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Author/Contact: (Asset Administrator)	Brinda Sittapah		
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<p>Related Trust Policies (to be read in conjunction with)</p> <p>CM77 Anti-Fraud and Anti-Bribery Policy CM28 Raising Concerns at Work Policy and Procedure (Whistleblowing Policy) Standards of Business Conduct Code of Conduct for Managers PP06 Disciplinary Policy and Procedure PP29 Grievance Policy and Procedure Confidentiality and Disclosure Policy and Procedures IS09 Data Protection and Code of Confidentiality Policy PP15 Recruitment, Selection Policy PP34 Pre & Post Employment Checks Policy CM38 Corporate Records Management Policy</p>	<p>(Refer to the main body of the text)</p>
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1		New Policy	06/2017
1.1		Extension to review date as to be reviewed across the MSB sites	02/2019
1.2		Review of policy in line with staff comments	10/2018

Conflicts of Interest Policy

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1. Policy Summary

Adhering to this policy will help to ensure that we use NHS money wisely, providing best value for taxpayers and accountability to our patients for the decisions we take.

As a member of staff you should...	As a Trust we will...
<ul style="list-style-type: none"> • 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. • NOT misuse your position to further your own interests or those close to you • NOT be influenced, or give the impression that you have been influenced by outside interests • NOT allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money 	<ul style="list-style-type: none"> • Ensure that this policy and supporting processes are clear and help staff understand what they need to do. • Identify a team or individual with responsibility for: <ul style="list-style-type: none"> ○ 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. ○ Auditing this policy and its associated processes and procedures at least once every three years. • NOT avoid managing conflicts of interest. • NOT interpret this policy in a way which stifles collaboration and innovation with our partners

2. Introduction

Southend University Hospital NHS Foundation Trust ('the 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 always 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 a Trust and as individuals, we have a duty to ensure that all of 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.

3. Purpose

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; and
- Supports good judgement about how to approach and manage interests.

This policy should be considered alongside these other organisational policies:

CM77 Anti-Fraud and Anti-Bribery Policy

CM28 Raising Concerns at Work Policy and Procedure (Whistleblowing Policy)

Standards of Business Conduct Code of Conduct for Managers

PP06 Disciplinary Policy and Procedure

PP29 Grievance Policy and Procedure

Confidentiality and Disclosure Policy and Procedures

IS09 Data Protection and Code of Confidentiality Policy

PP15 Recruitment, Selection Policy

PP34 Pre & Post Employment Checks Policy

CM38 Corporate Records Management Policy

4. Key terms

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; or
- 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.

5. Interests

Interests fall into the following categories:

- **Financial interests**
Where an individual may get direct financial benefit¹ 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 association² 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.

6. Staff

At Southend University Hospital 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 Trust).

¹ This may be a financial gain, or avoidance of a loss.

² 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.

7. Decision Making Staff

Some groups of staff are more likely than others to have a decision making influence on the use of taxpayers' money, because of the requirements of their role. For the purposes of this guidance these people are referred to as 'decision making staff.'

Decision making staff in the Trust include:

- Executive and non-executive directors;
- Those at Agenda for Change band 8b and above;
- Members of advisory groups which contribute to direct or delegated decision making on the commission or provision of taxpayer funded services;
- Administrative and clinical staff who have the power to enter into contracts on behalf of the Trust; and/or
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment and formulary decisions.

8. Identification, declaration and review of interests

8.1 Identification & declaration of interests (including gifts and hospitality)

All decision making 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 Trust;
- 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); and/or
- Every 12 months in any event.

A declaration of interest(s) form is available at Appendix One and on the Trust's intranet.

Declarations should be made to the Company Secretary at companysecretary@southend.nhs.uk.

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.

8.2 Proactive review of interests

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

9. Records and publication

9.1 Maintenance

The Trust will maintain an interest register and a gifts and hospitality register.

