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## STANDARDS COMMITTEE

**Day:** Tuesday  
**Date:** 7 November 2017  
**Time:** 4.00 pm (Briefing for Standards Committee Members only at 3.45pm)  
**Place:** Lesser Hall 2 - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b> To allow Members an opportunity to declare any personal or prejudicial interests they may have in any items on the agenda.	
3.	<b>MINUTES</b> To receive the Minutes of the Standards Committee held on 4 April 2017.	1 - 2
4.	<b>ELECTED MEMBER DEVELOPMENT UPDATE AND FUTURE DELIVERY PLAN</b> To consider the attached report of the Monitoring Officer.	3 - 22
5.	<b>PROPOSAL FOR MANAGING CONFLICTS OF INTEREST IN THE SINGLE COMMISSION</b> To consider the attached report of the Monitoring Officer.	23 - 68
6.	<b>SOCIAL MEDIA USE: RESPONSIBLE CONDUCT POLICY</b> To consider the attached report of the Monitoring Officer.	69 - 80
7.	<b>REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY</b> The Register of Interests and Gifts and Hospitality will be available for inspection at the meeting.	
8.	<b>DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)</b>	
9.	<b>URGENT ITEMS</b> Urgent Business (if any): To give consideration to any other matters arising. To be accepted at the discretion of the Chair of the meeting.	
10.	<b>DATE OF NEXT MEETING</b> To note that the next meeting of the Standards Committee will take place on Tuesday 3 April 2018.	

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Linda Walker, Senior Democratic Services Officer, to whom any apologies for absence should be notified.

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## STANDARDS COMMITTEE

4 April 2017

Commenced: 4.00 pm

Terminated: 4.35 pm

Present:

Mrs Valerie Bracken (Chair)

Councillors Bell, M Smith and J Lane, Town Councillor E Shember-Critchley and Mrs J Barnes

Also in attendance:

Steven Pleasant, Tameside Council Chief Executive and Accountable Officer NHS Tameside and Glossop Clinical Commissioning Group, and Sandra Stewart, Executive Director, Governance, Resources and Pensions (Monitoring Officer)

Apologies for absence:

Councillors Kitchen and S Quinn

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by members of the Standards Committee.

### 2. MINUTES

The Minutes of the proceedings of the Standards Committee held on 8 September 2015 were taken as read and signed by the Chair as a correct record.

Reference was made to the Chief Executive's appointment as Accountable Officer for NHS Tameside and Glossop Clinical Commissioning Group and the governance and accountability framework to support the development and implementation of an integrated health and care system in Tameside and Glossop.

The Monitoring Officer advised that NHS England had recently published revised guidance for Clinical Commissioning Groups on managing conflicts of interests effectively. This included guidance which specifically addressed developments in care models, integrated care organisations and operating under joint commissioning arrangements so staff could continue to work innovatively with partners whilst also providing transparency. Supporting materials would be made available to assist with the implementation of the guidance on which the Monitoring Officer intended to report further at the next meeting of the Standards Committee.

### 3. CODE OF CONDUCT FOR CAMPAIGNERS: ELECTORAL REGISTRATION, POSTAL VOTING, PROXY VOTING AND POLLING STATIONS

Consideration was given to a report of the Monitoring Officer explaining the Chief Executive as Returning Officer and Electoral Registration Officer had been assessed by the Electoral Commission as achieving the highest standards in respect of all areas of performance. This compared very favourably with other Returning Officers within the North West region.

The Council wished to maintain its reputation for high standards and it was important, therefore, that whilst the Returning Officer continued to comply with legislation that the integrity of the elections was also maintained in order that the public had confidence in the integrity of elections. With that end in mind, all candidates and agents would be asked to sign up to the Code of Conduct for Campaigners on electoral registration, postal voting, proxy voting and polling stations which had been agreed by the main political parties. A copy of the latest version of the Code was attached as Appendix 1 to the report.

In addition, reference was made to guidance, attached to the report at Appendix 2, for the pre-election period of the Greater Manchester Combined Authority Mayoral Election 2017 to assist local authorities when considering proposed publicity / events during the forthcoming Election period.

#### **RESOLVED**

**That the position adopted by the Returning Officer and the advice to be given to all candidates / campaigners that this Committee expects to be complied with to maintain the high standards of Electoral conduct be noted.**

#### **4. MAYORAL PROTOCOL**

Consideration was given to a report of the Monitoring Officer advising that given the Civic Mayor was the Borough's first Citizen and the public profile of the Civic Party was high, the Council had for a number of years operated a Mayoral Protocol. The Protocol guided the Civic Mayor and other members of the Civic Party and set out the standards of behaviour, conduct and appearance that must be adhered to by the Civic Party.

In accepting the role of Civic Mayor, Mayoress or Consort and Deputy Mayor, those taking up office were agreeing to abide by the Mayoral Protocol and agreeing to carry out their role with dignity and gravitas. Appended to the report for consideration was the declaration that members of the Civic Party would be expected to sign prior to taking up office.

Members of the Standards Committee welcomed the approach contained in the protocol and declaration designed to maintain the high standards already in place in Tameside and to reduce risk.

#### **RESOLVED**

**That the Protocol setting out the standards of conduct, behaviour and appearance of all members of the Civic Party and the requirement to make the declaration to abide by the Protocol prior to take up office be noted and endorsed.**

#### **5. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY**

The Monitoring Officer advised that the Register of Interests and Register of Gifts and Hospitality were available at the meeting for inspection. She intended to refresh the Council's protocol for Elected Members and employees on gifts and hospitality reminding them of the Council's expectations and the procedure to be followed for consideration at a future meeting of the Standards Committee.

