



# Managing Conflicts of Interest Policy

**Document Author: Trust Secretary**  
Date Approved: May 2017

<b>Document name</b>	PO – Managing Conflicts of Interest Policy
<b>Version</b>	V5.3
<b>Responsible Committee</b>	Trust Management Group
<b>Responsible Director</b>	Chief Executive
<b>Document Owner (title)</b>	Trust Secretary
<b>Document Lead (title)</b>	Trust Secretary
<b>Approved By</b>	Trust Management Group
<b>Date Approved</b>	10 May 2017
<b>Review Date</b>	March 2021
<b>Equality Impact Assessed (EIA)</b>	Yes
<b>Protective Marking</b>	None

### Document Control Information

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status (A/D)</b>	<b>Description of Change</b>
4.1	May 2017	Anne Allen	D	Reviewed
5.0	May 2017	Anne Allen	A	Approved at TMG 10/05/2017
5.1	May 2018	Risk Team	A	New Visual Identity – Document Formatted
5.2	Nov 2020	Ruth Parker	D	Extension approved by TMG until Feb 2021
5.3	Feb 2021	Risk Team	D	Extension approved by TMG until Feb 2021
A = Approved D = Draft				
Document Author = Trust Secretary				
Associated Documentation: Insert names of associated Policies or Procedures here				

<b>Section</b>	<b>Contents</b>	<b>Page No.</b>
1	Policy Summary	3
2	Introduction	4
3	Purpose	4
4	Key Terms	5
5	Interests	5
6	Staff	6
7	Decision Making Staff	6
8	Identification, Declaration and Review of Interests	6
9	Records and Publication	8
10	Management of Interests – General	10
11	Management of Interests – Common Situations	10
12	Management of Interests – Advice in Specific Contexts	17
13	Dealing with Breaches	18
14	Monitoring Compliance and Effectiveness	20
15	Associated Documentation	21
16	Dissemination and Implementation	21
17	Associated Documentation	21
18	Appendices	23
	Appendix A – Potential Scenarios that staff may Face (and how to respond to them)	23

## 1 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...
<ul style="list-style-type: none"> <li>• Familiarise yourself with this policy and follow it. Refer to the guidance for the rationale behind this policy <a href="https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf">https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf</a></li> <li>• Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent.</li> <li>• Regularly consider what interests you have and declare these as they arise. If in doubt, declare.</li> <li>• <b>NOT</b> misuse your position to further your own interests or those close to you</li> <li>• <b>NOT</b> be influenced, or give the impression that you have been influenced by outside interests</li> <li>• <b>NOT</b> allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that this policy and supporting processes are clear and help staff understand what they need to do.</li> <li>• Identify a team or individual with responsibility for:               <ul style="list-style-type: none"> <li>○ Keeping this policy under review to ensure they are in line with the guidance.</li> <li>○ Providing advice, training and support for staff on how interests should be managed.</li> <li>○ Maintaining register(s) of interests.</li> <li>○ Auditing this policy and its associated processes and procedures at least once every three years.</li> </ul> </li> <li>• <b>NOT</b> avoid managing conflicts of interest.</li> <li>• <b>NOT</b> interpret this policy in a way which stifles collaboration and innovation with our partners</li> </ul>

## 2 Introduction

From 1 June 2017 new guidance on **Managing Conflicts of Interest in the NHS** (the guidance) came into force which applies to NHS Trusts and NHS Foundation Trusts, NHS England and Clinical Commissioning Groups (via the statutory guidance to CCGs issued by NHS England).

Yorkshire Ambulance Service NHS Trust (the Trust) has adopted the guidance in full which:

- Introduces common principles and rules for managing conflicts of interest
- Provides simple advice to staff and organisations about what to do in common situations
- Supports good judgement about how interests should be approached and managed
- Sets out the issues and rationale behind the policy.

The Trust, 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. But there is a risk that conflicts of interest may arise.

Providing best value 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.

## 3 Purpose

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

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

**This policy should be considered alongside these other Trust policies:**

- Freedom to Speak Up Policy
- Standing Orders Including Scheme of Powers Delegated and Reserved to the Board and Standing Financial Instructions (SO/SFIs)
- Secondary Employment Policy
- Travel and Subsistence Policy
- Local Anti-Fraud, Bribery and Corruption Policy
- Disciplinary Policy and Procedure
- Contractor Control Policy
- Volunteer Policies
- Procurement Procedures
- Freedom of Information Policy
- Information Governance Policy

- Data Protection Policy

**Other key documents include:**

- NHS Constitution
- Code of Conduct for the Board of Directors
- Code of Conduct - Incorporating the NHS Code of Conduct for Managers
- Freedom of Information Act 2000
- NHS Code of Conduct and Accountability (July 2004)
- ABPI: The Code of Practice for the Pharmaceutical Industry (2014)
- ABHI Code of Business Practice

**For information relating to YAS’ charitable funds or to make a charitable donation please contact the Charitable Fund Manager, Finance Department, Springhill 1, Wakefield, WF2 0XQ.**

**4 Key terms**

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.”