All declared interests that are material will be promptly transferred to the registers by the Company Secretary.

9.2 Publication

We will:

- Publish the interests declared by decision making staff in the interests register and gifts and hospitality register;
- Refresh this information annually; and
- Make this information available on the Trust's website (www.southend.nhs.uk).

If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Company 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.

9.3 Wider transparency initiatives

Southend University Hospital 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; and
- 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>

10. 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; and/or
- 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 the 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.

In the event of possible disputes about the most appropriate management action, please contact the Company Secretary.

11. 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.

11.1 Gifts

Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the Trust 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 £6³ in total, and need not be declared.

³ The £6 value has been selected with reference to existing industry guidance issued by the ABPI:

<http://www.pmcpsa.org.uk/thecode/Pages/default.aspx>

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 the Trust's Charitable Funds, subject to the Trust's charitable funds procedure, but not in a personal capacity. These should be declared by staff.
- Gifts valued at between £25 and £50 should be declared. Authorisation should be sought before accepting the gift.
- Modest gifts accepted under a value of £25 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.

11.1.1 What should be declared

- Staff name and their role with the Trust.
- 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 a conflict, details of any approvals given to depart from the terms of this policy).

11.2 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.
- Offers of hospitality relating to theatre evenings, sporting fixtures, or holiday accommodation must be declined.
- Modest hospitality may be accepted on behalf of the Trust and should be channelled to the Trust charitable funds.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75⁴ - may be accepted and must be declared.

⁴ The £75 value has been selected with reference to existing industry guidance issued by the ABPI

<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Trust'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 Trust 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 Trust'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:
 - a. offers of business class or first class travel and accommodation (including domestic travel); or
 - b. offers of foreign travel and accommodation.

11.2.1 What should be declared

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

11.3 Outside Employment

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the Trust to engage in outside employment.
- Outside employment can include payment for services rendered such as speaking at conferences and consultancy work.

The Trust may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk of a conflict.

11.3.1 What should be declared

- Staff name and their role with the Trust;
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment);

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

11.4 Shareholdings and other ownership issues

- 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 Trust.
- 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.

11.4.1 What should be declared

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

11.5 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 on-going, which are, or might be reasonably expected to be, related to items to be procured or used by the Trust.
- Staff should seek prior permission from the Trust before entering into any agreement with bodies regarding product development, research, work on pathways etc, where this impacts on the Trust'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.

11.5.1 What should be declared

- Staff name and their role with the Trust;
- A description of the patent;
- Relevant dates; and
- Other relevant information (e.g. action taken to mitigate a conflict, details of any approvals given to depart from the terms of this policy).

11.6 Loyalty interests

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

- Hold a position of authority in another NHS Trust 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 a Trust 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 Trust does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

11.6.1 What should be declared

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

11.7 Donations

- Donations made by suppliers or bodies seeking to do business with the Trust 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 Trust, or is being pursued on behalf of the Trust's own registered charity or other charitable body and is not for their own personal gain.
- Staff must obtain permission from the Trust 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 Trust'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.

11.7.1 What should be declared

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

11.8 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 Trusts 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 Trust'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 Trust 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 Trust.

11.8.1 What should be declared

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

11.9 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 Trust, 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 Trust.

11.9.1 What should be declared

- The Trust will retain written records of sponsorship of research, in line with the above principles and rules.
- Staff should declare:
 - a. their name and their role with the Trust;
 - b. Nature of their involvement in the sponsored research;
 - c. relevant dates; and

- d. Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate a conflict, details of any approvals given to depart from the terms of this policy).

11.10 Sponsored posts

- External sponsorship of a post requires prior approval from the Trust.
- 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 the Trust has 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.

11.10.1 What should be declared

- The Trust 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.

11.11 Clinical private practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises⁵ including:

- Where they practise (name of private facility);
- What they practise (specialty, major procedures); and
- 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 Trust 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 work⁶; and

⁵ 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)

⁶ 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)

- 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.

