

Code of Conduct and Managing Conflicts of Interest and Personal Conduct Policy

Version:	V6
Date of Issue:	July 2018
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Applies to:	All salaried staff; all prospective staff who are part way through recruitment; contractors and sub-contractors; agency staff; students and trainees (including apprentices); secondees; Non-Executive Directors; Governors; volunteers; Committee, sub Committee and Advisory Group members.

This document is available in other formats, including easy read summary versions and other languages upon request. Should you require this please contact Document Author.

DOCUMENT CONTROL

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<p>Amendments</p> <p>The policy has been amended to take account of the new Managing Conflicts of Interest in the NHS guidance issued by NHS England.</p> <p>This policy has been developed jointly with neighbouring acute hospitals to ensure consistency within Somerset.</p>			
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1. INTRODUCTION

- 1.1 Somerset Partnership NHS Foundation Trust (the 'organisation'), and the people who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients.
- 1.2 These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely. But there is a risk that conflicts of interest may arise.
- 1.3 Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly are both key principles in the NHS Constitution. Somerset Partnership NHS Foundation Trust is committed to maximising 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.
- 1.4 This policy sets out:
 - the public service values which underpin the work of Somerset Partnership NHS Foundation Trust and reflects current guidance and best practice to which all individuals within the Trust must follow;
 - the Trust's ethical and legal stance on the conduct of business matters and the values which all staff are expected to follow;
 - the requirement to declare actual and potential conflicts of interest and the receipt of gifts, hospitality and sponsorship.
- 1.5 The policy provides staff with the knowledge and information they need in respect of these matters and seeks to protect them from situations that may draw criticism, disciplinary action or criminal sanction.
- 1.6 All Trust staff (as defined in section 8) are required to comply with this policy and should be seen to be honest and objective in the exercise of their duties.
- 1.7 The Declaration of Interest process is set out in Appendix 1.

2. PURPOSE AND RATIONALE

- 2.1 This policy will help our staff manage conflicts of interest risks effectively. It:
 - introduces consistent principles and rules;
 - provides simple advice about what to do in common situations;
 - supports good judgement about how to approach and manage interests;

- sets out how interests (including gifts, hospitality and sponsorship) are to be identified and declared.
- 2.2 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.
- 2.3 This policy should be considered alongside these other organisational policies:
- Being Open and Duty of Candour Policy;
 - Anti-Fraud, Bribery and Corruption Policy;
 - Whistleblowing (How to Raise Concerns) Policy;
 - Freedom to Speak Up Policy;
 - Standing Financial Instructions and Scheme of Delegation;
 - the Trust Constitution;
 - Untoward Event Reporting Policy and procedure;
 - Disciplinary Policy and Disciplinary Policy for Medical Staff;
 - Commercial Representatives and their dealings with Somerset Partnership NHS Foundation Trust Policy.
- 2.4 All current policies and procedures are accessible on the Trust's internet.

3. POLICY STATEMENT

- 3.1 The Trust aspires to the highest standards of corporate behaviour and responsibility. To that end, the Trust has developed a Trust Code of Conduct that defines its expected standards of behaviour (see Section 6).
- 3.2 Additionally, the Trust expects all staff to:
- Act impartially in all their work;
 - Regularly consider what interests (including gifts, hospitality and sponsorships) they have and declare these as they arise, using the form attached as Appendix 3;
 - Use their common sense and judgement to consider whether the interest they have could affect the way taxpayers' money is spent;

- **NOT** misuse their position to further their own interests or those close to you;
- **NOT** be influenced, or give the impression that they have been influenced by outside interests;
- **NOT** allow outside interests they have to inappropriately affect the decisions you make when using taxpayers' money;
- Be aware that it is both a serious criminal offence under the Bribery Act 2010, and a disciplinary matter, to receive or give corruptly any fee, loan, gift, reward or other advantage in return for doing (or not doing) anything or showing favour (or disfavour) to any person or organisation;
- Understand that failure to follow this policy may damage the Trust's reputation and its work and so may be viewed as a disciplinary matter, to be dealt with under normal employee relations procedures, and the results could include dismissal;
- Act in accordance with the Nolan Principles (see Appendix 2);
- Ensure professional registration (if applicable) and/or status are not used in the promotion of commercial products or services;
- Beware of bias generated through sponsorship, where this might impinge on professional judgement and impartiality;
- Neither agree to practice under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals;
- Ensure that pharmaceutical company representatives on Trust premises comply with the Commercial Representatives and their dealings with Somerset Partnership NHS Foundation Trust Policy.

