



# Declarations of interest FAQs

## STARTING TO USE CIVICA DECLARE

### **I don't know what my password is.**

Please search your inbox for the email from [nlmh@mydeclarations.co.uk](mailto:nlmh@mydeclarations.co.uk) that CIVICA Declare sent you with the password reset link.

Click on the link to set your password prior to logging in.

Your username is your email address.

You can request a password reset link here: [Login \(mydeclarations.co.uk\)](https://mydeclarations.co.uk)

### **I have already made a paper declaration. Do I have to make a declaration on CIVICA?**

All declarations must be made on CIVICA so that we can hold them electronically in one place and publish the declarations of decision-makers live via our website.

### **How long do I have to declare my interest?**

28 days from the date that your situation changes or your gift/hospitality etc has been received. Any declaration made outside of this timeframe is a breach of the policy.

### **How far back do I have to go with my declarations?**

Staff are asked to declare current interests in the financial year that they apply. It is not possible to declare interests prior to April 2023; staff members are declaring each year on an annual (financial year) basis in line with NHSE guidance.

Staff are also asked to declare any loyalty interests arising from roles of authority previously held for a significant period of time 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.

### **Do I have to declare afresh every year?**

Yes, you have to enter into the web-based form your interests every year as they expire after each financial year. This is to ensure staff members have fully reviewed their current interests.

### **Who can see the information that I am declaring?**

Declarations made by decision makers will be published on CIVICA and will be available on our website. It could be accessed by members of the public so being as clear as possible on what you are declaring is important.

### **I'm a new starter and can't log into the system. Why not?**

CIVICA Declare takes its data from the Partnership's ESR system which is updated every month so it may take a month for you to be provided with log in details.

You have 28 days to make your declaration from when your employee ID is recognised on CIVICA Declare.

## **DECISION-MAKING STAFF**

**The policy states 'Decision making staff' need to make a declaration or a nil declaration annually.**

### **Who are decision making staff?**

Executive and Non-Executive Directors (including very senior managers) who have decision making roles which involve the spending of taxpayers' money.

Governors whose membership of the Council of Governors requires them to approve significant transactions.

Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services.

Administrative and clinical staff of any band who have the power to enter into contracts on behalf of the Partnership, including Estates and Facilities, Procurement, and Pharmacy staff.

Administrative and clinical staff of any band involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment, and formulary decisions – generally **this means all budget holders**.

All other staff at **Agenda for Change band 8d** and above.

### **Do I have to declare a 'nil' return if I am not a decision maker?**

No. If you are not a decision maker you do not need to make an annual 'nil' declaration.

However, if you have any interests, such as outside employment, you need to make a declaration.

## **CEASING DECLARATIONS**

### **I'm leaving the Partnership. What do I do about my declaration?**

Best practice is to update your declaration with end date (i.e. your last working day).

Otherwise ESR data will capture your departure date when monthly data is uploaded to CIVICA.

After expiry, an interest will remain on the register for 6 months and a private record of historic interests will be retained for a minimum of 6 years.

### **How do I end my declaration when it is no longer deemed a conflict?**

Once a particular interest has ended (e.g. membership of an advisory group), you should update your declaration with an end date.

Not all declarations require an end date to be added – including gifts, hospitality or donations.

After expiry, an interest will remain on the register for 6 months and a private record of historic interests will be retained for a minimum of 6 years.

## BREACHES

### **What is a breach?**

A breach occurs when interests have not been identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or other organisations.

A breach is also failure to respond to a request for information from the Director of Corporate Governance, including a request to submit a declaration form.

### **What happens if I don't declare an interest?**

This may be classed as a breach. Each breach will be investigated according to its own facts and merits. Relevant parties will be given the opportunity to explain and clarify circumstances.

### **How are breaches dealt with?**

The breach will be investigated by the Partnership according to its own facts and merits and relevant parties will have the opportunity to explain and clarify any relevant circumstances.

Following the investigation, the Partnership will take appropriate action – see section 12.2 of the policy.

Breaches are reported to Audit and Risk Committee annually with declaration compliance.

A breach of the Bribery Act 2010 or the Fraud Act 2006 renders staff liable to prosecution and may lead to dismissal and loss of NHS superannuation rights. Any such cases will be referred to the Partnership's Local Counter Fraud Specialist for investigation in accordance with the BEH Counter Fraud and Bribery Policy and the C&I Anti-Fraud and Bribery Policy.

