

Norfolk and Waveney Integrated Care Board

Conflicts of Interest Policy

Document Control Sheet

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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"> 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- you should base this on the perception of the average person, not your own perception. 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

2 Introduction

- 2.1 NHS Norfolk and Waveney Integrated Care Board (“the ICB) and the people who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients.
- 2.2 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.
- 2.3 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 and the public.
- 2.4 Effective handling of conflicts of interest is crucial for the maintenance of public trust in the health and care system. Importantly, it also serves to give confidence to patients, providers, parliament and taxpayers that the ICB’s commissioning decisions are robust, fair, transparent and offer value for money. As such, this policy is aligned with the three crucial public service values that underpin the work of the ICB:

Accountability – Everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements on propriety, and professional codes of conduct.

Probity – There should be an absolute standard of honesty in dealing with the assets of the NHS. Integrity should be the hallmark of all personal conduct in the decisions affecting patients, staff and suppliers, and in the use of information acquired in the course of NHS duties.

Openness – There should be sufficient transparency about NHS activities to promote confidence between the NHS organisation and its staff, patients and the public

- 2.5 Failure to manage conflicts of interest could lead to legal challenge resulting in civil or criminal implications for the ICB and the individual; as well as disciplinary and professional regulatory implications in respect of the individual.

3 Purpose

- 1) This policy will help our staff manage conflicts of interest risks effectively by:
 - Introducing consistent principle and rule
 - Providing simple advice about what to do in common situations

- Supporting good judgement about how to approach and manage interests

2) This policy should be considered alongside these other organisational policies:

- The ICB Constitution
- ICB Whistleblowing Policies
- ICB Counter Fraud and Corruption Policies
- ICB Anti-bribery Policies
- ICB Recruitment Policies
- ICB Disciplinary Policies
- ICB Standing Financial Instructions.

In addition, staff should be aware of statutory guidance issued by NHS England

4 Key terms

1) 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.”

2) 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

4.3 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

1) 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 non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their 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 benefit, because decisions are not linked to their professional career.

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

Please refer to the table attached to Annex A which describes types of conflicts attributable for each of the listed categories above.

6 Guiding principles

- 6.1 The Nolan Principles set out the ways in which holders of public office should behave in discharging their duties. The seven principles are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 6.2 In addition to the Nolan Principles, the ICB observes the following principles of good governance in the way that it conducts its business. This includes but is not limited to the following:
 - The Good Governance Standards of Public Services (2004), Office of Public Management (OPM) and Chartered Institute of Public Finance and Accountancy (CIPFA).
 - The seven key principles of the NHS Constitution
 - The Equality Act 2010
 - Code of Conduct and Code of Accountability in the NHS
 - Standards for members of the NHS Boards and ICBs in England.
- 6.3 Conflicts of interest are inevitable in commissioning, but in most cases, it is possible to handle them with integrity and probity by ensuring they are identified, declared and managed in an open and transparent way. With this in mind, the ICB has adopted the following guiding principles for managing conflicts of interest:
 - a. Doing business appropriately – ensuring that our needs assessments, consultation mechanisms, commissioning strategies and procurement procedures are right from the outset. Accordingly, this supports the ICB to identify and avoid/manage because the rationale for all decision-making will be clear and transparent and should withstand scrutiny.
 - b. Being proactive, not reactive – seeking to identify and minimise the risk of conflicts of interest at the earliest possible opportunity, for instance by:
 - Considering potential conflicts of interest when electing or selecting individuals to join the ICB or other decision-making groups;
 - Ensuring individuals receive proper induction and training so that they understand their obligations to declare conflicts of interest

- Establishing and maintaining the register of interests and agreeing in advance how a range of possible situations and scenarios will be handled, rather than waiting until they arise.
- c. **Assuming that individuals will seek to act ethically and professionally** – ensuring there are prompts and checks to identify when conflicts occur, supporting individual to exclude themselves appropriately from decision-making.
- d. **Being balanced and proportionate** – identifying and managing conflicts, but not expecting to eliminate them completely.
- e. **Openness** – ensuring early engagement with patients, the public, clinicians and other stakeholders in relation to proposed commissioning plans.
- f. **Responsiveness and best practice** – ensuring that commissioning intentions are based on local health needs and reflect evidence of best practice – securing ‘buy in’ from local system partners to the clinical case for change.
- g. **Transparency and sound record keeping** – documenting clearly the approach taken at every stage in the commissioning cycle so that a clear audit trail is evident, including an up-to-date register of interests.
- h. **Securing expert advice** – ensuring that plans take into account advice from appropriate health and social care professionals (e.g. through clinical networks) and draw on commissioning support for instance around formal consultations and for procurement processes.
- i. **Engaging with providers** – engaging early with both incumbent and potential new providers over potential changes to the services commissioned for the local community.
- j. **Creating clear and transparent commissioning specifications** – reflecting the depth of engagement and setting out the basis on which any contract will be awarded.
- k. **Following proper procurement processes and legal arrangements** – having an unbiased approach to providers and clear, recognised and easily enacted system for dispute resolution.
- l. **Creating an environment and culture** – where individuals feel supported and confident in declaring relevant information and raising concerns.

