



Western Health
and Social Care Trust



GUIDANCE ON CONFLICTS OF INTEREST

MARCH 2023

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1. INTRODUCTION

Staff and Board members of the Western Health & Social Care Trust must discharge their duties in a manner that is seen to be honest, fair and unbiased. The Trust must therefore ensure that conflicts of interest are identified and managed in a way that safeguards the integrity of staff and Board members and maximises public confidence in decisions and in the Trust's ability to deliver health and social care services.

This guidance covers the four main stages to work through in relation to conflicts of interest:

- **Identifying** a conflicts of interest – actual, potential or perceived
- **Declaring** conflicts of interest
- **Managing** conflicts of interest
- **Publishing** registers of interest

2. IDENTIFYING CONFLICTS OF INTEREST/TYPES OF CONFLICT

KEY PRINCIPLE: IT IS IMPORTANT THAT CONFLICTS OF INTEREST (INCLUDING POTENTIAL/PERCEIVED CONFLICTS) ARE IDENTIFIED AT THE EARLIEST OPPORTUNITY.

Actual Conflict of Interest

The Northern Ireland Audit Office (NIAO) published a good practice guide on Conflicts of Interest in March 2015. It sets out a range of strategies for managing conflicts of interest and circumstances where particular strategies may be most and least suitable. A useful definition contained in the NIAO guide is ***“At its most basic, a conflict of interest arises when an individual has two different interests that overlap”***.

The NIAO Guide further states *that “A conflict of interest involves a conflict between the public duty and the private interest of a public official in which the official's private-capacity interest could improperly influence the performance of his/her official duties and responsibilities”*.

Potential or Perceived Conflicts of Interest

As well as being actual, it is important to remember that conflicts of interest can also be potential or perceived. A perceived conflict of interest exists where it could be perceived, or appears, that private-capacity interests could improperly influence the performance of a staff or Board member's official duties and responsibilities. It may pose no actual risk to the conduct of public business, but it requires proper management in order to minimise the risk of reputational damage both to the Trust and the individual(s) concerned. The appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict – both should be avoided.

Identifying Conflicts of Interest

In identifying whether a conflict of interest (actual or perceived) exists, there are different issues to consider including:

- the actual situation or circumstances which may give rise to different types of conflict;
- the nature of the relationship i.e. who could benefit;
- the nature and business of your organisation in general; and
- your position within the organisation including the nature of what you work on.

In order to identify and subsequently avoid real conflicts of interest – or the perception of such – individuals must carefully consider whether an allegation of impropriety could be made against them, their family or friends and/or their organisation.

Situations/circumstances

Examples of different situations/circumstances where conflicts of interest can arise within the public sector include:

- Direct financial gain or benefit to the individual, a relative or close friend – a conflict of interest can occur when an individual has the opportunity to use their position for personal financial gain.
- Using information gained in public capacity to further private interests.
- Membership of organisations/associations/clubs.
- Involvement in, or influencing, the award of a contract or grant where the individual has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure/grant process.
- Accepting gifts, hospitality or other benefits, for example from potential contractors/suppliers
- Taking up employment with firms/contractors providing services to your public body.
- Involvement in a decision that could lead to the appointment/recruitment/promotion of a relative or friend.
- Sale of land/property/assets.
- Involvement in planning decisions.
- Carrying out business on behalf of the Trust with their own company, or a company in which a relative or close friend has an interest in.
- Owning shares in or working for another business or organisation, that has dealings with the public body.
- Involvement in/in a position to influence decisions.

The above list is not exhaustive. A list of questions which can be used to help determine if an actual, potential or perceived conflict of interest exists is attached at **Appendix A**.

Relationships – who

The interest in question need not always be that of the staff or Board member themselves. It can also include the interests of close relatives or friends and associates who could benefit, or have the potential to influence the staff or Board member's behaviour. These individuals could include the following and any of their personal partners:

Close relatives – by blood or marriage	Grandchildren
Spouse/Partner	Brother
Parent	Sister
Grandparent	In-laws
Child	Cousins

It can also include close friends or associates who would be considered as someone with whom the individual has a longstanding and/or close relationship, socialises with regularly or has had dealings with which may create a conflict of interest. Some further detail on “who” is contained in **Appendix B**.

The nature and business of your organisation in general

The nature of the organisation you work in is an important context for considering the risk profile and the likely areas that need to be carefully considered in relation to potential conflicts.

This consideration and focus will vary, for example if you are in an organisation that is involved in issuing grants or an organisation whose business involves procurement, both are likely to need a greater focus on identifying and managing conflicts of interest.

Your position within the organisation including the nature of your work

In identifying conflicts, the consideration of your role and the type of work you are involved in can be a significant factor. The nature of what you are working on could result in a greater focus on conflicts of interest e.g. if you are working on a specific project, grant/subsidy scheme, land and property sales, procurement, recruitment/promotion competitions etc. For example procurement law requires that Contracting Authorities take appropriate measures to prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment to bidders.