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

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.

**5 Interests**

Interests fall into the following categories:

- **Financial interests:**  
Where an individual may get direct financial benefit\* from the consequences of a decision they are involved in making.
- **Non-financial professional interests:**  
Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.
- **Non-financial personal interests:**  
Where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial

---

\* This may be a financial gain, or avoidance of a loss.

benefit, because of decisions they are involved in making in their professional career.

- **Indirect interests:**

Where an individual has a close association\* with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

## **6 Staff**

NHS England has published some frequently asked questions for specific staff groups on the issues posed and how the guidance applies to them. Staff may wish to refer to: [www.england.nhs.uk/ourwork/coi](http://www.england.nhs.uk/ourwork/coi)

At Yorkshire Ambulance Service we use the skills of many different people, all of whom are vital to our work. This includes people on differing employment terms, who for the purposes of this policy we refer to as 'staff' and are listed below:

- All salaried employees
- All prospective employees – who are part-way through recruitment
- Contractors and sub-contractors
- Agency staff, and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation).

## **7 Decision Making Staff**

The Trust has identified groups of people considered to be 'decision making staff' including:

- The Chairman, Executive and other Directors, Non-Executive Directors, and all those who have decision making roles which involve the spending of taxpayers' money (refer to SO/SFIs, Appendix 2: Scheme of Financial Delegation)
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services
- Those at Agenda for Change salary band 8d and above
- Administrative and clinical staff who have the power to enter into contracts on behalf of their organisation
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions

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

## **8 Identification, declaration and review of interests**

---

\* 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.

## 8.1 Identification & declaration of interests (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).

Staff can access a declaration form in a number of ways:

- As an annex to this policy
- YAS' intranet: <http://pulse.yas.nhs.uk/es/pages/Results.aspx?k=declaration>
- Trust Secretary
- Line managers
- Available at Corporate Induction Training for new staff
- Included in the training of Trust Volunteers
- Included in the contract award pack (3<sup>rd</sup> party contractors)
- At key locations including:
  - Springhill 1
  - Springhill 2
  - Local administration centres
  - Training centres
  - Unit M
  - Fleet workshops
  - Manor Mill Resource Centre
- From the NHS England website: <https://www.england.nhs.uk/ourwork/coi/>

## 8.2 Responsibility for Implementing the Guidance

- **Managers** are responsible for ensuring that:
  - Providing advice, training and support for staff on how interests should be managed
  - All staff, including new starters and those on temporary / bank contracts, volunteers and third party contractor working at local level are fully appraised of their responsibilities under this Policy
  - The HR department is informed of any issue brought to the manager's attention which affects a member of staff's employment, e.g. secondary employment.
- **The Board of Directors** (the Board) is responsible for gaining assurance that adequate arrangements are in place to ensure that all staff are aware of the standards of personal and professional behaviour expected of them, and that all staff have access to this Policy.
- **The Chief Executive** is the Accountable Officer who will ensure that all Trust managers are briefed on this Policy through the Executive Briefings,

in addition to regular Operational Updates.

- 
- **Executive Directors** are responsible for ensuring that :
  - Current policies are reviewed and brought in line with this guidance
  - Staff are reminded periodically of their responsibilities in respect of making the relevant declarations
  - That forms for the purpose of Declaration of Interests and for Declaration of Gifts, Hospitality & Sponsorship are available via <http://pulse.yas.nhs.uk/es/pages/Results.aspx?k=declaration>
  - Auditing policy, process and procedures relating to this guidance at least every three years.
- **The Trust Secretary** is responsible for:
  - Ensuring that the Trust maintains a trust-wide Corporate Register of Interests for all staff and a Register of Gifts, Hospitality & Sponsorship and that these are reviewed, by the Audit Committee and by the Board, at least annually
  - Ensuring that the Trust maintains a Register of Interests for the Board of Directors and that this is reviewed by the Audit Committee and by the Trust Board, at least annually
  - Communicating a reminder to staff at least quarterly
  - Ensuring the currency of this Policy, on behalf of the Chief Executive.