Hospital 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.

11.11.1 What should be declared

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

12. Management of interests – advice in specific contexts

12.1 Strategic decision making groups

In common with other NHS bodies, Southend University Hospital 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; and
- Selection of medicines, equipment, and devices.

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

- The Board of Directors;
- The Joint Executive Group;
- The Site Leadership Team;
- The Investment Approval Committee;

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 Trust'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; and/or
- 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.

12.2 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 Trust 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.

13. 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'.

13.1 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's Local Counter Fraud Specialist, Mark Kidd at mark.kidd@nhs.net

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. For further information about how concerns should be raised, please refer to CM28 Raising Concerns at Work Policy and Procedure (Whistleblowing Policy).

The Trust 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.

Following investigation the Trust will:

- Decide if there has been or is potential for a breach and, if so, what 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 Trust should be made aware; and
- Take appropriate action as set out in the next section.

13.2 Taking action in response to breaches

Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the Trust and could involve Trust leads for staff support (e.g. Human Resources), fraud (e.g. Local Counter Fraud Specialists), members of the management or executive teams and auditors.

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; and/or
- Consideration being given to escalation to external parties. This might include referral of matters to external auditors, the Police, statutory health bodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.

Inappropriate or ineffective management of interests can have serious implications for the Trust and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.

Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrong-doing or fault then the Trust can and will consider the range of possible sanctions that are available, in a manner which is proportionate to the breach. This includes:

- Employment law action against staff, which itself might include
 - a. Informal action (such as reprimand, or signposting to training and/or guidance); and/or
 - b. Formal disciplinary action (such as a formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion, or dismissal).
- Reporting incidents to the external parties described above for them to consider what further investigations or sanctions might be.
- Contractual action, such as exercise of remedies or sanctions against the body or staff which caused the breach.
- Legal action, such as investigation and prosecution under The Fraud Act and/or Bribery Act.

13.3 Learning and transparency concerning breaches

Reports on breaches, the impact of these, and action taken will be considered by the Site Leadership Team at least quarterly.

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's Intranet as appropriate, or made available for inspection by the public upon request.

14. Review

This policy will be reviewed in 2 years' time unless an earlier review is required. This will be led by the Company Secretary.

15. References

- 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)

Appendix one: Declaration Form

DECLARATION FORM FOR CONFLICTS OF INTEREST AND GIFTS & HOSPITALITY

Name	Position	Directorate

Please complete **Section A** if you have nothing to declare and need to make a nil return then sign and date **Section D**.

Please complete **Section B** and/or **Section C** to declare your interest and/or gifts & hospitality, and then sign and date **Section D**. *(Please note that a new form will need to be completed should your interests or circumstances change)*

SECTION A – NIL RETURN

Please tick to confirm if you have no interests, gifts or hospitality to declare for the above period.

I confirm that I (or any person connected to me) have:

- no conflicts of interest to declare
 no gifts and hospitality to declare

SECTION B – DECLARATION OF INTERESTS

Please tick the boxes below to declare any conflicts of interest. Use the additional information box to provide the relevant date(s), a description of the interest(s) and to give details of any actions taken to mitigate the conflict(s).

OUTSIDE EMPLOYMENT

Description	Tick
Substantive post with a contract of employment	
Any other paid work, including speaking at conferences, consultancy work and medico-legal work	

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

SHAREHOLDINGS AND OTHER OWNERSHIP ISSUES

Description	Tick
Holding shares / other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might reasonably be expected to do, business with the Trust or which is in competition with the Trust	

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

PATENTS

Description	Tick
Holding a patent and/or other intellectual property rights related to items to be procured or used by the Trust	
Holding a patent and/or other intellectual property rights by virtue of your association with an organisation related to items to be procured or used by the Trust	
On-going or new applications to protect related to items to be procured or used by the organisation	