It is also important to reflect on your seniority in the Trust which is relevant in terms of requirements to declare conflicts and the maintenance of a register of interests (these are covered in greater detail in later sections of this guidance).

Other issues to consider

Confidentiality

On occasions, members of staff / Trust Board Members will be required to treat discussions, documents or other information relating to the work of the Trust in a confidential manner e.g. commercially sensitive information. It is imperative that you respect this duty of confidentiality at all times. In particular, you should never use information to which you have privileged access for personal or financial gain for yourself or others, or in a way that brings the public body into disrepute.

Lobbying

In order for the Trust to fulfil its commitment to being open and accessible, it needs to encourage participation by outside organisations and individuals in the decision-making process. However, openness and accessibility need to be balanced by transparency and probity in the way business is conducted within the Trust. The key principles are that:

- no individual or organisation should receive financial or personal gain in exchange for lobbying on their behalf;
- no individual or organisation should lobby on behalf of an individual or firm to influence a contract award decision;
- no person or organisation should gain better access to, or treatment by, you or the Trust as a result of paying a company or individual to lobby on their behalf; and
- you must not accept work which would involve you lobbying the Trust or advising on how to influence the Trust and/or its Board Members.

Procurement

A conflict of interest is a very real risk at every stage of the procurement process. As stated above, the Public Contracts Regulations 2015 which govern the public procurement process require that Contracting Authorities take appropriate measures to

prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment to bidders.

If conflicts of interest are not properly managed there could be a perception that the Trust is not acting in the public interest, or seeking to achieve value for money for the taxpayer. Conflicts, real or perceived can arise in a number of different ways where an individual has, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement process. Examples of conflicts of interest during a procurement process could include:

- using information provided by a potential bidder to give them a competitive advantage by developing the procurement strategy or procurement documentation to suit their product or services;
- leaking information, not in the original tender documents, to a potential bidder to increase its chances of success;
- accepting hospitality or gifts from private sector companies in advance of, or during a procurement process;
- providing policy advice to government while also working, or consulting, for industry; or
- awarding contracts to suppliers in which the decision-maker has a personal or financial interest.

There is also the real risk, if a conflict of interest is not declared, of legal challenge that could result in a decision to award a contract being overturned. This in turn could lead to allegations of fraud, bribery and corruption which could have further legal implications.

Examples of Conflicts of Interest

Activity	Consequence
<p>You are a close friend of an individual whose company regularly tenders for contracts related to your business area and you are in a position to influence the decisions in relation to the specification and procurement strategy.</p>	<p>You could be perceived as specifying services and influencing strategies in favour of the company your friend is employed by.</p> <p>Where a conflict (or perceived conflict) exists, you should:</p> <ul style="list-style-type: none"> • not get involved in the setting of criteria for the assessment of the grant, tender etc. • not get involved in the actual preparation of the grant, tender, licence application (e.g involvement with the business case or procurement strategy) or subsequent presentations, interviews etc. • not receive any relevant papers in advance of the meeting.

	<ul style="list-style-type: none"> • not be present for the discussion or voting or receive any minutes relating to that part of the meeting. • not use your position to try and improperly influence a decision by lobbying any other person.
You are a staff/Board member of the Trust and are having a meeting with a supplier/potential supplier in a restaurant/coffee shop.	This could be perceived as having too cosy a relationship with an individual supplier and they are favoured over others.
You (or a family member) are a director of a building supplies firm and the Board on which you sit, or project you are managing, is procuring building materials.	You or a relative could personally benefit from this decision.
A cash payment or other offer is made from a supplier to an employee.	You could be perceived as being influenced by the supplier/accepting a bribe.
Being involved with an external body that is seeking funding from the Department or have inside knowledge of a funding application.	You could be perceived as influencing either the funding application or the allocation of funds if the application is successful.
You have been offered hospitality e.g. lunch/dinner/concert tickets from an organisation and the organisation has applied for funding or is the potential bidder for a contract with the Trust	If accepted, you could be perceived as influencing the allocation of funds/award of contract if the application is successful or contract is awarded to this supplier/organisation, even if the hospitality was in support of business objectives.
You are a director/manager in a voluntary body that has submitted a grant application to the Trust and it is due to be considered by the Board of which you are also a member.	You have a direct conflict and could be perceived as influencing the decision to award grant to which you/your organisation will benefit
The Board/Trust is meeting to discuss the possible closure of a facility where a member of your family is employed.	You could be perceived as disclosing sensitive/confidential information which could benefit family member.
You have been asked to be a member of a recruitment/promotion interview panel. One of the shortlisted candidates is a close relation/friend.	You could be perceived as influencing the outcome of the recruitment/promotion process.
You are involved in the sale of land owned by the Trust and a member of your family is a director in the company that is bidding for it.	You could be perceived as influencing the decision making process/price and potentially benefiting a family member.