Declarations should be made to: the Trust Secretary, [trustsecretary@yas.nhs.uk](mailto:trustsecretary@yas.nhs.uk)

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.

### **8.3 Proactive review of interests**

We will prompt decision making staff at least annually to review declarations they have made and, as appropriate, update them or make a nil return. The Trust Secretary is responsible for the process and that this is reviewed by the Audit Committee and by the Board, at least annually.

## **9 Records and publication**

### **9.1 Maintenance**

The Trust will maintain the following registers:

- **Corporate Register of Interests** (for 'decision making' staff, other staff)
- **Register of Interests for the Board of Directors**
- **Register of Gifts, Hospitality & Sponsorship** (Board members, all staff)

The Trust Secretary is responsible for maintaining these registers.

## 9.2 Publication

The Trust will publish the interests declared, at least annually on the Trust's website for:

- **Corporate Register of Interests** (for 'decision making' staff, other staff)
- **Register of Interests for the Board of Directors**
- **Register of Gifts, Hospitality & Sponsorship:** Board members, all staff

This information will be refreshed at least annually by the Trust Secretary. This information is available from the Trust's website:

[http://www.yas.nhs.uk/Publications/board\\_meeting\\_documents/2015-16/Att-2016-03-29/Paper 7.2a - Register of Interests 2015-16 \(TB Pub.pdf](http://www.yas.nhs.uk/Publications/board_meeting_documents/2015-16/Att-2016-03-29/Paper_7.2a_-_Register_of_Interests_2015-16_(TB_Pub.pdf)

In some cases it might not be appropriate to publish information about the interests of some decision making staff, or their personal information might need to be redacted.

If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Trust Secretary, [trustsecretary@yas.nhs.uk](mailto:trustsecretary@yas.nhs.uk) to explain why. 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

Yorkshire Ambulance Service NHS Trust fully supports wider transparency initiatives in healthcare, and we encourage staff to engage actively with these.

Relevant staff are strongly encouraged 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. 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:  
<http://www.abpi.org.uk/our-work/disclosure/about/Pages/default.aspx>

## 10 Management of interests – general

If an interest is declared but there is no 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 Secretary, [trustsecretary@yas.nhs.uk](mailto:trustsecretary@yas.nhs.uk) 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.

## 11 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.

**APPENDIX ONE: illustrates a number of potential situations that staff might face and the Trust's expectations of how staff should respond to them**

### 11.1 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 £6\* in total**, and need not be declared.

---

\* The £6 value has been selected with reference to existing industry guidance issued by the ABPI:  
<http://www.pmcpsa.org.uk/thecode/Pages/default.aspx>

### **Gifts from other sources (e.g. patients, families, service users):**

- Gifts of cash and vouchers to individuals should always be declined
- Staff should not ask for any gifts.
- **Gifts valued at over £50** should be treated with caution and only be accepted on behalf of the Yorkshire Ambulance Service Charity\* not in a personal capacity: these should be declared by staff.
- Modest gifts accepted **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.

### **Examples of Non Declarable Items – an item(s) with a total value of less than £6**

- ✓ Calendar/diary/similar items of low intrinsic value
- ✓ Branded pen(s) from suppliers or contractors

### **Examples of Non Declarable Items - an item(s) with a total value of less than £50**

- ✓ Bouquet of flowers
- ✓ A buffet lunch at an external meeting, training course, conference etc

### **Examples of Declarable Items - an item(s) with a total value of more than £50**

- x Supplier or other company offers paid accommodation in a top hotel
- x Supplier or other company offers tickets to a national conference
- x Supplier or other company offers other hospitality e.g. free tickets to a show, sporting event

***Offers of cash/cheques/gift vouchers should always be refused; instead refer the potential donor to YAS Charitable Fund\****

#### **11.1.1 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).

**\* For information relating to YAS' charitable funds or to make a charitable donation please contact the Charitable Fund Manager, Finance Department, Springhill 1, Wakefield, WF2 0XQ.**

#### **11.2 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:**

- **Under a value of £25** - may be accepted and need not be declared.
- **Of a value between £25 and £75\*** - 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 organisation's register(s) of interest as to why it was permissible to accept.
- A common sense approach should be applied 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 organisation 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 organisation'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.

#### **11.2.1 What should be declared**

- Staff name and their role with the organisation.
- 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).

