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Declaration of Interests Policy

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Version	Date	Control Reason	Title of Accountable Person for this Version
v1.2	05/08/2013	Update of Job Titles	Head of HR
v2	02/07/2019	Policy Review	Director of Finance
Reference Documents		Electronic Locations (Controlled Copy)	Location for Hard Copies
Grievance Policy (PC24POL15) Disciplinary Policy (PC24POL14) Standing Financial Instructions (PC24SFI) Anti-Fraud, Anti-Bribery and Anti-Corruption Policy (PC24POL101)		Primary Care 24 Intranet	Policy File, Wavertree Headquarters
Consultation: Committees / Groups / Individual			Date

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1. PURPOSE

- 1.1 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
 - Protects staff and the organisation from allegations of acted inappropriately
- 1.2 This policy reflects national guidance on 'NHS England Managing Conflicts of Interest in the NHS Guidance for staff and organisations'. Primary Care 24 acknowledges this guidance and understands that it applies to all employees within the organization.
- 1.3 This conflict of interest policy respects the Appointment Commission's Code of Accountability and Code of Conduct for NHS Boards and the seven principles of public life promulgated by the Nolan Committee. The seven principles are:
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership.
- 1.4 This policy should be read in conjunction with
- Gifts and Hospitality Policy
 - Anti-Fraud, Anti-Bribery Anti-Corruption Policy
 - Reporting a Concern (Whistleblowing) Policy and
 - Individual contracts of employment.

2 SCOPE

- 2.1 This policy applies to all of Primary Care 24 activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 2.2 Within Primary Care 24 the responsibility to control the risk of fraud, corruption and bribery occurring resides at all levels of the Organisation.
- 2.3 This policy and strategy applies to all employees, Associate GP's, locums and any other person acting in the name of the organisation.

3 DEFINITIONS

3.1 Interests

3.1.1 A 'conflict of interest' is:

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

3.1.2 A 'conflict of interest' may be:

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

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

3.3 Interests fall into the four following categories:

- **Financial Interests**, where an individual may get 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 with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

Staff are expected to familiarise themselves with Appendix 3 of this policy which provides guidance on the types of interest in each category.

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

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

Declarations should be made:

- On appointment with the organisation.
- When staff move to a new role or their responsibilities change significantly.
- At the beginning of a new project/piece of work or a tender/ procurement process.
- 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).

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

When considering whether a situation presents a conflict of interest, apply the 'The Newspaper Test'. How would you feel if you read about it on the front page of a Newspaper... would you be able to defend your decision-making if subject to public scrutiny? If in doubt declare it!

4 RESPONSIBILITIES

4.1 Staff

At PC24 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 prospective employees – who are part-way through recruitment
- Contractors and sub-contractors (including Associate GPs)
- Agency and Locum staff and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation)

4.2 Board Members' Responsibilities

In addition to the main content of this policy, the following applies to PC24 Board Members.

Board members are required to declare interests which are relevant to the board of which they are a member. This is stated in 'The Code of Conduct: Code of Accountability in the NHS'.

4.3 Employee Responsibilities

- All employees are responsible for not allowing themselves to be put in a position that might be deemed by others as inappropriate in terms of accepting hospitality or gifts.
- All employees have a responsibility to adhere to the terms and conditions of this policy and strategy.

- Directors, Line Managers and Heads of Departments who are specified as the responsible people within the policy must ensure the correct procedure is carried out.
- Any queries on the application or interpretation of this policy must be discussed with the author of the policy prior to any action taking place.

4.4 Decision Making Staff Responsibilities

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 are Directors, Associate Directors, Heads of Department/Service and Clinical leads who are specified as the responsible people.

Decision making staff are required to make an annual submission of interests and submit a nil return if they have not had any interests within the year.

4.5 Code of Conduct: Code of Accountability in the NHS

4.5.1 It is a requirement that chairs and all board directors should declare any conflict of interest that arises in the course of conducting NHS business. All NHS organisations maintain a register of member's interest to avoid any danger of board directors being influenced, or appearing to be influenced by their private interest in the exercise of their public duties.

4.5.2 All board members are therefore expected to declare any personal or business interest which may influence, or may be perceived to influence their judgment. This should include, as a minimum, personal direct and indirect financial interests and should also include such interests of close family members. Indirect financial interests arise from connections with bodies which have a direct financial interest or from being a business partner of or being employed by a person with such an interest.

4.5.3 A register of all Board member interests will be kept and maintained by the Company Secretary and will be reviewed by the Primary Care 24 Board on an

annual basis. Interests, however, should be declared as and when they arise and not only as a result of this annual declaration.

4.5.4 Board members should set an example to the organisation in the use of funds and ensuring good value for money, and should do so in an open, transparent way and without the influence of outside interest

4.6 Preferential Treatment in Private Transactions

4.6.1 All employee contractual obligations must be completed before any extra work is undertaken. If the employee believes that they have a conflict of interest due to engaging in any other work then they should contact either their Line Manager or Human Resources for clarification.

4.6.2 Employees may undertake private work for other agencies, providing they do so outside of the times they are contracted to the Primary Care 24 and ensure compliance with the code of conduct outlined in their employment contracts.

4.7 Bribery Act 2010

4.7.1 Under the Bribery Act 2010 any money, gift or consideration received by an employee from a person or company seeking a contract within the Primary Care 24 will have been deemed to have been received under a bribe. Any gift received as small value promotional items from a supplier such as pens, pencils or calendars may not be declared but if unsure, clarification should be sought from your Line Manager.

