# Ref: GJF/2018/03/16



# Board Meeting: 29 March 2018

**Subject:** ManagingConflicts of Interest Policy

**Recommendation:** Members are asked to approve the:

* Managing Conflict of Interest Policy (Appendix one)
* Guidance for Managing Conflicts of Interest and associated Register of Interest and Register for Gifts and Hospitality (appendices two-four); and the
* Anti-bribery statement (appendix five).

## 1 Background

The Conflicts of Interest Policy has been approved by the Audit and Risk Committee and Senior Management Team and all changes have been reflected in the policy. Links to the documents will be updated prior to being formally issued to staff.  
  
A number of pieces of legislation/guidance have been published recently which all require that the Board maintains a register for gift/hospitality. It was agreed that we would issue a draft process for recording items pending the finalisation of a policy. This interim arrangement was put in place from the 1 April 2017 and was supported by the Audit and Risk Committee.

It was agreed the new policy being developed would cover the four items of legislation listed below.

* Ethical Standard in Public Life (Scotland) Act;
* Public Services Reform Act;
* Bribery Act; and
* Association of British Pharmaceutical Industry requirements.

## 2 Current Position

A short-life working group was established to take this work forward and meetings were held with Counter Fraud Services (CFS) supporting the drafting of the Board policy. In addition, the publication of a policy for ‘Managing Conflicts of Interests in the NHS’ and supplementary guidance by the Department of Health has now been mandated for all NHS bodies in England. The Policy has also been agreed with all Professional Bodies in England.

NHS Counter Fraud Services (CFS) advised that the Scottish Government (SG) is also reviewing this policy with a plan to issue this in Scotland. A short life working group (SLWG) has been established by SG to take this policy forward nationally.

It has been therefore been agreed that the Board adopt the ‘model’ policy implemented in NHS England and adapt it for use in this Board and commence this work as soon as possible. This approach has been supported by Scottish Government Health Directorate; copies of the new Board policy and associated guidance are attached as appendices one and two to this paper.

An internal SLWG was set up led by the assistant Director of Finance – Governance and Financial accounting with membership list below:

* Employee Director;
* Head of Communications and Corporate Affairs;
* Head of Human Resources;
* Head of Procurement; and
* Chief Pharmacist.

This group have modified the guidance issued by the Department of Health for use in this Board as advised by CFS and SG. The attached policy has been shared with CFS in order to inform the national project for introducing the policy as a Scottish policy.

Any values issued in the Board form for gifts and hospitality will remain as current until further final guidance is received from the Scottish Government. The attached guidance should be used in conjunction with this policy and provides detail guidance for each section and builds on our current interim process.

The Policy and associated guidance was approved at the Senior Management Team (SMT) meeting along with the anti-bribery statement.

The policy and guidance will now be taken to the Board for formal approval and presented to the Partnership Forum. In addition a communication plan will be prepared for issue following Board approval. As requested by the SMT, a ‘question and answer’ guide is also being prepared for issue to staff with the policy following approval.

## 3 Anti-Bribery Statement

In conjunction with the policy and associated guidance, the attached anti-bribery statement has also been prepared which sets out the Board’s overall approach to the prevention of bribery and corruption, with this being a fundamental aim of the policy.

## 4 Recommendation

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* Anti-bribery statement (appendix five).

## Julie Carter

**Director of Finance**

**16 March 2018**

**(Lily Bryson, Assistant Director of Finance - Governance and Financial Accounts)**