

Conflict of Interest	Policy Register No: 07063 Status: Public
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Consulted With	Individual/Body	Date
Human Resources	Nona Stevenson	May 2016
Professionally Approved By	Bernard Scully, Director of Human Resources	May 2016

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Author/Contact for Information	Rachel Roper
Policy to be followed by (target staff)	All MEHT Staff
Distribution Method	Intranet & Website
Related Trust Policies (to be read in conjunction with)	Trust's Confidentiality Policy Trust's Disciplinary Policy Trust's Procurement Policy

Document Review History

Review No	Reviewed by	Issue Date
2.0	Rob Jarvis	December 2006
3.0	Angela Hickling	November 2007
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5.1	James Day- Updated Conflicts of Interest Form - Appendix 1 Nada Rogers – 6 month extension due to review & MSB harmonisation	17 th June 2019

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1. Purpose

- 1.1 The purpose of this policy is to set out responsibilities concerning conflicts of interest affecting the relationships of staff within Mid Essex Hospital Trust. No matter at what level in an organisation people work in, there is always the possibility of a situation arising when a potential or perceived conflict of interest arises.
- 1.2 Potential conflicts of interest arise when staff enter into any official, professional or personal relationship which may, or could reasonably be perceived to, cause them inappropriately or unjustifiably, to limit the scope, extent or rigour of their work or impair the objectivity of their judgement.
- 1.3 This Policy has been put in place to safeguard both employees and Mid Essex Hospital Trust who wish to encourage staff and its associates to work together with outside agencies, organisations or private business.
- 1.4 This Policy is designed to provide a proper balance between transparency and privacy.
- 1.5 Any undeclared conflicts of interest will be dealt with under the Disciplinary Policy.

2. Aims

- 2.1 The aim of this policy is not to satisfy curiosity but to support probity and inspire confidence in the way in which the Trust carries out its business.
- 2.2 The policy aims to underpin the service we provide:
 - To operate open transparent, fair, patient focused processes
 - To be honest and straightforward in all our dealings and use time, money and resources effectively
 - To be consistent and transparent in our actions and decisions
 - To take responsibility for our actions and hold ourselves accountable for all that we do.

3. Scope

- 3.1 The policy applies to all employees of Mid Essex Hospital Trust, contractors and secondees. In addition, those covered by the policy are required to consider whether their family and other personal relationships create any actual or potential conflicts.

4. Roles and Responsibilities

- 4.1 It is not the Mid Essex Hospitals Trust intention to impede its staff's external interests but to develop and maintain a working relationship that is based on mutual trust, integrity and good faith.

4.2 The Director of Finance

- 4.2.1 The Director of Finance will maintain the Conflict of Interest Register and will be responsible for disclosing these interests on request.

4.3 Manager

- 4.3.1 Line managers have responsibility for advising staff on whether an actual or potential conflict is sufficient to require a declaration.
- 4.3.2 Where there is a genuine conflict of interest in relation to an actual situation, or where it may be reasonably perceived that such a conflict exists, it is the responsibility of the line manager to take appropriate action to remove, resolve, or monitor the conflict. This may involve the monitoring or reorganisation of work responsibilities or an agreement that the employee takes actions to remove the source of conflict. Line managers should seek advice from Human Resources where necessary.
- 4.3.2 Managers are responsible for forwarding known conflict of interest through to the Corporate Office.
- 4.3.3 Line managers will:
- File a copy of the completed declaration form on the individuals file
 - Send a copy of the completed declaration form to the Director of Finance for recording
 - Liaise with the individual with regards to any necessary arrangements to remove the conflict of interests if necessary
 - Attach letters or emails to the appropriate form when the conflict ceases to exist

4.4 Employee

- 4.4.1 In dealing with actual or potential conflicts of interest, the first responsibility lies with the employee to:
- Avoid conflict of interest where possible or identify that the potential for a conflict exists
 - Inform their line manager immediately of the possible conflict of interest
 - If deemed necessary employee's must complete a Conflict of Interest Declaration Form (Appendix 1)
 - Sign and return the Conflict of Interest Declaration Form to their line manager
 - Discuss and comply with any necessary arrangements to remove the conflict of interests if necessary
 - Once a conflict is over or removed, email or write to inform both the line manager and Director of Finance
- 4.4.2 Staff who feel that they have been unfairly disadvantaged by the application of the policy will use of the Trust's Grievance Policy.

4.5 Human Resources

- 4.5.1 HR will provide advice on the application of this policy.

5. Medical Consultants employed under the national Terms and Conditions of Service (2003)

- 5.1 Medical Consultants must provide their NHS employer with a full declaration of their outside interests, in accordance with Paragraph 1 of Schedule 12 of the medical consultant contract.
- 5.2 Schedule 9 of the terms and conditions of service for medical consultants (2003), states that medical consultants must ensure that the provision of private professional services and fee paying services for other organisations does not result in detriment to NHS patients or services, nor diminishes the public resources available for the NHS. Whilst this is a broad definition, employees must take into account when contemplating working for other organisations, how this will impact upon the long term future of MEHT, and themselves as employees within the organisation.
- 5.3 Private practice is defined as the diagnoses or treatment of patients by private arrangement. This does not include managerial activity, and the Trust will view undertaking this activity as a conflict of interest.

