DECLARATION OF INTEREST POLICY
Revised: September 2009
NTA DECLARATION OF INTEREST POLICY

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SECTION 1 - INTRODUCTION, SCOPE AND REQUIREMENTS

1.1 Introduction

It is imperative that all individuals connected to the National Treatment Agency (NTA) are aware of the standards of conduct required in a body publicly funded and carrying out public functions. They have a duty to act with integrity, impartiality and honesty regarding their access to public funds and their private interests.

Like others who serve the public, individuals working for / with the NTA should follow the Seven Principles of Public Life as set out by the Committee on Standards in Public Life (The Nolan Committee). These principles are documented in appendix 1.

In addition to the Nolan Principles, a Disclosure of Interest and information policy should be seen, amongst others, in the context of the regulatory framework which governs the policies and operations of the NTA (see 1.3 below), the ‘Code of Conduct for NHS Managers’, the ‘NHS Code of Conduct and Accountability’, the ‘Standards of Business Conduct’, the ‘Code of Practice on Openness in the NHS’ and standards of good business and employment law and practice.

The NTA needs to have in place principles and procedures for managing information and for minimising, managing and registering potential conflicts of interests which could be deemed or assumed to affect the decisions made by those involved in the NTA business. These decisions could include funding decisions, research assessment, awarding contracts, procurement, policy, employment and other decisions. The individuals covered by this policy should not allow their judgement or integrity to be compromised. They should be, and be seen to be, honest and objective in the exercise of their duties and should understand fully their terms of appointment, duties and responsibilities.

1.2 Scope of Policy

This Disclosure of Interests and Information policy will be applicable to:

i. NTA Executive and non Executive Board members and all NTA employees

ii. NTA advisory committees appointed by the Board including the Audit and Risk Committee, HR Committee and the Remuneration and Terms of Service Committee. This also includes temporary members and members of any sub-committees that the Board may, from time to time, establish

iii. Employees of the NTA. The term “employee”, where the context permits, shall be deemed to include employees of third parties contracted to the NTA when acting on behalf of the Agency and temporary staff including casual and short-term contract appointees and advisers and those on secondment from other organisations.
iv. Those attending meetings

v. Peer review panel members and panels (grant applications and research reviewers)

This policy will form part of the contract of employment for all NTA staff. New contracts will include a requirement for employees to familiarise themselves with the content of, to sign, and to comply with, the policy. The policy and guidance will be included in the employee handbook, which will cover existing employees.

For the Declaration of Interest section the remit of the Register is widened to cover close family members and associates. In this context this is taken to include personal spouses and partners, parents, children, brothers, sisters and the personal partners of any of these who members of the public might reasonably consider could influence or affect their actions and judgement or those of a personal associate regardless of whether or not it does affect their conduct.

1.3 NTA requirement to disclose conflicts of interest

All Executive, non-executive directors, committee members and all employees (as defined above) of the NTA are required to comply with the NTA’s Standing Orders (SOs) and Standing Financial Instructions (SFIs). Together with the Schedule of Reservation of Powers to the Authority and Delegation of Powers, SOs and SFIs provide the regulatory and business framework under which the NTA operates and conducts business. These documents can be found on the NTA website www.nta.nhs.uk. In particular, in the context of disclosure of information, it documents the requirement to adhere to standards of business conduct, to declare interests and to keep a register of interests. Compliance with SOs and SFIs is mandatory. Failure to comply with these regulatory documents is a disciplinary matter which could result in dismissal. It should be read in conjunction with the Staff Handbook, Code of Conduct for Employees and the NTA Fraud and Corruption policy.

Additionally, the NTA Contract of Employment makes the following reference to declaring conflicts of interests. It states:

“You must declare to the Chief Executive any financial or business interest or relationship that you may have or anticipate that may affect the NTA’s policies, decisions or general business concerns. You must further comply with the requirements of the NTA’s procedures in respect of gifts, hospitality or other favours so as not to compromise the NTA or your personal position”.