#### **6. URGENT ITEMS**

The Chair advised that there were no urgent items for consideration at this meeting.

#### **7. DATE OF THE NEXT MEETING**

It was noted that future meetings of the Standards Committee would take place on the following dates:

Tuesday 5 September 2017

Tuesday 7 November 2017

Tuesday 3 April 2018

**CHAIR**

# Agenda Item 4

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	7 November 2017
<b>REPORT OF:</b>	Sandra Stewart – Borough Solicitor (Monitoring Officer) Tracy Brennand, Assistant Director, People and Workforce Development
<b>SUBJECT MATTER:</b>	<b>ELECTED MEMBER DEVELOPMENT UPDATE &amp; FUTURE DELIVERY PLAN</b>
<b>REPORT SUMMARY:</b>	The report outlines the progress that has been made around Elected Member Development provision and further proposals moving forward.
<b>RECOMMENDATION(S):</b>	<ol style="list-style-type: none"><li>1. It is recommended that the Elected Member Development Forum is reviewed to ensure that it remains effective and drives Elected Member Development forward.</li><li>2. That the actions identified for development and review in order to maintain the charter are progressed immediately.</li><li>3. Opportunities for further development through in house training, and also with partner organisations such as North West Employers are further utilised.</li><li>4. The proposed annual budget for the forthcoming years 2017/18 and 2018/19 are agreed.</li><li>5. That an Elected Member is identified to take the lead on identifying future learning and development, whilst championing learning and Continuing Professional Development (CPD) and will attend the North West Employers networking sessions every quarter with an Officer to represent Tameside.</li><li>6. That all Elected Member evening development sessions are made mandatory to ensure attendance to receive important information and updates and in addition to that all Elected Members are required to complete 24 hours of CPD a year.</li><li>7. The Elected Member Development Strategy for 2017-19 is approved, including the incorporation of the ‘21<sup>st</sup> Century Councillor’ research which supports the development of additional skills and knowledge to support Continued Professional Development (CPD) for Elected Members.</li><li>8. That all Elected Members will be asked to complete the refreshed Elected Member Development Skills Audit Questionnaire during a one to one meeting with an Officer from the Workforce Development Team before the end of December 2017.</li></ol>
<b>FINANCIAL IMPLICATIONS:</b> <b>(Authorised by the Section 151 Officer)</b>	A budget for Member development is included within the Council’s overall budget and any costs will be funded from this.

**LEGAL IMPLICATIONS:**  
**(Authorised by the Borough Solicitor)**

It is critical to the success of the Borough and the effectiveness of the organisation that Elected Members are provided with sufficient support and training to develop the necessary skills in a very challenging environment. This is particularly difficult given the meagre budget together with the unfair criticism that is levelled at members when they do undertake training in the media.

**RISK MANAGEMENT:**

Ensure that Elected Members are appropriately skilled and knowledgeable to support their communities.

**LINKS TO COMMUNITY PLAN:**

Supports the delivery of the Community Strategy by Elected Members across the Borough.

**ACCESS TO INFORMATION:**

**NON-CONFIDENTIAL**

**This report does not contain information which warrants its consideration in the absence of the Press or members of the public.**

**REFERENCE DOCUMENTS:**

The background papers relating to this report can be inspected by contacting the report author, Tracy Brennand, Assistant Director, People and Workforce Development, on:



Telephone: 0161 342 3279



e-mail: [tracy.brennand@tameside.gov.uk](mailto:tracy.brennand@tameside.gov.uk)

## **1.0 BACKGROUND**

- 1.1 The Elected Member Development report was last presented to the Standards Committee in November 2014 which identified the previous provision and future options for Elected Member Development within the Council. This report will detail the achievements made during the last 3 years, outlining the development courses, events and activities undertaken by Elected Members over that period. It will also include proposed courses and activities for the next 18 months.
- 1.2 In addition, the Elected Member Development Strategy has been revised for 2017 – 2019, to ensure that Elected Member Development remains important for the Council moving forward. The strategy will ensure that Elected Members are given the necessary opportunities, resources and time to develop their skills and knowledge accordingly within their roles.
- 1.3 The devolution of powers from Westminster to Greater Manchester (GM) has introduced a GM Mayor and the Greater Manchester Combined Authority (GMCA) has been formed to begin a new way of Governance with devolved powers across GM. This devolution will provide greater opportunity for the Council to find ways for the Borough to become more financially resilient and have less reliance on the reducing government grant. We need to ensure that we provide local political leaders with skills to drive and lead on devolution to enable our communities to become more resilient and self-sufficient.
- 1.4 As a result of continued austerity and reducing budgets within the public sector, a greater number of reforms are taking place across all areas of service delivery. The integration of Health and Social Care is of key importance both nationally and locally as Tameside leads the way on the integration of the Council, Integrated Care Foundation Trust and Clinical Commissioning Group to provide better services for local residents. Elected Members will therefore be increasingly asked to work across partnerships and with changing Constitutions to ensure the integration agenda is a success.
- 1.5 The governance of the Council has also changed with the introduction of a Town Council approach to focus on localities to promote an asset and place based approach to service delivery within communities. Elected Members must adapt to the changing methods of service provision in order to support the local communities to change their behaviours around accessing public services.
- 1.6 It is important to reflect on the changing skills and knowledge required within the role of an Elected Member given the Public Service reform context stated above. Published national research and guidance from Birmingham University and the Local Government Information Unit has identified key skills needed for a '21<sup>st</sup> Century Public Servant' and a '21<sup>st</sup> Century Councillor' to ensure effective leadership of communities. This report draws on the research to provide a refreshed and current approach to Elected Member development.