4. DEFINITIONS

A 'conflict of interest' is:

4.1 "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."

4.2 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.

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

Interests

- 4.4 Definitions of the various categories of Interests relevant to this policy are given in Appendix 5.

4.5 Staff

At Somerset Partnership 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;
- Students and trainees (including apprentices);
- Secondees;
- Non-Executive Directors;
- Governors;
- Volunteers;
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation).

4.6 Decision-Making Staff

Some 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 this organisation are:

- Executive and Non-Executive Directors who have decision making roles which involve the spending of taxpayers' money;

- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services;
- Staff at Agenda for Change band 8C, or at an equivalent remuneration, and above;
- Staff who have the power to enter into contracts on behalf of their organisation;
- Staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions;
- All procurement staff, pharmacy and estates staff, (both internal and external procurement staff).

5. DUTIES AND RESPONSIBILITIES

- 5.1 The **Chief Executive** is the Trust's designated "Accountable Officer" and has overall responsibility for ensuring the Trust operates efficiently, economically and with probity.
- 5.2 The **Trust Board** approves the policy and its content and is made aware of any major conflict of interests arising from this policy through the Audit Committee reporting process.
- 5.3 The **Director of Governance and Corporate Development** is the Executive Lead for this policy and will ensure policy development and review takes place at least every three years, or sooner in line with local and national guidance.
- 5.4 **Service Directors, Senior Managers, Service and Team Managers and Line Managers** are responsible for assisting Trust employees in complying with this policy by:
- ensuring this policy and its requirements are brought to the attention of employees for whom they are responsible, and that those employees are aware of its implications for their work;
 - ensuring that their members of staff have a thorough understanding of the Trust's governance arrangements.
- 5.5 **All members of staff** are expected to comply with the policy and to make any required declarations in a timely manner and in accordance with the policy. All members of staff are also required to comply with the documents referred to in section 15 of the policy.

Governance Responsibility

- 5.6 The **Audit Committee** is responsible for reviewing compliance with the policy and will review the conflict of interest, gifts, hospitality and sponsorship registers.

6. TRUST CODE OF BUSINESS CONDUCT

6.1 As an organisation we will:

- 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:
 - 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

7. IDENTIFICATION, DECLARATION AND REVIEW OF INTERESTS

- 7.1 All Trust staff must declare any interest which may directly or indirectly give rise to an actual or potential conflict of interest. Details of the things to declare are set out in this policy and in Appendix 3.
- 7.2 The Trust is required to maintain a register of interests to record formally the declarations of interest of all decision-making staff (see Definitions) and to refresh this information on an annual basis. This will be published on the Trust's website.
- 7.3 Decision making staff will be required to make an annual declaration in terms of any actual or potential interests that they may have and the Trust is required to maintain and publish a register setting out these interests (more information about this is described in Appendix 1 paragraph 1. Records and Publication).

7.4 Reporting requirements for members of the Board and the Council of Governors are also laid down in the Trust's Constitution and Standing Orders.

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

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

7.6 Declarations should be made to the Secretary to the Trust using the form at Appendix 3. The contact details are included on the form.

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

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

8. REVIEW

8.1 This policy will be reviewed in three years unless an earlier review is required.

9. MONITORING COMPLIANCE AND EFFECTIVENESS

9.1 The Secretary to the Trust will provide the Audit Committee with an overview of compliance against this policy on an annual basis.

9.2 The Counter Fraud Advisor will monitor compliance against the NHS Protect Standards and provide a report to the Audit Committee at least annually.

