

POLICY

Trust Wide Policy

Managing Conflicts of Interest

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| Summary | Adhering to this Policy will help to ensure that we use NHS money wisely, providing best value for taxpayers and accountability to our patients for the decisions we take |
| Name and designation of policy author(s) | Madelaine Warburton, Interim Governance Advisor |
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Consultation

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Version History

| Date | Version | Author name and designation | Summary of main changes |
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| Aug 2006 | 1.0 | Andrea Leather - Governance | First Draft |
| Nov 2009 | 2.0 | Andrea Leather - Governance | Para 8 Commercial Sponsorship added |
| Sept 2011 | 3.0 | Andrea Leather – Governance | Incorporates guidance issued by NHS Protect in relation to the updated Bribery Act 2010 |
| Feb 2015 | 3.1 | Andrea Leather – Governance | Annual review, minor changes: Commercial sponsorship – updated website link |
| August 2018 | 3.2 | Andrea Leather – Governance | To be rolled over for 6 months until necessary changes confirmed in relation to new guidance. |
| June 2019 | 4.0 | Angela Wendzicha, - Associate Director of Corporate Governance | Full re-write of the Policy in order to align with the National Policy published in 2017. Title change from Receipt of Gifts & Hospitality Policy |
| Sept 2022 | 4.1 | Madelaine Warburton, Interim Governance Advisor | Minor amendments following review by MIAA. |

1.0 Policy Summary

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

| As a member of staff you should: | As an organisation we will: |
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| <ul style="list-style-type: none"> • Familiarise yourself with this policy and follow it. Refer to the guidance behind this policy https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf • Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent • Regularly consider what interests you have and declare these as they arise. If in doubt, declare. • NOT misuse your position to further your own interests or those close to you • NOT be influenced, or give the impression that you have been influenced by outside interests • NOT allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money | <ul style="list-style-type: none"> • Ensure that this policy and supporting processes are clear and help staff understand what they need to do. • Identify a team or individual with responsibility for: <ul style="list-style-type: none"> ○ Keeping this policy under review to ensure they are in line with the guidance ○ Providing advice training and support for staff on how interests should be managed ○ Maintaining register(s) of interests ○ Auditing this policy and its associated processes and procedures at least once every three years • NOT avoid managing conflicts of interest. • NOT interpret this policy in a way which stifles collaboration and innovation with our partners |

2.0 Introduction

The Clatterbridge Cancer Centre 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.

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

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

Failure to adhere to provisions relating to the declaration of interests may constitute a fraud, bribery or other criminal offence, as individuals could be gaining unfair advantage or financial rewards for themselves, family member, friend or associate.

3.0 Purpose

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

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

This policy should be considered in conjunction with the following Trust documents:

- Standing Financial Instructions
- Scheme of Delegation
- Research Sponsorship Policy
- Handling of Allegations of Research Misconduct Against Clinical Staff Policy
- Private Practice at The Clatterbridge Cancer Centre Policy
- Acceptance or Refusal of Charitable Funds Anti-Fraud, Bribery and Corruption Policy
- Freedom to Speak Up Policy (Raising Concerns in the Workplace)

4.0 Definitions

4.1 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.”

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

5.0 Interests

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

Interests fall into the following categories:

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| Financial Interests | Non-Financial Interests |
| Where an individual may get direct financial benefit ⁱ from the consequences of a decision they are involved in making. | 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 | Indirect 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 | Where an individual has a close association ⁱⁱ with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could |

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| financial benefit, because of decisions they are involved in making in their professional career | stand to benefit from a decision they are involved in making. |
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¹ This may be a financial gain, or avoidance of a loss

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

6.0 Staff

At The Clatterbridge Cancer Centre NHS Foundation Trust, we use the skills and experience 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:

- salaried employees
- consultants
- 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)
- honorary contracts

7.0 Decision Making Staff

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

Decision making staff at The Clatterbridge Cancer Centre are:

- Executive and non-executive directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers' money
- Members of Management groups (such as the Trust Executive Group) who contribute to direct or delegate decision making on the commissioning or provision of taxpayer funded services.
- Members of advisory groups who contribute to direct or delegate decision making on the commissioning or provision of taxpayer funded services.
- Those at Agenda for Change Band 8a and above.
- Administrative staff who have the power to enter into contracts on behalf of the Trust (within the limits set down in the Scheme of Delegation)
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment and formulary decisions.

