

# ***STANDARDS OF BUSINESS CONDUCT***

## **Procedure Relating to Declarations of Interest**

### **Version 5.0**

<b>Purpose:</b>	To set down a procedure to ensure effective implementation, communication and compliance with the Hospital's Policy on Standards of Business Conduct relating to the declaration of Staff Interests.
<b>For use by:</b>	All Trust staff
<b>This document is compliant with /supports compliance with:</b>	NHS Standards of Business Conduct Department of Health Code of Conduct for NHS Managers Standards of Business Conduct Policy Standing Orders NHS Code of Accountability Terms and conditions of employment
<b>This document supersedes:</b>	Procedure relating to Declaration of Interests Version 4.0, Registered Document 407
<b>Approved by:</b>	Director of Human Resources and Non-executive Director
<b>Approval date:</b>	12 September 2008
<b>Ratified by</b>	Trust Board
<b>Date Ratified</b>	25 <sup>th</sup> September 2008
<b>Implementation date:</b>	1 November 2008
<b>Review date</b>	1 November 2010
<b>In case of queries contact: Responsible Officer</b>	Linda Storey, Trust Secretary
<b>Directorate and Department</b>	Chief Executive, Trust Secretariat
<b>Archive Date i.e. date previous version no longer in force</b>	1 November 2008
<b>Date document to be destroyed: i.e. 10 years after archive date</b>	1 November 2018

## Version and document control:

Version number	Date of issue	Change Description*	Author
4.0	June 08		Ruth Buxbaum
4.1 4.2	Sept 08	<ol style="list-style-type: none"><li>1. Revision of information to comply with new template.</li><li>2. Change of Job Title from Trust Board Secretary to Trust Secretary.</li><li>3. 3.6 inclusion of Trust Secretary as recipient, recorder and organiser of Stage 2 Appeal process.</li><li>4. 3.6 clarification of timeline for reply to Stage 2 Appeal.</li><li>5. Appendix B revised from to 1 side of A4 to incorporate declarations and amendments.</li><li>6. Appendix B inclusion of declaration following advice from Local Counter Fraud Office.</li></ol>	Linda Storey

### This is a Controlled Document

**Printed copies of this document may not be up to date. Please check the hospital intranet for the latest version and destroy all previous versions.**

Hospital documents may be disclosed as required by the Freedom of Information Act 2000.

### Sharing this document with third parties

As part of the hospital's networking arrangements and sharing best practice, the hospital supports the practice of sharing documents with other organisations. However, where the hospital holds copyright to a document, the document or part thereof so shared must not be used by any third party for its own commercial gain unless this hospital has given its express permission and is entitled to charge a fee.

Release of any strategy, policy, procedure, guideline or other such material must be agreed with the Lead Director or Deputy/Associate Director (for hospital -wide issues) or Directorate/ Departmental Management Team (for Directorate or Departmental specific issues). Any requests to share this document must be directed in the first instance to the Trust Secretary.

For further advice see the [Development and Management of Strategies, Policies, Protocols, Procedures, Guidelines and other Guidance Material Policy](#).

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## SECTION 1 - INTRODUCTION

### 1.1 Policy Statement and Rationale

The Ipswich Hospital NHS Trust is committed to ensuring compliance with its Policy on Standards for Business Conduct as part of its commitment to ensuring that its business affairs are conducted in accordance with standards expected of a public organisation.

As a prerequisite for complying with the Policy on Standards for Business Conduct, this document sets out the hospital's approach to the procedure to be followed in relation to declaration of interests.

### 1.2 Key Principles

The policy states:

- All staff must declare to their Directorate Manager or Executive Director, as appropriate, if s/he or his/her spouse/partner or a close relative or associate has a significant financial interest in a business (including a private company, public sector organisation, other NHS employer and/or voluntary organisation) or in any other activity or pursuit which may compete for an NHS contract to supply either goods or services to the Trust.
- All such declarations must be made on employment **or** on acquisition of the interest.
- All staff must declare **any** interest in private care homes or hostels and any doctor referring a patient to a private care home or hostel in which they have an interest must inform the patient of that interest **before** the referral is made.