10. TRAINING AND COMPETENCY REQUIREMENTS

10.1 All Trust staff will receive training on counter fraud and security as part of their corporate induction training.

11. REFERENCES, ACKNOWLEDGEMENTS AND ASSOCIATED DOCUMENTS

References

- Freedom of Information Act 2000
<https://www.legislation.gov.uk/ukpga/2000/36/contents>
- ABPI: The Code of Practice for the Pharmaceutical Industry (2016)
<http://www.pmcpa.org.uk/thecode/Pages/Download-the-Code.aspx>
- ABHI Code of Business Practice <http://www.abhicodeofpractice.org.uk/>
- NHS Code of Conduct and Accountability (July 2004)
http://webarchive.nationalarchives.gov.uk/+http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4093864
- Standards for Members of NHS Boards and CCGs in England (2012)
<https://www.professionalstandards.org.uk/publications/detail/standards-for-members-of-nhs-boards-and-clinical-commissioning-group-governing-bodies-in-england>
- Nolan Principles (see Appendix 2)
- Bribery Act (2010)
<https://www.legislation.gov.uk/ukpga/2010/23/contents>
- Managing Conflicts of Interest in the NHS guidance
<https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

Cross reference to other procedural documents

- Anti-Fraud, Bribery and Corruption Policy
- Being Open and Duty of Candour Policy
- Commercial Representatives and their dealings with Somerset Partnership NHS Foundation Trust Policy
- Constitution, Standing Orders, Standing Financial Instructions and Scheme of Delegation
- Disciplinary Policy and Disciplinary Policy for Medical Staff.
- Research and Development Policy
- Untoward Event Reporting Policy and procedure
- Whistleblowing (How to Raise Concerns) Policy

All current policies and procedures are accessible in the policy section of the public website. Trust Guidance is accessible to staff on the Trust Intranet.

12. APPENDICES

- 12.1 For the avoidance of any doubt the appendices in this policy are to constitute part of the body of this policy and shall be treated as such.

DECLARATION OF INTEREST PROCEDURES

1. RECORDS AND PUBLICATION

Maintenance

- 1.1 The organisation maintains a Declaration of Interests Register (including gifts, hospitality and sponsorship).
- 1.2 All declared interests that are material are promptly transferred to the registers by the Secretary to the Trust.

Publication

1.3 **The Trust:**

- Publishes the interests declared by decision making staff in the Declarations of Interests Register;
- Refreshes this information at least annually;
- Makes this information available on the Trust's website.

- 1.4 If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Secretary of the Trust by emailing DeclarationOfInterest@sompar.nhs.uk. 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.

Wider transparency initiatives

- 1.5 NHS Foundation Trust fully supports wider transparency initiatives in healthcare, and we encourage staff to engage actively with these.
- 1.6 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.

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

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

2. MANAGEMENT OF INTERESTS – GENERAL

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

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

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

2.3 Staff who declare material interests should make their line manager or the person(s) they are working for aware of their existence.

3. 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.

3.1 Gifts

Staff should not accept gifts (with the exception of items of little value (less than £50) such as diaries, calendars, flowers and small tokens of appreciation (including seasonal 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 organisation should be declined, whatever their value;

- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6* in total, and need not be declared;

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

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

What should be declared:

Staff name and their role with the organisation;

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

Staff should:

- Complete the form at Appendix 3 (and submit to the Secretary to the Trust within 28 days of receipt of the gift);
- Return promptly any unacceptable gifts, with a letter politely explaining the terms of this policy and stating that you are not allowed to accept them. A template is available at Appendix 4. If staff feel unable to decline the gift, advice should be sought from the Secretary to the Trust.

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

3.2 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, contractors or individuals concerned with the supply of goods or services. This can be accepted, and must be declared, if modest and reasonable and during the course of working visits. Line manager approval must be obtained. The hospitality should be on a similar scale to that which the Trust might offer in similar circumstances, e.g. hospitality provided at meetings, events, seminars. In cases of doubt, advice should be sought from your line manager or the Secretary to the Trust.
- Staff should be especially cautious of accepting small items of value, or hospitality over that afforded in a normal meeting environment (e.g.. beverages) during a procurement process or from bidders/potential bidders. This avoids any potential claim of unfair influence, collusion or canvassing;

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) line manager approval is given. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept;
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

Travel and accommodation

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared;
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by the line manager, should only be accepted in exceptional circumstances, and must be declared.

