Somerset NHS Foundation Trust

Code of Conduct and

Managing Conflicts of Interest and Personal Conduct

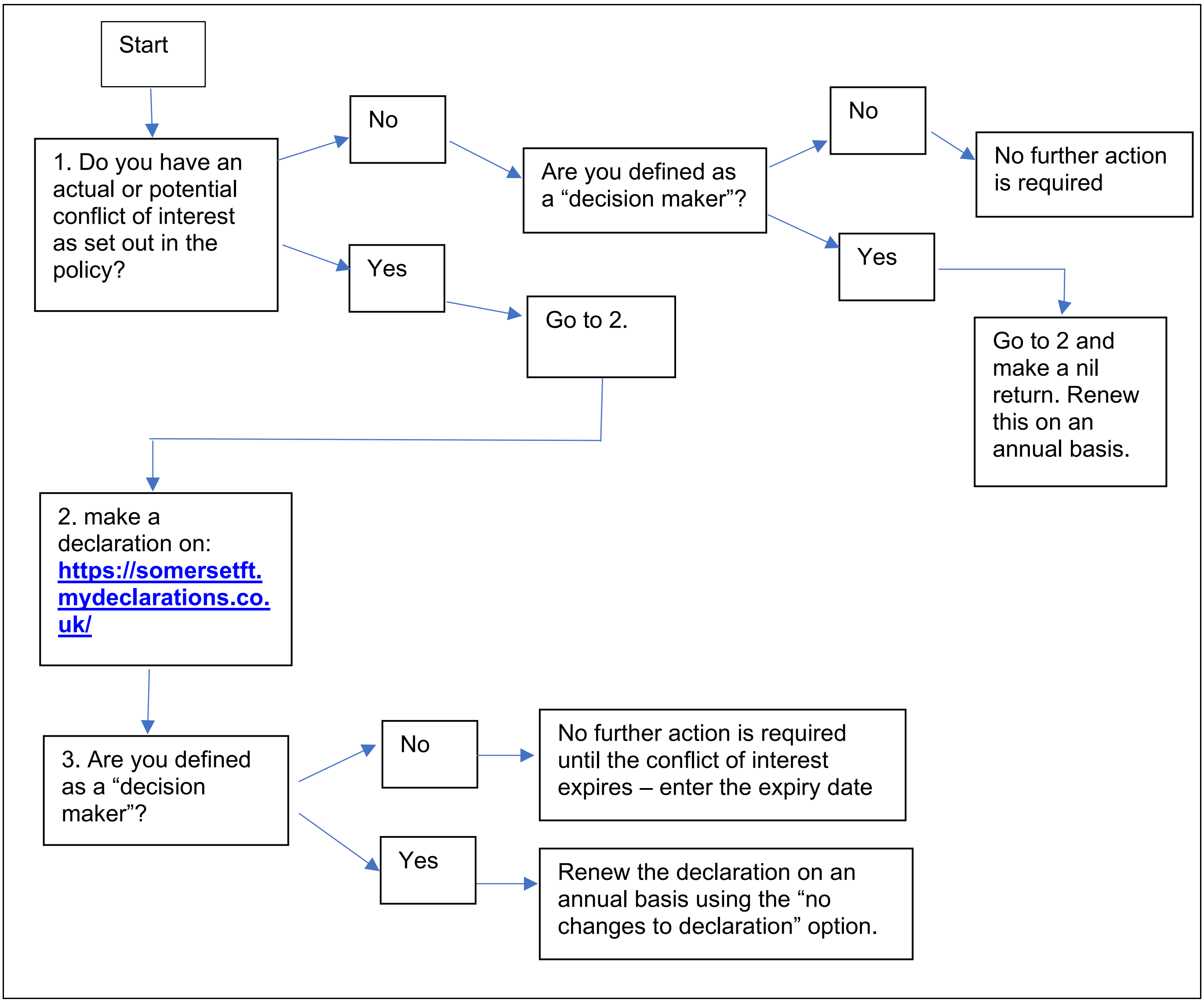
Policy

This document can only be considered current when viewed via the Trust intranet. If this document is printed or saved to another location, you are advised to check that the version you use remains current and valid, with reference to the review due date