## **2.0 2015 – 2017 PROGRAMME**

### **Elected Member Evening Development Sessions**

- 2.1 This year the Member Development Forum established a variety of training programmes which are continually being monitored and evaluated over the course of the year. Working together with the Executive Members and Officers within the Council, the Forum ensures that Elected Member development reflects any new initiatives, changes to services and other priorities that are emerging within the Council and Clinical Commissioning Group.

2.2 During the period year 2014-17, the Elected Member Development sessions have considered a range of different topics. The events have taken place throughout the year in the George Hatton Hall of Dukinfield Town Hall or at other external locations when appropriate. The events usually commence at 6pm and finish at 7.30pm. Table One outlines the topics presented from 2014 - 17.

<b>Event Title</b>	<b>Date</b>
Sponsorship Training	13/08/2014
Budget Simulator	10/09/2014
Greening the Borough	20/10/2014
ICO / Care Together	13/11/2014
Child Sexual Exploitation	10/12/2014
Budget Simulator Update	19/01/2015
Future Role of Local Councillors	26/02/2015
Bin Swap	25/06/2015
Council Budget	27/07/2015
Tony Lloyd (Greater Manchester Police & Crime Commissioner)	27/08/2015
Council Budget & Integrated Care Organisation	23/09/2015
New Proposed Neighbourhood Offer	26/10/2015
Greater Manchester Spatial Framework	11/11/2015
PREVENT – anti-radicalisation	25/02/2016
Integrated Care Organisation Update	21/03/2016
Dementia Friends	25/05/2016
Stronger Communities	13/07/2016
Child Sexual Exploitation & Domestic Violence	24/08/2016
Spatial Framework	21/09/2016
Event Management	19/10/2016
Action Together	24/11/2016
Budget Update	01/12/2016
Ofsted Improvement Plan	17/01/2017
Supporting Vulnerable People	23/02/2017
Corporate Parent Role	30/03/2017
Libraries & Single Enforcement Team	22/06/2017
Care Together Update	19/07/2017
Ofsted Improvement Plan Update	24/08/2017
Update on the Integrated Care Organisation and Ofsted Improvement Journey	28/09/2017

**Table One**

2.3 The attendance at these sessions by Elected Members is shown in Table Two below:

<b>Year</b>	<b>Average number per session</b>	<b>% who attended one or more sessions</b>
2014/15	30	90
2015/16	37	100
2016/17	24	86

**Table Two**

As the attendance at the most recent sessions has declined, it is proposed that the importance of these sessions being mandatory is reinforced for Elected Members to attend to ensure they are all receiving the most up to date training and development.



- 2.4 All Elected Member Development training events undertaken during 2014 - 17 were evaluated immediately after delivery either at the event or electronically by email and feedback collated. This feedback has helped to shape and develop how future events are delivered and organised. The feedback from all the evening session has been very positive and has confirmed that these types of sessions are well received by all our Elected Members.
- 2.5 Elected Members were asked to provide feedback to three standard set questions for each evening session to benchmark the content and quality of the session. The responses received back, identified that;
- 97% of Members felt satisfied that the briefing sessions were 'clearly understandable';
  - 100% of Members felt that the content was clear and relevant to their roles;
  - 96% of Members felt satisfied they would be able to use the information provided to support them in their role as Councillor.

### **3.0 2017 – 2019 PROGRAMME**

#### **Elected Member Development Strategy**

- 3.1 The revised Elected Member Development Strategy (see **Appendix 2**) recognises that in order for Tameside to embrace the period of austerity, Elected Members must be able to take on the challenges the Council will face with rigour. In order to be able to do this we need to ensure that our Members are given the opportunity to build the necessary skills, abilities and knowledge to deal with the changing and challenging environment. North West Employers have collaborated with Birmingham University following some key research around the required skills and knowledge of an effective '21<sup>st</sup> Century Councillor' which have been incorporated into the development strategy.
- 3.2 The Council invests a great deal of time and resources into developing Elected Members within their roles. Through a culture of on-going learning and continuous improvement, Elected Members will continue to lead the Council and the Borough forward. It is recognised that all learning and development for Elected Members is essential for their role and will therefore be deemed mandatory. Elected Members are strongly encouraged to embrace the culture of development and continuous improvement going forward as part of the wider learning organisation and in order to ensure they are as effective as possible in their roles as community leaders and catalysts for change.
- 3.3 The revised strategy includes the offer of access to internally developed and delivered programmes that have been tailored to meet the additional needs and demands of being an Elected Member e.g. Confident Public Speaking, Having Challenging Conversations, Personal Resilience for Elected Members and Community Leadership Skills for Elected Members. The strategy aims to reflect the latest research around the skills required of a '21<sup>st</sup> Century Councillor', and uses a strengths based approach to personal development and Continued Professional Development (CPD) within the role of an Elected Member.

#### **Elected Member Development Network – North West Employers**

- 3.4 The Elected Member Development Network helps facilitate the sharing of good practice, advice and highlights local and national drivers. The Network is open to both Elected Members and Officers who support and/or have an interest in Elected Member development. Currently an Officer from the Workforce Development Team attends the networking sessions, however as the sessions are well attended by both Elected Members and Officers, it is proposed that an Elected Member be identified to take a lead role in championing learning and development for Elected Members and also attends these sessions to represent Tameside.

3.5 Elected Members will continue to be offered the opportunities to attend sessions held by North West Employers throughout the course of the year. North West Employers provides a Councillor Development Programme that provides a range of different training and development opportunities that will be available throughout 2017/18 and 2018/19. We are currently exploring these courses which range from Managing Casework and Community Engagement through to policy and legislative updates. It is proposed that the Council increases access to the opportunities offered by North West Employers, and also by the Local Government Association for Members to gain a breadth of training and development experiences.