<p>The Trust has seconded an individual from the private/voluntary sector to develop tender documentation/ grant scheme which their employer/ voluntary organisation will be interested in submitting a tender/application for.</p>	<p>It could be perceived that the individual will develop the tender documentation/grant scheme to the advantage of their employer/voluntary organisation.</p>
<p>The Trust has contracted with a Consultancy Firm to provide expertise in relation to the procurement of an IT system including the development of the business case, influencing stakeholders/ users about the potential solutions available, developing the specification and having access to commercially sensitive information throughout the procurement competition where the Consultancy Firm is likely to be a Supplier (or Subcontractor) for the IT system.</p>	<p>A conflict of interest exists as the Consultancy Firm may influence decisions to favour their own company in the upcoming procurement.</p>

This list above is also not exhaustive as it is not possible to anticipate every situation. Furthermore, judgement will be required on a case by case basis.

It is essential that any conflicts are identified early and any risks identified are managed appropriately. The best way of dealing with conflicts of interest is to prevent them from arising in the first place, but if they do arise, it is important to declare them immediately and handle them suitably and efficiently.

3. DECLARING CONFLICTS OF INTEREST

KEY PRINCIPLE: CONFLICTS OF INTEREST (INCLUDING PERCEIVED CONFLICTS) MUST BE DECLARED AT THE EARLIEST OPPORTUNITY.

A key principle is that as soon as any member of staff or Board Member identifies that they have any type of conflict of interest, it should be declared immediately to their manager. If in doubt, be over cautious and declare as it is better to be open and transparent.

Records of any declarations of interest are maintained within the Chief Executive's Office and compiled into a Register of Interests, they are reviewed and updated and presented to Trust Board for noting. The Register is available for viewing by any member of the public and a notice of such is on the Trust's website.

The information is processed in accordance with data protection principles as set out in the UK GDPR. Data will be processed only to ensure that staff and Board Members act in the best interests of the Trust. The information provided will not be used for any other purpose.

Staff and Board/Audit Committee members should declare interests as follows:

a. Upon appointment – Where appropriate, new appointees are required to complete a Declaration of Interests form disclosing any interests or confirming they have none via a 'nil return' (this applies to Non-Executive Directors, Corporate Management Team, Senior Management Teams and all members of staff Band 8A and above). For new staff this should be during the induction process, and for Non-Executive Board Members a form is issued to them when they join the Trust for their formal induction by the Chief Executive's Office. Completed forms are the responsibility of the Chief Executive's Office.

b. Annually – All Non-Executive Board Members, Corporate Management Team, Senior Management Teams and all members of staff at Band 8A and above should be prompted annually to review and update their Declaration of Interests form as appropriate.

c. As and when – If circumstances change at any point after declarations on appointment or after the annual declarations have been made, any new interests which arise which may give rise to a conflict should be declared immediately by completing and submitting a revised Declaration of Interests form.

d. At meetings – At the beginning of meetings, including Board and ARAC meetings, taking into consideration the meeting purpose/agenda/papers, any interest that presents a conflict must be declared and recorded in the minutes. This will include potential/perceived conflicts of interest. Any action taken to manage any conflicts of interest e.g. the individual leaves the meeting for a particular agenda item, should also be recorded in the minutes.

e. At the initiation of a procurement competition – When initiating a procurement competition, staff involved in any part of the procurement process (e.g. developing business case, specification, evaluation strategy and tender evaluation panel) should make a declaration to confirm that there is no perceived or actual conflict of interest in the industry/sector which is likely to submit tender. This declaration should be refreshed when the identity of the tenderers (and their subcontractors) is known.

f. Contract Management - Staff responsible for the management of a contract or approval of invoices should make a declaration to confirm that there is no perceived or actual conflict of interest in the Contractor.

g. Recruitment/promotion panels – At the initiation of a recruitment or promotion competition, panel members must declare any perceived or actual conflict of interest. Panel members are made aware that any perceived or actual conflict of interest must be declared at any stage that it arises within the selection process. Panel members must also record at each stage of the selection process if a perceived or real conflict of interest exists.

In particular, in respect of Boards, the Chair should remind Board members on a regular basis of the need to register new interests and also ensure that Board members declare (and deal with) such conflicts of interest in accordance with best practice.

Additionally, it is the responsibility of all individuals to ensure that any interests which may present a conflict are brought to the attention of the responsible officer for any specific project or piece of work they are involved in. This is especially important when this involves work outside the branch/division as there may not be the same visibility of individual interests.

While members of staff and Board / ARAC members are responsible for declaring interests and are best placed to identify whether their interests represent a conflict of interest in relation to business, Line Managers and senior staff should always be alert for situations that may create a conflict.

The Trust Declaration of Interests Form is provided at Appendix C.

