

<b>Managing Conflicts of Interest Policy and Procedure</b>	
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## **Executive summary**

This policy and procedure will help 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 and procedure sets out how the Confederation must handle any actual or potential conflict of interest whether the interest is financial or non-financial, professional or personal, direct or indirect and, as such, this policy therefore covers: **gifts, hospitality, donations, sponsorship, clinical private practice, outside and secondary employment, patents, shareholdings and loyalty interests.**

This will help to ensure continued transparency and prevent the Confederation's employees from being placed in a position which would risk, or appear to risk, a conflict between private interests (financial or otherwise) and contractual duties as an employee of the Confederation.

This policy applies to all employees, prospective employees, locum and agency staff and non-executive directors and, where appropriate, independent contractors.

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## 1 Introduction

- 1.1 Leeds General Practice Confederation (the Confederation) must be impartial and honest in its business conduct. All Confederation employees must remain beyond suspicion and ensure that they are not placed in a position that risks, or appears to risk, conflict between their private interests and their Confederation duties. Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution and the 7 Principles of public life (Nolan, 1996). We are committed to maximising NHS 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.
- 1.2 This policy and procedure, which has been informed by national guidance sets out how the Confederation's staff must handle any actual or potential conflict of interest whether the interest is financial or non-financial, professional or personal, direct or indirect and, as such, this policy therefore covers: **gifts, hospitality, donations, sponsorship, clinical private practice, outside and secondary employment, shareholdings, patents and loyalty interests.**
- 1.3 As a Confederation we employ 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 Locality Care Partnership Lead roles
  - 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)
- 1.4 This policy and procedure reflects guidance issued by NHS England as a result of the introduction of the Bribery Act 2010 and its implications for all NHS organisations. The Bribery Act 2010 makes it a criminal offence to give or offer a bribe, or to request, offer or receive or accept a bribe. The Act reformed the criminal law of bribery, making it easier to tackle this offence proactively in both the public and private sectors. It introduced a corporate offence which means that commercial organisations, including NHS bodies, will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

## 2 Aims and objectives

- 2.1 This policy and procedure sets out the arrangements by which staff (employees, Locality Leads, locum and agency staff, non-executive directors and, where appropriate, independent contractors) are required to identify, declare and record potential or actual conflicts of interest. This policy and procedure also provides advice to managers and the Confederation as a whole as to how to manage circumstances when conflict occurs or when the application of this policy and procedure is breached.
- 2.2 This policy and procedure aims to ensure that the Confederation's employees are not placed in a position which would risk, or appear to risk, a conflict between private interests (financial or otherwise) and contractual duties as an employee of the Confederation. The

policy also forms part of the Confederation's adequate procedures to help prevent bribery, as legally defined under the Bribery Act 2010.

### 3 Definitions

3.1 This section sets out terms whose definitions are relevant to the interpretation of subsequent sections. The definitions have been taken from the national guidance *managing conflicts of interest in the NHS (NHS England April 2017)*

3.2 A **conflict of interest** is defined as:

- 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.

3.3 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

3.4 **Interests** fall into the following categories:

- **Financial interests:** Where an individual may gain direct financial benefit 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 (family member, close friends or business partners) 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 the first individual is involved in making

3.5 **Gift:** any item of cash or goods, or any service, which is provided for personal benefit, free of charge, or at less than its commercial value.

3.6 **Hospitality:** offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.

3.7 **Staff** includes: all salaried employees (whether substantive or temporary); bank, locum and agency staff, non-executive directors and, where appropriate, independent contractors. Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable and perceived conflicts of interest can still be damaging. Staff are required to declare all interests where there is a risk of perceived conflict.

- 3.8 **Decision-making staff:** are more likely than others to have an influence on the use of resources because of the nature of their roles. For the purposes of this policy and procedure decision-making staff are:
- Executive and non-executive directors (or equivalent roles) who have decision-making roles which involve the deployment of resources
  - Administrative and clinical staff who have the power to enter into contracts on behalf of their organisation
  - Administrative and clinical staff involved in decision-making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment, and formulary decisions
- 3.9 **Authorising manager: senior** managers with authority to accept declarations of interest. A list of the managers who have delegated responsibility to sign declarations of interest forms in at appendix 2.