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SECTION 2 - DECLARATION OF CONFLICT OF INTEREST

2.1 Introduction

A conflict of interest arises when an individual’s work for the NTA could be affected by a personal interest or personal association. Employees and other individuals who come within the scope of this policy (as outlined in 1.2) are entitled to manage their own affairs in privacy. However, the work of each individual, as outlined above, connected to the NTA must be carried out in an environment which is free from any suggestion of improper influence. None of the individuals concerned should exploit or appear to exploit to their personal advantage any personal or professional relationships with an individual or associated organisation. They must ensure that at all times they operate in a way which is demonstrably above criticism.

Adherence to the NTA’s Conflict of Interests policy is mandatory in order to identify and manage current or potential conflicts which may arise between the interests of the NTA and the personal interests, associations and relationships of individuals carrying out work for the NTA. Any breach of this policy will be treated as a disciplinary offence and may result in dismissal.

Failure to adhere to the Declaration of Interest policy may constitute the criminal offence of fraud, as an individual could be gaining unfair advantages or financial rewards for himself or a family member / friend or associate. Anyone who suspects that a relevant interest may not have been declared should report it to the Local Counter Fraud Specialist and/or the Director of Corporate Services.

2.2 Interests which need to be declared

Individuals are not required to declare all associations they may have outside the NTA, only those which relate to or could impact on the activities of the NTA. Individuals should register all relevant interests and should declare any relevant interest when dealing with or discussing a matter to which it is pertinent. Relevant interests may include both financial and non-financial interests. The test of relevance is whether the interest might reasonably be thought by the public to affect the way in which an individual discharges his or her duties. The test therefore is not whether an individual’s actions will be influenced by the interest but whether the public might reasonably think that this may be the case.

Only current interests need to be declared but it is possible that on occasions a past interest will or could influence present behaviour. Individuals should assess the relevance and necessity to divulge this information and this interest will also need to be declared.

It is impossible to prescribe a comprehensive set of rules on interests. Examples of possible conflicts of interest can be found in Appendix 1. This list is not exhaustive.
If Individuals covered by this policy have interests not specified here but which they believe could be regarded as influencing their actions carrying out their role they should declare them. Individuals are best placed to know their duties with other bodies and associations and where these might conflict with the objectives and business of the NTA. As a general rule a declaration should be made or if in any doubt the individual must discuss and seek advice from their line manager or a director on whether or not the issue does or does not constitute a conflict of interest.

However, neither the NTA nor individuals covered by this policy are under an obligation to search out links between one company or organisation or another of which they are unaware and could not reasonably be expected to be aware.

2.3 Possible outcomes of declarations

Upon declaring an interest line managers will decide if any action needs to be taken as a result of the declaration. A declared list of interests from staff will be provided to line managers on an annual basis. In most cases no action will be necessary. Where action is required it might include building in safeguards to prevent any potential conflict of interest, a change of duties and responsibilities, by the individuals concerned not participating in the relevant discussions and in any subsequent decisions or the surrender of a specific financial interest.

2.4 Procedures for Disclosure of Interests – excluding Board and Committee meetings

When first appointed individuals covered by this policy will be asked to read and comply with this policy and complete and sign the Disclosure of Interest form. A register will be held to record disclosures, together with a non-exhaustive list of possible conflicts of interest. The Register will be updated on an annual basis to ensure that it is kept up to date. Individuals who appear on the Register are required to complete and sign a new Declaration of Interest form at the time of the annual update.

Individuals need to ensure that entries relating to them in the Register of Interests are accurate, complete and up to date. They will declare interests where appropriate during the course of their duties and must notify HR and their line manager immediately or at the earliest opportunity of all changes to the information disclosed. Individuals will be then asked to complete and sign a new Declaration of Interests form.

Individuals are duty bound to ensure that conflicts of interest are declared and an individual who is concerned about another individual's potential or actual conflicts of interest should raise the issues in the first instance with the individual who is required to make the declaration and in the second instance with either their line or HR manager.

When a declared interest ceases to be relevant, individuals need to inform HR so that it can be removed from the Register. It is important that interests are updated regularly and particularly when there is a change of interests.
A copy of the declaration of interest details by Directorate will be provided regularly to the appropriate director for information.