Records of Interests declared

Declaration of interest forms must be compiled into a 'Register of Interests'. The Trust 'Register of Interests' form is provided at Appendix D.

The Chief Executive Office maintains a Register of Interests which is reviewed by the Director of Finance on a bi-annual basis. Registers should be updated on an ongoing basis i.e. the induction stage, the 'as and when' stage, and the annual declaration stage. The Register (including blank Registers where applicable) should be filed/stored. Staff should refer to the Trust Records Management Policy for guidance on data management.

Regarding data protection, the Chief Executive Office is responsible for the secure storage and handling of their Register of Interests and individual Declaration of Interest forms submitted to them. They must ensure that dissemination of this information is no wider than is necessary for the efficient conduct of business and, information should be limited to those individuals who are appropriately authorised to have access to it. This "need to know" principle is fundamental to the protection of all information and the Trust should ensure that staff are fully aware of their personal responsibilities around this.

Reviews by the Director of Finance should be documented and retained for audit purposes. Any safeguarding procedures or measures taken to manage potential or perceived conflicts of interest should also be well documented. A Register of Interests will be held by the Chief Executive Office for Non-Executive Board Members and ARAC independent members. This should also be stored securely and managed in line with the "need to know" principle, be updated annually and shared with the Accounting Officer regularly.

4. MANAGING CONFLICTS OF INTEREST

KEY PRINCIPLE: CONFLICTS OF INTEREST (INCLUDING POTENTIAL/PERCEIVED CONFLICTS) MUST BE MANAGED APPROPRIATELY.

Public confidence in the Trust (both staff and Board Members) depends on it being clearly understood that decisions are taken in the public interest and not for any other reason. Interests may be financial or non-financial but there is a particular risk in respect of financial interests. It is important therefore that conflicts of interest of any type, in any circumstance, whether actual, potential or perceived, are identified and declared at the earliest opportunity, and that prompt decisions are taken in order to mitigate risks and manage them appropriately.

Any conflict of interest that is concealed, even if unintentionally through ignorance or managed poorly, creates at best a risk of allegations or perceptions of misconduct. It can potentially result in more serious consequences, such as severe reputational damage, litigation against an organisation, disciplinary action, and, can result in individuals losing their jobs.

Individuals must therefore:

- Observe, and be seen to observe, the highest standards of propriety;
- Guard against actual, potential, or perceived conflicts of interest;
- Keep a record of what they do, and who has approved what they do; and
- If in doubt, ask for guidance.

Managing Conflicts of Interest

Individuals should discuss with their manager the nature of any conflict or potential/perceived conflict and agree the relevant course of action and then:

- Step away from or divest the 'interest in' question.
- Make a record of the details of the actual or potential/perceived conflict of interest and how it is being managed, noting any conditions imposed.

Line managers may need to seek advice from others eg HR departments, Finance Directors etc. If individuals are unable to discuss with their line managers, for whatever reason, you should seek advice from your Head of Service etc. Regular consideration and review should also take place at key interventions and milestones.

The method of managing any conflicts of interest should be assessed on a case by case basis, and will be determined after consideration of a number of factors such as the level of risk presented and what management is actually feasible.

In very low risk cases it may be deemed sufficient to declare the interest so that it is known but with no further action considered necessary.

On other occasions it may be necessary for an individual to leave meetings when certain items are being discussed/decisions being taken. In these circumstances declarations of interest must be made as early as possible and certainly well before the particular item on the agenda is discussed. Ideally, the declaration should be made at the beginning of the meeting and provide enough information to allow those present to understand the nature of the interest. In the event of a particularly contentious or difficult matter, there may be a need to hold a pre-meeting to discuss how a particular conflict of interest should be handled. Declarations of interest and any action taken as a result should be recorded in the minutes or other appropriate record.

In the event that an individual refuses to leave the room, the Chair should suspend the meeting and reconvene without them being present. In certain situations, handling a conflict of interest properly may require much more than simply leaving the room while the matter is being discussed and voted upon.

In other more complex situations where the conflict is more serious and it is considered that it cannot be managed, it may be necessary for the member of staff/ /Board Member to either relinquish the private interest that is creating the conflict with their public duties, or for them to resign from their position within the organisation.

Conflict of interest risks must be recorded and a full record of decisions made to manage those risks should be stored to ensure a robust audit trail is held.

Any/all management action that is taken (including any decision to take no action) must be recorded in the 'Register of Interests' held by the Chief Executive's office (in the case of Non-Executive Board Members and ARAC independent members).

In summary therefore, there are a number of ways of managing a conflict of interest:

- **Restrict** – where restrictions are placed on the employee/Board/ARAC member's involvement in the matter;
- **Recruit** – where a disinterested third party is used to oversee part or all of the process that deals with the matter;
- **Remove** – where an employee/Board/ARAC member is removed from the matter;
- **Relinquish** – where the employee/Board/ARAC independent member relinquishes the private interest that is creating the conflict; and
- **Resign** – where the employee/Board/ARAC member resigns from their position with the organisation.

