

# Conflicts of Interest Policy

## Applicable to:

All staff including Decision Makers (as defined in the CUH CoI Policy)

July 2022

# Introduction

**Together**  
**Safe**  
**Kind**  
**Excellent**

**Introduction**

# Introduction

The public rightly expect the highest standards of behaviour in the NHS, and we take our responsibility as custodians of taxpayers' money very seriously.

Decisions involving the use of NHS funds should never be influenced by outside interests or expectations of private gain, but we recognise that conflicts of interest are unavoidable in complex systems.

NHS staff need to be empowered to use good judgement in managing conflicts of interest effectively, and need to be safeguarded so they can continue to work innovatively with partners while also providing transparency to the taxpayer.

# Conflicts of Interest: Definition

- “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.”
- Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently. It will be important to exercise judgement and to declare such interests where there is otherwise a risk of imputation of improper conduct.
- Interests may broadly fall into one of the following groups:
  - Financial interests
  - Non-financial professional interests
  - Non-financial personal interests
  - Indirect interests



# Background

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**Introduction**

- NHS England introduced a refreshed approach to the management of conflicts of interest in the NHS in February 2017.
- All providers of NHS services were expected to implement the policy by June 2017. The Trust adopted the policy in April/May 2017 and the latest review took place in March 2020.
- The aim of the national policy is to:
  1. Introduces common principles and rules for managing conflicts of interest.
  2. Provides simple advice to staff and organisations about what to do in common situations.
  3. Supports good judgement about how interests should be approached and managed.

## Background (cont.)

- [Managing conflicts of interest in the NHS](#) supersedes and extinguishes the Standards of Business Conduct for NHS staff (HSG(93)5). The Trust formally retired the Local Standards of Business Conduct policy in 2018.
- The Trust manages its responsibilities around Conflicts of Interest via a cloud-based software system called 'Declare'. A separate user guide is available.
- Paper based forms or other electronic forms of submission are no longer accepted.