4.7.2 Modest hospitality may be accepted provided it is normal and reasonable in the circumstances e.g. lunches in the course of working visits may be accepted, though it should be similar to the scale of hospitality that PC24 as an employer would be likely to offer. (Refer to the guidance of Primary Care 24 Hospitality and Gifts Policy and Procedure).

4.7.3 If an employee feels that they have been offered an incentive or bribe to place an order or contract, this should also be declared in writing immediately.

5 PROCESS AND PROCEDURE

- 5.1 Staff should therefore declare any interests to their employer by completing the declaration of interests form at **Appendix 1** and submit this to the Director of Finance via declarations@pc24.nhs.uk. The Director of Finance will record the interests and make a decision on whether the declaration is deemed to be one which requires existing internal processes to be enhanced to ensure transparency in the processes undertaken to avoid a conflict presenting itself. Decision making staff will be prompted annually to update their interests.
- 5.2 The Director of Finance will ensure that any interests declared are copied and passed to the Human Resources Department to ensure that a record is held on the employee's personal file.
- 5.3 All interests should be declared as and when they arise and not only as a result of an annual declaration. Individual members of staff are responsible for ensuring that their registered interests are kept up to date at all times and new interests should be declared within 28 days of their commencement.
- 5.4 Although the interest may be declared, this does not remove the personal responsibility of the member of staff to remove themselves from a position or situation which may result in a potential breach of this policy.
- 5.5 Declarations of Interest will be requested at the beginning of all formal meetings including, but not exclusively; Board, Committees, Contract meetings etc.
- 5.6 A register of all staff interests will be kept and maintained by the Director of Finance/ Associate Director of Human Resources. A template register is included at **Appendix 2**.
- 5.7 **Failure to Make a Declaration**
- 5.7.1 Should it be suspected that a member of staff has failed to appropriately declare an interest or failed to demonstrate compliance with the conduct outlined in this policy, it may be deemed appropriate to take action in line with the Disciplinary Policy of the organisation and could involve organisational leads for staff support

(e.g. Human Resources), fraud (e.g. Local Counter Fraud Specialists) and members of the management or executive teams.

5.8 Identifying and reporting breaches

5.7.1 Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to the Board Secretary. For further information about how concerns should be raised please refer to the “Reporting a Concern (Whistleblowing) Policy”.

5.7.2 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.

5.7.3 A register of breaches will be maintained and reported to the Audit Committee annually.

6 RELATED POLICIES AND ASSOCIATED DOCUMENTS

- Grievance Policy (PC24POL15)
- Disciplinary Policy (PC24POL14)
- Standing Financial Instructions (PC24SFI)
- Anti-Fraud, Anti-Bribery and Anti-Corruption Policy (PC24POL101)
- NHS England Managing Conflicts of Interest in the NHS Guidance for staff and organisations, Publications Gateway Reference: 06419

7 MONITORING AND COMPLIANCE

The full register of interests will be reported and scrutinised at the Audit committee on an annual basis and any additions reported throughout the remainder of the year. Individual declarations may be subject at any time to internal review by PC24, or by the PC24 internal audit team or Anti-Fraud service.

8 TRAINING

All staff will be made aware of this policy and it will be included within Counter Fraud training sessions and other awareness sessions. The Director of Finance is responsible for ensuring all staff are made aware of this policy.

9 EQUALITIES AND HEALTH INEQUALITIES

PC24 is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy has been implemented with due regard to this commitment. To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full equality impact analysis conducted where necessary. PC24 will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor practice to ensure that this policy is fairly implemented.

10 PERSONAL INFORMATION

PC24 is committed to an environment that protects personal information aspects in the development of any policy. When proposing change there is a new requirement for policy writers to investigate when the personal information aspect of the policy complies with the data protection principles in Schedule 1 of the Data Protection Act 2018. All individuals with responsibility for reviewing/writing policies should consider Privacy Impact Assessment compliance.

This policy complies with the Data Protection Act 2018, therefore no Privacy Impact Assessment is necessary.

Appendix 1

General Notification of an Interest

I give general notification in relation to the following:

Name of Company, Partnership, Local Authority or other body or organisation or individuals/s etc	Nature of Interest (Shareholder, Director, Advisor, employee etc)	Type of Interest (please indicate whether the interest is Direct or Indirect and whether it is pecuniary or non pecuniary)	Start date of Appointment of Interest	Date of Resignation

I confirm that I have understood the Declaration of Interest's Policy and in making this declaration to Primary Care 24, I confirm compliance with the Policy. I understand that providing false or misleading information (including by omission) may result in action being taken against me, which may include under the PC24 Disciplinary Policy, and the Anti-Fraud Bribery and Corruption Policy

I accept that in submitting this declaration it does not remove my personal responsibility of ensuring I am not in a position or situation which may result in a potential breach of this policy.

Please submit this for to declarations@pc24.nhs.uk.

Signed:_____

Name:_____ (Please Print)

Job Title: _____

Date:_____

Appendix 2

Primary Care 24 Record of Interests

I give general notification in relation to the following;

Name of Employee	Name of Company, Partnership, Local Authority or other body or organisation/ individual(s) etc	Nature of Interest	Type of interest declared	Record of any action taken as a result of the interest being Declared (include name of individual reviewing the action taken)

Appendix 3 - Types of interests

Type of interest	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. • 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 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.