8.0 Identification, Declaration and Review of Interests

8.1 Identification and Declaration of Interest (including gifts and hospitality)

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

Declarations should be made:

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

Declarations should be made, in the first instance, to the employee's line manager for discussion regarding appropriate controls and forwarded to the Associate Director of Corporate Governance who will maintain the Trust Register of Interests.

A declaration of interest(s) form is available via Trust intranet on the link below:

https://nhs.sharepoint.com/sites/REN_CCC_HUB/Departments/corporate_services/exec_office/SitePages/Home.aspx?csf=1&web=1&e=PfgQCv&cid=7ef56ee1-db8f-4db0-98bd-5a2e0f94d8d4

The Director of Finance, as executive sponsor of this policy is responsible for reviewing current policies and bringing them in line with this policy. The Director of Finance will be supported by the Associate Director of Corporate Governance in fulfilling this responsibility. The Associate Director of Corporate Governance is responsible for providing advice, training and support for staff on how interests should be managed.

The Associate Director of Corporate Governance is responsible for maintaining the register(s) of interests.

The Associate Director of Corporate Governance is responsible for arranging audit of the policy, processes and procedures at least every three years.

Declarations should be made to the employee's line manager prior to completing the online form.

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.

The Associate Director of Corporate Governance will prompt 'decision making staff' to annually review declarations they have made and, as appropriate, update them or make a nil return.

9.0 Records and Publication

9.1 Maintenance

The Trust will maintain registers of interests pertaining to this policy:

- interests including secondary employment) (appendix A)
- Gifts, hospitality and sponsorship (appendix B)

9.2 Publication

The Trust will:

- Publish the interests declared by 'decision making staff' in the register of interests
- Publish gifts, hospitality and sponsorship received in the register of gifts, hospitality and sponsorship.
- Refresh this information on an annual basis
- Make this information available on the website and /or by contacting the Associate Director of Corporate Governance.

In some cases it might not be appropriate to publish information about interests of some decision making staff, or their personal information may require redaction.

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

9.3 Wider Transparency Initiatives

The Clatterbridge Cancer Centre NHS Foundation Trust fully supports wider transparency initiatives in healthcare, and we encourage staff to engage actively with these.

Relevant staff are required 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. You must also declare these interests to the Trust in accordance with this policy. These 'transfers of value' include payments relating to:

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

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

<https://www.abpi.org.uk/our-ethics/disclosure-uk/>

10.0 Fraud, Bribery and Corruption

Under the Fraud Act 2006, failure to declare a relevant interest when under a legal obligation to do so, with the dishonest intention to make a gain for oneself or another (or cause, or risk, a loss to another) is an offence. Additional fraud offences may also be committed of false representation and abuse of position. For fraud offences, the gain or loss must be in money or other property (including things in action and other intangible property). It is immaterial whether or not the person gained the desired result of their fraud – the offences are based on the person's dishonest acts and intentions, and not whether they succeeded in deceiving anyone or causing an actual loss or gain. Fraud carries a maximum sentence of 10 years imprisonment and/or unlimited fine.

Corruption occurs where the integrity or honesty of a person, government, or company is manipulated and compromised for personal gain. It can range from being endemic within dysfunctional political systems and institutions, right down to one individual acting alone within a company. Bribery is a form of corruption.

The Bribery Act 2010 makes it a criminal offence for individuals and organisations to give or accept bribes. The Bribery Act is applicable to the NHS. Any money, gift, hospitality or other

advantage offered, promised or received by an employee from a person or company seeking a contract within the Trust, or otherwise improperly influence Trust business decisions, could potentially constitute a bribe. If any employee feels that they have been offered an incentive or bribe in the course of their professional duties, or that anyone associated with the Trust is offering bribes to others to gain business for the Trust, this should be reported to the Trust's Anti-Fraud Specialist. Individuals guilty of bribery can receive up to 10 years imprisonment and/or unlimited fine. Commercial offences include where an organisation consents to or turns a blind eye to bribery; and, failure to have had adequate procedures in place designed to prevent bribery where a person associated with it has committed a bribery offence intending to obtain or retain business, or an advantage, for the organisation. Commercial organisations guilty of bribery can receive unlimited fines.