## 4 Responsibilities

- 4.1 Responsibilities under this policy are discharged in a number of ways as set out below.
- 4.2 The **Confederation's Executive and Strategic Boards** must maintain the highest level of probity in relation to this policy and procedure and Board members must comply fully with requirements to identify and declare interests.
- 4.2.1 In particular, the Strategic Board will receive annually an extract from the Confederation's register of interests in respect of interests declared by each Board's members. This extract will also be reported in the Confederation's annual report.
- 4.2.2 In respect of conduct of Board meetings and formal sub-committees of the Executive Board, the following principles will be maintained (also see the Confederation's standing financial instructions):
- Chairs will consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests
  - Members must take personal responsibility for declaring material interests at the beginning of each meeting and as they arise
  - Any new interests identified will be added to the organisation's register of interests
  - The vice chair (or other non-conflicted member) will chair all or part of the meeting if the chair has an interest that may prejudice their judgement
- 4.3 The **Audit Committee** provides an overarching governance role for the Confederation and will wish to gain assurance that the policy and procedure's provisions are working effectively. This function will be discharged through receipt of an annual report and an extract from the register of interests in respect of all decision-making staff.
- 4.4 The **Executive Board** will exercise oversight of this policy and procedure in terms of practical application. This function will be discharged through receipt of an annual report and the register of interests in respect of all staff. The Executive Board will approve the annual extract of the register (in relation to decision-making staff) for publication.
- 4.5 The **Chief Executive** has overall accountability and responsibility for good governance and to ensure that there are sound systems in place to support the highest standards of integrity

and that NHS resources are used wisely in the best interests of patients. The effective deployment of this policy and procedure and the monitoring of compliance is one means by which this responsibility is discharged.

4.6 The **Company Secretary** is responsible for:

- Production and periodic review (no less frequent than every three years) of this policy and procedure
- Providing advice and support to staff and managers on the application of this policy and procedure; including: identification, declaration and management of interests and handling the management of any breaches
- Prompt decision making staff on an annual basis to declare any interests
- Maintaining the Confederation's register of interests
- Production of an extract from the Confederation's register of interests (in relation to decision-making staff) for publication annually
- Auditing the policy and procedure and producing reports to the Executive Board and the Audit Committee (no less frequent than annually)

4.7 **Decision-making staff** will be asked to declare interests at appointment and when a new or changed interest arises. In addition, decision making staff are required to make an annual submission of interests and submit a nil return if they have not had any interests to declare within the year. Decision making staff who make a declaration must make any third party whose personal data has been provided aware of the information they have provided and that it will be published in the Confederation's annual report.

4.8 **Strategic Board Members** will be asked to declare interests at appointment and when a new or changed interest arises. In addition, members of the Strategic Board are required to make an annual submission of interests and submit a nil return if they have not had any interests to declare within the year. Strategic Board members who make a declaration must make any third party whose personal data has been provided aware of the information they have provided and that it will be published in the Confederation's annual report.

4.9 **Line Managers** will assess the nature of any known or declared potential or material conflict of interest and determine appropriate and proportionate management action to safeguard individuals and the Confederation. The line manager should retain a record of information considered and the actions taken. When secondary employment is declared, the line manager will ensure a declaration of secondary employment form is completed by the staff member, and meet with them to discuss the nature and volume of work, the potential for a conflict of interest and the implications for the service with particular reference to working time regulations and the health and safety of individuals. Line managers must ensure that where a material interest with a risk of a conflict of interest is declared by their staff, a declaration of interest form is completed, which the line manager must forward to the authorising manager for signature.

4.9 **Authorising managers must review any completed** declaration of interest forms they receive and ensure they are satisfied with the management actions being taken to mitigate the risk of conflict, before signing it. Authorising managers must forward a copy of the signed declaration of interest form to the Company Secretary.

4.10 **All staff** are expected to act impartially in all of their work and not misuse their official position, professional status, or information acquired in the course of their official duties, to

further their own private interests or those of others. In practice, this means that all staff should refuse gifts, hospitality, donations or sponsorship of any kind which might reasonably be seen to compromise their personal or professional judgement, or that of their colleagues, and to avoid seeking to exert influence to obtain preferential consideration.