### **Are checks carried out to ensure declarations are accurate?**

The corporate governance team inspect the registers annually. This can include verifying or investigating any declarations or nil returns made.

LCFS undertakes random sampling of registers from time to time as part of its role to assess compliance with the policy.

Any internal audits undertaken are likely to involve sampling.

## GIFTS

### **I volunteer at the Partnership and have been given a gift by a service user as a thank you, do I have to declare it?**

Modest gifts accepted under a value of £50 do not need to be declared. Cash gifts should always be declined.

For all other gifts, please see section 10.1 of the policy.

### **I've been given some cash in an envelope by a service user. What do I do?**

Gifts of cash or vouchers should always be declined. All gifts that are declined should also be declared.

If the patient still wants to give money, they can make a donation to the BEH Charitable Fund or C&I Charity Advisory Group. The original staff member who was initially offered the money, does not need to make a declaration on the system in this scenario.

**A supplier to the Partnership has sent me a bottle of wine as a thank you. Should I declare it as the value of it is under £50?**

No gifts should be accepted from a supplier (or a company who is hoping to do business with the Partnership). The gift of wine should be refused.

However, you can accept very low cost branded goods such as pens/post-its up to the value of £6 (these do not need to be declared).

**I witnessed a colleague accept a gift from a supplier what should I do?**

Accepting gifts from suppliers is not permitted.

Actual or potential breaches should be reported to the Director of Corporate Governance on [beh-tr.trustsecretary@nhs.net](mailto:beh-tr.trustsecretary@nhs.net).

## **HOSPITALITY**

**Do I have to make a declaration if I have been sponsored to attend an event which I attend using my annual leave?**

Being on annual leave does not negate the requirement to make a declaration as the event can still involve a potential conflict of interest.

Offers to pay some or all travel and accommodation costs (between £25 and £75) related to attendance at events may be accepted and must be declared.

Offers above £75 need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared with a clear reason as to why it was permissible to accept.

See section 10.2 of the policy.

**I've been asked to attend a conference sponsored by a supplier to the Partnership. They have said that they will pay for my travel and accommodation, do I need to declare this?**

Staff need to seek permission in advance from their line manager / the Medical Director, who must be satisfied that acceptance will not compromise purchasing decisions in any way. See section 10.9 of the policy.

**A supplier has asked that I attend a meeting at their office and lunch is being provided, can I accept it?**

Yes, hospitality from a supplier can be accepted up to the value of £25 and does not need to be declared.

Hospitality valued between £25- £75 may be accepted but must be declared. See section 10.2 of the policy.

## **ADVISORY AND DECISION MAKING**

**I sit on the Drugs and Therapeutics Group, which makes decisions about the medicines and devices we use. What are my responsibilities relating to conflicts of interest?**

You should make sure that all interests, or potential conflicts, are declared within 28 days of any changes.

In meetings, you have a personal responsibility for declaring any material interests at the beginning of each meeting and as they arise.

If the chair of the group considers that your interest might create the risk of conflict with an item of the group's business, they can take a range of management actions relating to your participation in the group to make sure that this risk is properly managed. See section 11.1 of the policy.

**Do advisory committees include managed clinical networks and local professional networks?**

Your involvement in these networks would be unlikely to create a conflict with your role at the Partnership.

If you are unsure contact your line manager or the Director of Corporate Governance on [beh-tr.trustsecretary@nhs.net](mailto:beh-tr.trustsecretary@nhs.net)

**I contribute to the advisory board of a pharmaceutical company. How should I declare this?**

The Conflict of Interest Policy on outside employment applies.

You must declare your role on CIVICA as soon as possible and within 28 days from when it arises. You will need to seek prior approval from the Partnership.

Approval will depend on your role and duties and whether the Partnership is satisfied that any conflicts of interest which might arise can be either managed or avoided.

You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your interest.

**I deliver a specialised service at the Partnership, and also sit on one of NHS England's Clinical Reference Groups (CRG) to provide expert advice on the service. Is this something I should declare?**

Yes, because you have an ability to influence commissioning policy decisions. Declaring this interest will help protect you in fulfilling both roles. It will also help the chair of the CRG to manage the potential conflicts of interest which might arise, in order to maintain the integrity of the CRG's decisions.