Version Number:	11	**Issue date:**	20/10/2025	**Next review due:**	12/08/2028
Author(s): Name(s) & Job Title(s)	Ben Edgar-Attwell Deputy Director of Corporate Services				
Owner: Name(s) & Job Title(s)	Jade Renville Director of Corporate Services				
Approved by: Group / Committee Name	Audit Committee				
Approval date:	16/04/2025 20/10/2025- minor amendment				
Colleagues / Groups Consulted:	Audit Committee attendees				

CONTENTS

1.0 FLOW DIAGRAM



2.0 INTRODUCTION

2.1 Somerset NHS Foundation Trust (the ‘organisation’), 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. Somerset NHS Foundation Trust is committed to maximising 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.

2.4 This policy sets out:

- the public service values which underpin the work of Somerset NHS Foundation Trust and reflects current guidance and best practice to which all individuals within the Trust must follow.
- the Trust's ethical and legal stance on the conduct of business matters and the values which all colleagues are expected to follow.
- the requirement to declare actual and potential conflicts of interest, including secondary employment/private practice, and the receipt of gifts, hospitality and sponsorship.

2.5 The policy provides colleagues with the knowledge and information they need in respect of these matters and seeks to protect them from situations that may draw criticism, disciplinary action or criminal sanction.

2.6 All Trust colleagues (as defined in sections 6) are required to comply with this policy and should be seen to be honest and objective in the exercise of their duties.

2.7 The Declaration of Interest process is set out in Appendix A.

Purpose and Rationale

2.8 This policy will help our colleagues 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.
- sets out how interests (including gifts, hospitality and sponsorship) are to be identified and declared.

2.9 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.

2.10 This policy should be considered alongside these other organisational policies listed within Section 8.

Policy Statement

2.11 The Trust aspires to the highest standards of corporate behaviour and responsibility. To that end, the Trust has developed a Trust Code of Conduct that defines its expected standards of behaviour (see paragraph 2.13).

2.12 Additionally, the Trust expects all colleagues to:

- Act impartially in all their work.
- Regularly consider what interests (including gifts, hospitality and

sponsorships) they have and declare these as they arise, using the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/

- Use their common sense and judgement to consider whether the interest they have could affect the way taxpayers' money is spent.
- **NOT** misuse their position to further their own interests or those close to you.
- **NOT** be influenced or give the impression that they have been influenced by outside interests.
- **NOT** allow outside interests they have to inappropriately affect the decisions you make when using taxpayers' money.
- Be aware that it is both a serious criminal offence under the Bribery Act 2010, and a disciplinary matter, to receive or give corruptly any fee, loan, gift, reward or other advantage in return for doing (or not doing) anything or showing favour (or disfavour) to any person or organisation.
- Understand that failure to follow this policy may damage the Trust's reputation and its work and so may be viewed as a disciplinary matter, to be dealt with under normal colleague relations procedures, and the results could include dismissal.
- Act in accordance with the Nolan Principles (see Appendix B).
- Ensure professional registration (if applicable) and/or status are not used in the promotion of commercial products or services.
- Beware of bias generated through sponsorship, where this might impinge on professional judgement and impartiality.
- Neither agree to practice under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals.
- Ensure that all representatives on Trust premises comply with the Commercial Representatives and their dealings with Somerset NHS Foundation Trust Policy.

Trust Code of Business Conduct

2.13 As an organisation we will:

- Ensure that this policy and supporting processes are clear and help colleagues understand what they need to do.
- Identify a team or individual with responsibility for:
  - Keeping this policy under review to ensure they are in line with the guidance.
  - Providing advice, training and support for colleagues 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.
- **NOT** avoid managing conflicts of interest.
- **NOT** interpret this policy in a way which stifles collaboration and innovation with our partners

3.0 DEFINITIONS.

A 'conflict of interest' is:

3.1 "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."

3.2 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.

3.3 Colleagues may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently and therefore in the interests of transparency and potential or actual conflict of interest must be declared.

Interests

3.4 Interests fall into the following categories:

Financial interests:
Where an individual may get direct financial benefit (this may be a financial gain, or avoidance of a loss) 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 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. 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.

