

FREQUENTLY ASKED QUESTIONS

Conflict of Interest Policy –Electronic Declaration process

No.	Question	Answer
1.	Do I have to declare a 'nil' return if I am not a Band 8D or above	If you are not a trust decision maker then you do not need to make an annual 'nil' declaration if you are below a Band 8D.
2.	I don't know what my password is.	MES Declare will have sent you an email which will identify your unique password; please carry out a search in your inbox from MES Declare. Your username is your email address. Should you wish to change your password (when in the system) you can do so by going to 'My Details' on the drop down menu of the MES declare system.
3.	How long have I got to declare my interest	You have 28 days from the date of which your situation changes or your gift/hospitality etc has been received.
4.	What happens if I don't declare that I have an interest	This may be classed as a breach and the trust will investigate each breach according to its own specific facts and merits and give relevant parties the opportunity to explain and clarify any relevant circumstances.
5.	Do I have to declare an interest if I have been sponsored to attend an event if it was done outside of works time or if I take annual leave? What if I have received an honorarium?	<p>Modest offers of accommodation/travel relating to attendance at events may be accepted but declared. Anything other than modest should only be accepted in exceptional cases and needs to be approved by your Directorates Associate Director in the first instance with reasons included in your declaration as to why it was accepted. You will also need to include a description of the nature and value of the hospitality.</p> <p>If you have been paid to attend the event – including honorariums (eg you have presented a paper) then this will also need to be declared under the employment declaration tab.</p> <p>Please refer to the guidance in the policy for what information should be included in your declaration. Being on annual leave does not mean that the requirement is negated as it could be seen as a potential for conflict of interest.</p>
6.	Who from the trust has to authorise my external employment?	All outside employment needs to be declared but not all needs to be authorised by the trust. If your contract states that you must seek prior approval to entering into outside employment by the trust, your line manager should approve it. Please ensure you enter their details into the system.
7.	Who can see the information that I am declaring?	The new electronic system can be accessed by members of the public so being as clear as possible with what you are declaring is important.
8.	Is there a policy that explains	Yes, this can be found on the trust's intranet and is called

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	to me what all of this new process means?	Conflicts of Interest Policy.
9.	I work as a volunteer and have been given a gift by a patient as a thank you, do I have to declare it	All staff (which includes salaried staff, contractors, agency and volunteers) must declare any gift that has been received that is over the value of £50. Under the value of £50 need not be declared.
10.	I'm a new starter and can't log into the system, why not?	The MES Declare system takes its data from the trust's ESR system and this can take up to 2 weeks to update.
11.	The policy states 'Decision making staff' need to make either a declaration or an annual nil declaration. Who does the trust identify as decision making staff?	Board members, staff that are Agenda for Change 8D or above, plus members of decision making groups (refer to the policy), the trusts Procurement team and those who sit on job matching panels are identified as 'Decision Making Staff'.
12.	How long will my declaration be kept by the trust	After expiry, an interest will remain on the register for 6 months and a private record of historic interests will be retained by the trust for a minimum of 6 years.
13.	A supplier to the trust 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 trust) however, you can accept very low cost branded goods such as pens/post up to the value of £6 – these do not need to be declared). The gift of wine should be refused.
14.	I'm a school governor do I have to declare this as it has no impact on the trust?	Yes you do. The policy in 11.6 – Loyalty interests states if you sit on an advisory group or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers' money Then you have to declare it.
15.	I've been given a gift from a patients' family and I'm sure it must be worth more than £50, can I accept it?	No, you cannot accept a gift from a patient/family member that is valued at over £50 for yourself. However, you can accept it on behalf of the trust charity ECHO to be used for fund raising purposes. You would have to declare that you had accepted the gift on the above premise and then ensure the gift is given to the Head of the Charity.
16.	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 it does not need to be declared. In exceptional circumstances the value can be between £25 - £75 BUT this amount must be declared. Read section 11.2 of the policy for further clarity.
17.	I'm a Director of my wife's company do I need to declare it as the company has nothing to do with the delivery of health services?	Yes you do as outside employment means employment and other engagements, outside of formal employment arrangements. This can include <i>Directorships</i> , non-executive roles, self-employment, consultancy work, charitable trustee roles, political roles and roles within not-for-profit organisations, paid advisory positions and paid honorariums which relate to bodies likely to do business with an organisation.
18.	I have outside employment as I work part time in a local bar, do I need to declare it?	Yes, see 11.3 in the policy regarding outside employment; all outside employment must be declared.

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19.	My sister works at the trust but I'm not in direct contact with her during my day to day activity, do I need to declare this?	No, you only need to declare if you have a family member (or relative, close friend or business partner) working at the trust if you are or could be involved in the recruitment or management of them or if you are involved in making financial decisions regarding them.
20.	My husband is transferring into my directorate and as I am a manager (and he is not), it could be seen that I have managerial responsibility (or could have at some point) over him, do I need to declare?	Yes – refer to 11.6 in the policy. When declaring you will also need to ensure that you include what action you will take to mitigate against conflict.
21.	I carry out clinical private practice when I am not at the trust, do I have to declare this?	Yes, all clinical private practice must be declared. See 11.11 in the policy for further clarity
22.	I witnessed a colleague accept a gift from a supplier what should I do?	The policy is clear that accepting gifts from suppliers is not permitted. There is a facility on the MES Declare database to report such incidents under 'Whistleblowing'; this can be done anonymously if necessary. This would then be investigated by the Director of Corporate Affairs & Governance and her team. You can also refer to the trusts Freedom to Speak Up – Raising Concerns policy or the trust's Local Anti-Fraud, Bribery and Corruption Policy
23.	How far back do I have to go with my declarations?	The guidance from NHS England states that it came into force on the 1 st June 2017 – the trust is therefore asking staff to declare their interests from the 1 st June 2017 on the electronic system
24.	Are there other things other than the receipt of gifts that I have to declare	The policy identifies 11 different categories that staff may potentially have to declare against. Please refer to the Policy for clarity.

If you are a registered professional please also refer to your relevant codes of conduct/guidance