2.5 Maintenance of Register of interests

A register of interests will be kept at the NTA detailing:

i. Names of individuals and details of the interest which were declared on appointment, as the interest first arises or through the annual declaration update;

ii. Names of individuals who have declared interests at meetings giving dates, details of the interest declared and whether the member took part in the proceedings;

iii. A list of interests declared will be provided to line managers for information.

The Register of Interests will be kept in the HR division and HR staff will maintain the register.

2.6 Bankruptcy or insolvency

NTA staff must inform their line manager or HR Manager if they are, or become, bankrupt or insolvent.

2.7 Employment outside the NTA

Whilst in the employment of the NTA staff should not engage in outside employment without the written permission of the Chief Executive of the NTA. Any outside employments need to be registered with NTA HR on appointment and on an annual basis as part of the yearly Declaration of Interest exercise, using the form provided. Staff will also need to inform NTA HR immediately of any changes to the information provided to them regarding outside employment.

2.8 Contacts

If you have any doubts about any issues relating to Declaration of Interest, please contact the Director of Corporate Services. Further advice is available from the Local Counter Fraud Specialist (LCFS):

Contact:  David Foley
RSM Bentley Jennison
45 Moorfields, London EC27 9AE

Tel: 020 7920 3200
Fax: 020 7920 3201
Mobile: 07721 977523
Email: david.foley@rsmbentleyjennison.com
APPENDIX 1 – THE 7 PRINCIPLES OF PUBLIC LIFE
( THE NOLAN COMMITTEE )

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.

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.

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.

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.

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.

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.

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

These principles apply to all aspects of public life.
(extract from the first report of the Committee on Standards in Public Life)
APPENDIX 2

SOME EXAMPLES OF POSSIBLE CONFLICTS OF INTEREST

The following are examples of what conflicts of interest could include. This list provides guidance but is not exhaustive:

- A close relative, partner or associate is attending a treatment centre and you may have some work related link.

- A close relative, partner or associate has political involvement which may conflict with the NTA’s work.

- Owning shares, other securities or other financial or commercial interest in a company who has tendered for work at the NTA. The NTA clearly has no objection to individuals holding private investments. However, they must not in their official capacity deal with matters affecting the contract, purchase or sale in which they have a private interest.

- Individuals are offered a directorship of a company holding a Government contract or they propose to sell goods to a Government Department who is a stakeholder of the NTA. They cannot be given a Government contract as an individual or as a member of a partnership or as a director of a company.

- Remunerated consultancies or advisory positions or remunerated employment, directorships or partnerships (other than within the NTA itself) if they relate to a substance misuse related company or organisation or public body.

- Remunerated commissioned work for a substance misuse related company or organisation, or related activity such as work for the press or speaking engagements which do not form part of official duties.

- Any office held in or membership of a committee or Council of a body other than the NTA within the substance misuse related field, whether in the public, private or voluntary sector

- Benefits received of a significant nature which in any way relate to an individual’s position within the NTA
APPENDIX 2 - SOME EXAMPLES OF POSSIBLE CONFLICTS OF INTEREST (continued)

- The employment or other financial interest of a spouse, partner or close relative or associate which could reasonably be regarded as relevant to an individual’s position within the NTA, eg relating to a relevant company, organisation or public body.

- Other support received from a relevant company or organisation other than the NTA (eg. Sponsorship such as grants, awards, etc)

- Positions held as an office-holder or trustee within a voluntary or not-for-profit organisation, public body, pressure group or trade union in the substance misuse related field.

- This could include (depending on their significance) other trusteeships, unpaid functions, membership of voluntary organisations, or the non-financial interest of a spouse, partner or close relative. (However, it is accepted that individual may not always be aware of the relevant interests of a family member).

- Other relevant interests might include IT, health media, publishing, journalism, PR or lobbying organisations.

- A non-pecuniary interest where an individual has other interests that might be thought to influence them, either wittingly or unwittingly.

- Close links with, or interest in, a particular Institution from which a grant or other funding application is being considered (eg. Employment or academic collaborations).

- Expectation of future employment with a particular company / organisation. Individuals should not give, or appear to give, advice or take decisions that might be influenced by the hope or expectation of future employment. This is to ensure that the company / organisation involved does not gain an unfair advantage over its competitors. They should report an approach or offer of employment covered by these rules to their line manager.