**All staff** are required to follow the provisions within this policy and procedure by:

- Familiarising themselves with the contents of this policy
- Identifying and declare any material interest at the earliest opportunity (or no later than 28 days) from:
  - Appointment to the Confederation
  - Appointment to a new role in the Confederation
  - Identification of new or changed interests
- Ensuring that registered interests are kept up to date
- Withdrawing from any position or situation that may result on a breach to this policy

In addition, all staff must:

- Declare and register gifts, hospitality, donations or sponsorship offered, received or refused
- Declare all forms of outside and secondary employment
- Declare all other professional or personal interests (including loyalty interests ie those held by a close family member or associate) whether financial or non-financial

Employees should also be aware that not only must they comply with this document but also with any standards set by their respective regulatory or professional body, e.g., NMC, GMC, RPSGB etc.

## **5 Procedure: identification, declaration and management of interests**

5.1 All members of staff who identify any material interest (see guidance on specific interests in section 8 below) are required to declare the interest at the earliest opportunity (or no later than 28 days) from:

- Appointment to the Confederation
- Appointment to a new role in the Confederation
- Identification of new or changed interests

5.2 Each case of a declared interest will be different and context-specific. Staff who have material or potential interests to declare must make their line manager aware of the interest without delay. If an interest is declared and there is determined to be no risk of a conflict arising, or there is no requirement to register the interest (see section 8 for guidance) then no further action is warranted. Managers must retain details of the decision not to declare the information on the staff member's file.

5.3 If a material interest, with a risk of conflict, is declared then appropriate management actions need to be taken to safeguard patients, the individual member of staff and the Confederation from experiencing any adverse consequences arising from the conflicted interests.

5.4 Management actions that could be applied include:

- restricting staff involvement in associated discussions
- removing staff from associated decision making processes
- removing staff from the conflicted area of work
- removing responsibility for an entire area of work

Managers can contact The Company Secretary for further advice regarding appropriate management actions.

5.5 Refer to the guidance on what must be declared and what may be declared in section 8. If a material interest, with a risk of conflict, is declared, this information must be transferred onto the declaration of interests form (see appendix 1). The form requires the individual concerned to record: name, job title, description of interest, applicable dates and additional comment, including any management actions to mitigate the risk. The form is to be signed by the individual and the **authorising** manager with delegated responsibility to accept declarations of interests (see list at appendix 2), each of whom should retain a copy for their records. The line manager must then forward the completed and signed form to the Company Secretary, retaining a copy on the staff member's personal file.

5.6 Staff can raise a dispute with the Company Secretary, against a management action which their line manager has implemented, should they wish to.

## 6.0 Procedure for decision making staff

6.1 Decision-making staff are required to declare interests at appointment and when a new or changed interest arises. In addition, staff in this group will be prompted annually by the Company Secretary to review their recorded interests.

6.2 Staff designated as decision-making staff will, when declaring any interests, be assenting to the publication of the declared interests on the Confederation's website.

## 7 Procedure: recording and review of interests and publication of registers

7.1 The Confederation will maintain a central register of all interests which will be held by the Confederation's Company Secretary.

7.2 Material interests once declared and recorded on the declaration of interests form will be promptly transferred to the register by the Company Secretary to form a corporate record of all relevant interests.

7.3 Staff must advise their line manager and the Company Secretary when any declared interest has expired or is no longer relevant.

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

7.5 The Confederation will publish the interests of **decision making staff** at least annually.

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

## **8 Procedure: guidance on specific interests**

8.1 Whilst the policy tries to cover as many aspects of business conduct as possible, it is recognised that issues will arise which do not fit precisely into the categories detailed in this policy. In such cases, employees are advised to apply the same principles which are embodied in this policy.

8.2 There are a number of common situations which can give rise to risk of conflicts of interest, being:

### **8.2.1 Gifts**

- Staff should not normally accept gifts that may affect, or be seen to affect, their professional judgement
- Gifts of cash and vouchers to individuals should always be declined
- Staff should not ask for any gifts
- Staff should not appear as named beneficiaries in the will of any patient
- Gifts of low intrinsic value (under a value of £50), for example flowers or chocolates, may be accepted and do not need to be declared
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the Confederation and not in a personal capacity
- A common sense approach should be applied to the valuing of gifts (using an actual amount or an estimate)
- Multiple gifts from the same source over a 12 months period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50
- Gifts from suppliers or contractors doing business (or likely to do business) with the Confederation should always be declined, whatever their value
- Low cost branded promotional aids such as pens or post-it notes may, be accepted where they are under the value of £6 in total, and need not be declared.