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

LOYALTY INTERESTS

Description	Tick
Position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions you take in your NHS role	
Seat on an advisory group or other paid or unpaid decision making forum that might influence how the Trust spends taxpayer's money	
Involved in, or could be involved in, the recruitment or management of close family members and relatives, close friends and associates, and business partners	
Aware that the Trust does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities	

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

DONATIONS

Description	Tick
Donation made by suppliers or bodies seeking to do business with the Trust	<input type="checkbox"/>
Donation from another body	<input type="checkbox"/>

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

SPONSORSHIP

Description	Tick
Sponsorship of an event by an appropriate external body	<input type="checkbox"/>
Involvement with sponsored research	<input type="checkbox"/>
External sponsorship of a post	<input type="checkbox"/>

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

CLINICAL PRIVATE PRACTICE

Description	Tick
Existing private practice (declare on appointment)	
New private practice (declare as it arises)	

Please provide the date, description and comments for the interest declared above. Please use the comments box to give any clarification needed and to detail any actions you have taken to mitigate the conflict(s).

Relevant date(s)	Description	Comments

OTHER

Description	Tick

SECTION C – DECLARATION OF GIFTS AND HOSPITALITY

Please tick the boxes below for any offer of gift, hospitality, reward or inducement to indicate whether this was accepted or declined. Use the additional information box to declare the relevant date(s), the name and address of the provider(s) and a description.

GIFTS

Description	Accepted	Declined
Gifts from suppliers or contractors:		
Gift from a supplier or contractor doing business (or likely to do business) with the organisation over the value of £6		
Gifts from other sources (e.g. patients, families, service users):		
Gift of cash and vouchers to you as an individual		
Gift valued at over £50*		
Gift valued at between £25 and £50		

* 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

ADDITIONAL INFORMATION

Please use this section to provide the date, name and address and a description of each gift outlined above

Relevant date(s)	Name and address of provider	Nature/description

HOSPITALITY

Description	Accepted	Declined
Meals and refreshments:		
Between £25 and £75		
Over £75		
Travel and accommodation:		
Modest offer to pay some or all of travel and accommodation costs related to your attendance at an event		
Offer beyond modest (or of a type the Trust itself might not usually offer), e.g. business class or first class travel, foreign travel and accommodation		

ADDITIONAL INFORMATION

Please use this section to provide the date, name and address and a description of each hospitality outlined on the previous page

Relevant date(s)	Name and address of provider	Nature/description

Any gifts that are received over £25 and any hospitality over £75, require authorisation from your Departments Director.

Authorisation from Director *(section to be completed by Director)*

Reason for approving or refusing acceptance of Gift and/or Hospitality

I confirm that, to the best of my knowledge, that the information contained within this form is true, accurate and complete and I have complied with the Trust's Conflicts of Interest policy and NHS England's guidance '*Managing Conflicts of Interest in the NHS*'. I have reviewed the gifts and/or hospitality declare within this form and have *refused or approved (delete as appropriate)* them as per the details provided above.

Signature: _____ Date: _____

SECTION D – SIGNATURE

I confirm that, to the best of my knowledge, the above information is true, accurate and complete and I have complied with the Trust’s Conflicts of Interest policy and NHS England’s guidance ‘*Managing Conflicts of Interest in the NHS*’ I understand that a failure to make a declaration or the making of a false declaration could result in an investigation which could result in disciplinary action and/or criminal or civil action being taken against me.

Signature:

Date:

Please return the completed form to the Company Secretary using the following email address: companysecretary@southend.nhs.uk.