5. PUBLISHING REGISTERS OF INTEREST

KEY PRINCIPLE: TO ENSURE OPENNESS AND TRANSPARENCY REGISTERS OF INTERESTS OF SENIOR OFFICIALS AND INDIVIDUAL BOARD MEMBERS OF PUBLIC BODIES SHOULD BE MADE AVAILABLE/PUBLISHED.

Public confidence in the Trust and its Board Members depends on it being clearly understood that decisions are taken in the public interest and not for any other reason.

The Trust should set up, maintain and publish (unless there are justifiable reasons not to), make available for public inspection, a register of senior officials / individual Board Member interests, including Non-executive Directors. These interests may include:

- Public appointments – remunerated or unremunerated.
- Remuneration from employment, self-employment, directorships etc.
- Related undertakings ie you must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary or parent of a company (or other undertaking) in which you hold a remunerated directorship.
- Charities – trusteeships, governorships, or employment with any charities or voluntary organisations.
- Contracts with the public body.
- Houses, land and buildings that you own or have an interest in, which are of significance or relevance to, or bear upon the work and operation of the public body.
- Shares and securities – holdings in a company or organisation which are of significance or relevance to, or bear upon the work and operation of the public body.
- Relevant non-financial interests including membership or holding office in other public bodies, professional organisations, external bodies, clubs, societies and organisations such as Trade Unions.
- Relative, close friend etc.

Where there is any doubt as to what an individual should or should not be registering, this should be discussed with Line Managers/the Chair and/or the Chief Executive of the Trust as appropriate.

When publishing registers/making them publicly available, the Trust should take account of data protection legislation, and it should be remembered that only the individuals on the register making declarations should be identifiable. It is important that relationships when including family, friends and associates are not named – only their relationship

and business/activity and interaction with the Trust needs to be considered for publication.

APPENDIX A

IDENTIFYING A CONFLICT OF INTEREST

Do you think you have an actual, perceived or potential conflict of interest?

The following questions may help when assessing an issue being considered and the situation in which you are involved.

- Would I or anyone associated with me benefit from, or be detrimentally affected by, my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I or a relative, friend or associate stand to gain or lose financially in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter my organisation is dealing with?
- Have I made any promises or commitments in relation to the matter?
- Have I received a substantial gift, benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed action or decision?
- Could this situation have an influence on any future employment opportunities outside my current official duties?
- Could there be any other benefits or factors that could cast doubt on my objectivity?

APPENDIX B

Definitions of Family and Friends

"Family"

A parent	A parent-in-law	A son
A spouse/partner	A daughter	A daughter-in-law
A son-in-law	A step-son	A step-daughter
A step-parent	A sister	A cousin
A brother	An aunt	An uncle
A grandparent	A niece	A nephew

A spouse of any of the above

Any relationship as above resulting from adoption

Or, if any of the above is one of an unmarried couple, the other member of that couple.

"Friend"

The Department will describe a friend as a person (other than a relative) with whom one is on terms of mutual affection; an ally, an associate, a helper, a sympathiser, or a person with whom a member of staff has social contact. There can be no absolute and definitive definition of a friend. Common sense and individual circumstances should be considered in any decision about who is a friend and who is not.



Date

Dear Colleague

DECLARATION AND REGISTER OF INTERESTS – OUTSIDE INTERESTS

As you are aware in line with Departmental Circular HSS(F) 31-2021 the Trust is required to hold and update a Register of Interests for all senior staff. This very important process is aimed at protecting staff and organisational interests. The process is required to demonstrate in a transparent manner that any potential conflict of interest is documented, and in this regard it is necessary to update forms on an annual basis.

I should be grateful if you would complete the attached declaration for 2022/23, sign it and return to me by Friday, ?????. If you would like to see your previous declaration please contact me. It is intended that the revised Register will be shared with Trust Board for noting at its March meeting.

If your circumstances change during the course of the year the responsibility to update your form rests with you and it is important that all changes are reflected in a revised declaration and returned to me.

Many thanks for your assistance in this matter.

Yours sincerely

Madonna McGinley
Office of the Chairman/Chief Executive

Enc



DECLARATION AND REGISTER OF INTERESTS

Questionnaire

Name: _____

Position Held: _____

1. Please list below any Directorships (including Non-Executive Directorship) held in Private Companies or Public Limited Companies (PLCs)

(Exclude Directorships held in "Dormant Companies" i.e. those companies with no transactions)

Company Name	Public/Private	Type of Directorship Held

2. Please list below any Companies, Businesses or Consultancies which you may own (or part-own) and which may seek to do business with the HSC, (i.e. any HSC entity)

Business Name	Type of Business	Extent of Ownership

3. Please list below any positions of authority held in any organisations (e.g., private, voluntary, community or statutory) which have the potential to do business with the HSC.