### **8.2.2 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

#### *Meals and refreshments*

- Under a value of £25 - may be accepted and need not be declared
- Of a value between £25 and £75 - 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 (of a type that the Confederation itself might not usually offer) should be refused

### **8.2.3 Donations**

- Donations made by suppliers or bodies seeking to do business with the Confederation should be treated with caution and not accepted
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for the Confederation, or is being pursued on behalf of the Confederation's own registered charity or other charitable body and is not for their own personal gain
- Staff must obtain permission from the Confederation 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 Confederation's own charity
- 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

### **8.2.4 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 for the Confederation
- During dealings with sponsors, there must be no breach of patient or individual confidentiality or data protection regulations
- No information should be supplied to the sponsor from which they could gain a commercial advantage; information which is not in the public domain should not normally be supplied
- At the Confederation'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 Confederation 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
- Meetings with company representatives relating to new or developing products or services should occur as business meetings rather than as sponsored events
- Staff arranging sponsored events must declare this to the Confederation

### **8.2.5 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 Confederation

### **8.2.6 Sponsored posts**

- External sponsorship of a post requires prior approval from the Confederation
- 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 Confederation 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 to patients and other healthcare professionals as appropriate
- 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

### **8.2.7 Clinical private practice**

- Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises including:
  - Location(s) at which they practise (name of private facility)
  - Type of private practice (specialty, major procedures)
  - Frequency and duration (identified sessions, time commitment etc)
- Clinical staff should (unless existing contractual provisions require otherwise or unless emergency treatment for private patients is needed):
  - Seek prior approval of the Confederation 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
  - Not accept direct or indirect financial incentives from private providers
  - 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
- Medical and dental staff also need to declare private practice as part of the Confederation's appraisal policy for consultants, specialty doctors and associate specialists and dentists

### **8.2.8 Outside and secondary employment**

- Secondary employment covers:
  - Paid employment outside of the Confederation
  - Paid employment within the Confederation in a different service
  - Voluntary work outside of the Confederation
  - Self-employment
  - Bank, locum or agency work outside of the Confederation
  - Bank or locum work within the Confederation
  - Reservist occupations
- In line with statements contained within contracts of employment, staff must not engage in secondary employment (paid or voluntary) which conflicts with or is detrimental to the employee's work within the Confederation
- Any wish to engage in secondary employment or voluntary work in addition to the primary post with the Confederation must be considered in accordance with the Confederation's Working Time Regulations Policy, and a declaration of secondary employment form must be completed. This form should be kept in the employee's personal file.

- Staff must declare any existing outside or secondary employment on appointment and any new outside or secondary employment when it arises (as set out in the Confederation's Working Time Regulations Policy)
- When secondary employment is declared, the line manager will meet with the employee to discuss the nature and volume of work, the potential for a conflict of interest and the implications for the service with particular reference to working time regulations and the health and safety of individuals
- Where a risk of a conflict of interest arises, a declaration of interests form should be completed (appendix 1) and management actions applied which may include restricting staff involvement in conflicted discussions and excluding them from decision-making related to the conflicted area of work

### **8.2.9 Clinical guidelines, formularies and preferred products**

- In the development of clinical guidelines, individuals should take personal responsibility for declaring material interests at the beginning of the guideline development process and as they arise
- If a member of a guideline development group has an actual or potential interest the lead person responsible for the guideline should consider the following approaches and ensure that the reason for the chosen action is documented in the guideline development pack:
  - Requiring the member to not to participate in the development process (including at the consultation stage).
  - Noting the nature and extent of the interest, but judging it appropriate to allow the member to participate.