Any suspicion of fraud, bribery and corruption can be reported directly to the Anti-Fraud Specialist on 0151 285 4500 (address: Anti-Fraud Team, MIAA, Ground Floor, Regatta Place, Summers Road, Brunswick Business Park, Liverpool, L3 4BL); through the NHS fraud and corruption reporting line (FCRL) on freephone 0800 028 40 60 (powered by Crimestoppers 24/7); the NHS online fraud reporting form <https://cfa.nhs.uk/reportfraud>; directly via the Trust's Director of Finance; or through the Trust's freedom to speak up arrangements. For further information, please refer to the Trust's Anti-Fraud, Bribery & Corruption Policy, and dedicated Fraud, Bribery and Corruption section of the staff intranet.

https://nhs.sharepoint.com/sites/REN_CCC_HUB/SitePages/Anti-fraud-Newsletter.aspx

11.0 Management of Interests - General

If an interest is declared but there is not risk of a conflict arising then no action is warranted. However, if a material interest is declared then the general management actions that could be applied include:

- Restricting staff involvement in associated discussions and excluding them from decision making
- Removing staff from the whole decision making process
- Removing staff responsibility for an entire area of work

- Removing staff from their role altogether if they are unable to operate effectively in it because the conflict is so significant

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

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

The Director of Finance and the Associate Director of Corporate Governance will advise on possible disputes about the most appropriate management action.

12.0 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.

12.1 Gifts

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

Gifts from suppliers or contractors

- Gifts from suppliers or contractors doing business (or likely to do business) with the 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 £6¹ 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

¹ The £6 value has been selected with reference to existing industry guidance issued by the ABPI

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- Staff should not ask for any gifts
- Gifts valued at £50 and over should be treated with caution and only be accepted on behalf of the Trust and not in a personal capacity. These should be declared by the Trust
- Modest gifts 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)

12.2 Hospitality

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

Meals and refreshments (both provision and receipt of):

- Under a value of £25 – may be accepted and need not be declared

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- Of a value between £25 and £75² - 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 Trust's Register(s) of Interest as to why it was permissible to accept.
- A common sense approach should be applies to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate)

Travel and accommodation:

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

² The £75 value has been selected with reference to existing industry guidance issued by the ABPI

12.3 Outside Employment

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the organisation to engage in outside employment.
- The Trust may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk of a conflict. Executive directors and non-executive directors are required to comply with the Fit and Proper Requirements as set out in the Health and Social Care Act 2012 and the Trust's Constitution. As such, the aforementioned are required to make annual declarations.

What should be declared

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

12.4 Shareholdings and other Ownership Issues

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

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).

12.5 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)

12.6 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).

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

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

12.9 Sponsored Research

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

What should be declared:

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

Staff should declare:

- Their name and their role with the organisation.
- Nature of their involvement in the sponsored research.
- Relevant dates.

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

12.10 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.

What should be declared:

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

12.11 Clinical Private Practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises³ including:

- Where they practice (name of private facility).
- What they practice (specialty, major procedures).
- When they practice (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.⁴
- 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.

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).

³ 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.nhsemployers.org/system/files/2022-03/Terms-and-Conditions-consultants-Mar-2022-v12.pdf>

⁴ 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.nhsemployers.org/system/files/2022-03/Terms-and-Conditions-consultants-Mar-2022-v12.pdf>

- 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).

13.0 Management of Interests – advice in specific contexts

13.1 Strategic Decision Making Groups

In common with other NHS bodies, The Clatterbridge Cancer Centre NHS Foundation Trust uses a variety of different groups to make key strategic decisions about matters such as:

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

For this Trust, those groups are:

- Board of Directors
- Executive Team
- Trust Executive Group
- Finance Committee

The above groups should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests.
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise.
- Any new interests identified should be added to the organisation's register(s).

- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement.