Name of Organisation	Position Held

4. The DoH has no firm definition of “connection”, however, it states that you should declare any relationship which could be deemed to influence your views on any matter which may interface with the HSC.

Name Of Organisation	Position Held

5. Please list below any other interests which you consider are relevant and material, including personal relationships, either within the HSC or within another organisation that you interface with:

Name of Body	Interest

Signature

Date

IF YOUR CIRCUMSTANCES CHANGE DURING THE YEAR PLEASE COMPLETE A NEW FORM

OTHER SOURCES OF GOOD PRACTICE/GUIDANCE MATERIAL

There is a substantial body of good practice guidance and material which covers the identification, declaration and management of interests and conflicts of interests within the NI public sector. This includes guidance specific to departments and ALBs.

- Managing Public Money NI
- HM Treasury document 'Regularity, Propriety and Value for Money'
- NICS HR Handbook/Code of Ethics
- On Board Guide – A Guide for Board Members of Public Bodies in NI
- Public Bodies Guide
- Code of Conduct for Board Members of Public Bodies
- Corporate Governance in Central Government Departments: Code of Good Practice (NI) 2013
- Audit and Risk Assurance Committee Handbook
- NIAO Good Practice Guide on Conflicts of Interest
- NIAO Good Practice Guide on Managing the Risk of Bribery and Corruption

The Commissioner for Public Appointments for NI has also published several pieces of guidance including:-

- Code of Practice for Ministerial Appointments in Northern Ireland
- Guidance on conflicts of interest and integrity and how to raise a complaint

In addition, the issue is also covered in the Departmental Common Guidance.

An overview of each of these guidance documents is set out below.

Managing Public Money NI

Managing Public Money Northern Ireland (MPMNI) is the key guidance document which sets out the main principles for dealing with resources used by public sector organisations in Northern Ireland. It further reflects that the principles which apply to managing public resources, run right across the many diverse organisations delivering public services in Northern Ireland. The standards which public servants should seek to deliver are set out below:

Honesty	Fairness
Impartiality	Integrity
Openness	Transparency
Accountability	Objectivity
Accuracy	Reliability

MPMNI also contains the seven principles of public life, known as the Nolan principles which apply to all in public service, some of which duplicate/crossover the above. They are Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership.

Of these, Integrity now reflects that *Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain*

financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

In particular, paragraph 3.7.1 discusses conflicts of interest in respect of Accounting Officers, and states that there must be no doubt that the Accounting Officer meets the standards described in Box 3.1 without divided loyalties. It lays out possible ways on managing issues as:

- for a significant but temporary conflict, inviting DFP (now DoF) (or sponsor department as the case may be) to appoint an interim Accounting Officer for the period of the conflict of interest;
- for a minor conflict, arranging for someone other than the Accounting Officer to make the key decisions on the issue(s) in question; or
- for serious and lasting conflicts, resignation.

HMT Regularity, Propriety & Value for Money

The HMT handbook “Regularity, Propriety and Value for Money” is designed primarily for Accounting Officers in Government Departments, Agencies and Non Departmental Public Bodies (NDPBs), but is also of interest to NDPB Board Members, who also have an important role in ensuring that these bodies operate with propriety and regularity. Although this is an HM Treasury document, it has read across in Northern Ireland and a link to it is included in all Accounting Officer appointment letters in Northern Ireland.

Paragraph 2.1 states that all public servants are expected to observe the highest standards of conduct. Public servants must act with propriety, particularly in the care and management of public funds. The handbook explores what propriety means in a financial context. It is a concept with many facets, and experience has shown how important it is to understand the concept fully and to keep it at the forefront of the mind when making decisions.

Parliament’s concern for regularity and propriety in the stewardship of public funds is particularly reflected in the work of the Public Accounts Committee (PAC), and hence the Committee’s work features heavily in the handbook. The Committee is invariably very critical of any breaches of propriety or regularity, and their comments are reported widely in the media. At the close it is suggested there is one final test to apply if there is any question mark over whether a proposed course of action meets the requirements of propriety: ***Could this be satisfactorily defended before the Public Accounts Committee?***

The Public Accounts Committee is only one element of accountability, which is ultimately to the public. On that basis, the test could simply be worded: ***Could this course of action be satisfactorily defended in public?***

The fact that what is involved is responsibility for public funds means that the standards of behaviour expected of public servants in financial matters are different, and in some respects more demanding than those which may be accepted for equivalent activities in a private context. Achieving good results is important, but these results must not be achieved by cutting corners.