7 Staff

- 7.1 NHS England has published a number of frequently asked questions for specific staff groups and how the guidance applies to them. Staff can access these resources at www.england.nhs.uk/ourwork/coi
- 7.2 The ICB utilises the skills of many different people, all of whom are vital to our work. This includes all people who work for or on behalf of the ICB and may be

on differing employment terms including contractors and workers, and who for the purposes of this policy we refer to as 'staff' and are listed below:

- Office holders including non-executive members and ICB Board Members
- All salaried employees
- All prospective employees who are part-way through recruitment
- Contractors and sub-contractors
- Agency and bank staff as well as those with worker agreements

8 Decision making staff

8.1 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 policy these people are referred to as 'decision making staff.'

8.2 Decision making staff in the ICB are:

- ICB Board Members
- Lay advisors
- Directors and other executive staff
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services
- Individuals who are members of committees that approve investment or disinvestment decisions
- Those at Agenda for Change band 8d and above
- Administrative and clinical staff who have the power to enter into contracts on behalf of the organisation
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment, and formulary decisions.

9 Identification, declaration and review of interests

9.1 All staff should identify and declare conflicts of 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:

- Upon appointment to the ICB (including temporary roles)
- 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)

- When their personal circumstances change resulting in a declaration being required.

9.2 A hard copy form is available at Appendix A or from the Corporate Affairs team.

9.3 After expiry, an interest will remain on register(s) for a minimum of six months and a private record of historic interests will be retained for a minimum of six years.

Any questions or concerns should be addressed to
nwicb.corporateaffairs@nhs.net

9.4 The ICB has appointed David Holt as its Conflicts of Interest Guardian. This role has oversight of the management of conflicts of interest in the organisation and acts as a point of independent authority and scrutiny.

Any person can raise a concern about conflicts of interests with the relevant Conflicts of Interests Guardian, and contact will remain confidential unless the individual consents to their details being shared.

9.5 The ICB Corporate Affairs team has responsibility for implementing this guidance including:

- Reviewing current policies and bringing them in line with this guidance
- Providing advice, training, and support for staff on how interests should be managed
- Maintaining register(s) of interests
- Auditing policy, process and procedures relating to this guidance at least every three years.

Specific advice on the materiality of an interest or action that needs to be taken in relation to an interest is available from the Corporate Affairs team

10 Proactive review of interests

10.1 We will prompt decision making staff on a regular basis to review declarations they have made and, as appropriate, update them or make a nil return. However, staff should be aware of the need to update their declarations as required in the interim period, in accordance with this policy

10.2 Staff will receive an email asking them to provide a return. If such return is not provided within one month the matter will be escalated to the individual's line manager. Should the relevant declaration not be received within one further month the matter will be escalated to the relevant Executive Director. For

members of the ICB Board, the matter will be escalated to the ICB Chair. A report will be provided to the Audit and Risk Committee showing non-compliance

- 10.3 Gifts and hospitality should be declared on an ongoing proactive basis in accordance with section thirteen below.

11 Records and publication

- 11.1 The ICB will maintain the following registers:

- Declarations of interest – Register of Interests
- Gifts and Hospitality
- Procurement

- 11.2 As a minimum, the ICB will:

- Publish the registers described above
- Publish the interests declared by decision making staff of the ICB, which will be updated on a six monthly basis
- Publish a combined register of gifts and hospitality
- Publish a combined register of procurement decisions
- The registers will be published on the ICB's website

- 11.3 If decision making staff have substantial grounds for believing that publication of their interests should not take place, then they should contact the Corporate Affairs team 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.

- 11.4 The ICB fully supports wider transparency initiatives in healthcare, and encourage staff to engage actively with these.