3.5 Examples of each of the category of interests are set out in Appendix D.

Colleagues

3.6 At Somerset NHS Foundation Trust, 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 'colleagues' and are listed below:

- All salaried colleagues.
- All prospective colleagues – who are part-way through recruitment.
- Contractors and sub-contractors.
- Agency colleagues.
- Students and trainees (including apprentices).
- Secondees.
- Non-Executive Directors.
- Governors.
- Volunteers.
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation).

Decision-Making Colleagues

3.7 Some colleagues 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 colleagues.'

Decision making colleagues in this organisation are:

- Executive and Non-Executive Directors who have decision making roles which involve the spending of taxpayers' money.
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services.
- Colleagues at Agenda for Change band 8D, or at an equivalent remuneration, and above.
- Colleagues who have the power to enter into contracts on behalf of their organisation.
- Colleagues involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.
- Band 7 or equivalent procurement colleagues (both internal and external procurement colleagues).
- Band 7 and above pharmacy and estates colleagues.

4.0 ROLES and RESPONSIBILITIES

4.1 The **Chief Executive** is the Trust's designated "Accountable Officer" and has overall responsibility for ensuring the Trust operates efficiently, economically and with probity.

4.2 The **Trust Board** is made aware of any major conflict of interests arising from this policy through the Audit Committee reporting process.

4.3 The **Director of Corporate Services** is the Executive Lead for this policy and will ensure policy development and review takes place at least every three years, or sooner in line with local and national guidance.

4.4 The **Deputy Director of Corporate Services** is responsible for maintaining a register of interests to record formally the declarations of interest of all decision-making colleagues and for publishing this information on the Trust's website.

4.5 **Service Directors, Senior Managers, Service and Team Managers and Line Managers** are responsible for assisting Trust colleagues in complying with this policy by:

- ensuring this policy and its requirements are brought to the attention of colleagues for whom they are responsible, and that those colleagues are aware of its implications for their work.
- ensuring that their colleagues have a thorough understanding of the Trust's governance arrangements.
- ensuring that they are fully appraised of declarations made by colleagues and clearly document any risk mitigating actions that need be taken by the colleague. (For example, secondary employment must not conflict with NHS contracted time, or staff/colleagues should have no involvement in procurement/operational activity in given cases if an external contractor declaration has been made).

4.6 **All colleagues** are expected to comply with the policy and to make any required declarations in a timely manner and in accordance with the policy. All colleagues are also required to comply with the documents referred to in section 8 of the policy.

Governance Responsibility

4.7 The **Audit Committee** is responsible for reviewing compliance with the policy and will review the conflict of interest, gifts, hospitality and sponsorship registers.

5.0 PROCESS DESCRIPTION

5.1 All Trust colleagues must declare any interest which may directly or indirectly give rise to an actual or potential conflict of interest. Details of the things to declare are set out in this policy and in Appendix A.

5.2 Decision making colleagues will be required to make an annual declaration in terms of any actual or potential interests that they may have and the Trust is required to maintain and publish a register setting out these interests (more information about this is described in Appendix A).

5.3 Reporting requirements for members of the Board and the Council of Governors are also laid down in the Trust's Constitution and Standing Orders.

5.4 All colleagues should identify and declare material interests at the earliest opportunity (and in any event within 28 days). If colleagues are in any doubt as to whether an interest is material then they should declare it, so that it can be considered. Declarations will need to be signed off by the line manager. Material interest declarations should be made:

- On appointment with the organisation.
- When colleagues 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 colleagues hold are relevant to the matters in discussion).

5.5 Declarations should be made to the Deputy Director of Corporate Services using the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ .

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

5.7 We will prompt decision making colleagues at least annually to review declarations they have made and, as appropriate, update them or make a nil return.

6.0 TRAINING/COMPETENCE REQUIREMENTS

6.1 All Trust colleagues will receive training on counter fraud and security as part of their corporate induction training.

7.0 MONITORING

7.1 The Deputy Director of Corporate Services or nominated individual will provide the Audit Committee with an overview of compliance against this policy on an annual basis.

7.2 The Counter Fraud Advisor will monitor compliance against the NHS Counter Fraud Authority Standards and provide a report to the Audit Committee at least annually.