# Accessing Declare

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**All staff**

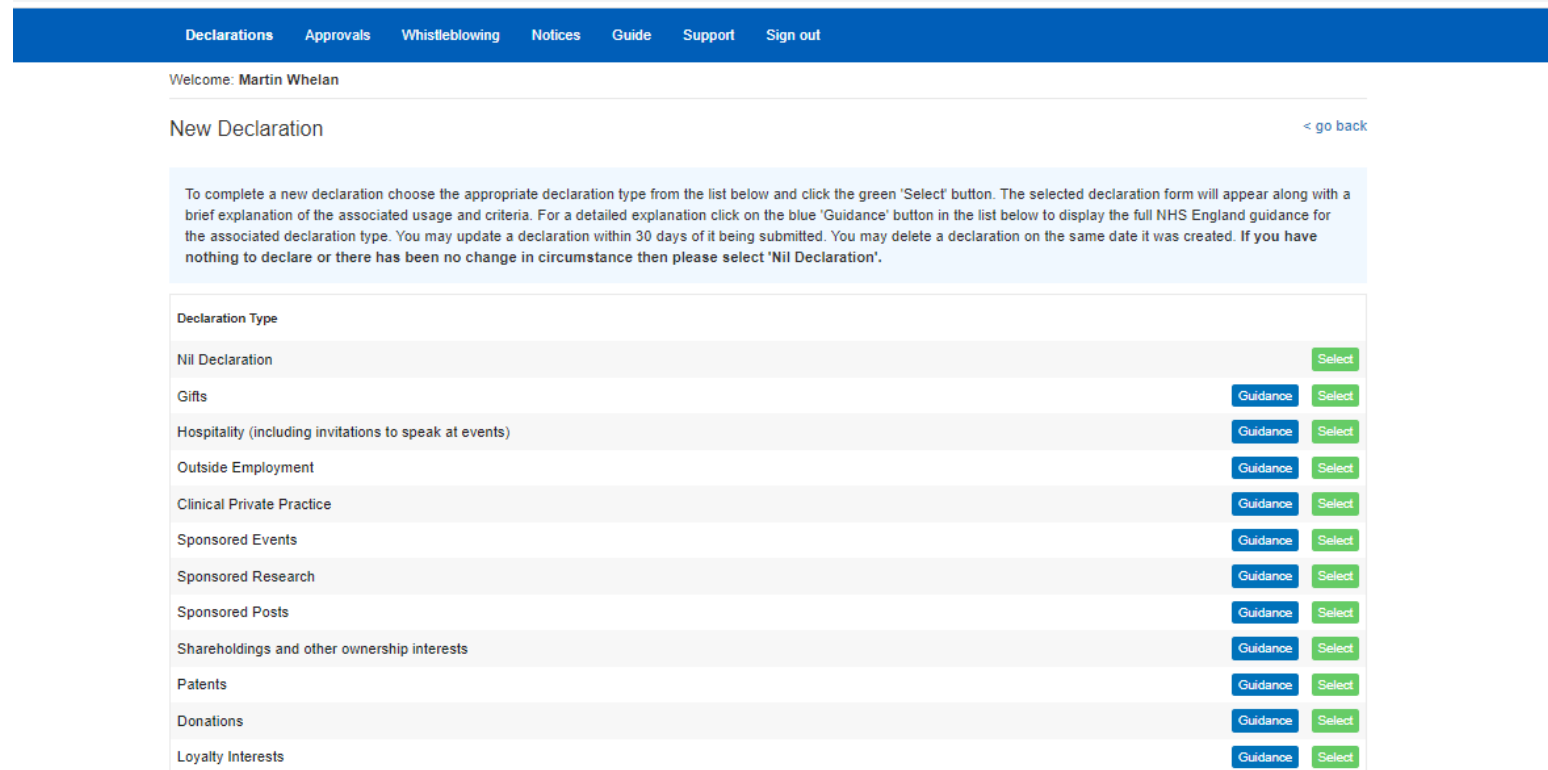


# Declare

- Cloud based system accessible on any internet enabled device at <https://cuh.mydeclarations.co.uk/>
- User name defaults to the email address recorded on the Electronic Staff Record (ESR)
- Passwords can be obtained/recovered using the recover password option at <https://cuh.mydeclarations.co.uk/>
- Issues accessing the system should be sent to [cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net)

# Declare (cont.)

- To add a new interest, login and select add new interest on the first screen. Then select the appropriate category.



The screenshot shows the 'New Declaration' page in the NHS Declare system. At the top, there is a navigation bar with links for 'Declarations', 'Approvals', 'Whistleblowing', 'Notices', 'Guide', 'Support', and 'Sign out'. Below the navigation bar, the user is welcomed as 'Martin Whelan'. The main heading is 'New Declaration' with a '< go back' link. A light blue box contains instructions: 'To complete a new declaration choose the appropriate declaration type from the list below and click the green 'Select' button. The selected declaration form will appear along with a brief explanation of the associated usage and criteria. For a detailed explanation click on the blue 'Guidance' button in the list below to display the full NHS England guidance for the associated declaration type. You may update a declaration within 30 days of it being submitted. You may delete a declaration on the same date it was created. If you have nothing to declare or there has been no change in circumstance then please select 'Nil Declaration'.'

Declaration Type	
Nil Declaration	Select
Gifts	Guidance Select
Hospitality (including invitations to speak at events)	Guidance Select
Outside Employment	Guidance Select
Clinical Private Practice	Guidance Select
Sponsored Events	Guidance Select
Sponsored Research	Guidance Select
Sponsored Posts	Guidance Select
Shareholdings and other ownership interests	Guidance Select
Patents	Guidance Select
Donations	Guidance Select
Loyalty Interests	Guidance Select

# Declare (Cont)

- Complete the form and then select Submit.


Declarations Approvals Whistleblowing Notices Guide Support Sign out

Welcome: Martin Whealan

Gifts [Print](#)

Please fill in the form below and click the Submit button. If you are not sure about what to enter or how to answer particular questions then please [click here](#) to read the guidance from NHS England, that clearly sets out the issues involved, principles/rules, and what should be declared.

Declaration Form

Date gift received or offered 

Gift provider name

Gift provider type

Select-

Gift description

Single or multiple gifts in the same financial year

Select-

Gift(s) value (£) ... [ This can be an estimate and must be entered in numeric format ]

£

Declined

Gift donated to charity

Name of charity

Submit



**All staff  
(including  
Decision  
Makers)**

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**All staff**

# Declaration requirements

Apply to all staff, additional requirements apply to staff deemed to be 'Decision Makers'





## Examples of declarations

The following are some examples of declarations that would need to be made under the Policy:

- Gifts from patients, relatives or suppliers. Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the Trust and paid into charitable funds and not in a personal capacity.
- Offer of hospitality from a supplier.
- Outside employment, even if undertaken in non-contracted time or while on annual leave - this includes consultancy, agency and similar arrangements
- Speaking fees, hospitality (e.g. hotel, accommodation or travel) to attend a conference
- Holding elected office (e.g. as a local councillor)

# Declaration requirements

- The detailed requirements are available at [https://cuh.mydeclarations.co.uk/download/CUH\\_Conflict\\_of\\_Interest\\_Policy.pdf](https://cuh.mydeclarations.co.uk/download/CUH_Conflict_of_Interest_Policy.pdf) and advice can be requested from [cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net)
- The following general principles apply:
  1. Interests should be declared within 28 days of point they become known or arise.
  2. It is the personal responsibility of each member of staff to ensure that interests are correctly and completely disclosed, including mitigation actions and/or how the conflict is to be managed.
  3. Activities undertaken while on annual leave or in own time, which a reasonable person would associate back to the NHS, are required to be declared.
  4. Sponsorship from external bodies should only be considered if a reasonable person would conclude that the sponsorship will result in a clear benefit to the organisation and the NHS.

# Declaration Requirements

5. Staff subject to professional codes of practice may be subject to additional disclosure requirements and/or policies which may exceed the Trust policy requirements.
6. The Trust supports transparency initiatives such as the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative. However, this does not remove the requirement for those interests to all be declared.
7. Breaches of the policy will be dealt with in a manner which is proportionate to the breach and may include:
  - Employment law action, which in the most serious circumstances can result in redeployment, demotion or dismissal.
  - Reporting of the incident to external bodies.
  - Contractual action.
  - Legal action.

# Managing Conflicts of Interest

- 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.

If a material interest is declared the following actions should be considered:

- 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.



# Decision Makers

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**Decision Makers**



## Decision Makers – who are they?

- Staff employed on Agenda for Change Bands 8d and 9, including 'acting up' arrangements.
- Members of the Board of Directors.
- Divisional Directors.
- Other Members of Management Executive not otherwise covered by the above criteria.
- Members of the Capital Advisory Board, the Joint Drugs and Therapeutic Committee or the Medical Devices Management Group.
- Any staff employed on Very Senior Manager (VSM) terms and conditions not covered by the above.
- Members of the Council of Governors.

## Decision Makers – who are they?

- For the Capital Advisory Board, Joint Drugs and Therapeutic Committees or Medical Devices Management Group the banding threshold does not apply.
- Posts hosted by the Trust will be considered on a case by case as to whether they have Decision Maker status.
- Medical Consultants are not automatically classified as Decision Makers.
- The policy reserves the final decision as to whether an individual is classed as a decision maker to the Director of Corporate Affairs ([cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net)).

## **Decision Makers requirements (Personal responsibilities)**

- Ensure that interests are declared and recorded in a timely manner, or escalate via [cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net) regarding withholding publication. For decision makers withholding publication will only be authorised in exceptional circumstances.
- To ensure that interests are updated as appropriate.
- To make a minimum of a single 'Year End – Nil End' declaration.

## Decision Makers requirements (Trust responsibilities)

- Make available, unless publication is withheld (see below), a public register of interests declared by Decision Makers.
- Publication can only be withheld in exceptional circumstances on application to the Director of Corporate Affairs ([cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net)).
- Escalation of any apparent compliance issues via the relevant route.

## Specific information for Trust Consultants

- Consultants are required as part of the GMC revalidation process to maintain an up-to-date declaration of interests which is tested annually through the appraisal process.
- By local agreement, Consultants are not required to maintain a separate declaration for the appraisal process, and instead may submit a screen shot from the Declare system.
- Declare does not currently have functionality to download or produce a summary of declarations – hence the need to use a screen shot.



## Further Information

- The Conflicts of Interest policy is available at <https://cuh.mydeclarations.co.uk/about>
- For further questions arising from the policy please contact [cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net) or ring 01223 274648.
- The Trust Secretariat manages the [cuh.declarations@nhs.net](mailto:cuh.declarations@nhs.net) inbox – this is typically monitored Monday to Friday between 08:00 and 16:00.
- For further information on the declarations of interest requirements related to Consultant revalidation/appraisal, please contact [cuhdoctorsappraisals@addenbrookes.nhs.uk](mailto:cuhdoctorsappraisals@addenbrookes.nhs.uk)

# Any questions?