**Elected Member Development Sessions - Skills, Knowledge, Experience and Behaviour**

3.6 It is proposed that the essential evening sessions continue to follow the same format of 6.00pm to 7.30pm at Dukinfield Town Hall wherever possible. All of these essential evening sessions will be deemed mandatory for all Elected Members to attend. The proposed schedule for the remainder of 2017/18 is detailed below. The dates for 2018/19 will be confirmed once the full calendar of Elected Members commitments has been confirmed.

- 30 November 2017
- 31 January 2018
- 21 February 2018
- 22 March 2018

3.7 The proposed topics for consideration are:

- Skills & Employment / Apprentice Levy
- Air Quality and Transport
- Regulatory Services Update
- Emergency Planning & Civil Contingencies
- Commissioning & What it Means
- Third Sector support and Community Assets
- Modern Slavery, Child Sexual Exploitation, Safeguarding and Prevent Updates
- Greater Manchester Devolution and the Greater Manchester Strategy
- Ofsted Updates
- Care Together Updates
- Budget Updates
- District Plan and Greater Manchester Spatial Framework Update

Further topics to be determined based on suggestions and emerging issues.

3.8 Session content will continue to be designed by the delivering service with support from the Workforce Development Team, and a pre-meeting will take place with the relevant officers and the Chief Executive and the Leader where appropriate, to approve content and delivery method during the session.

3.9 It is intended that Continuing Professional Development (CPD) is strengthened through personal development sessions and role specific training. All Elected Members will be required to undertake a mandatory 24 hours of CPD a year in addition to attendance at the mandatory essential evening sessions. The Council's internal development programme, including its Strive Leadership Development Programme has been adapted to be relevant and delivered to Elected Members

- Personal Resilience for Elected Members

- Having Challenging Conversations
- Community Leadership Skills – using Emotional Intelligence and Engaging Leadership
- Confident Public Speaking
- Creativity and Innovation and how it can be used with Communities
- Influencing Skills
- Personal Safety out in the Community
- Time Management and strategies to make your time go further
- Coaching – having a quality conversation
- Getting it right - Safe and Effective use of Social Media
- Chairing Skills
- Simple and Effective ways to Consult with and Engage your Communities
- Role specific, i.e. Scrutiny, Licensing, Planning etc

### **Elected Member Development Forum**

3.10 The Member Development Forum has met quarterly throughout the year. The Forum is chaired by Cllr John Taylor (Deputy Executive Leader). The Forum discusses Elected Member Development and ensures that the delivery plan is robust and flexible enough to accommodate emerging themes for both Members and the Council.

3.11 Membership of the Forum for 2017/18 is as follows:

Cllr John Taylor (Chair)  
 Cllr Dawson Lane  
 Cllr R Welsh  
 Cllr S Quinn  
 Cllr O Ryan  
 Cllr G Peet  
 Cllr L Whitehead

3.12 During the period 2016/17 the Member Development budget stood at £5000.00, which was a reduction of the previous year's budgets in 2014/15 and 2015/16 of £7500.00 due to the underspend.

3.13 The budget for Member Development Plan is used to finance all expenditure in relation to Elected Member Development training throughout the period. This includes: room bookings, facilities, refreshments, external speakers and external training for Elected Members in addition to internal expenditure and miscellaneous costs associated with Elected Member Development such as materials and documents. The budgets for 2014 - 2017 were spent as follows in Table Three:

<b>Year</b>	<b>Item</b>	<b>Spend</b>
2014/17	7 Evening Briefing Events, plus two NWE0 events	£4,500
2015/16	7 Evening Briefing Events	£3,000
2016/17	10 Evening Briefing Events	£4,300

**Table Three**

3.14 Due to the previous underspend on the budget, and the current financial position of the Council, it is proposed that the budget remain at the reduced amount of £5,000 for 2017/18 and 2018/19. The proposed budget expenditure is outlined in Table Four below.

9 Essential Evening Events	£3,000
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Internal Delivery Programme	£0,500
Externally commissioned e.g. NWE0, LGIU	£1,500
Total Cost for plan	£5,000

**Table Four**

- 3.15 Over the last two years the Forum has focussed specifically on ensuring a range of quality training and development sessions are developed and delivered for Elected Members which are being delivered largely through an increased number of in-house training events from our internal officers.
- 3.16 Attendance at the Forum throughout 2016/17 was low, averaging 3 Elected Members out of the 7 and so the influence around the programme that is delivered is not as strong as it could be, or what would be expected under the Elected Member Charter Award. Although the Award does not stipulate a forum must take place, it does state that there must be evidence of Elected Members actively participating in and shaping their development programme.
- 3.17 It is recommended that the format of the Elected Member Forum and involvement in shaping the programme is considered to ensure that it continues to remain effective. Alternative methods of ensuring participation could be through the use of quarterly focus groups or workshops across all Elected Members, chaired by Councillor Taylor. Focus groups and/or workshops would allow for a wider range of Elected Member opinions to be considered to incorporate within the design of the development programme.