6. Equality and Diversity

- 6.1 Mid Essex Hospital Services NHS Trust is committed to a Policy embracing the Equality Act 2010 in all its employment practices and strives to eliminate all unfair discrimination, harassment, bullying and victimisation. Equality of opportunity is a high priority within Mid Essex Hospital Services NHS Trust and the Trust will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender, marital status, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

7. Conflicts of Interest

- 7.1 This section of the policy sets out the types of situation covered by the policy where staff should make a declaration of an actual or potential conflict. It is not a definitive list and staff should consider the overriding principles of this policy. Where staff are in any doubt concerning a situation, they should initially seek advice from their line manager. Further advice may be obtained from Human Resources.

7.2 Financial Interests

- 7.2.1 A conflict of interest may arise from an employee's financial interests. This would be the case if an employee has a position or a financial interest directly or through a family or personal relationship with an organisation which transacts business or benefits from business, carried out with or in competition with Mid Essex Hospital Trust.
- 7.2.2 Specific examples of this would be financial interests in pharmaceutical or other biomedical companies or suppliers of goods or services (including any tendering process) to Mid Essex Hospital Trust.

7.3 Personal Interest

- 7.3.1 A conflict of interest may arise from an employee's personal interests. This would be the case if an employee has a non-executive directorship of, or influence over, or benefit in a non-financial way from any organisation which transacts business or benefits from business, carried out with, or in competition with, Mid Essex Hospital Trust or its patients. This includes previous employment/relationship with any outside contracted service.
- 7.3.2 Specific examples of this would be a non-executive or trustee for a residential care or nursing home or receipt of gifts from patients or their families, including any offers of Hospitality. This includes procurement.

7.4 Recruitment

- 7.4.1 Any panel member involved in the recruitment process, must declare a conflict of interest to the other panel members of any applications from friends or relatives. It may be inappropriate to remain on the panel, approval, or otherwise from the line manager, or other senior manager, should be sought prior to interview.
- 7.4.2 Where ex-work colleagues are involved, the panellist must declare this to the remaining panel. However, this may not result in inappropriateness of being on the panel.

8. Confidential Information

- 8.1 All employment relationships have a duty of confidentiality not to disclose to third parties, or to use for their own benefit, employers' confidential information obtained in the course of employment and this is set out in more detail in the Trust's Confidentiality Policy.
- 8.2 Consultants employed under the national contract have an express duty not to disclose any information of a confidential nature concerning patients, employees, contractors or the confidential business of the organisation. A failure to comply with the express duty would be in breach of the contract of employment.

9. Failure to Declare Interests

- 9.1 Failure to declare an interest, or co-operate in its removal, is deemed as a disciplinary offence and will be dealt with in accordance with Mid Essex Hospital Trust's Disciplinary Policy.

10. Management of Conflict of Interests

- 10.1 Annually the Corporate Office will provide a list of the amount and Directorate of any conflict of interests reported to Audit Committee, reporting findings to the JCNC. The Corporate Office will audit the list of known conflict of interests periodically. Reference to the Trust's Procurement Policy may be appropriate.

11. Breaches of Policy

- 11.1 Where there is a significant breach of this policy, the HR Operations Team must consider whether that breach should be reported under the Trust's Datix reporting procedure.

12. Audit and Monitoring

- 12.1 The policy will be monitored annually by the Human Resources Operations Team with areas of exception being highlighted.
- 12.2 A yearly audit of all breaches of this Policy will be carried out and submitted to JCNC. This will be completed by the Human Resources Operations Team.

13. Communication and Implementation

- 13.1 Staff will be made aware of this policy through reference at Corporate Induction and dissemination via Staff Focus. The document will be stored for access to all on the MEHT Intranet under HR Policies and will be available also on the Trust website.

15. Review

- 15.1 This policy and procedure will be reviewed within 24 months of its agreement and bi-annually thereafter. Any additional amendments will be made in accordance with any changes in legislation.

DECLARATION FORM FOR INTERESTS AND CONFLICTS OF INTEREST

Name	Position	Directorate

Spring 2018

Please complete **Section A** if you have no interests or conflicts of interests to declare and need to make a nil return. Sign and date **Section C**.

To declare any interests you may have, (whether they conflict or not) and any conflict of interest, then please also complete **Section B** and then sign and date **Section C**. *(Please note that a new form will need to be completed should your interests or circumstances change, or yearly dependent on grade/position within Trust)*

SECTION A – NIL RETURN

Please tick to confirm if you have no interests or conflicts of interests to declare

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

no interests or conflicts of interest to declare

SECTION B – DECLARATION OF INTERESTS

Please tick the boxes below to declare your interests and any conflicts of interest. Use the additional information box at the end of Section B to provide the relevant date(s), a description of the interest(s) and to give details of any actions taken to mitigate the conflict(s). Use additional sheets if required.

OUTSIDE EMPLOYMENT

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

SHAREHOLDINGS AND OTHER OWNERSHIP ISSUES

Description	Tick
Holding shares / other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy.	

PATENTS

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

LOYALTY INTERESTS

Description	Tick
Position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body	
Seat on an advisory group or other paid or unpaid decision-making forum.	
Involved in, or could be involved in, the recruitment or management of close family members and relatives, close friends and associates, and business partners	
Aware that the Trust does business with an organisation in which close family members and relatives, close friends and associates, and business partners who have decision making responsibilities	

SPONSORSHIP

Description	Tick
Involvement with sponsored research	
External sponsorship of a post	

CLINICAL PRIVATE PRACTICE

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

OTHER

Description	Tick

ADDITIONAL INFORMATION

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

Relevant date(s)	Description	Comments

SECTION C – SIGNATURE

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

Signature:

Date:

Please return the completed form to your Divisional Leadership Team (ADO,CD, ADON) for onward transmission to the Trust Secretary