The handbook aims to illustrate what is and what is not “proper behaviour” and there are some basic “dos and don’ts”. One of the basic don’ts is:

- *Don’t allow a conflict of interest to affect, or appear to affect, decisions*

The handbook also refers to the Civil Service Code – “Civil servants should conduct themselves with integrity, impartiality and honesty...[they] should not misuse their official position...to further their private interests or those of others...”; and

The Model Code of Conduct for Staff of Executive NDPBs says - “Key members of staff, such as the Chief Executive, Finance Director...should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them...”

NICS HR Handbook/Code of Ethics

The Northern Ireland Civil Service (NICS) has a range of robust policies and procedures in place which supports and promotes integrity, honesty and responsibility of its staff. The Standards of Conduct Policy (para 6.01) provides the principles and rules that govern the behaviour and conduct of all NICS staff. The Code of Ethics sets out the values and standards of behaviour expected from NICS staff. A fuller description and constitutional position of Civil Servants and the values they are expected to uphold can be found in the Standards of Conduct Policy (para 6.01) Para 3 Code of Ethics and Annex 1.

Public Bodies Guide

The ‘Public Bodies – A guide for NI Departments’ makes it clear that staff should be clear about the standard of conduct required, their duties and obligations and penalties that may incur if they fall short of them. It states that conduct rules should cover private interests and possible conflicts with public duties.

Chapter 5 is specifically about Public Body Staff (see attached extract below). Annex 5A contains a ‘Model Code for staff of Executive NDPBs’ which advises that NDPBs should have a Staff Handbook which includes staff conduct and disciplinary matters. The Model includes a section on Conflicts of Interest which states that staff should abide by any rules adopted by the body and not misuse their position. Specifically it states *‘Key members of staff, such as the Chief Executive, Finance Director, managers of large contracts and staff working on contracts, should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them’.*

Extract from Public Bodies – A Guide for NI Departments

5.7 Rules of conduct and staff code

5.7.1 NDPBs should adopt a staff Code of Conduct in line with the Model Code for Staff of Executive Non-departmental Public Bodies – see Annex 5A.

5.7.2 Staff should be clear about the standard of conduct required, their duties and obligations and penalties they may incur if they fall short of them. Conduct rules should cover:

- private interests and possible conflicts with public duty;
- the acceptance of gifts and hospitality;
- relevant share holdings;
- the disclosure of official information;
- political activity; and
- effective and clear procedures for staff to raise concerns about improper conduct (if necessary with an official in the sponsor department)

including Whistle-blowing procedures consistent with the Public Interest (Northern Ireland) Order 2003.

5.7.3 In addition there should be rules for NDPB staff accepting business appointments after resignation or retirement in relation to the functions of the NDPB concerned and any potential for conflict of interest which may give rise to public concern. Rules about the acceptance of outside appointments for Civil Servants (which can be replicated for NDPB staff) are set out in the NICS Staff Handbook.

5.7.4 Consideration should be given to rules about restrictions on political activity of NDPB staff, particularly in the run-up to elections and referendums, and to the avoidance of involvement in issues of party political controversy. Guidelines and principles on participation in political activities for Civil Servants (which can be replicated for NDPB staff) can be found in NICS Staff Handbook.

On Board Guide

The On Board Guide, which is a guide for Board Members of Public Bodies, states that Board Members must be (and be seen to be) completely selfless and objective as well as adhering to the highest standards of personal integrity. Section 5 sets out Standards of behaviour, and specifically Board Members must:

- demonstrate selflessness by taking decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit to themselves, family, friends or employer;
- demonstrate integrity by not placing themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties;
- be objective – decisions should be taken solely on merit when carrying out public business; and
- act with honesty at all times. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

The principles in relation to integrity, honesty and openness, are given further practical effect by the requirement for Board Members to declare certain interests in the proceedings of their public body. Together with the rules on registration of interests, this ensures transparency of their interests which might influence, or be thought to influence, their actions. Board members are asked to note that the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict - both should be avoided.

The above principles would apply equally to members of staff of public bodies.

Board members are advised in the On-Board Guide that it is their personal responsibility to make sure that they are familiar with the provisions of the Code of Practice, and that their actions comply with it at all times. They are also advised that they should also review regularly, and at least annually, their personal circumstances with this in mind, particularly if their circumstances change.

Code of Conduct for Board Members of Public Bodies

An updated template for 'Code of Conduct for Board Members of Public Bodies' was issued in 2014. Departments were advised that the template should be used as the basis on which to develop specific/bespoke Codes of Conduct for Board Members, and that

any such Code should take account of the relevant legislation and other provisions under which individual bodies had been established.

Section 4 of the template is on Members' Interests and advises that Members must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests – private or otherwise. It emphasises that the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict and that both should be avoided. It further provides examples of interests which may need to be declared, and guidance on how these could be managed.

Corporate Governance in Central Government Departments: Code of Good Practice NI 2013

The above code reflects that departmental Accounting Officers should establish and document a clear allocation of responsibilities amongst in the department, but he or she retains overall personal responsibility and accountability to the Assembly for a range of issues, including propriety and regularity.

