

Livewell Southwest

## **Declarations of Interest Policy**

Version No. 5

Review: February 2028

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### **Notice to staff using a paper copy of this guidance**

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

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**Asset Number: 613**

## Reader Information

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<b>Author</b>	People and Professionalism
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<b>Disposal date</b>	The PRVG will retain an e-signed copy for the archive in accordance with the Retention and Disposal Schedule, all copies must be destroyed when replaced by a new version or withdrawn from circulation.
<b>Target audience</b>	All Livewell Southwest employees, volunteers and stakeholders
<b>Circulation List</b>	Electronic: Livewell Southwest (LSW) intranet and website (if applicable) Written: Upon request to the Policy Co-ordinator at <a href="mailto:livewell.livewellpolicies@nhs.net">livewell.livewellpolicies@nhs.net</a> Please contact the author if you require this document in an alternative format.
<b>Stakeholders</b>	All Livewell Southwest employees.
<b>Consultation process</b>	Via LSW Executive Team with advice from Audit Southwest
<b>References/sources of information</b>	Institute of Chartered Secretaries & Administrators (ICSA) Guidance. Governance Pages – <a href="http://www.governancepages.org.uk">www.governancepages.org.uk</a> NHS Audit Southwest, Professional Briefing, Conflicts of Interest, the risk to the NHS. NHS England Managing Conflicts of Interest in the NHS Guidance for employees and organisations <a href="#">NHS England » Managing conflicts of interest in the NHS</a>
<b>Equality analysis checklist completed</b>	Yes
<b>Is the Equality and Diversity Policy referenced</b>	N/A

<b>Is the Equality Act 2010 referenced</b>	N/A
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<b>Supersedes document</b>	All previous versions
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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.
4.1	Minor Amend	June 2025	HR People Team	Update to section 6.7 and addition of Appendix D and separate appendices  Update to section 6.7 with addition of employees adding their DoI's to ESR, addition of Appendix D and separate appendices from the policy
5.0	Minor Amend	September 2025	HR People Team	Reviewed and updated to include correction of links

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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 employees 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, employees 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"> <li>• Familiarise yourself with this policy and follow it. Refer to the guidance for the rationale behind this policy <a href="#">NHS England » Managing conflicts of interest in the NHS</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 employees 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 employees 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>

### 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 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, a police investigation or a formal police caution or criminal conviction and fitness to practice.
- 4.5 The **HR** People Team 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 employees 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 employees 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 Livewell Southwest, 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 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.
- Any offence leading to a police investigation, 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 Southwest 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 subject to a police investigation, 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.
- 6.5 You are obliged to disclose all information if you are subject to a police investigation, 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 Directorate Manager and the signed document returned to HR People Team. The HR People Team 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. Employees are required to upload any Declarations of Interest onto their ESR Portal, please see appendix D for guidance on this process. This section updated.
- 6.8 Declarations of interest should be made when employees 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 employees 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 employees 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, Livewell Southwest 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](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 People Team.

**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 Directorate Manager.**

**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: 24th September 2025