#### **11.3 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 organisation may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk

---

\* The £75 value has been selected with reference to existing industry guidance issued by the ABPI  
<http://www.pmcpsa.org.uk/thecode/Pages/default.aspx>

of a conflict. For example, the Working Time Regulations mandates that staff do not work more than 48 hours per week over a 17 week reference period. Secondary employment could mean that staff exceed this limit, which could cause health and safety issues. In addition, where an individual has secondary employment and is off sick from YAS, working with the other employer could potentially be a fraudulent act, which would require investigation.

#### **11.3.1 What should be declared**

- Staff name and their role with the organisation.
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- 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).

#### **11.4 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 organisation.
- 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.

##### **11.4.1 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).

#### **11.5 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.

### **11.5.1 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)

### **11.6 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.

#### **11.6.1 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).

### **11.7 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.

### **11.7.1 What should be declared**

- The organisation will maintain records in line with the above principles and rules and relevant obligations under charity law.

## **11.8 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 to the Trust 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.

### **11.8.1 What should be declared**

- The organisation will maintain records regarding sponsored events in line with the above principles and rules.

## **11.9 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.

### **11.9.1 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).

### 11.10 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.

#### 11.10.1 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.

### 11.11 Clinical private practice

- Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises\* including:
  - Where they practise (name of private facility).
  - What they practise (specialty, major procedures).
  - When they practise (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.†

---

\* 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.bma.org.uk/-/media/files/pdfs/practical advice at work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical%20advice%20at%20work/contracts/consultanttermsandconditions.pdf)

† 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.bma.org.uk/-/media/files/pdfs/practical advice at work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical%20advice%20at%20work/contracts/consultanttermsandconditions.pdf)

- 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](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.

#### **11.11.1 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).
- 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).

**APPENDIX ONE: illustrates a number of potential situations that staff might face and the Trust's expectations of how staff should respond to them**

## **12 Management of interests – advice in specific contexts**

### **12.1 Strategic decision making groups**

In common with other NHS bodies Yorkshire Ambulance Service NHS Trust uses a variety of different groups to make key strategic decisions about things such as:

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

The Trust has identified relevant strategic decision making groups involved in the activities listed above:

- Board of Directors
- Finance and Investment Committee
- Trust Management Group
- Trust Procurement Group
- Medicines Management Group
- Clinical Governance Group
- Estates Management Group

The interests of those who are involved in these groups should be well known so that they can be managed effectively.

These 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 deputy 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.

## **12.2 Procurement**

Procurement shall be managed in an open and transparent manner, compliant with procurement and other relevant law, ensuring that there is no discrimination against or in favour of any potential provider. Procurement processes shall be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

Those involved in procurement exercises for and on behalf of the organisation shall 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. The highest risk part of the process is the evaluation of tenders – all evaluators are required to declare any conflicts of interest with named bidders before they are given access to view the bids.

The Trust has developed procurement policies within which we operate:

- Procurement Strategy 2015-2020
- Procurement Procedures

Relevant individuals or teams who are available to offer advice include the Associate Director of Procurement and Logistics, his/her Deputy or any member of the procurement team: [procurement@yas.nhs.uk](mailto:procurement@yas.nhs.uk)

## **13 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'.

### 13.1 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:

- their local manager
- the Trust Secretary: [trustsecretary@yas.nhs.uk](mailto:trustsecretary@yas.nhs.uk)
- Local counter fraud team: [fraud@humber.nhs.uk](mailto:fraud@humber.nhs.uk) or, if they prefer to
- the NHS Fraud and Corruption Reporting Line: [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk).

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. For further information about how concerns should be raised staff should refer to the Trust's Freedom to Speak Up Policy:

<http://pulse.yas.nhs.uk/apps/Library/PoliciesandProceduralDocuments/Freedom%20to%20Speak%20Up%20Policy%20February%202018.pdf>

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.

### 13.2 Taking action in response to breaches

Action taken in response to breaches of this policy will be in accordance with the Trust's disciplinary procedures 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 Protect, the Police, statutory health bodies (such as NHS England, NHS Improvement or the Care Quality Commission), and/or health 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 wrongdoing 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.

### **13.3 Learning and transparency concerning breaches**

Reports on breaches, the impact of these, and action taken will be considered by the **Trust Management Group** and the **Quality Committee**, as appropriate, on at least an annual basis.