### **8.2.10 Patents and intellectual property**

- 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 Confederation
- 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 Confederation'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 management actions which could be applied may include restricting staff involvement in conflicted discussions and excluding them from decision making related to the conflicted area of work

### **8.2.11 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 organisation
- Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the management actions which could be applied may include restricting staff involvement in conflicted discussions and excluding them from decision-making related to the conflicted area of work
- There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit Confederations

### **8.2.12 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 the individual may take in their NHS role
- Sit on advisory groups or other paid or unpaid decision-making forums that could influence how the organisation allocates or spends resources
- 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 the Confederation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities

### **8.2.13 Relationships**

- Relationships must be declared in cases where an employee, or his or her close relative or associate, has a controlling and/or significant financial interest in a business (including a private company, private nursing home, public sector organisation, other NHS employer and/or voluntary organisation), or in any other activity or employment, which may compete for an NHS contract to supply either goods or services to the Confederation.
- Relationships must be declared where a potential conflict of interest may arise from access to confidential and/or commercial information arising from his/her other employment or via a partner/spouse, e.g., employment by a competitor like another NHS Foundation Confederation, private nursing/residential home.

### **8.2.14 Procurement**

- Procurement must 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 must be conducted in a manner that does not constitute anti-competitive behaviour which is against the interest of patients and the public.
- Further, all procurement activity must be undertaken within the confines of the Confederation's procurement strategy and procedures. All budget holders with procurement responsibilities must always act within the approved procedures and the financial limits set out in the Confederation's standing financial instructions.
- All those involved in procurement exercises for and on behalf of the organisation must 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 must be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

### **8.2.15 Preferential Treatment**

- Staff must not seek, or accept, preferential rates or benefits in kind, for private business carried out with companies, with which they have had, or may have, official business on behalf of the Confederation.
- Staff must not seek, or accept, preferential treatment from other NHS organisations, health care or local authority providers for gain of a personal nature or which could benefit themselves, their family or friends.

- Staff can make use of concessionary agreements negotiated with companies by NHS management, or by recognised employees representatives, on behalf of all employees, for example, NHS employees benefit schemes.

### **8.3 Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative.**

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

The ABPI publish their list which is freely available therefore relevant staff should ensure their information in the Confederation’s declarations of interest register and the ABPI list is consistent.

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

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

### **8.4 “Commercial In Confidence”**

- Employees should be particularly careful of using, or making public, internal information of a "commercial in-confidence" nature, particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition. This principle applies whether private competitors or other NHS providers are concerned, and whether or not disclosure is prompted by the expectation of personal gain.
- There should not be, however, excessive secrecy on matters, which are not strictly commercial such as information about service delivery and activity levels, which should be publicly available. In all circumstances the overriding consideration must be the best interests of patients.
- The Freedom of Information Act must be complied with.

## **9 Managing breaches**

- 9.1 There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen unknowingly or because of the deliberate actions of staff or other organisations. For the purposes of this policy these situations are referred to as ‘breaches’.
- 9.2 Staff who are aware of actual breaches of this policy, or who are concerned that there has been, or may be, a breach must report these concerns to the Company Secretary.
- 9.3 To ensure that interests are effectively managed, staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to act in this way. For

further information about how concerns can be raised please refer to the Confederation's Whistleblowing Policy.

9.4 Where there is any reasonable suspicion of any form of fraud, bribery or other illegal act, this must be immediately reported to the Confederation's Local Counter Fraud Specialist in accordance with the Confederation's Anti-Fraud, Bribery and Corruption Policy.

9.5 The Confederation 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. If reported breaches are considered to be a potential misconduct matter, then the investigation will be conducted in line with the Confederation's Disciplinary Policy and Procedure. Following investigation, the manager commissioning the investigation will:

- Decide if there has been or is potential for a breach
- Assess whether further action is required in response
- Take appropriate action as set out in the next section

9.6 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 action should be taken in accordance with the Confederation's Disciplinary Policy and Procedure
- Consideration of escalation to external parties; this might include referral of matters to external auditors, NHS Protect, statutory health bodies (such as NHS England, NHS Improvement or the CQC), health professional regulatory bodies and/or the police
- Contractual action, such as exercise of remedies or sanctions against the body which caused the breach
- Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation

## **10 Risk assessments**

10.1 Risks identified with the implementation of this policy and procedure have been assessed and mitigated as far as possible, in line with the Confederation's risk appetite. Should any further risks be identified following implementation, these will be assessed and consideration will be given to a review or revision of the policy and procedure.