### 1.3 Background Information

1.3.1 Interests which should be regarded as relevant and material and must be disclosed are:

- a) Directorships, including Non-Executive Directorships held in private companies or Private Limited Companies (with the exception of those of dormant companies);
- b) Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;
- c) Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS;
- d) A position of Authority in a charity or voluntary organisation in the field of health and social care;
- e) Any connection with a voluntary or other organisation contracting for NHS services;
- f) Research funding/grants that may be received by an individual or their department;
- g) Interests in pooled funds that are under separate management.

1.3.2 It should be noted that influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest. The interests of spouses, partners, close relatives or associates in professional partnerships

including general practitioners must be declared as well as if their spouses, partners, close relatives or associates are employed within the NHS or other health-related organisation.

- 1.3.3 Any member of staff who comes to know that the Trust has entered into or proposes to enter into a contract in which he/she or any person connected with him/her (as defined in Standing Order 7.3 below and elsewhere) has any pecuniary interest, direct or indirect, the member of staff shall declare his/her interest by giving notice in writing of such fact to his/her Directorate or Executive Director as soon as practicable.

1.3.4 **Advice on Interests**

If a member of staff has any doubt about the relevance of an interest, this should be discussed with his/her Directorate/Executive Director. Further advice is available from the Trust Secretary.

**SECTION 2 – DUTIES AND RESPONSIBILITIES**

- 2.1 The following table sets out the areas of responsibility for ensuring compliance with the policy:

Responsible Officer for this Document	<ul style="list-style-type: none"> <li>• Trust Secretary</li> </ul>
Individual members of staff	<ul style="list-style-type: none"> <li>• To complete a register of interests form on taking up appointment with the Trust</li> <li>• To notify their line manager of any changes to the declaration immediately they are known</li> <li>• To confirm annually either that there are no changes to their personal declaration or to make an amended declaration</li> </ul>
Directorate/Service Managers, Head Matrons and Executive Directors – see 3.2 below	<ul style="list-style-type: none"> <li>• To ensure that all new staff complete a register of interests declaration form on appointment</li> <li>• To receive declarations of interests from their staff and maintain a current register</li> <li>• To submit details of any interests declared to the Trust Secretary immediately for evaluation</li> <li>• To ensure that at least annually the entries in the directorate register are updated and reviewed</li> </ul>
Trust Secretary	<ul style="list-style-type: none"> <li>• To maintain a register for all Trust Board members and members of Board sub-committees</li> <li>• To report annually to the Board the interests of Board members and any changes arising during the year</li> <li>• To receive all declarations made by members of staff and arrange for their evaluation</li> <li>• To organise and execute the recommendations of any Evaluation Group established to review declared interests.</li> <li>• To receive and record appeals arising following Evaluation Group recommendations.</li> <li>• To arrange for a Non-executive Director to conduct Stage 2 appeals.</li> </ul>

- 2.2 Directorate/Service Managers, Head Matrons and Executive Directors are responsible for managing this procedure for the following staff under their direct line management:

Director of Human Resources	All Consultant Medical staff Communications staff
Directorate Managers	All non-nursing staff working within their directorate including junior medical staff
Head Matrons	All nursing staff within their area of responsibility
Service Managers for Physiotherapy, Occupational Therapy, Nutrition and Dietetics, Pharmacy and Drug Information	All staff within their area of responsibility
Director of Human Resources Director of Nursing and Quality Director of Finance and Performance Director of Estates and Facilities	All staff within their Directorates
Trust Medical Directorate	Deputy Trust Medical Director Research and Development staff
Director of Service Delivery and Improvement	Associate Directors of Service Delivery and Improvement Directorate Managers Redesign Managers and staff Project Team Leader
Director of Information Technology	Information Technology staff
Chief Executive	Trust Secretary

### SECTION 3 – PROCEDURE FOR THE DECLARATION OF INTERESTS

- 3.1 All staff on appointment will be sent a letter (Appendix A) and asked to complete the form attached as Appendix B and forward it to their line manager who will forward it to their Directorate Manager or Executive Director.
- 3.2 Every October, every member of staff will be sent a letter (Appendix A) with their payslip informing them of the need to complete a form, either to confirm that there are no changes or to declare new interests – form Appendix B attached.
- 3.3 All forms will be collated into one central register within each directorate, which will be periodically audited. A copy will also be placed on staff's personal files held at operational level.
- 3.4 The Directorate Manager or Executive Director must forward any interests declared to the Trust Secretary for evaluation. Further information may be sought from the individual member of staff to assist the process of determining if there is a conflict of interest.