**Learning, Development and Training Needs Analysis**

- 3.18 An Elected Member development skills audit questionnaire (see appendix 1) is proposed to be used during all one to one's with Elected Members before the end of December 2017 asking Elected Members to identify any particular learning and development needs, plus asking for suggestions that they may have around future learning and development, whilst also providing the opportunity for them to share their skills with other Elected Members. One to one discussions will take place with a member of the Workforce Development team and the outcomes of the audit will be utilised to shape the programme and offer for the next 16 months (January 2018 – April 2019), and to evaluate the programme from the previous 12 months.
- 3.19 The questionnaire is strengths based and so provides Elected Members with the opportunity to indicate skills and development they would like to share. For those who have indicated competence in the listed skills, the Workforce Development Team will collate this information and discuss with Members how they can use those skills to support others. This may be in the capacity of a mentor, a one off discussion or a forum to share their skills, knowledge and experience.
- 3.20 North West Employers have also produced a 360 appraisal tool for Members which is currently in pilot stages across a number of GM authorities. The tool is again based on the '21<sup>st</sup> Century Councillor' research and would be available for all Members to access should they wish to do so. The tool allows Members to measure themselves against the skills required of a '21<sup>st</sup> Century Councillor' through asking a number of people to complete the questionnaire about them and also a self-evaluation. The tool is offered with ongoing support from North West Employers to have supportive conversations regarding the outcome of the results, and a discussion regarding how to develop the required skills based on that outcome.
- 3.21 In relation to the development of key skills for all newly Elected Members, they will continue to take part in the Member Induction programme. The programme provides information to all new members regarding Council and Clinical Commissioning Group processes, IT equipment, key contacts, upcoming priorities, and development opportunities. It is proposed that all newly

Elected Members are assigned to a more experienced Member as a mentor to provide more intensive support through the initial stages of their role.

- 3.22 In order to promote the availability of the various training and development activities on offer, it is proposed that a quarterly newsletter is emailed out to all Members. The newsletter will be collated and issued by the Workforce Development Team and will include details on the upcoming evening sessions, the in-house training offers and any external training available.

### **E-Learning**

- 3.23 E-learning has previously been offered to Members throughout the last three years. The number of Members who accessed the e-learning system was limited as none of the Members completed any of the modules or training packages offered to them. This suggests that e-learning may not be conducive to the preferred way of learning and development for all Elected Members.
- 3.24 Further work will be undertaken throughout 2018 to set up all Elected Members on the new e-learning platform, and to promote the use of e-learning with Elected Members to support them in accessing this useful alternative and complementary learning platform. The Skills questionnaire makes reference to which courses Members may like to see via Online learning and also how likely Elected Members are to utilise this training method. It is currently being explored with MeLearning as to whether the courses can be adapted so they can be accessed on iPads which is the preferred device used by all Elected Members.
- 3.25 Once compatibility has been explored, a standard set of courses will be assigned to all Tameside Elected Members, these include:- Data Protection, Equality and Diversity in the Workplace, and Information Security. Further courses can also be accessed on the platform upon logging into the system, and the offer will be reviewed following the outcome of the one to one's and skills audit.

### **Ward Walks**

- 3.26 Previously Ward Walks were undertaken by Elected Members supported by Senior Managers from within the Council. The aim of the Ward Walks was to give Elected Members and Officers the opportunity to work collaboratively in outlining the issues that are important to the Elected Members within their wards and to their constituents. This allowed the basis for further development and understanding using information from Corporate Performance around the wards and their associated Lower Super Output Areas (LSOA's) to inform the New Neighbourhood Offer whilst supporting learning and improvements.
- 3.27 There are no current plans to repeat the Ward Walk programme as although the feedback was very positive for previous years in terms of learning for Elected Members, they are very resource intensive for Officers and Elected Members.
- 3.28 It is proposed that a similar community engagement programme be explored through the proposed Town Councils in order to maintain the link with the local residents, and to meet the required standards for the Charter Award. This could take the form of Ward Walks with the Neighbourhood Managers and key officers within the localities to enhance the understanding of the new methods of service provision within local communities.

## **4.0 MEMBERS CHARTER AWARD**

- 4.1 The North West Charter for Elected Members was launched by North West Employers Organisation in 2000. The Charter is a declaration of commitment in supporting Elected

Member Development, by having dedicated officers to assist all Elected Members in identifying their development needs. The Charter ensures that there is a strategy to meet learning and development needs at a localised level and that this is supported across the Council.

4.2 Tameside Council currently holds the Member Development Charter Level 1 and Level 2 Exemplar for Community Budgets. Level 1 is due for re-assessment during 2018.

4.3 The following criteria analysis determines the evidence that would need to be provided for the Level 1 Review, and what areas would need to be developed in order to achieve this award:

Criteria	Previous Evidence - Oct 2014	Currently in place	Additional Evidence Required
<b>1.0 Clear Commitment to Cllr Development</b>			
1.1 Signed Declaration of Commitment to the principles of the NW Charter	Declaration signed by Leader & Chief Executive	New declaration to be signed and circulated	
1.2 Cross party designated group of Cllrs focused on supporting Cllr development, and that shares development opportunities outside the group	Member Development Forum Evidence	Member Forum Minutes	Refreshed approach to the Member Development Forum. Assigned Member to attend NWE0 Networking sessions
1.3 Financial resource for Cllr development. Evidence it is used cost-effectively.	2013/14 - £7500	2017/18 and 2018/19 budget agreed - £5000	
<b>2.0 Promotion of Learning &amp; Development Opportunities</b>			
2.1 Clearly referenced in the induction process	<ul style="list-style-type: none"> <li>• Session with Workforce Development at induction</li> <li>• Elected member development strategy</li> <li>• Induction Packs</li> </ul>	<ul style="list-style-type: none"> <li>• Session with Workforce Development at induction</li> <li>• Proposed Strategy 2017-19</li> <li>• Induction Packs</li> </ul>	
2.2 Communication process in place to promote development opportunities	<ul style="list-style-type: none"> <li>• Email invites</li> <li>• Telephone contact</li> </ul>	<ul style="list-style-type: none"> <li>• Email invites</li> <li>• Telephone contact</li> </ul>	
2.3 Take up of development opportunities. How is non-engagement dealt with?	90% attendance of 1 or more evening sessions over 12 months	86% attendance of 1 or more evening sessions. Recirculation of Declaration of intent around Member Development with the updated Elected Member Development Strategy – with note from the Leader to say that all evening sessions are mandatory	
<b>3.0 Councillor Led Approach to Developing L&amp;D</b>			
3.1 Cllrs actively involved in identifying development needs and how to meet them. Continued drive	<ul style="list-style-type: none"> <li>• Questionnaire</li> <li>• Emails</li> </ul>	<ul style="list-style-type: none"> <li>• Revised Skills Audit Questionnaire</li> </ul>	Testimonies Completed new Skills Audit