Such transparency initiatives include disclosures as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative.

However, staff are required to seek written permission from the Director of Finance before accepting payments for any of the following activities:

- 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.

12 Management of Interests – general

- 12.1 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 a management plan will be made and will identify any actions required to manage the risk. 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
- 12.2 Each case will be different and context-specific, and the ICB Head of Corporate Governance will, in conjunction with the relevant committee chair or executive lead, clarify the circumstances and issues with the individual(s) involved. Staff should maintain a written audit trail of information considered and actions taken.
- 12.3 Staff who declare material interests should make their line manager or the person(s) they are working to aware of their existence.
- 12.4 Any disputes on whether an interest needs to be declared or upon the management of an interest shall be referred to the Corporate Affairs team for consideration. If further resolution is required, the matter will be referred to the ICB Chair for decision.

13 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. Additional information is available at Appendix D.

13.1 Gifts

A “gift” is defined as any item of cash or goods, or any service which is provided for personal benefit, free of charge or at less than its commercial value.

Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.

All individuals must not, either directly or indirectly, accept a gift (including rewards benefits and hospitality) from any member of the public or any organisation with whom they are brought into contact by reason of their duties other than:

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 keyrings may be accepted where they are under the value of £6 in total and need not be declared.

Gifts from other sources (patient, families, services users ect)

- Gifts of cash and vouchers to individuals should always be declined
- Staff should not ask for any gifts
- Gifts valued at over £50 should not be accepted. 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

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), Senior approval must be obtained.
- You need to make your declaration at the earliest opportunity and within 28-days of receiving the offer of the gift.

13.2 Hospitality

Guiding principles of hospitality are:

- 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
- Caution should always 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.
- You need to make your declaration at the earliest opportunity and within 28-days of receiving the offer of the hospitality.

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 at director level, 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.

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)

13.3 Outside employment (including directorships and officer appointments)

- Staff should declare any existing outside employment on appointment
- Staff should seek written permission from a director for any new employment (outside of the ICB) and declare it
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks

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 of a conflict. Staff should refer to the ICB policies on recruitment and their individual staff contract. If in doubt staff should discuss the matter with their line manager and/or ICB Corporate Affairs team.

The ICB has determined that individuals may not hold dual employment where they may be asked to undertake tasks which would assist the provider to meet the requirements of their contract with the ICB.

The ICB has further determined that individuals cannot hold a position of 'significant influence' in a provider organisation. 'Significant influence' is defined as Board level (or equivalent) position in any provider organisation. Specifically, a Board level role can only be held in either the ICB or a provider organisation.

The above paragraphs on secondary employment do not apply to ICB Board

Partner Members and the VCSE Member who may be employed by a provider organisation.

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)

13.4 Shareholdings and other ownership matters

- 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, or 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.

What should be declared?

- Staff name and their role with the organisation
- Nature of the shareholdings/other ownership interest, including the percentage shareholding
- 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)

13.5 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.

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)

13.6 Loyalty interests

Loyalty interests should be declared by staff involved in decision making where they:

- Hold positions 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.

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)

13.7 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 donate 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.

What should be declared?

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

13.8 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 for the organisation 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 prior to the event
- Any sponsorship should be approved in advance by the ICB Corporate Affairs team. Disputes regarding whether sponsorship should be accepted will be referred to the ICB Chair or Conflicts of Interest Guardian for resolution.

What should be declared?

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

13.9 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.

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)
 - The declaration should be made using the ICB template available on the intranet or at Appendix C

13.10 Clinical private practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises including:

- Where they practice (name of private facility)
- What they practice (specialty, major procedures)
- When they practice (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

Medical staff 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

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 practice, sessional activity, etc)

For a visual guide of the above categories please see Appendix D

14 Strategic decision-making groups

14.1 In common with other NHS bodies the ICB 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.

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

- The Board of the ICB
- Integrated Care Partnership
- The Finance Committee
- Primary Care Committee
- The Remuneration Committee
- The Audit & Risk Committee
- Conflicts of Interest Committee
- People and Culture Committee
- Transformation and performance Committee

14.3 These groups should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin meetings by asking for declarations 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 vice 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.

14.4 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 all together

14.5 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

15 Procurement

15.1 Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favor of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behavior, which is against the interest of patients and the public.

15.2 Those involved in procurement exercises for and on behalf of the organisation should 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.