* 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>

A clear reason should be recorded on the declaration form and register as to why it was permissible to accept travel and accommodation of this type. A non-exhaustive list of examples includes:

- offers of business class or first class travel and accommodation (including domestic travel);
- offers of foreign travel and accommodation.

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days, or in advance in the case of travel and accommodation.

3.3 Outside Employment

- Staff (depending on the details of this contract as regards outside employment and private practice) should declare any existing outside employment (e.g. secondary 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 organisation to engage in outside employment;
- The organisation 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.

What should be declared:

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

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.4 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 organisation;
- Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks;
- There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days

3.5 Patents

- Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the organisation;

- Staff should seek prior permission from the organisation before entering into any agreement with bodies regarding product development, research, work on pathways etc., where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property;
- Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.6 Loyalty interests

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

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

What should be declared:

- Staff name and their role with the organisation;
- Nature of the loyalty interest;

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.7 Donations

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

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.8 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 the organisations and the NHS;

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

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.9 Sponsored research

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

- The organisation will retain written records of sponsorship of research, in line with the above principles and rules.

What should be declared:

- Staff name and role with the organisation;
- Nature of their involvement in the sponsored research;
- relevant dates;
- Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days. A Research Proposal form will also need to be completed and signed by the Line Manager/Executive Director. Further guidance on sponsored research is set out in the Research and Development Policy.

3.10 Sponsored posts

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

What should be declared

- 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.

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days.

3.11 Clinical private practice

- Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises^{*} including:
 - Where they practise (name of private facility);
 - What they practise (specialty, major procedures);
 - When they practise (identified sessions/time commitment).
- Clinical staff should (unless existing contractual provisions require otherwise or unless emergency treatment for private patients is needed):
 - Seek prior approval of their organisation before taking up private practice;
 - Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.[†];
 - 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.

* 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

[†] 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

What should be declared:

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

Staff should:

- Complete the form at Appendix 3 and submit to the Secretary to the Trust within 28 days

4. MANAGEMENT OF INTERESTS – ADVICE IN SPECIFIC CONTEXTS

Strategic decision making groups

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

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

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

- Trust Board;
- Audit Committee
- Quality and Performance Committee
- Council of Governors;
- Executive Team;
- Finance and Investment Committee;
- Medicines Management Group;

4.3 These groups should adopt the following principles:

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

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

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

4.5 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.

Procurement

4.6 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.

4.7 Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At

every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process, as set out in the Standing Financial Instructions.

5. EXTERNAL WORK AND PROJECTS

- 5.1 As a general principle any financial gain resulting from external work where use of Trust time or title is involved (e.g., speaking at training events/conferences, writing articles etc.) and/or which is connected with Trust business will be forwarded to the Secretary to the Trust.
- 5.2 Any patents, designs, trademarks or copyright resulting from the work (e.g., research) of an employee of the Trust carried out as part of their employment by the Trust shall be the Intellectual Property of the Trust.
- 5.3 Approval from the appropriate line manager should be sought prior to entering into an obligation to undertake external work connected with the business of the Trust, e.g. writing articles for publication, speaking at conferences.
- 5.4 Where the undertaking of external work, gaining patent or copyright or the involvement in innovative work, benefits or enhances the Trust's reputation or results in financial gain for the Trust, consideration will be given to rewarding employees subject to any relevant guidance for the management of Intellectual Property in the NHS issued by the Department of Health.

6. POLITICAL ACTIVITIES

- 6.1 Any political activity should not identify an individual as a Trust employee. Conferences or functions run by a party political organisation should not be attended in an official capacity, except with prior written permission from an executive director.
- 6.2 Political canvassing on Trust premises will not be permitted.