Element of policy for monitoring	Section	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
Compliance	5	Audit of Component 12 of Functional Standards	Deputy Director of Corporate Services	Annual	Audit Committee

Compliance	**5**	Achievement of the relevant Counter Fraud Functional Standards	Local Counter Fraud Manager	Annual	Audit Committee

8.0 REFERENCES

- Freedom of Information Act 2000 https://www.legislation.gov.uk/ukpga/2000/36/contents
- Association of the British Pharmaceutical Industry (ABPI): The Code of Practice for the Pharmaceutical Industry (2016) http://www.pmcpa.org.uk/thecode/Pages/Download-the-Code.aspx
- Association of British HealthTech Industries Ltd (ABHI) Code of Business Practice Code of ethical business practice (abhi.org.uk)
- NHS Code of Conduct and Accountability (July 2004) http://webarchive.nationalarchives.gov.uk/+/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4093864
- Standards for Members of NHS Boards and CCGs in England (2012) https://www.professionalstandards.org.uk/publications/detail/standards-for-members-of-nhs-boards-and-clinical-commissioning-group-governing-bodies-in-england
- Nolan Principles (see Appendix B)
- Bribery Act (2010) https://www.legislation.gov.uk/ukpga/2010/23/contents
- Managing Conflicts of Interest in the NHS guidance https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf

Cross reference to other procedural documents

- Duty of Candour Policy.
- Anti-Fraud, Bribery and Corruption Policy.
- Freedom to Speak Up: Raising Concerns Policy.
- Standing Financial Instructions.
- Scheme of Reservation and Delegation.
- the Trust Constitution.
- Incident Policy.
- Managing Performance Concerns of Senior Medical Staff and Doctors in Training Policy.
- Commercial Representatives and their dealings with Somerset NHS Foundation Trust Policy.
- Research Management and Governance Policy.

9.0 APPENDICES

9.1 For the avoidance of any doubt the appendices in this policy are to constitute part of the body of this policy and shall be treated as such.

APPENDIX A

DECLARATION OF INTEREST PROCEDURES

1. RECORDS AND PUBLICATION

Maintenance

1.1 The organisation maintains a Declaration of Interests Register (including gifts, hospitality and sponsorship).

1.2 All declared interests that are material are promptly transferred to the registers by the Deputy Director of Corporate Services or nominated individual.

Publication

1.3 The Trust:
- Publishes the interests declared by decision making colleagues in the Declarations of Interests Register.
- Refreshes this information at least annually.
- Makes this information available on the Trust's website.

1.4 If decision making colleagues have substantial grounds for believing that publication of their interests should not take place then they should contact the Deputy Director of Corporate Services or Trust Secretary by emailing **DeclarationOfInterest@somersetft.nhs.uk**. In exceptional circumstances, for instance where publication of information might put colleagues 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.

Wider transparency initiatives

1.5 NHS Foundation Trust fully supports wider transparency initiatives in healthcare, and we encourage colleagues to engage actively with these.

1.6 Relevant colleagues are also 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 payments must also be declared to Trust, in accordance with requirements of this policy. 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.

1.7 Association of the British Pharmaceutical Industry (ABPI) declaration and National Fraud Initiative data will be reviewed in order to provide assurances concerning staff declarations and any instances of non-compliance with be reported to the Trust Secretary.

1.8 Further information about the scheme can be found on the ABPI website: http://www.abpi.org.uk/our-work/disclosure/about/Pages/default.aspx

2. MANAGEMENT OF INTERESTS – GENERAL

2.1 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 then the general management actions that could be applied include:

- Restricting colleagues involvement in associated discussions and excluding them from decision making.
- Removing colleagues from the whole decision-making process.
- Removing colleagues responsibility for an entire area of work.
- Removing colleagues from their role altogether if they are unable to operate effectively in it because the conflict is so significant.

2.2 Each case will be different and context-specific, and Somerset NHS Foundation Trust will always clarify the circumstances and issues with the individuals involved. Colleagues should maintain a written audit trail of information considered and actions taken.

2.3 Colleagues who declare material interests should make their line manager or the person(s) they are working for aware of their existence.

3. MANAGEMENT OF INTERESTS – COMMON SITUATIONS

This section sets out the principles and rules to be adopted by colleagues in common situations, and what information should be declared.

3.1 Gifts

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[1] in total and need not be declared.