15.3 The ICB will publish registers of procurement decisions, which will include any actions that have been taken to manage conflicts of interests.

15.4 Advice on managing conflicts of interests in relation to procurement decisions can be obtained from the procurement team.

16 Breaches

16.1 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'.

16.2 Staff who are aware of actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to one or all of the following:

- The ICB's Conflicts of Interest Guardian
- Associate Director of Corporate Affairs
- Anti-Crime Specialist

16.3 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 please refer to the Freedom to Speak Up (Whistleblowing) Policy available on the ICB intranet

16.4 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 the investigation, the ICB 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.

16.5 Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the organisation and could involve organisational leads for staff support (e.g., Human Resources), fraud (e.g Anti-Crime 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 healthbodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.

16.6 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.

16.7 A report on any breaches, the impact of these, and action taken will be considered by the Audit & Risk Committee at the meeting following identification of the breach.

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 on the ICB website as appropriate or made available for inspection by the public upon request.

Appendix A

Template Declaration of interests for ICB Board Members, employees and those working for the ICB.

Name:				
Position within, or relationship with, NHS Norfolk and Waveney ICB				
Detail of interests held (complete all that are applicable):				
Type of Interest* <small>*See reverse of form for details</small>	Description of Interest (including for indirect Interests, details of the relationship with the person who has the interest)	Date interest relates From & To		Actions to be taken to mitigate risk (to be agreed with line manager or a senior ICB manager)

***If you have more interests to list please insert extra lines**

If you have no interests to declare and wish to submit a nil return, please tick this box

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Data Protection and Freedom of Information

In accordance with the Data Protection Act 2018 the information provided in completing this form will be held by the ICB in both paper and electronic forms. For further details on how the ICB processes personal information please see our Fair Processing Notice. It should also be noted that information provided to the ICB may be subject to release under the Freedom of Information Act 2000.

Statutory duties and publication

Consistent with Section 140 of the NHS Act 2006 and NHS England's guidance to ICBs on the management of conflicts of interest we are required to hold and publish the interests of members and employees to comply with our statutory duties.

As a minimum, and as described within the guidance, ICBs are expected to publish the interests of its members (i.e. governing body and committees), those involved in procurement decisions, any persons involved in developing new care models, those at AfC 8d and above, management with authority to enter into contracts and management whom have the authority to make or influence commissioning decisions on behalf of the ICB.

Staff who fall into the above categories should expect their interests to be published online unless in exceptional circumstances where the public disclosure of information could lead to a real risk of harm or is prohibited by law. Similarly, if a person believes that substantial damage or distress may be caused to them or somebody else by the public disclosure of information, they are entitled to request that the information is not published. Requests should be set out in the free text box below.

Reasons for non-disclosure of information....

In this case, if the request to withhold the information is approved, the person's name will be removed from the record and the interest will be published anonymously.

**please see page 2 and 3 for more information

Please confirm below which Norfolk & Waveney ICB Committees you belong to or attend:

<input type="checkbox"/> ICB Board	<input type="checkbox"/> Partnership Board
<input type="checkbox"/> Conflicts of Interest Committee	<input type="checkbox"/> Audit and Risk Committee
<input type="checkbox"/> Transformation and Performance Committee	<input type="checkbox"/> Quality and Safety Committee
<input type="checkbox"/> People and Culture Committee	<input type="checkbox"/> Remuneration Committee
<input type="checkbox"/> Finance Committee	<input type="checkbox"/>

I am registered with a surgery which is a member of Norfolk and Waveney ICB

If yes, the surgery I am registered with is:

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the ICB as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

Signed		Date	
Signed	Position	Date	

(Line Manager or Senior ICB Manager)

Please return completed forms to: nwicb.corporateaffairs@nhs.net

Type of Interest	Description
Financial Interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> • A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations; • A shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations. • A management consultant for a provider; • In secondary employment (see paragraph 56 to 57); • In receipt of secondary income from a provider; • In receipt of a grant from a provider; • In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider • In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role; and • Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).
Non-Financial Professional Interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients; • A GP with special interests e.g., in dermatology, acupuncture etc. • A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared); • An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE); • A medical researcher.

Type of Interest	Description
Non-Financial Personal Interests	<p>This is 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 benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> • A voluntary sector champion for a provider; • A volunteer for a provider; • A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation; • Suffering from a particular condition requiring individually funded treatment; • A member of a lobby or pressure groups with an interest in health.
Indirect Interests	<p>This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above). For example, this should include:</p> <ul style="list-style-type: none"> • Spouse / partner; • Close relative e.g., parent, grandparent, child, grandchild or sibling; • Close friend; • Business partner.