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

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

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

13.2 Procurement

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

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

Health Procurement Liverpool (HPL) consortium, a specialist procurement alliance, hosted by The Walton Centre NHS foundation Trust provides procurement services for The Clatterbridge Cancer Centre. The Associate Director of Corporate Governance will seek assurance from HPL with regard to their management of conflicts of interests of procurement exercises operated on our behalf and report to the Audit Committee on an annual basis.

14.0 Dealing with Breaches

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

14.1 Identifying and Reporting Breaches

- Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to either:
 - The Associate Director of Corporate Governance
 - The Senior Independent Director
 - The Trust's Local Anti-Fraud Specialist

To ensure that interests are effectively managed staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this and further information about how concerns can be raised can be found in the Trust Freedom to Speak Up Policy (Raising Concerns at Work) which can be found on the Trust sharepoint via the following link:

https://nhs.sharepoint.com/sites/REN_CCC_HUB/DocumentHub/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FREN%5FCCC%5FHUB%2FDocumentHub%2FShared%20Documents%2FQP3004%5FFreedom%20to%20Speak%20Up%20Policy%20%2D%20Raisi

[ng%20Concerns%20in%20the%20Workplace%2Epdf&parent=%2Fsites%2FREN%5FCCC%5FHUB%2FDocumentHub%2FShared%20Documents](#)

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.

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.

14.2 Taking action in response to breaches

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

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 Counter Fraud Authority, the Police, statutory health bodies (such as NHS England or the CQC), and/or professional regulatory bodies.

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.

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.
- Failure to manage conflicts of interests may lead to criminal prosecutions for offences such as fraud, bribery and corruption. The Fraud Act 2006 created a criminal offence of fraud and defines fraud as:
 - Fraud by False Representation
 - Fraud by failing to disclose information
 - Fraud by abuse of position

14.3 Learning and transparency concerning breaches

- Reports on breaches, the impact of these, and action taken will be considered by the Audit Committee at least annually.

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

15.0 Training

A programme of specific training will be facilitated by the Associate Director of Corporate Governance to all decision making staff in addition to all clinical staff.

16.0 Audit

Compliance with this policy will be presented to the Audit Committee and Trust Board annually in addition to being subject to the internal audit plan.

17.0 References

Freedom of Information Act 2000

ABPI: The Code of Practice for the Pharmaceutical Industry (2014)

ABHI Code of Business Practice

NHS Code of Conduct and Accountability (July 2004)

Freedom to Speak Up Policy 2019

Disciplinary Policy and Procedures

NHS England – Managing Conflicts of Interest in the NHS (2017)

<https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

Managing conflicts of interest in the NHS: Q&A for NHS provider managers

<https://www.england.nhs.uk/wp-content/uploads/2017/09/coi-qa-provider-managers.pdf>

Managing conflicts of interest in the NHS: Q&A for clinical staff

<https://www.england.nhs.uk/wp-content/uploads/2017/09/coi-qa-clinical-staff.pdf>

Managing conflicts of interest in the NHS: Q&A for medical staff Conflicts of Interest (incorporating Standards of Business Conduct) Policy – 5.03 ISSUE 6 – JUNE 2018

<https://www.england.nhs.uk/wp-content/uploads/2017/09/coi-qa-medical-staff.pdf>

18.0 Appendices

Appendix A –Template Register of Interests

Appendix B– Template Gifts and Hospitality Register

Appendix B – Register of Gifts, Hospitality and Sponsorship

| Register of Gifts, Hospitality and Sponsorship | | | | | | | | | | | |
|--|-----------------------|---------------|---------------------------------|--|-----------------|---|---|----------------------|----------------------------------|---|----------------|
| Recipient Name | Position/ Directorate | Date of Offer | Date of Receipt (if applicable) | Details of Gift/ Hospitality/Sponsorship | Estimated Value | Supplier/Offer or Name and Nature of Business | Details of Previous Offers or Acceptance by this Offeror/Supplier | Declined or Accepted | Reason for Accepting / Declining | Details of individual reviewing & approving the declaration made and date | Other Comments |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

ⁱ This may be a financial gain, or avoidance of a loss

ⁱⁱ A common sense approach should be applied to the term ‘close association’. Such an association might arise, depending on the circumstances, through relationships with close family members and relatives, close friends and associates and business partners