

Livewell Southwest

Declarations of Interest Policy

Version No. 4

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Notice to staff using a paper copy of this guidance

The policies and procedures page of Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

Author: People and Professionalism

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Document Review History

Version No.	Type of Change	Date	Originator of Change	Description of Change
For previous review history please contact the PRVG Co-ordinator.				
2	Full Review	December 2018	HR Department	Revised declarations of interest paperwork to combine with requirements of appraisal declaration of interest.
3	Full Review	August 2019	HR Department	Separated the Declarations of Interest Policy from the Acceptance of Gifts/Hospitality Policy
3.1	Minor Amend	October 2019	HR Department	Minor changes to formatting
3.2	Minor Amend	January 2021	HR Department	Removal of posting address. Given new asset no 613 and extended.
3.3	Extended	January 2022	HR Department	Extended
4	Reviewed	July 2022	HR Department	Reviewed and updated to include References and Associated documentation sections.

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Declarations of Interest Policy

1. Introduction

- 1.1 As a Community Interest Company, Livewell Southwest (LSW) must be impartial and honest in the conduct of its business and its employees must be beyond suspicion. The Bribery Act 2010 came into force on 1st July 2011, and it reforms the criminal law of bribery, making it easier to tackle this offence proactively in the public and private sectors. It is an offence under the Bribery Act 2010 for an employee to accept any inducement (bribe) or reward for doing, or refraining from doing, anything in his/her official role, or corruptly showing bias in the handling of contracts.
- 1.2 All staff and volunteers must also strive to avoid any conflict of interest between the interests of the organisation and personal, professional and business interests. This includes perceived conflicts of interest as well as actual conflicts of interest.

2. Purpose

- 2.1 This policy aims to protect the integrity of the organisation's decision-making process, to enable our stakeholders to have confidence in our integrity and to protect the integrity and reputation of volunteers, apprentices, staff and committee members.
- 2.2 Employees must:
 - Ensure that the interests of patients and clients remain paramount at all times.
 - Be impartial and honest in your work.
 - Use any funds entrusted to you to the best advantage of the service, always ensuring value for money.
 - Abide by the policies and procedures of the company
- 2.3 Employees must not:
 - Abuse your official position for personal gain, or to benefit your family or friends.
 - Do anything to promote or give advantage to private business or other interests, in the course of your work.
 - Retain any funds given in error, i.e. overpayments of salary/expenses

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

3. Definitions

Conflict of interest: 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 should be declared by the individual to avoid potentially damaging

circumstances for the individual, stakeholders, or the organisation.

Financial interests: Where an individual may get direct financial benefit from the consequences of their conflict of interest.

Non-financial professional interests: Where an individual may obtain a non-financial benefit from the consequences of their conflict of interest. For example: increasing their professional reputation or promoting their professional career.

Non-financial personal interests: Where an individual may obtain a benefit personal in way which are not directly linked to their professional career or a direct financial benefit, but are consequences of their conflict of interest.

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.

Secondary employment: When an employee of Livewell Southwest CIC holds an additional contract for employment or services outside of their substantive post. This can include agency working (including NHS Professionals), self-employment, and volunteer work.

4. Duties & Responsibilities

4.1 The **Board** is responsible for ensuring the impartiality and honesty of the business and its employees.

4.2 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

4.3 **Managers** should ensure the new employee completes the declaration of interest as part of induction checklist and review within the annual appraisal.

4.4 **Employees** should adhere to the reporting process (refer to the Appendices) within this document and refer to the Working Time Regulations Policy for additional supporting information. Employees are responsible for identifying and declaring at the earliest opportunity any potential declarations of interest, including additional or secondary employment or a formal police caution or criminal conviction and fitness to practice.

4.5 **HR** is responsible to maintain a centralised record of declarations of interest which can be shared with other departments where appropriate (for example with Estates/ Procurement).

5. Decision Making Staff

5.1 Some staff in the organisation are more likely to have a decision-making influence on the

use of taxpayer's money, because of the requirements of their role. These staff are classified as "decision making staff" and are required to make annual positive and negative declarations.

