declared?

- Staff name and their role with the organisation.

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<sup>3</sup> The £6 value has been selected with reference to existing industry guidance issued by the ABPI: <http://www.pmcpcpa.org.uk/thecode/Pages/default.aspx>

- A description of the nature and value of the gift, including its source.
- Date of receipt.
- Any other relevant information (e.g. circumstances surrounding the gift, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

### **7.1.2 Hospitality**

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. This can be accepted, and must be declared, if modest and reasonable. Senior approval must be obtained.

#### Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75<sup>4</sup> - may be accepted and must be declared.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept.
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

#### Travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type. A non-exhaustive list of examples includes:
  - offers of business class or first class travel and accommodation (including domestic travel)
  - offers of foreign travel and accommodation.

#### **What should be declared?**

- Staff name and their role with the organisation.
- The nature and value of the hospitality including the circumstances.
- Date of receipt.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

### **7.1.3 Outside Employment (including voluntary work and self-employment)**

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.

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<sup>4</sup> The £75 value has been selected with reference to existing industry guidance issued by the ABPI <http://www.pmcpcpa.org.uk/thecode/Pages/default.aspx>

- Staff must declare the hours worked in outside employment on an on-going basis to allow for the Trust to be assured that employees are not breaching Health & Safety regulations including European Working Time Regulations
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks. This may include suggesting outside employment ceases where it is impacting upon your work for the Trust.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the organisation to engage in outside employment.
- Staff cannot be re-engaged to work for the Trust through a third-party (including agencies) if the Trust has the ability to offer the work directly to the individual

#### **What should be declared?**

- Staff name and their role with the organisation.
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **7.1.4 Shareholdings and other Ownership Issue**

- Staff should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the organisation.
- Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.
- There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

#### **What should be declared?**

- Staff name and their role with the organisation.
- Nature of the shareholdings/other ownership interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **7.1.5 Patents**

- Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the organisation.
- Staff should seek prior permission from the organisation before entering into any agreement with bodies regarding product development, research, work on pathways etc, where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.
- Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.

#### **What should be declared?**

- Staff name and their role with the organisation.
- A description of the patent.

- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy)

#### **7.1.6 Loyalty Interests**

Loyalty interests should be declared by staff involved in decision making where they:

- Hold a position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.
- Sit on advisory groups or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers' money.
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- Are aware that their organisation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

##### **What should be declared?**

- Staff name and their role with the organisation.
- Nature of the loyalty interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **7.1.7 Donations**

- Donations made by suppliers or bodies seeking to do business with the organisation should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for the organisation, or is being pursued on behalf of the organisation's own registered charity or other charitable body and is not for their own personal gain.
- Staff must obtain permission from the organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the organisation's own.
- Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.
- Staff wishing to make a donation to a charitable fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to such donations are properly discharged and accounted for.

##### **What should be declared?**

- The organisation will maintain records in line with the above principles and rules and relevant obligations under charity law.

#### **7.1.8 Sponsored Events**

- Sponsorship of events by appropriate external bodies will only be approved if a reasonable person would conclude that the event will result in clear benefit to the organisation and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.

- No information should be supplied to the sponsor from whom they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
- At the organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified.
- Staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Staff arranging sponsored events must declare this to the organisation.

**What should be declared?**

- The organisation will maintain records regarding sponsored events in line with the above principles and rules.

**7.1.9 Sponsored Research**

- Funding sources for research purposes must be transparent.
- Any proposed research must go through the relevant health research authority or other approvals process.
- There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.
- Staff should declare involvement with sponsored research to the organisation.

**What should be declared?**

- The organisation will retain written records of sponsorship of research, in line with the above principles and rules.
- Staff should declare:
  - their name and their role with the organisation.
  - Nature of their involvement in the sponsored research.
  - relevant dates.
  - Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

**7.1.10 Sponsored Posts**

- External sponsorship of a post requires prior approval from the organisation (which will be considered by Corporate Management Team as part of the Trust's Vacancy Control process).
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

### **What should be declared?**

- The organisation will retain written records of sponsorship of posts, in line with the above principles and rules.
- Staff should declare any other interests arising as a result of their association with the sponsor, in line with the content in the rest of this policy.

#### **7.1.11 Clinical Private Practice**

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises<sup>5</sup> including:

- Where they practise (name of private facility).
- What they practise (specialty, major procedures).
- When they practise (identified sessions/time commitment).

Clinical staff should (unless existing contractual provisions require otherwise or unless emergency treatment for private patients is needed):

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.<sup>6</sup>
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines: [https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment\\_Order\\_amended.pdf](https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf)

Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other staff to initiate such discussions on their behalf.

### **What should be declared?**

- Staff name and their role with the organisation.
- A description of the nature of the private practice (e.g. what, where and when staff practise, sessional activity, etc).
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

## **7.2 Management of Interests – Advice in Specific Contexts**

### **7.2.1 Strategic Decision Making Groups**

In common with other NHS bodies Gateshead Health NHS Foundation Trust uses a variety of different groups to make key strategic decisions about things such as:

- Entering into (or renewing) large scale contracts.
- Awarding grants.
- Making procurement decisions.
- Selection of medicines, equipment, and devices.

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<sup>5</sup> Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

<sup>6</sup> These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

The interests of those who are involved in these groups should be well known so that they can be managed effectively. For this organisation these groups are:

- Trust Board
- Board Sub-Committees
- Nominations and Remuneration Committee
- Supplies & Procurement Committee
- Corporate Management Team
- Business Unit Operational Boards

These groups should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests.
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise.
- Any new interests identified should be added to the organisation's register(s).
- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement.