7. PERSONAL CONDUCT

Lending or borrowing

- 7.1 The lending or borrowing of money between staff should be avoided, whether informally or as a business, particularly where the amounts are significant.
- 7.2 Staff should never lend money to or borrow money from patients whether informally or as a business, whether the amounts are small or significant.
- 7.3 It is a particularly serious breach of Trust policy for any member of staff to use their position to place pressure on someone in a lower pay band, a business contact, or a member of the public to loan them money.

Gambling

- 7.4 No member of staff may bet or gamble when on duty or on Trust premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or Grand National among immediate colleagues.

Trading on official premises

- 7.5 Trading on Trust premises is prohibited, whether for personal gain or on behalf of others unless with written approval by the Director of Finance and Business Development. Canvassing within the office by, or on behalf of, outside bodies or firms (including non-Trust interests of staff or their relatives) is also prohibited. Trading does not include small tea or refreshment arrangements solely for staff.

Collection of money

- 7.6 With line management agreement, collections may be made among immediate colleagues and friends to support small fundraising initiatives, such as raffle tickets and sponsored events. Permission is not required for informal collections amongst immediate colleagues on an occasion like retirement, marriage or a new job.

Bankrupt or insolvent staff

- 7.7 Any member of staff who becomes bankrupt or insolvent must inform their line management and Human Resources as soon as possible. Staff who are bankrupt or insolvent cannot be employed in posts that involve duties which might permit the misappropriation of public funds or involve the handling of money.

Arrest or conviction

- 7.8 A member of staff who is arrested and refused bail or convicted of any criminal offence must inform their line management and Human Resources.

8. PROCEDURES FOR DEALING WITH BREACHES AND RAISING CONCERNS

- 8.1 There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or other organisations. For the purposes of this policy these situations are referred to as 'breaches'.
- 8.2 Trust staff who fail to disclose any relevant interests, required by this policy or the Trust's Constitution, Standing Orders and Standing Financial Instructions may be subject to disciplinary action which could, ultimately, result in the termination of their employment or position with the Trust. The matter may also be reported to, and investigated by, the Local Counter Fraud Specialist.

- 8.3 We expect every member of staff to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract or breach of administrative law), miscarriage of justice, danger to health and safety or the environment.
- 8.4 The Trust has developed a Freedom to Speak Up Policy and a Whistleblowing (How to Raise Concerns) Policy which set out its arrangements for raising and handling staff concerns. The policies are available on the staff intranet.
- 8.5 Any suspected fraudulent breach of this policy must be reported to, and will be investigated by, the Local Counter Fraud Specialist and may result in a criminal prosecution being commenced.
- 8.6 Your Local Counter Fraud Specialist is Aimee Newton who can be contacted by telephoning 07867 526312 or emailing aimee.newton@sompar.nhs.uk.
- 8.7 Trust staff can also call the NHS Fraud and Corruption Reporting Line on free phone 0800 028 40 60. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced trained staff and any caller who wishes to remain anonymous may do so.
- 8.8 The organisation will investigate each reported breach according to its own specific facts and merits, and give relevant parties the opportunity to explain and clarify any relevant circumstances.
- 8.9 Following investigation, the organisation will:
- Decide if there has been or is potential for a breach and if so, what the severity of the breach is;
 - Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum;
 - Consider who else inside and outside the organisation should be made aware;
 - Take appropriate action as set out in the next section.
- 8.10 Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the Trust and could involve organisational leads for staff support (e.g. Human Resources), fraud (e.g. Local Counter Fraud Specialists), members of the management or executive teams and organisational auditors.
- 8.11 Breaches could require action in one or more of the following ways:
- Clarification or strengthening of existing policy, process and procedures;

- Consideration as to whether HR/employment law/contractual action should be taken against staff or others;
 - Consideration being given to escalation to external parties. This might include referral of matters to external auditors, NHS Protect, the Police, statutory health bodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.
- 8.12 Inappropriate or ineffective management of interests can have serious implications for the organisation and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.
- 8.13 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 organisation 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 might include:
 - Informal action (such as reprimand, or signposting to training and/or guidance);
 - Formal disciplinary action (such as 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 fraud, bribery and corruption legislation.
- 8.14 Reports on breaches, the impact of these, and action taken will be considered (on an exception basis) by the Audit Committee.