5.2 Decision making staff in this organisation are:

- Pharmacy
- Procurement
- Estates

6. Declarations of Interest

6.1 If you have relationships and/or hold additional posts and/or operate a business and/or receive a police caution or criminal conviction (or are subject to a police investigation) and/or there are changes which affect your fitness to practice that could potentially result in a conflict of interest with LSW, you should complete a written disclosure (Appendix A-C) which will be kept on file and updated as appropriate. Types of interest are identified in the definitions above. Examples include:

- Controlling and/or significant financial interest by you (or by a close relative, spouse, partner or associate) in a business, which may compete or trade with LSW for services or goods. This includes private care, nursing and residential homes.
- Holding additional employment with another organisation which may affect your availability to work for Livewell Southwest e.g. agency work or volunteer work (Refer to Working Time Regulations Policy).
- Having a relationship with another party within Livewell Southwest which may affect decision making or service provision.
- Having a relationship with a person in an associated service which may compete with LSW for services or goods. This includes suppliers, private care, nursing and residential homes. This includes any shareholdings or links with any publically 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.
- Any offence leading to the receipt of a formal police caution or criminal conviction
- Changes which affect your fitness to practice/professional registration

Any interests must be declared and actioned as appropriate to mitigate the risk to Livewell as an organisation.

6.2 In the course of meetings or activities, committee members will disclose any interests in a transaction or decision where there may be a conflict between the organisation's best interests and the committee member's best interests or a conflict between the best interests of two organisations that the committee member is involved with.

6.3 After disclosure, the committee member may be asked to leave the room for the discussion and may not be able to participate in the decision depending on the judgement of the other committee members present at the time. Any such disclosure and subsequent actions taken will be noted in the minutes.

6.4 Employees will be responsible for completing the relevant Appendix in relation to identifying and declaring a conflict of interest. This includes the identifying of secondary

employment details and also if you are in receipt of a formal police caution or criminal conviction. Employees are reminded of their responsibility to ensure this does not present any issues for them sustaining their contractual responsibilities to work for Livewell Southwest CIC.

- 6.5 You are obliged to disclose all information in relation to a caution or conviction received during your employment. Any offence leading to a formal police caution or a criminal conviction must be reported to your Manager. Whilst the caution or conviction may not automatically bar you from continuing your employment, failure to disclose such caution or conviction could lead to dismissal. In the event the caution or conviction is deemed not to affect your employment contract, disclosure will be treated with absolute confidence.
- 6.6 Once complete the employee should liaise with their line manager regarding their declaration of interest and any impact on their role in Livewell. The line manager will be responsible for identifying any adjustments, example of which include:
- Amendment to caseload to ensure clinical persons are not treating family members.
 - Amendment to line management reporting lines where there is a relationship with colleagues.
 - Amendment to allocation of workload where a person has secondary employment with a partner service.
 - Restricting employee involvement in specific discussions or activities which could present a conflict.
 - This list is not exhaustive as it would be dependent on the circumstances of the conflict and the individual's role in Livewell.
- 6.7 This document will then be reviewed with the relevant Head of Service and the signed document returned to HR. The HR department will be responsible for keeping a log of declarations of interest (this can be required in annual audits) and store the signed paperwork on the personnel file.
- 6.8 Declarations of interest should be made when staff join the organisation; on an annual basis; when they change jobs/roles or when their circumstances change. These declarations must be made at the earliest opportunity and within 28 days of the event

7. Clinical Private Practice

- 7.1 Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises including:
- Where they practice (name and address of private facility).
 - What they practice (specialty, major procedures).
 - When they practice (identified sessions/time commitment).
- 7.2 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, LSW commitments take precedence over private work.
- 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

8. Training Implications

Training will be provided to Managers, as required, on their duties in relation to this Policy.

9. Monitoring Compliance

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Department.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Head of Service.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 21st September 2022

Declaration of Interests – Self Declaration Form

Please provide full details of interests to be declared.

SECTION ONE	
Title	
First Name	
Last Name	
Job Title	
Date of Birth	
SECTION TWO	
(a) <u>Relationship to another Livewell Southwest CIC employee (such as spouse/immediate family/friend/other – please specify)</u>	
(b) <u>Relationship to a person providing service delivery for Livewell Southwest or relevant service areas (such as spouse/immediate family/friend/other – please specify)</u>	
(c) <u>Interest details</u>	
(i)	Interest Details (Name of Business/Activity)
(ii)	Purpose of interest (Type of business)

(iii)	Position held	
(c) <u>Other declared activity outside of Livewell Southwest</u>		
SECTION THREE		
Signature of employee:		Date:
SECTION FOUR		
Line Manager Review		
Line Manager Name:		Date:
Date Declaration received		Date:
Date Declaration discussed		Date:
Please detail any agreed actions/adjustments in relation to the above:		
Is the declaration agreed?		Yes/No
Signature of Line Manager:		Date:
Head of Service Review		
Head of Service Name:		Date:
Signature of Head of Service:		

Please send the completed form to: Livewell.HR-Livewell@nhs.net

Secondary Employment and Clinical Private Practice – Self Declaration Form

Please provide full details of any additional employment or services outside of your substantive posts. (This can include agency working, including NHS Professionals, self-employment and volunteer work.