Gifts from other sources (e.g. patients, families, service users):
Colleagues should not accept gifts (with the exception of items of little value (less than £50) such as diaries, calendars, flowers and small tokens of

[1] The £6 value has been selected with reference to existing industry guidance issued by the ABPI: http://www.pmcpa.org.uk/thecode/Pages/default.aspx

appreciation including seasonal gifts), that may affect, or be seen to affect, their professional judgement.

- Gifts of cash and vouchers to individuals should always be declined.
- Colleagues should not ask for any gifts.
- Gifts valued at over £50 should be declined, or where they cannot be declined, accepted on behalf of Somerset NHS Foundation Trust's charitable fund and not in a personal capacity. These should be declared by colleagues.
- 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:

- Colleagues 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).

Colleagues should:

- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days of receipt of the gift.
- Return promptly any unacceptable gifts, with a letter politely explaining the terms of this policy and stating that you are not allowed to accept them. A template is available at Appendix C. If colleagues feel unable to decline the gift, advice should be sought from the Deputy Director of Corporate Services or Trust Secretary.

3.2 Hospitality

- Colleagues 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, contractors or individuals concerned with the supply of goods or services. This can be accepted, and must be declared, if modest and reasonable and during the course of working visits. Line manager approval must be obtained. The hospitality should be on a similar scale to that which the Trust might offer in similar circumstances, e.g. hospitality provided at meetings, events, seminars. In cases of doubt, advice should be sought from your line manager or the Deputy Director of Corporate Services or Trust Secretary.

- Colleagues should be especially cautious of accepting small items of value, or hospitality over that afforded in a normal meeting environment (e.g. beverages) during a procurement process or from bidders/potential bidders. This avoids any potential claim of unfair influence, collusion or canvassing.

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) line manager 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 the line manager, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the declaration form and register 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:

- Colleagues 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).

Colleagues should:

- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days of receipt of the gift, or in advance in the case of travel and accommodation.

3.3 Outside Employment

- Colleagues should declare any existing outside employment (e.g. secondary 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, colleagues 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 colleagues, even when this does not give rise to risk of a conflict.

What should be declared:
- Colleagues 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).

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days of receipt of the gift within 28 days.

3.4 **Shareholdings and other ownership issues**

- Colleagues 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.

What should be declared:
- Colleagues 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).

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.5 Patents

- Colleagues 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.

- Colleagues 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:
- Colleagues 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).

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.6 Loyalty interests

Loyalty interests should be declared by colleagues 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.

What should be declared:
- Colleagues 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).

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.7 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.
- Colleagues 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.
- Colleagues 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.
- Colleagues 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.

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

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.8 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 the organisations 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.
- Colleagues 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.
- Colleagues arranging sponsored events must declare this to the organisation.

What should be declared:
- The organisation will maintain records regarding sponsored events in line with the above principles and rules.

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.9 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 colleagues, 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.
- Colleagues should declare involvement with sponsored research to the organisation.
- The organisation will retain written records of sponsorship of research, in line with the above principles and rules.

What should be declared:
- Colleagues name and 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).

Colleagues should:
- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days. A Research Proposal form will also need to be completed and signed by the Line Manager/Executive Director. Further guidance on sponsored research is set out in the Research Management and Governance Policy.

3.10 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.
- The organisation will retain written records of sponsorship of posts, in line with the above principles and rules.

What should be declared

- Colleagues 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.

Colleagues should:

- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

3.11 Clinical private practice

- Clinical colleagues should declare all private practice on appointment, and/or any new private practice when it arises[2] including:
  - Where they practise (name of private facility).
  - What they practise (specialty, major procedures).
  - When they practise (identified sessions/time commitment).

- Clinical colleagues 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.[3];

---

[2] 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

[3] These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the

- 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

- Hospital Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other colleagues to initiate such discussions on their behalf.

What should be declared:

- Colleagues name and their role with the organisation.
- A description of the nature of the private practice (e.g. what, where and when colleagues 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).

Colleagues should:

- Complete the relevant section of the electronic declaration of interest system https://somersetft.mydeclarations.co.uk/ within 28 days.

4. MANAGEMENT OF INTERESTS – ADVICE IN SPECIFIC CONTEXTS

Strategic decision making groups

4.1 In common with other NHS bodies Somerset NHS Foundation 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.

4.2 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:

- Trust Board.
- Audit Committee.
- Quality and Performance Committee.
- Council of Governors.
- Executive Team.
- Finance and Investment Committee.
- Medicines Management Group.