Appendix B

NHS Norfolk and Waveney Integrated Care Board (ICB) Register of Interests										
Declared Interests of the XXXXXXXXXXXXXX										
Name	Current position	Declared Interest- (Name of the organisation and nature of business)	Type of Interest			Is the interest direct or indirect?	Nature of Interest	Date of Interest		Action taken to mitigate risk
			Financial Interests	Non-Financial Professional	Non-Financial Personal Interests			From	To	

Appendix C

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Declined or Accepted?	Supplier/Offer or: Name and Nature of Business	Details of Gift/Hospitality	Estimated Value	Details of previous offers or Acceptance by the Offer or/Supplier	Reason for Accepting or Declining	Details of the officer reviewing and approving the declaration made and date	Other Comments

The information submitted will be held by the ICB for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and in the case of 'decision making staff' (as defined in the statutory guidance on managing conflicts of interest for ICBs), may be published in registers that the ICB holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the ICB as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

Decision making staff should be aware that the information provided in this form will be added to the ICB's registers which are held in hardcopy for inspection by the public and published on the ICB's website.

Decision making staff must make any third party whose personal data they are providing in this form aware that the personal data will held in hardcopy for inspection by the public and published on the ICB's website and must inform the third party that the ICB's privacy policy is available on the ICB's website. If you are not sure whether you are a 'decision making' member of staff, please speak to your line manager before completing this form.

Signed:

Date:

Signed: Position:
(Line Manager or a Senior ICB Manager)

Date:

Appendix D

What is a gift of hospitality?	What can't I accept?
<p>Gift: Any item of cash or goods, or any service which is provided for personal benefit, free of charge or at less than its commercial value.</p> <p>Hospitality: Meals/drinks/visits/entertainment/lecture courses organised by potential suppliers. It must only be accepted when there is legitimate reason, must be proportionate to the nature and purpose of the event and must be recorded.</p>	<ul style="list-style-type: none"> • Gifts from suppliers or contractors doing business with the ICB (or likely to) whatever the value • Cash and vouchers <p>Meals and refreshments:</p> <ul style="list-style-type: none"> • Over £75 must be refused (unless exceptional and senior approval is given – reason for approval must be recorded on the register) <p>Travel and accommodation:</p> <ul style="list-style-type: none"> • If its beyond modest and not normal for the ICB, it should only be accepted in exceptional circumstances and must be declared with a clear reason recorded on the register – for example business or first-class travel, foreign travel and accommodation
What can I accept?	
<p>Meals and refreshments:</p> <ul style="list-style-type: none"> • Under £25 may be accepted and need not be declared. • £25 - £75 may be accepted, but must be declared. <p>Travel and accommodation:</p> <ul style="list-style-type: none"> • Modest offers to pay for some travel and accommodation costs related to attendance may be accepted and must be declared. 	
<p>Low cost branded promotional aids e.g. pens and keyrings under £6</p>	
<p>Modest gifts under £25 from non-suppliers, and non-contractors</p>	
What to do if I accept a gift or hospitality	How do I refuse a gift?
<p>Within no later than 14 days you must complete the form (at appendix C) and return it to the Corporate Affairs team for inclusion on the register.</p>	<p>Politely refuse, explaining the policy and advise the donor that, if they wish, they are welcome to make a contribution to a charitable cause instead</p>
What happens to my form and the register?	What must you not do
<ul style="list-style-type: none"> • The information from your form is included in the master register • The master register has to be published on the ICB's website and in the Annual Report and Accounts • You can ask that your information is not published. • The ICB has to report quarterly on its management of interests, gifts and hospitality and this information will be shared with regulators as part of this process. 	<p>You must not ask for any gifts or hospitality</p> <p>You should not accept gifts that may affect or be seen to affect your professional judgement.</p>
	When to be caution
	<p>When hospitality is offered by actual or potential suppliers or contractors. If it's modest and reasonable it can be accepted (subject to senior approval)</p>

	<p>Gifts over £25 can only be accepted on behalf of the ICB (i.e. to a charitable fund) but not in a personal capacity. They must be declared</p> <p>Multiple gifts from the same source, over a 12 month period, must be treated the same as single gifts over £25 where the cumulative value exceeds £75</p>
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