3.5 **Stage 1**

The Trust Secretary, the Director of Human Resources and a Non-executive Director will exercise delegated authority from the Trust Board and review all interests so declared and make a judgment on whether it is considered that there may be a potential conflict of interest. Where any conflict of interest is found, any actions to ensure that the standards of business conduct are not prejudiced will be agreed by the Evaluation Group with the Chief Executive and the member of staff's Executive Director. The outcome will be notified to the individual member of staff by his/her Directorate Manager or Executive Director together with any restrictions that may be applied.

3.6 **Stage 2**

Any appeal against the action agreed by the Evaluation Group must be made in writing to the Trust Secretary within a month of the member of staff receiving notification of the decision. The Trust Secretary will record the date of receipt of any appeal and will arrange for a Non-executive Director to review the decision of the Evaluation Group and make a final decision, which will be communicated, to the individual member of staff in writing usually within 7 working days of receipt of the letter of appeal.

3.7 The Trust Secretary will be responsible for maintaining records of the discussions and outcome of any Evaluation Group and any appeals process.

## **SECTION 4 – TRAINING AND EDUCATION**

4.1 Directorate/Service Managers and the Trust Secretary will be responsible for training and education relating to compliance with this procedure in the event that an individual need arises.

## **SECTION 5 – DEVELOPMENT AND IMPLEMENTATION INCLUDING DISSEMINATION**

5.1 This procedure has been written in accordance with the terms of the Development and Management of Strategies, Policies, Procedures, Protocols, Guidelines and Other Guidance Material Policy and has involved the following who will lead on its implementation within the Trust:

Linda Storey	Trust Secretary
Julie Fryatt	Director of Human Resources
Ruth Buxbaum	Human Resources Business Partner

5.2 Advice was sought from the Local Counter Fraud Specialist.

5.3 The procedure was submitted to the Trust's Joint Consultative Negotiation Group Policy Sub Group, Joint Consultative Negotiation Group and Joint Union Committee.

5.4 The procedure was submitted to the Director of Human Resources and a Non-executive Director for approval prior to submission to the Trust Board for ratification.

5.5 Once ratified by the Trust Board, this document will be disseminated to all Senior Managers by the Trust Secretary and placed on the Trust's Intranet. A broadcast will

be sent out via email and those managers mentioned in Sections 2. and 4.1 will champion its implementation and advise staff accordingly.

## **SECTION 6 – MONITORING COMPLIANCE AND EFFECTIVENESS**

- 6.1 The effectiveness of this policy will be monitored by audits and feedback from Trust Staff involved in managing the procedure. Audits of compliance with the procedure will be undertaken on an annual basis by the Trust Secretary in conjunction with Directorate/Line Managers identified in Section 2.2 of this procedure. The outcome of the annual audit will be reported to the Trust Board and remedial action for non compliance with the procedure will be the responsibility of the Directorate/Line Managers and Trust Secretary.

## **SECTION 7 – CONTROL OF DOCUMENTS INCLUDING ARCHIVING ARRANGEMENTS**

- 7.1 Once ratified by the Trust Board the Responsible Officer will forward this procedure to the Information Governance Department for a document index registration number to be assigned and for the procedure to be recorded onto the central hospital master index and central document library of current documentation.
- 7.2 In order that this document adheres to the hospital's Records Management Policy, the Responsible Officer will arrange for staff to be advised when this document is superseded and for arranging for this version to be removed from the hospital's intranet. The Responsible Officer will also advise the Information Governance Department who will ensure that this document is removed from the current index and library, archived and retained for 10 years from the archive date.

## **SECTION 8 - SUPPORTING COMPLIANCE AND REFERENCES**

- 8.1 This document will support the hospital's compliance with:
- NHS Standards of Business Conduct HSG (93)5
  - Department of Health Code of Conduct for NHS Managers
  - The Trust's Standards of Business Conduct Policy.
  - The Trust's Standing Orders.
  - The NHS Code of Accountability
  - The Trust's Terms and Conditions of Employment

To: Staff employed at The Ipswich Hospital NHS Trust

## Standards of Business Conduct Declaration of Interests

The Trust has a Policy on Standards for Business Conduct as part of its commitment to ensuring that its business affairs are conducted in accordance with standards expected of a public organisation.