to improve quality	<ul style="list-style-type: none"> <li>• Forum</li> </ul>	<ul style="list-style-type: none"> <li>• One to One's</li> <li>• Forum</li> <li>• Session Evaluations</li> </ul>	Questionnaires and outcomes to drive new delivery plan Mentoring
3.2 Mechanism for Cllrs to analyse info from training needs analysis or PDP	<ul style="list-style-type: none"> <li>• Forum</li> <li>• Questionnaire</li> <li>• Evening Session Evaluation</li> <li>• 1:1 offer from Workforce Development</li> </ul>	<ul style="list-style-type: none"> <li>• Forum</li> <li>• Proposed Questionnaire</li> <li>• Evening Session Evaluation</li> <li>• 1:1 offer from Workforce Development</li> </ul>	
3.3 Link between Cllr PDPs, learning needs and development opportunities offered	<ul style="list-style-type: none"> <li>• Forum representatives &amp; meetings</li> <li>• Evening Session Evaluation</li> <li>• Questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed Questionnaire</li> <li>• Evening Session Evaluation</li> <li>• Forum representatives</li> </ul>	
3.4 How Cllrs supported in their role as community leaders. Support to account for citizen expectations, digital champions, 21 <sup>st</sup> Cent. Cllr	Ward Walks		Provide updates on community working and changing roles. Town Councils- need to understand how this is currently being addressed and what opportunity there is to enhance learning opportunities
<b>4.0 Strategy that Includes Impact Measures with Continuous Improvement Framework</b>			
4.1 Clear strategy for Cllr development	Elected member development strategy	Proposed elected member development strategy 2017 – 19	Evidence of continuous improvement
4.2 Link between development strategy and corporate objectives	<ul style="list-style-type: none"> <li>• Corporate Plan</li> <li>• Elected member development strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed elected member development strategy 2017 – 19</li> <li>• Corporate Plan 2016 - 21</li> </ul>	
4.3 Evaluation of opportunities	<ul style="list-style-type: none"> <li>• Evening Session Evaluation</li> <li>• Questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>• Evening Session Evaluation</li> <li>• Proposed Questionnaire</li> </ul>	
4.4 Evidence of scrutiny	End of Year Evaluation	Proposed Questionnaire	Minutes of Standards Panel meetings with feedback and outcomes

## 5.0 RECOMMENDATIONS

5.1 As set out on the front of the report

**Elected Member Development Strengths / Sharing Questionnaire**

*To be used during Elected Member one to one sessions to discuss their Continued Personal and Professional Development*

<b>Name:</b>													
<b>Ward:</b>													
<b>Number of years as an Elected Member:</b>													
<b>Work time commitment:</b>	<table> <tr> <td>F/T hours)</td> <td>P/T (Flexible</td> <td>P/T (Set hours)</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Self- employed</td> <td>Retired</td> <td>Carer</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	F/T hours)	P/T (Flexible	P/T (Set hours)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Self- employed	Retired	Carer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F/T hours)	P/T (Flexible	P/T (Set hours)											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Self- employed	Retired	Carer											
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											

Qualifications:

Other roles / skills you have that bring value to your role as an Elected Member:

What time of day is best for you to undertake learning and development activities which are offered in addition to the mandatory evening briefing sessions?

Morning	<input type="checkbox"/>
Early afternoon	<input type="checkbox"/>
Late afternoon	<input type="checkbox"/>
Evening	<input type="checkbox"/>



How likely would you be to undertake online training which could be completed in your own time?

Likely

Possibly

Unlikely

What topics (if any) would you like to learn more about via online training?

**Strengths/Sharing Audit**

Please tick the areas where you feel you want welcome some support and development and any skills / knowledge you would be willing to share. The information will be gathered by the Workforce Development Team, and if you have identified any strengths / expertise there will be a follow up conversation to discuss how this could benefit other Elected Members which could be an offer of mentoring or an informal group discussion:

<b>Foundation Skills</b>	<b>I would welcome some development</b>	<b>I could contribute to supporting other Councillors</b>	<b>Comments</b>
Handling casework			
Public speaking			
Leadership			
Business planning and strategic management			
Finance, budgeting and auditing			

The role of scrutiny and relationship with executive			
The Council Constitution and remit of Officer's roles			
Equal opportunities policy and practice			
Community Engagement			
Time Management			
ICT and digital foundation skills			
<b>Policy Landscape &amp; Public Service Reform</b>	<b>I would welcome some development</b>	<b>I could contribute to supporting other Councillors</b>	<b>Comments</b>
Devolution			
Planning Policy			
Health & Social Care Integration			
Local Economic Development			
Housing Policy and Issues			

Utilising the Voluntary Sector			
Transport Issues			
Education policy and issues			
<b>Practical Skills</b>	<b>I would welcome some development</b>	<b>I could contribute to supporting other Councillors</b>	<b>Comments</b>
Chairing skills			
Media training			
Personal Safety			
Having Challenging Conversations			
<b>Connective Skills</b>	<b>I would welcome some development</b>	<b>I could contribute to supporting other Councillors</b>	<b>Comments</b>
Influencing			
Negotiating			

Coaching/Mentoring			
Social Media			
Story telling/narrative			
Collaboration / Partnership Working			
<b>Reflective Skills</b>	<b>I would welcome some development</b>	<b>I could contribute to supporting other Councillors</b>	<b>Comments</b>
Creative Problem Solving			
Emotional Intelligence			
Personal resilience			

Are there any ideas or suggestions that you have about Elected Member Development?