**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 published in the staff bulletin and the intranet, as appropriate, or made available for inspection by the public upon request.**

## **14 Monitoring Compliance and Effectiveness**

The Executive Director of Finance will commission reviews of compliance with this Policy. As a minimum, this will comprise of an:

- Annual review of the Register of Interests for the Board of Directors, the Corporate Register of Interests and the Register of Gifts, Hospitality & Sponsorship, and a reasonableness check on the completeness of record keeping.
- The results of this review will be reported to the Audit Committee at least on an annual basis. Delivery of actions required to address any weaknesses identified through these reviews will be monitored by the Audit Committee.
- The Register of Interests for the Board of Directors, the Corporate Register of Interests and the Register for recording Gifts, Hospitality & Sponsorship will be approved at least annually by the Trust Board.

## **15 Consultation and Approval**

- The review period for this document is three years from the date it was last approved or earlier if developments within or external to the Trust indicate the need for a significant revision to the Policy.
- The review and revision of this document will be monitored through the Trust Management Group (TMG).
- Non-significant amendments to this Policy may be made, under delegated authority from the Chief Executive, by the nominated author. These must be signed-off by the Chief Executive and should be reported, retrospectively, to the TMG.
- Significant reviews and revisions to this Policy will involve consultation with relevant managers and staff across the Trust, internal audit and staff representatives. Such consultation will include discussion with the Policy Review sub-group.

## **16 Dissemination and Implementation**

- Following approval of this Policy, it will be published on YAS' Intranet in the Trust's Policy & Procedural Document Library and a highly visible link provided to the relevant form(s) for the purposes of Declaration. All staff will be notified through at least one of the Trust's current communications channels.
- Implementation is immediate on approval.
- Although no formal training is proposed, all staff will be encouraged to read and understand the whole Policy. The Trust will also, at least quarterly, issue reminders about the main messages in the Policy, or about specific elements of the Policy.
- Line managers have a responsibility to ensure all staff, including new starters and those on temporary / bank contracts, volunteers and third party contractors working at local level are fully apprised of their responsibilities under this Policy.

## **17 Associated documentation**

- Freedom to Speak Up Policy
- Standing Orders Including Scheme of Powers Delegated and Reserved to the Board and Standing Financial Instructions (SO/SFIs)
- Secondary Employment Policy
- Travel and Subsistence Policy
- Local Anti-Fraud, Bribery and Corruption Policy
- Disciplinary Policy and Procedure
- Contractor Control Policy
- Volunteer Policies
- Procurement Procedures
- Freedom of Information Policy

- Information Governance Policy
- Data Protection Policy

**Other key documents include:**

- NHS Constitution
- Code of Conduct for the Board of Directors
- Code of Conduct - Incorporating the NHS Code of Conduct for Managers
- Freedom of Information Act 2000
- NHS Code of Conduct and Accountability (July 2004)
- ABPI: The Code of Practice for the Pharmaceutical Industry (2014)
- ABHI Code of Business Practice

## **Appendix One: Potential Scenarios that staff may face (and how to respond to them)**

**The following describes a number of potential situations that staff might face and the Trust's expectations of how staff should respond to them:**

***You receive an invitation to a prestigious event (sporting, leisure, film, music, theatre, special conference, product launch etc).*** This cannot be accepted. In some circumstances you might wish to agree to attend on the proviso that you meet the costs yourself. However, tickets to such events are often 'valued' at significantly higher than the face value on the ticket. In all cases, the invitation must be discussed with your line manager and declared, and attendance must be agreed in advance with the Trust Secretary.

***You are offered an item of equipment, for a trial period, after which it may, or may not, be reclaimed.*** In these circumstances you must regard this as an attempt to influence decisions and reject the offer and report it to your line manager. The offer can be passed on to the Head of Procurement, so that it can be considered under approved, formal trial procurement arrangements.

***A local firm (e.g. car repairs, electricians, plumbers), which is used by the Trust, on a regular basis, offers you a special, personal discount for any work that you might want done at home.*** This must not be accepted and the offer must be reported to your line manager. If the same discount arrangement is offered to all staff, through an approved NHS staff discount scheme, it can be accepted.

***A representative of a medical supplies company, which has regular dealings with the Trust, invites you out for an evening meal at a top local hotel.*** This must not be accepted and the offer must be reported to your line manager and declared. NHS organisations would not expect to use such facilities.

**Staff must not accept cash, of any value, offered to them personally.**

**“Cash” includes cheques, gift vouchers and other cash-equivalent tokens, for example:**

Using a Trust fuel card in order to collect points or vouchers for yourself;

Collecting for your own use any type of reward vouchers or points associated with purchases using a Trust purchasing or credit card.