4.3 These groups should adopt the following principles:

Terms and Conditions – Consultants (England) 2003: https://www.bma.org.uk/-/media/files/pdfs/practical advice at work/contracts/consultanttermsandconditions.pdf)

- 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 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.

4.4 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 altogether.

4.5 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.

Procurement

4.6 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 favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

4.7 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, as set out in the Standing Financial Instructions.

5. EXTERNAL WORK AND PROJECTS

5.1 As a general principle any financial gain resulting from external work where use of Trust time or title is involved (e.g., speaking at training events/conferences, writing articles etc.) and/or which is connected with Trust business will be forwarded to the Deputy Director of Corporate Services or Trust Secretary.

5.2 Any patents, designs, trademarks or copyright resulting from the work (e.g., research) of a colleague of the Trust carried out as part of their employment by the Trust shall be the Intellectual Property of the Trust.

5.3 Approval from the appropriate line manager should be sought prior to entering into an obligation to undertake external work connected with the business of the Trust, e.g. writing articles for publication, speaking at conferences.

5.4 Where the undertaking of external work, gaining patent or copyright or the involvement in innovative work, benefits or enhances the Trust's reputation or results in financial gain for the Trust, consideration will be given to rewarding colleagues subject to any relevant guidance for the management of Intellectual Property in the NHS issued by the Department of Health.

6. POLITICAL ACTIVITIES

6.1 Any political activity should not identify an individual as a Trust colleague. Conferences or functions run by a party political organisation should not be attended in an official capacity, except with prior written permission from an executive director.

6.2 Political canvassing on Trust premises will not be permitted.

7. PERSONAL CONDUCT

Lending or borrowing

7.1 The lending or borrowing of money between colleagues should be avoided, whether informally or as a business, particularly where the amounts are significant.

7.2 Colleagues should never lend money to or borrow money from patients whether informally or as a business, whether the amounts are small or significant.

7.3 It is a particularly serious breach of Trust policy for any colleagues to use their position to place pressure on someone in a lower pay band, a business contact, or a member of the public to loan them money.

Gambling

7.4 No colleagues may bet or gamble when on duty or on Trust premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or Grand National among immediate colleagues.

Trading on official premises

7.5 Trading on Trust premises is prohibited, whether for personal gain or on behalf of others unless with written approval by the Director of Finance and Business Development. Canvassing within the office by, or on behalf of, outside bodies or firms (including non-Trust interests of colleagues or their relatives) is also prohibited. Trading does not include small tea or refreshment gatherings for colleagues at which money is requested for fundraising purposes.

Collection of money

7.6 With line management agreement, collections may be made among immediate colleagues and friends to support small fundraising initiatives, such as raffle tickets and sponsored events. Permission is not required for informal collections amongst immediate colleagues on an occasion like retirement, marriage or a new job.

Bankrupt or insolvent colleagues

7.7 Colleagues who become bankrupt or insolvent must inform their line management and Human Resources as soon as possible. Colleagues who are bankrupt or insolvent cannot be employed in posts that involve duties which might permit the misappropriation of public funds or involve the handling of money.

Arrest or conviction

7.8 Colleagues who are arrested and refused bail or convicted of any criminal offence must inform their line management and Human Resources.

8. PROCEDURES FOR DEALING WITH BREACHES AND RAISING CONCERNS

8.1 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 or other organisations. For the purposes of this policy these situations are referred to as 'breaches'.

8.2 Trust colleagues who fail to disclose any relevant interests, required by this policy or the Trust's Constitution, Standing Orders and Standing Financial Instructions may be subject to disciplinary action which could, ultimately, result in the termination of their employment or position with the Trust. The matter may also be reported to, and investigated by, the Local Counter Fraud Manager.

8.3 The names of decision makers who have not made the required annual nil declaration (if no other declarations are applicable) will be reported to their line manager via the relevant Executive Director and the line manager will follow this non-compliance up with the relevant colleague as part of the supervision/ appraisal process. In the case of continued non-compliance with this requirement the line manager will be required to instigate the disciplinary process.

8.4 We expect every colleague to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract or breach of administrative law), miscarriage of justice, danger to health and safety or the environment.