Are there any other comments you wish to make regarding Elected Member Development?

## Elected Member Development Strategy – 2016-2019

### Photo of Tameside Best Council Award signatures of SP, KQ and JT

#### **Page 1 Statement of intent from Leader, Chief Executive / Chief Accountable Officer and Deputy Executive Leader**

Tameside MBC recognises the crucial roles Elected Members play as an important driving force in the success of the Borough. Tameside works hard to ensure that Elected Member Development is a priority and that Members are given the opportunities they need to develop their skills, knowledge and experience creating a culture of continual learning and improvement.

As the Executive Leader, Deputy Executive Leader and the Chief Executive we are committed to ensuring that the Council provides the best opportunities for Members to enable them to fulfill the expectations of the electorate. We believe that this strategy will assist Members in providing strong leadership for both the Council and CCG, and improving the service to our communities.

#### **Page 2 Introduction and aims of the strategy**

Tameside Council supports and encourages the development of its Elected Members, seeing them as driving force for service development and integral to the Council delivering its future visions.

Tameside Council's Corporate Plan for 2016/21 sets out a challenging programme of improvement and details the Council's response to the current financial and economic challenges. The Plan reflects the Vision Tameside Strategy, which will affect and determine the shape of future Council services and the political direction of the council into priority areas.

The aim of the strategy is to ensure that Elected Members, whether newly elected or established have updated and comprehensive skills to deal with the challenges and opportunities ahead. The strategy will provide a clear framework for assessing, delivering and evaluating learning and development interventions.

The Local Government Association formulated a Political Skills toolkit as a framework to develop local leadership that will continue to be utilised to support Elected Member Development. There are six core competencies; Local Leadership, Partnership Working, Communications Skills, Political Understanding, Scrutiny and Challenge and Regulating and Monitoring. The toolkit will be used in conjunction with latest research e.g. '21<sup>st</sup> Century Councillor', to ensure that the skills continue to reflect the requirements of the changing role of an Elected Member. The six core competencies are set out as follows:

**Local Leadership** – refers to the need for Councillors to engage with members of their community in order to learn about issues of local concern and to facilitate a vision for the locality. It encourages trust and respect between individuals and groups by mediating fairly and constructively between different organisations and sections of the community.

**Partnership Working** – focuses on the Councillors role of building good relationships with others; colleagues, officers, community groups and other organisations by working collaboratively to achieve shared goals. It recognises the need for Councillors to recognise and value different contributions, delegate or provide support as required, and to take a long term view in developing partnerships.

**Communication Skills** – recognises the need for Councillors to demonstrate excellent communication skills across many different settings, including the ability to listen sensitively and use appropriate language with different groups. Councillors must also communicate regularly and effectively with all parts of the community using different forms of media.

**Political Understanding** – recognises the need for Councillors to develop a range of political skills in order to communicate their values, promote a political vision and encourage democratic processes and public engagement. Councillors need to work across boundaries whilst maintaining their political integrity.

**Scrutiny and Challenge** – is an important aspect of their day to day role. Councillors need to act as a critical friend by identifying opportunities for scrutiny inside and outside the Council, by providing feedback and political challenge. To be effective in this role, Councillors need to analyse information quickly and present arguments that are concise meaningful and easily understood.

**Regulating and Monitoring** – this relates to the more judicial aspect of a Councillor’s role and requires them to understand their legal responsibilities and follow protocol when evaluating arguments and making decisions. Not only do Councillors need to balance public needs and local policy, they must also monitor progress and seek feedback on their own learning needs.

### **Page 3 Strategic Direction**

The emphasis of Elected Members roles has changed over recent years, seeing an increasing emphasis on partnership working and increased public involvement. As the Council’s workforce has significantly reduced in size and is still going through significant changes it is essential that Member development links directly to the Council’s priorities, ensuring that Elected Members have the necessary skills, knowledge and support required to provide leadership for the Council and the community.

### **Page 4 Priorities for Training**

As Tameside Council continues to embrace this period of austerity, it is more essential than ever to ensure our elected members are confident leaders, equipped to tackle the challenges of reinvigorating local government to meet the new agendas of community budgets and the newly established community right to challenge. As the Greater Manchester Devolution and the Health and Social Care integration begins to take effect, Elected Members must be up to date and confident to work with partners to ensure the best outcomes for both Tameside and Greater Manchester.

### **Member Development Forum**

The Member Development Forum will meet quarterly, chaired by Cllr John Taylor (Deputy Executive Leader). The forum will discuss Elected Member development to ensure that the delivery plan is robust and flexible to accommodate emerging themes for both Members and the Council. The forum will feedback from its quarterly meetings to inform the evaluation of the overall programme.

Membership of the forum is as follows;

- Cllr J Taylor (Chair)
- Cllr D Lane
- Cllr S Quinn
- Cllr R Welsh
- Cllr O Ryan

Cllr G Peet  
Cllr L Whitehead

### **Elected Member Development Focus Groups**

The Member Development Focus Groups will meet quarterly, chaired by Cllr John Taylor (Deputy Executive Leader) and consist of a small group of differing Elected Members each time. The focus groups will discuss Elected Member development to ensure that the delivery plan is robust and flexible to accommodate emerging themes for both Members and the Council. The focus groups will feedback from its quarterly meetings to inform the evaluation and development of the overall programme.