Please also provide details of any clinical private practice to seek prior approval before taking up the private practice.

SECTION ONE	
Title	
First Name	
Last Name	
Job Title	
Date of Birth	
SECTION TWO	
(a) <u>Please complete as below:</u>	
(i)	I have other employment/work
(ii)	I am considering secondary employment/work
(b) <u>Please state type of work below:</u>	
(i)	NHS Professionals/Agency/Volunteer/Self-employment/Other: Please specify below

(ii)	Name and Address of Employer/Business
(iii)	Nature of work (please provide brief details of duties and responsibilities)
(iv)	Please provide type of other work e.g. paid/voluntary/student/unpaid/casual/other
(v)	Please provide hours per week and working pattern
(vi)	Commencement date (or date proposed secondary employment will commence)
SECTION THREE	
<p><u>Clinical Private Practice</u> – prior approval must be sought before taking up private practice. You must ensure that where there would otherwise be a conflict or potential conflict of interest, LSW commitments take precedence over private work. Also, you must not accept direct or indirect financial incentives from private providers other than those allowed by the Competition and Markets Authority guidelines https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf</p>	
(i)	Where you intend to practice (name of private facility)

(ii)	What you intend to practice (speciality, etc)	
(iii)	When do you intend to practice? (identified sessions/time commitment)	
SECTION FOUR		
Signature of employee:		Date:
SECTION FIVE		
Line Manager Review		
Line Manager Name:		Date:
Date Declaration received		Date:
Date Declaration discussed		Date:
Can the employee's current working pattern accommodate the proposed secondary employment without compromising the organisations obligations regarding working time regulations?		Yes/No/N/A
Will the additional employment mean that the employee is likely to work more than 48 hours per week?		Yes/No/N/A
If yes, has the employee exercised their right to do so by signing an 'opt out' agreement as found in the Working Time Regulations Policy?		Yes/No/N/A
Impact on employee – is there any considerations regarding the employee's attendance/performance?		Yes/No/N/A
Please detail any agreed actions/adjustments in relation to the above:		
Is the declaration agreed?		Yes/No
Signature of Line Manager:		Date:
Head of Service Review		

Head of Service Name:	Date:
Signature of Head of Service:	

Please send the completed form to: Livewell.HR-Livewell@nhs.net

Criminal Convictions & Fitness to Practice – Self Declaration Form

Please provide full details of the convictions/cautions for criminal offences during your employment with Livewell Southwest that have not been declared, regardless of when they were committed or of any cases pending regarding the alleged commission of a criminal offence.

In the sections below, please provide full details of changes to your registration, fitness to practice. All information provided will be considered by HR department to determine action.

SECTION ONE	
Title	
First Name	
Last Name	
Job Title	
Date of Birth	
SECTION TWO	
(a) <u>Cautions/Convictions</u> : State below, in respect of each offence for which you have been convicted:	
(i)	The nature and date of the offence
(ii)	Name of court, date of conviction and sentence imposed
(b) <u>Cases pending</u> : State below:	
(i)	Nature of alleged offence with date(s)

(ii)	Expected date and place of trial
(iii)	Name of Police Force by whom you are being considered for possible prosecution
SECTION THREE	
Fitness to practice - current fitness to practice investigation and/or proceedings of any nature by a regulatory or licensing body, which may have a bearing on your employment/practice with Livewell Southwest. This may include any fitness to practice investigation and/or proceedings of any nature that are being undertaken by a regulatory or licensing body in any other country. State below, in respect of each fitness to practice investigation and/or proceeding for which you are currently subject to:	
(i)	The nature and date of the investigation(s)/proceeding(s)
(ii)	Have you been removed from the professional register, or have conditions or sanctions been placed on your registration, or have you been issued with a warning by a regulatory or licensing body in the UK or in any other country?
The nature and date of the removal, condition(s) or sanction(s).	
SECTION FOUR	
Signature of employee:	Date:
SECTION FIVE	
Line Manager Review	

Line Manager Name:	Date:
Date Declaration received	Date:
Date Declaration discussed	Date:
Please detail any agreed actions/adjustments in relation to the above:	
Is the declaration agreed?	Yes/No
Signature of Line Manager:	Date:
Head of Service Review	
Head of Service Name:	Date:
Signature of Head of Service:	

Please send the completed form to: Livewell.HR-Livewell@nhs.net