The policy states:

- All staff must declare to their Directorate Manager or Director, as appropriate, if s/he or his/her spouse/partner or a close relative or associate has a significant financial interest in a business (including a private company, public sector organisation, other NHS employer and/or voluntary organisation) or in any other activity or pursuit which may compete for an NHS contract to supply either goods or services to the Trust.
- All such declarations must be made on employment **or** on acquisition of the interest.
- All staff must declare **any** interest in private care homes or hostels and any doctor referring a patient to a private care home or hostel in which they have an interest must inform the patient of that interest **before** the referral is made.

Interests which should be regarded as relevant and material and must be disclosed are:

- a) Directorships, including Non-Executive Directorships, held in private companies or Private Limited Companies (with the exception of those of dormant companies);
- b) Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;
- c) Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS;
- d) A position of Authority in a charity or voluntary organisation in the field of health and social care;
- e) Any connection with a voluntary or other organisation contracting for NHS services;
- f) Research funding/grants that may be received by an individual or their department;
- g) Interests in pooled funds that are under separate management.

It should be noted that influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest. The interests of spouses, partners, close relatives or associates in professional partnerships including general practitioners must be declared as well as if they are employed within the NHS or other health-related organisation.

You are therefore required to complete the attached 'Register of Interests' form and submit it by [date]. If you do not consider you have any interests to declare it is essential that you make a 'nil' return by this date. If you need any advice, please contact your Directorate/Service Manager/Matron or Executive Director for those staff employed in Human Resources, Finance and Performance, Nursing and Quality, Estates and Facilities and Trust Medical Director. Further advice can then be obtained from the Trust Secretary.

All forms containing any declared interests will be forwarded to the Trust Secretary for evaluation and the outcome of this evaluation will be notified to individual members of staff.

**Where to send your form**

<b>Staff Group</b>	<b>Send your form to:</b>
All Consultant Medical staff All Communications staff	Director of Human Resources
All non-nursing staff working within clinical directorates including junior medical staff	Appropriate Directorate Manager
All nursing staff	Head Matrons within your area of work
Physiotherapists, Occupational Therapists, Dieticians, Pharmacy staff	Service Managers for Physiotherapy, Occupational Therapy, Nutrition and Dietetics, Pharmacy and Drug Information
All staff within: Human Resources, Nursing and Quality, Finance and Performance, Estates and Facilities	Executive Director for your Directorate
Deputy Trust Medical Director Research and Development staff	Trust Medical Director
Associate Directors of Service Delivery and Improvement Redesign Managers and staff Project Team Leader	Director of Service Delivery and Improvement
Information Technology staff	Director of Information Management and Technology
Trust Secretary	Chief Executive

Further advice on this procedure and the Standards of Business Conduct Policy can be found on the Trust's intranet.

## The Ipswich Hospital NHS Trust Register of Interests

Name:	Directorate:
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Under the Trust's Code of Business Conduct, all members of staff are required to make the following Declaration of Interests. A nil return is required.

- A) Any other organisation of which you are a paid employee.

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- B) Any organisation for which you hold office or are a member of an executive committee, whether paid or not.

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- C) Any organisation in which you have a substantial financial interest. A substantial financial interest is defined as 5% equity holding.

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- D) Any other interests which you consider are relevant and material to your employment with the Trust including, where relevant, the interest of partners, close relatives or associates.

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**Review of Information previously submitted:**

- I confirm that there are no changes to the information given on my last declaration.
- I wish to declare that changes have been made since my last declaration in these sections:
  - A                       B                       C                       D

Date change becomes operative.....

I declare that the information I have given on this form is correct and complete. I understand that if it is not, appropriate action will be taken by the Trust.

I consent to the disclosure of relevant information from any organisations or other persons mentioned above on this form for the purposes of verification of this Declaration of Interests to prevent and detect fraud and incorrectness.

Signed ..... Date .....