SOMERSET PARTNERSHIP NHS FOUNDATION TRUST

THE NOLAN PRINCIPLES

THE SEVEN PRINCIPLES OF PUBLIC LIFE

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

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

7. Leadership

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

Declaration of Interests Form (Including Gifts, Hospitality and Sponsorship)

Declarations should be made using this form. Forms should be returned to the Secretary to the Trust at: Express Park, 2nd floor Mallard Court, Bristol Road, Bridgwater, TA6 4RN or by email to DeclarationOfInterest@sompar.nhs.uk

Personal Details

Name (please print)	
Job Title and Department	

Description of Interest

	Tick here for a “nil” return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Gifts						

Description of Interest						
	Tick here for a "nil" return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Hospitality						
Outside Employment						

Description of Interest						
	Tick here for a "nil" return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Shareholdings and Other Ownership Issues						
Patents						

Description of Interest						
	Tick here for a "nil" return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Loyalty Interests						
Donations						

Description of Interest						
	Tick here for a "nil" return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Sponsored Events						
Sponsored Research						

Description of Interest						
	Tick here for a "nil" return against interests which are N/A.	Description of the interest	Value	Name of Provider	Date of receipt / to-from	Any other relevant information
Sponsored Posts						
Clinical Private Practice						

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

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

Signed: **Date:**

Authorisation of Line Manager

Name		
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Approved	Yes	No
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What actions have you taken, if any, to mitigate the conflict of interest:

Signed: **Date:**

Refusal of Gifts and Hospitality – Letter Template (please transfer text onto formal letterhead)

Dear

Gifts and Hospitality

[I/We] would like to thank you for your thoughtfulness in gifting [insert item] that you [sent/gave] to [insert name]. Unfortunately it is Somerset Partnership NHS Foundation Trust's policy that gifts and hospitality over the value of £50 cannot be accepted however well intended. Gifts and hospitality from suppliers or contractors with the hospital are to be declined whatever their value.

The hospital adopts a strict policy on the receipt of gifts and hospitality in line with public service values, which underpin the work of Somerset Partnership NHS Foundation Trust and reflects current guidance for public organisations.

We are sorry for any inconvenience this may cause you and would like to thank you once again for your kind offer.

Yours sincerely

NAME
TITLE

TYPES OF INTERESTS

APPENDIX 5

TYPE OF INTERESTS	DESCRIPTION
Financial Interests	<p>Where an individual may get direct financial benefits* from the consequences of a decision their organisation makes. This could include:</p> <ul style="list-style-type: none"> • A director (including a non-executive director) or senior employee in another organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding; • A shareholder, partner or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding; • Someone in outside employment; • Someone in receipt of secondary income; • Someone in receipt of a grant; • Someone in receipt of other payments (e.g. honoraria, day allowances, travel or subsistence); • Someone in receipt of sponsored research.
Non-Financial Professional Interests	<p>Where an individual may obtain a non-financial professional benefit* from the consequences of a decision their organisation makes, such as increasing their professional reputation or status or promoting their professional career. This could include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients;

TYPE OF INTERESTS	DESCRIPTION
	<ul style="list-style-type: none"> • A clinician with a special interest; • An active member of a particular specialist body; • An advisor for the Care Quality Commission or National Institute of Health and Care Excellence; • A research role.
Non Financial Personal Interests	<p>This is where an individual may benefit * personally from a decision their organisation makes in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> • A member of a voluntary sector board or has a position of authority within a voluntary sector organisation; • A member of a lobbying or pressure group with an interest in health and care.
Indirect Interests	<p>This is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit* from a decision they are involved in making. This would include**:</p> <ul style="list-style-type: none"> • Close family members and relatives; • Close friends and associates; • Business partners.

*A benefit may arise from the making of a gain or avoiding a loss

**A common sense approach should be applied to these terms. It would be unrealistic to expect staff to know of all the interests that people in these classes might hold. However, if staff do know of material interests (or could be reasonably expected to know about these) then these should be declared.