**I am one of a small number of clinicians working in a specialist area. We are often asked by external organisations, including the pharmaceutical industry, to provide expert advice so that correct decisions are made that is beneficial to patients. Does the Col Policy mean I can't sit on procurement panels or advisory committees as a result of such external relationships?**

The policy does not stop you from fulfilling these advisory / decision-making roles. It specifically states that the default response should not always be to exclude members of decision making groups with interests as this might have a detrimental effect on the quality of the decisions being made.

You should make a declaration on CIVICA as soon as possible when any new material interest arises, and within 28 days.

You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your other interests so that any actual or potential conflicts of interest can be managed.

**I sit on an independent advisory group which makes recommendations which affect my specialism. Do I need to declare this?**

Yes, as this might be seen to influence how the Partnership spends taxpayers' money.

## LOYALTY INTERESTS

### **My department is recruiting two new members of staff, and a close friend of mine might apply. Do I need to declare this?**

Yes, if you know there is a reasonable chance of them applying. You need to make this known so that your line manager can decide on the right level of involvement for you in the recruitment and / or management process.

Please do not disclose any names as this will breach their rights under GDPR and Data Protection Act (2018).

### **My partner / spouse works for a company which supplies equipment to the Partnership. Do I need to declare this?**

Yes, if they have decision making responsibilities in the company. If you are unsure, speak to your line manager. If in doubt, declare.

## OUTSIDE EMPLOYMENT

### **I carry out clinical private practice when I am not at the Partnership. Do I have to declare this?**

NHS commitments should always take precedence over private work where there might be a conflict of interest.

Otherwise, private practice is fine as long as you declare it on appointment or when any new private practice has been approved internally.

You should not initiate discussions about your private professional services with patients, or ask other staff to initiate such discussions on your behalf.

You should not accept direct or indirect financial incentives from private providers other than those allowed by the [Competition and Markets Authority guidelines](#).

Declarations should include a description of the nature of your private practice and must include how you will mitigate against any perceived or actual conflict. See section 10.13 of the policy.

### **What if I have received fees or allowances for a lecture or articles or publications outside of my employment?**

If you made a contribution to a lecture or publication in your own time without using Partnership resources then retention of fees is legitimate and should be declared to HMRC.

Where you have contributed to a lecture or publication as a by-product of your normal working activities and/or undertaken work during their normal working hours utilising Partnership facilities, the fee would normally fall payable to the Partnership.

### **I'm a school governor which has no impact on the Partnership. Do I have to declare it?**

Yes, you should declare any outside employment and other similar engagements such as directorships, charity trustee roles, consultancy work, etc as it arises and in some cases you might be required to seek prior approval from the Partnership. See section 6 of the policy.

### **I'm a Director of my partner / spouse's company. Do I need to declare it as the company has nothing to do with the delivery of health services?**

Yes, you should declare any outside employment and other similar engagements such as directorships, charity trustee roles, consultancy work, etc as it arises and in some cases you might be required to seek prior approval from the Partnership.

Please do not disclose any names as this will breach their rights under GDPR and Data Protection Act (2018). See section 6 of the policy.

**I work part time in a local bar. Do I need to declare it?**

Yes, all outside employment must be declared. See section 10.12 of the policy.

**Who from the Partnership has to authorise my outside employment?**

All outside employment needs to be declared and should be discussed with your line manager.

If your contract states that you must seek prior approval from the Partnership before entering into outside employment, you will need to seek appropriate internal approval.

## **DONATIONS**

**Can I make service users and their families aware of the BEH Charitable Fund and/ or C&I Charity Advisory Group in case they want to donate?**

Yes you can make them aware, but you should not actively solicit charitable donations unless this is a prescribed or expected part of your duties at the Partnership.

**A local company has sent me numerous selection boxes for me to distribute to patients, do I need to declare this as they are only worth around £3.50 each?**

Yes, any donation given for distribution to patients needs to be declared.

The individual accepting the donation, should include the details of the company, an estimated overall value of the donation and how it was distributed.

**A local pizza restaurant has contacted me and said that they would like to bring some pizzas to site to distribute to staff. Is this acceptable?**

Please refer to the Food Safety Policy which outlines practice that should be followed.

Any staff members accepting food from a supplier other than the Partnership's own catering supplier do so at their own risk; the Partnership does not accept any liability where staff members have chosen to accept and eat donated food.

If the food is accepted, the person receiving the food must declare who gave the donation, estimated value and who received it.