If a member has an actual or potential interest the chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:

- Requiring the member to not attend the meeting.
- Excluding the member from receiving meeting papers relating to their interest.
- Excluding the member from all or part of the relevant discussion and decision.
- Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate.
- Removing the member from the group or process altogether.

The default response should not always be to exclude members with interests, as this may have a detrimental effect on the quality of the decision being made. Good judgement is required to ensure proportionate management of risk.

### **7.2.2 Procurement**

Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

## **8 Dealing with Breaches**

There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or other organisations. For the purposes of this policy these situations are referred to as 'breaches'.

## **8.1 Identifying and Reporting Breaches**

Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to the Trust Secretary initially. The Local Counter Fraud team can also be contacted. The Trust's Raising Concerns Policy and Freedom to Speak Up Guardian can also be utilised.

To ensure that interests are effectively managed staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this.

The organisation will investigate each reported breach according to its own specific facts and merits, and give relevant parties the opportunity to explain and clarify any relevant circumstances.

### **8.1.2** Following investigation the organisation will:

- Decide if there has been or is potential for a breach and if so what the severity of the breach is.
- Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action as set out in the next section.

Action taken in response to breaches of this policy will be in accordance with the disciplinary policy.

Breaches could require action in one or more of the following ways:

- Clarification or strengthening of existing policy, process and procedures.
- Consideration as to whether HR/employment law/contractual action should be taken against staff or others.
- Consideration being given to escalation to external parties. This might include referral of matters to external auditors, NHS Protect, the Police, statutory health bodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.

## **8.2 Learning and Transparency concerning Breaches**

Reports on breaches, the impact of these, and action taken will be considered the Audit Committee.

To ensure that lessons are learnt and management of interests can continually improve, anonymised information on breaches, the impact of these, and action taken will be prepared and published on the Trust Intranet as appropriate, or made available for inspection by the public upon request.

## **9 Training**

Awareness of this policy will be raised in the Statement of Main Terms and Conditions of Employment, local induction, Staff Handbook and a summary will be published on the on the intranet.

## **10 Diversity and Inclusion**

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat staff reflects their individual needs and does not unlawfully discriminate against individuals or groups on the grounds of any protected characteristic (Equality Act 2010). This policy aims to uphold the right of all staff to be treated fairly and consistently and adopts a human rights approach. This policy has been appropriately assessed.

## 11 Monitoring compliance with the policy

Standard/process/issue	Monitoring and audit			
	Method	By	Committee	Frequency
Compliance and non compliance with the policy	Register of Gifts, Hospitality and Interests	Report by Trust Secretary	Audit Committee	Annually
Mandatory declarations of interests	Declarations of Interest	Trust Secretary	Trust Board	Annually

## 12 Consultation and review

This policy has been reviewed in consultation with the JCC Policy Sub-Group.

## 13 Implementation of policy (including raising awareness)

This scheme will be circulated by the Trust Secretary as detailed in OP27 Policy for the development, management and authorisation of policies.

## 14 References

- The Seven Principles of Public Life (or the Nolan Principles)
- The Chartered Institute of Purchasing & Supply code of professional ethics
- A Code of Conduct for Private Practice Recommended Standards of Practice for NHS Consultants January 2004
- Standing Orders
- Standing Financial Instructions
- Bribery Act 2010
- Freedom of Information Act 2000
- ABPI: The Code of Practice for the Pharmaceutical Industry (2014)
- ABHI Code of Business Practice
- NHS Code of Conduct and Accountability (July 2004)

## 15 Associated documentation

NHS Protect Bribery Act guidance



Appendix A

Gateshead Health NHS Foundation Trust

Interests Declaration Form

Name	Role	Description of Interest	Relevant Dates		Comments
			From	To	

Please see below for information on how to populate the above boxes.

The information submitted will be held by Gateshead Health NHS Foundation Trust for personnel or other reasons specified on this form and to comply with the organisation’s policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that Gateshead Health NHS Foundation Trust holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to Gateshead Health NHS Foundation Trust as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, internal disciplinary, or professional regulatory action may result.

I do/do not [delete as applicable] give my consent for this information to be published on registers that Gateshead Health NHS Foundation Trust holds.

If consent is NOT given please give reasons:

Signed: .....

Date: .....

Approval by Line Manager: Name: ..... Signature: ..... Date: .....

Please return this form to: Mrs D Atkinson, Trust Secretary, Trust Headquarters, Queen Elizabeth Hospital.

## GUIDANCE NOTES FOR COMPLETION OF INTERESTS DECLARATION FORM

**Name and Role:** Insert your name and your position/role in relation to the Organisation you are making the return to.

**Description of Interest:** Provide a description of the interest that is being declared. This should contain enough information to be meaningful (eg detailing the supplier of any gifts, hospitality, sponsorship etc). That is, the information provided should enable a reasonable person with no prior knowledge to read this and understand the nature of the interest.

### **Types of Interest:**

**Financial Interests** – This is where an individual may get direct financial benefits from the consequences of a decision they are involved in making.

**Non-Financial Professional Interests** – This is where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or status or promoting their professional career.

**Non-Financial Personal Interests** – This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.

**Indirect Interests** – This is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.

**A benefit may arise from both a gain or avoidance of a loss.**

**Relevant Dates:** Detail here when the interest arose and, if relevant, when it ceased.

**Comments:** This field should detail any action taken to manage an actual or potential conflict of interest. It might also detail any approvals or permissions to adopt a certain course of action.