## **11 Approval and ratification process**

11.1 The policy has been approved by the clinical and corporate policies group and ratified by Senior Management Team on behalf of the Confederation's Board.

## **12 Dissemination and implementation**

12.1 Dissemination of this policy will be through the clinical and corporate policies group to services and made available to staff through the intranet.

12.2 Implementation will require directors, general managers and heads of service are required to ensure that staff have access to this policy and procedure and understand their responsibilities

### 13 Training needs

13.1 This topic does not feature in statutory and mandatory training requirements. The contents of the policy will be highlighted as part of induction processes. If staff are in doubt as to whether they can or cannot accept any forms of hospitality or whether any of their actions would constitute a conflict of interest, they should seek guidance from their line manager, Human Resources or the Company Secretary.

### 14 Monitoring compliance and effectiveness

Minimum requirement to be monitored	Process for monitoring	Lead for the monitoring process	Frequency of monitoring	Lead for reviewing results	Lead for developing action plan	Lead for monitoring action plan
Register of interests	Annual report on compliance with Managing conflicts of interest policy	Company Secretary	Annual	Executive Board and Audit Committee	Company Secretary	Audit Committee

### 15 Review arrangements

15.1 This policy will be reviewed in three years following ratification by the author or sooner if there is a local or national requirement.

### 16 Associated documents

16.1 This policy should be read in conjunction with the following documents:

#### Confederation documents

- Anti-Fraud, Bribery and Corruption Policy and Procedure (not published)
- Procurement guidance (not published)
- Disciplinary Policy (not published)
- Working Time Regulations Policy (not published)
- Whistleblowing Policy (not published)

#### National documents

- Fraud Act 2006
- Bribery Act 2010
- Freedom of Information Act 2000
- ABPI: The Code of Practice for the Pharmaceutical Industry (2014)
- ABHI Code of Business Practice
- Professional regulatory bodies' codes of conduct and professional standards
- Code of Conduct for NHS Managers
- Code of Conduct for Healthcare Support Workers and Social Care Workers in England

## Declaration of interests form

Name of employee:
Job title and pay band:
Type of interest (gifts, hospitality, donations, sponsored events, sponsored research, sponsored posts, clinical private practice, outside and secondary employment*, shareholdings, patents or loyalty interests): please specify which applies
Description of interest: please describe the exact nature of the interest eg value of hospitality received, nature of sponsored event, duration of sponsored post, details of private practice, details of outside and secondary employment*, nature of voluntary role, directorships, shareholdings, interests of close associates etc
Applicable dates: eg date of sponsored event, duration of employment* etc
Any action taken to mitigate risk arising from conflict
<p><b>Employee's declaration:</b></p> <p>I confirm that I have understood the Managing Conflicts of Interests Policy and Procedure. I accept that in submitting this form, it does not remove my personal responsibility for ensuring I am not in a position which would risk, or appear to risk a conflict between:</p> <ul style="list-style-type: none"> <li>• the interests of Leeds General Practice Confederation and</li> <li>• the financial or non-financial, personal or professional interests of myself or close associates</li> </ul> <p>Signed: ..... Job title:.....</p> <p>Name: ..... Date:.....</p>
<p><b>Authorising Manager's approval (see list of managers at appendix 2):</b></p> <p>Signed: ..... Job title:.....</p> <p>Name: ..... Date:.....</p> <p>Please return to: Confederation Company Secretary, 2nd Floor Stockdale House, Victoria Road, Leeds, LS6 1PF</p>

\* For employment declarations, staff must ensure compliance with Working Time Regulations Policy and complete the Working Time Regulations Policy's declaration of secondary employment form.

### List of managers with authority to accept declarations of interest

Directorate or area of management	Authorising manager
Chair	Senior Independent Director
Non-executive Directors	Chair
Chief Executive	Chair
Directors	Chief Executive
Chief Executive's Office: Corporate Governance, Corporate Administration and Communications	Chief Executive
Finance and Operations Directorates	Director of Finance Director of Delivery
General Managers and Operations Support Staff	Director of Delivery
Operational staff	Relevant General Manager
Locality Lead GP's, Nurses and Managers	Medical Director Director of Nursing