The code also makes the following points on the role of the Board:

- Board members should act in the public interest in keeping with the Nolan principles of public life.
- The Board should support actions to ensure that officials comply with the NI Civil Service Code.
- The Board should agree and document an appropriate system to record interests and manage conflicts and potential conflicts of interest of Board members. The Board should publish, in its Governance Statement, how any identified conflicts of interest, and potential conflicts, of Board members have been managed.

Audit and Risk Assurance Committee Handbook

The Audit and Risk Assurance Committee Handbook sets out a clear set of principles that should be followed by Audit and Risk Assurance Committees. It includes that there should be a process for registering member's interests and for declaring and managing conflicts of interest in the Audit and Risk Assurance Committee, and that normally this should mirror the processes used at Board level. It further sets out how it is the personal responsibility of members to pro-actively declare any potential conflicts arising out of business undertaken by the organisation(s), arising on the Committee's agenda or from changes in the member's personal circumstances, and suggests how these could be managed.

The handbook also contains a model letter of appointment for Audit and Risk Assurance Committee members, which includes the requirement to register any interests, and to update these if there are any changes to their personal circumstances during the period of their *appointment*.

NIAO Good Practice Guide on Conflicts of Interest

The NIAO Good Practice Guide on Conflicts of Interest was published in March 2015. It seeks to provide clear and simple advice for staff drafting and implementing 35 F11/21/1092979 conflict of interest policies. It also aims to help Board Members and staff in key positions to recognise when they have a conflict of interest and how they should act when such a situation arises.

The main aim of the guide is to promote high standards in public life and especially to follow the key characteristics of propriety as defined in the 'Seven Principles of Public

Life' known as the Nolan Principles. These seven principles underpin public life. One of the key messages of the Guide is that a perception of a conflict of interest can be just as significant as an actual conflict of interest.

The Guide includes case studies of different types of conflicts of interest and sets out a range of strategies for managing conflicts of interest. It also details the circumstances where particular strategies are most suitable and least suitable.

NIAO Good Practice Guide on Managing the Risk of Bribery and Corruption

The NIAO Good Practice Guide on Managing the Risk of bribery and Corruption was published in November 2017. The Guide aims to help Northern Ireland public sector organisations and individual public officials identify how bribery and corruption may occur, highlight the key risk areas and provide advice on how the risks can be countered, both at an organisational and personal level.

The guide lays out that the term “bribery” and “corruption” are often linked. It also states that corruption has a broad definition and in public sector terms relates to someone using public office to further their private and personal interests. It goes on to state that corruption can include, for example, fraud, conflicts of interest and unethical behaviour. Bribery is a specific offence falling within the broad spectrum of corruption.

The guide is useful in providing a link to conflicts of interest and provides some useful examples and information on managing conflicts of interest.

Commissioner for Public Appointments for NI guidance

Code of Practice for Ministerial Appointments in Northern Ireland

The Commissioner's role is to regulate, monitor, report and advise on the way in which Ministers make appointments to the Boards of many public bodies in Northern Ireland. The Commissioner's key concern is to ensure that these appointments are made in ways that are open, transparent and merit-based. The Code covers conflicts of interest issues whether real, perceived or potential, with regards to the assessment of applicants during the public appointments process.

It advises that some manageable conflicts of interest will not be a barrier to appointment, but that selection panels should discuss all real, perceived and potential conflicts with all applicants.

Guidance on conflicts of interest and integrity and how to raise a complaint

This is guidance for those applying for public appointments. It lays out that while Public Appointments are made by individual Government Ministers, whoever deals with competitions they are overseen by the Commissioner for Public Appointments in Northern Ireland. It states that the Commissioner regulates the process, but is not involved in individual competitions. The guidance also states that departments must follow the Commissioner's 'Code of Practice for Ministerial Appointments to Public Bodies in Northern Ireland' to ensure that appointments are made on merit, after fair and open competition. It also provides details on how to make a complaint if candidates feel they have not been treated fairly, and provides some guidance on conflicts of interest and integrity.

Departmental Common Guidance

The Departmental Common Guidance (currently under review) includes Annexes (regulated/unregulated) providing Probity and Conflicts of Interest Guidance for Candidates, which some departments include in their competition information booklet,

The Annexes cover the seven principles and advise *'As part of the selection process you will be tested on your commitment to maintaining high standards in public life with particular emphasis on probity issues and conflicts of interest.'*

The Annexes cover:

- What is a conflict of Interest?
- Surely a perceived conflict is not a problem, as long as I act impartially at all times?
- What should I do if I think I have a conflict of interest?
- If I declare a conflict, does this mean I will not be considered for appointment?
- What happens if I do not declare a known conflict, which is then discovered by the Department after my appointment?
- What happens if I do not realise a potential conflict exists?
- What happens if a conflict of interest arises after an appointment is made?