Appendix two: declaration summary

Outside employment	
Description	Action
On appointment to a new role, any existing outside employment	Declare
Any new outside employment when it arises	Declare

Shareholdings and other ownership issues	
Description	Action
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 reasonably be expected to do, business with the Trust	Declare
Shares or securities held in collective investment or pension funds or units of authorised unit trusts	No need to declare

Patents	
Description	Action
Patents and other intellectual property rights held individually related to items to be procured or used by the organisation	Declare
Patents and other intellectual property rights held by virtue of association with a commercial or other organisation related to items to be procured or used by the organisation	Declare
On-going or new applications to protect related to items to be procured or used by the organisation	Declare

Loyalty interests	
Description	Action
Staff holding 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	Declare
Staff who sit on advisory groups or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers money	Declare
Staff who are, or could be, involved in the recruitment or management of close family	Declare

members and relatives, close friends and associates, and business partners	
Staff who 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	Declare
Donations	
Description	Action
Donations made by suppliers or bodies seeking to do business with the Trust	Only accept in exceptional circumstances and always declare. If the donation is accepted, a clear reason needs to be recorded as to why it was permissible to accept. If the donation is refused, this will also need to be declared and the reasons for the refusal recorded.
Donations from other bodies	Accept when made to a specific charitable fund, never to an individual. A receipt should be issued

Sponsored events	
Description	Action
Sponsorship of an event by an appropriate external body	Accept only if a reasonable person would conclude that the event will result in clear benefit to the Trust and the NHS. Declare any offer prior to acceptance to ensure that this is authorised.

Sponsored research	
Description	Action
Involvement with sponsored research	Declare.

Sponsored posts	
Description	Action
External sponsorship of a post	Requires prior approval from the Trust

Clinical private practice	
Description	Action
Existing private practice	Declare on appointment
New private practice	Declare as it arises
Gifts	

Staff should not accept gifts that may affect, or be seen to affect, their professional judgement. Staff should not ask for any gifts. 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).	
Description	Action
Gifts from suppliers or contractors:	
Gifts from suppliers or contractors doing business (or likely to do business) with the organisation	Decline, whatever the value.
Low cost branded promotional aids such as pens or post-it notes under the value of £6	Accept, no need to declare.
Gifts from other sources (e.g. patients, families, service users):	
Gifts of cash, cheques and/or vouchers to individuals	Decline, whatever the value
Gifts valued at over £50	Only accept on behalf of the Trust's Charitable Funds, not in a personal capacity. Declare.
Gifts valued at between £25 and £50*	Declare and await authorisation from the Trust as to whether it is permissible for the gift to be accepted. Record whether this is accepted on the register accordingly.
Gifts under the value of £25*	Accept, no need to declare

* 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

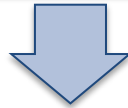
Hospitality	
Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement. Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event. Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors; these can be accepted if modest and reasonable but individuals should always declare any offer for hospitality from suppliers and obtain senior approval before accepting.	
Description	Action
Meals and refreshments:	
Under the value of £25	Accept, no need to declare
Between £25 and £75	Accept and declare
Over £75	Refuse unless (in exceptional circumstances) senior approval is given. Declare with a clear reason as to why permissible to accept
Travel and accommodation:	
Modest offers to pay some or all of travel and accommodation costs related to attendance at events	Accept and declare
Offers beyond modest (or of a type the Trust	Refuse unless (in exceptional

itself might not usually offer), e.g. business class or first class travel, foreign travel and accommodation	circumstances) senior approval is given. Declare with a clear reason as to why permissible to accept
--	--

Appendix three: quick guide to declaring interests

Identify

All staff should identify material interests at the earliest opportunity



Declare

Staff should declare interests at the earliest opportunity and in any event within 28 days

If in doubt, declare the potential interest for consideration

Declarations should be made:

- (i) on appointment;
- (ii) when moving to a new role or when responsibilities change significantly;
- (iii) at the beginning of a new piece of work;
- (iv) as soon as new interests arise; and/or
- (v) Annually or a nil return should be made.



Submit

Staff should submit interests using either the paper form or using the form available on the Trust intranet

Paper forms should be sent to the Company Secretary



Review

Staff will be prompted to review declarations on an annual basis

Declarations should be updated where appropriate or a nil return should be submitted if there is nothing to declare