8.5 The Trust has developed a Freedom to Speak Up: Raising Concerns Policy which set out its arrangements for raising and handling colleagues concerns. The policies are available on the intranet.

8.6 Any suspected fraudulent breach of this policy must be reported to, and will be investigated by, the Local Counter Fraud Manager and may result in a criminal investigation being commenced.

8.7 Your Counter Fraud Managers are Barry Hards and Aimee Newton, who can be contacted as follows:
- Barry Hards: Barry.hards@somersetft.nhs.uk
- 07920 831296 / 01935 384106
  Aimee Newton: Aimee.newton@somersetft.nhs.uk
- 07867 526312 / 01935 384106

8.8 Trust colleagues can also call the NHS Fraud and Corruption Reporting Line on free phone 0800 028 40 60. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced trained colleagues and any caller who wishes to remain anonymous may do so.

8.9 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.

8.10 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 colleague 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.

8.11 Action taken in response to breaches of this policy will be in accordance with the Trust's disciplinary procedures and Anti-Fraud Bribery and Corruption Policy, as appropriate.

8.12 Inappropriate or ineffective management of interests can have serious implications for the organisation and colleagues. There will be occasions where it is necessary to consider the imposition of sanctions for breaches in accordance with Trust disciplinary procedures and the Counter Fraud, Bribery and Corruption Sanction and Redress Procedure.

8.13 Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrong-doing 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 colleagues, 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 colleagues which caused the breach.
- Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation.

8.14 Reports on breaches, the impact of these, and action taken will be considered (on an exception basis) by the Audit Committee.

APPENDIX B

SOMERSET NHS FOUNDATION TRUST

THE NOLAN PRINCIPLES

THE SEVEN PRINCIPLES OF PUBLIC LIFE

1. Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

APPENDIX C

Refusal of Gifts and Hospitality – Letter Template (please transfer text onto formal letterhead)

Dear

Gifts and Hospitality

[I/We] would like to thank you for your thoughtfulness in gifting [insert item] that you [sent/gave] to [insert name]. Unfortunately it is Somerset NHS Foundation Trust's policy that gifts and hospitality over the value of £50 cannot be accepted however well intended. Gifts and hospitality from suppliers or contractors with the hospital are to be declined whatever their value.

The hospital adopts a strict policy on the receipt of gifts and hospitality in line with public service values, which underpin the work of Somerset NHS Foundation Trust and reflects current guidance for public organisations.

We are sorry for any inconvenience this may cause you and would like to thank you once again for your kind offer.

Yours sincerely

NAME
TITLE

TYPES OF INTERESTS APPENDIX D

TYPE OF INTERESTS	DESCRIPTION
Financial Interests	Where an individual may get direct financial benefits* from the consequences of a decision their organisation makes. This could include: • A director (including a non-executive director) or senior colleague in another organisation which is doing or is likely to do business with an organisation in receipt of NHS funding. • A shareholder, partner or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding. • Someone in outside employment. • Someone in receipt of secondary income. • Someone in receipt of a grant. • Someone in receipt of other payments (e.g. honoraria, day allowances, travel or subsistence). • Someone in receipt of sponsored research.
Non-Financial Professional Interests	Where an individual may obtain a non-financial professional benefit* from the consequences of a decision their organisation makes, such as increasing their professional reputation or status or promoting their professional career. This could include situations where the individual is: • An advocate for a particular group of patients. • A clinician with a special interest. • An active member of a particular specialist body. • An advisor for the Care Quality Commission or National Institute of Health and Care Excellence. • A research role.

TYPE OF INTERESTS	DESCRIPTION
Non-Financial Personal Interests	This is where an individual may benefit * personally from a decision their organisation makes 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: • A member of a voluntary sector board or has a position of authority within a voluntary sector organisation. • A member of a lobbying or pressure group with an interest in health and care.
Indirect Interests	This is 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 who would stand to benefit* from a decision they are involved in making. This would include**: • Close family members and relatives. • Close friends and associates. • Business partners.

*A benefit may arise from the making of a gain or avoiding a loss

**A common-sense approach should be applied to these terms. It would be unrealistic to expect colleagues to know of all the interests that people in these classes might hold. However, if they do know of material interests (or could be reasonably expected to know about these) then these should be declared.