### **Training Needs Analysis**

Elected Member Development interventions will be assessed and delivered in line with the Councils strategic priorities, whilst also providing additional support where needed for portfolio holders. A robust 18 month delivery plan will incorporate both the personal and professional development needs and the organisational development needs for each Elected Member. The delivery plan will have flexibility within it to incorporate any emerging priorities.

Training needs will continue to be assessed through various methods; one to ones, group sessions – including focus groups and workshops, survey monkey – an online question and evaluation tool, the Skills Audit Questionnaire and the Elected Member Development Forum.

As the Council continues to face significant challenges in reshaping service delivery, the Elected Member Development Plan will include mandatory essential training and personal development that will support their Continued Professional Development.

### **Page 5 Training Delivery**

Delivery of training and development will be flexible to meet Elected Members availability, with the appropriate use of Council and Partner venues.

### ***Newly Elected Members***

This is designed by Democratic Services, and the programme typically contains the following elements: Mobile Telephone and IT Provision, Meet the Executive Team, Introduction to Policy and Communications, The Council Constitution, Introduction to Scrutiny, Introduction to Local Government Finance, Introduction to Environmental Services, Introduction to Stronger Communities, Introduction to Planning, Running Effective Surgeries and access to the Member Support Group. Members are given an information pack when they start on the programme containing the necessary fact sheets.

Elected Members are also enrolled onto the Members Portal that sits on the Council's ICT system. This portal is available to them from any computer so they can log on from anywhere. The portal contains the following information for Members to keep updated: Elector Search, CRM Messages for their ward, Complaints, Planning Applications, Forward plan, Ward Profile, Street Scene Request, Bulletin Board, User Guide, Licensing, Road works, Councillor Profile and Press Releases.

### ***Existing Members***

Their individual training and development needs will be assessed via the various methods discussed and incorporated into the delivery plan.

### ***Member Development Evenings***

These will be designed and delivered around key themes and priorities for the Council and will be delivered on a monthly basis. These sessions in particular will be identified to Elected Members as being mandatory.

### ***Internal Training***

The internal training provision for Elected Members will be coordinated through the Workforce Development Team.

### ***External Training***

External training provision will be provided through the best use of resources with organisations such as North West Employers, Local Government Association and Local Government Information Unit. There are also free sessions run by North West Employers for both newly elected and existing members that are free of charge to attend. Membership to North West Employers also allows Elected Members to access and attend networking events across the region and have access to Northwest Connex, which is a web-based interactive service.

### **Page 5 E-Learning**

E-Learning will be offered from computers, work stations or iPads, through the Council's existing e-learning platform. The learning modules are: Data Protection at Work, Equality and Diversity in the Workplace, Fire Safety and Evacuation, Health and Safety in the Workplace, Responsible for Information and Responsible for Information IAO. Further modules will be available should Members wish to access more training content.

### ***Strive Portal – Elected Member Access***

The Strive portal is the engagement and development portal which is in place across the Council for the workforce and Elected Members. The portal will be developed to become a hub of knowledge for Elected Members holding session content and delivery materials for easy access to all development that has taken place.

### **Page 6 Monitoring, Evaluation and Review**

Training and development will be reviewed in a number of systematic ways which will assist in evaluating the delivery plan and assist in designing future development needs. Training and development will be assessed and evaluated on an individual basis as well as at a Council and partnership level to ensure strategic development needs are being met. Additional evaluation and review will be provided on an ongoing basis, and via the Member Development Forum which will meet once a quarter to discuss past and future development.



# Agenda Item 5

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	7 November 2017
<b>REPORT OF:</b>	Sandra Stewart – Borough Solicitor (Monitoring Officer)
<b>SUBJECT MATTER:</b>	<b>PROPOSAL FOR MANAGING CONFLICTS OF INTEREST IN THE SINGLE COMMISSION</b>
<b>REPORT SUMMARY:</b>	The purpose of this report is to propose to the members an approach for the management of conflicts of interest for the Single Commissioning Board (which is the joint committee between Tameside Metropolitan Borough Council and NHS Tameside and Glossop Clinical Commissioning Group).
<b>RECOMMENDATION(S)</b>	<p>The Standards Committee is asked to support the following proposals:</p> <ol style="list-style-type: none"><li>1. That the Single Commissioning Board adopts the framework as set out within the Tameside MBC Constitution for the reasons that:<ul style="list-style-type: none"><li>• This ensures that proceedings are taking place in accordance with local government statute;</li><li>• This approach is aligned to the options set out within NHS England guidance and therefore will enable the Accountable Officer and Lay Member for Governance to make the required quarterly assurance return to NHS England.</li></ul></li><li>2. In order to support the above approach it is also proposed that a single Register of Interests is maintained for the members of the Single Commissioning Board and published on the website.</li></ol>
<b>FINANCIAL IMPLICATIONS:</b> (Authorised by the Section 151 Officer)	There are no direct financial implications arising from this report.
<b>LEGAL IMPLICATIONS:</b> (Authorised by the Borough Solicitor)	The Single Commissioning Board is a joint committee governed by the local Government Act 1972 and the Local Government Act 2000 which sets out the obligations for Standards as amended by the Localism Act 2012.
<b>RISK MANAGEMENT:</b>	<p>It is intended that by identifying a unified approach for the management of conflicts of interests in the joint commissioning arrangements between the two statutory organisations this will uphold the integrity of the decision-making by the Single Commissioning Board.</p> <p>This will reduce the likelihood of challenge to those decisions made by the Single Commissioning Board.</p>
<b>LINKS TO COMMUNITY PLAN:</b>	This report has no direct link to the Community Plan; however it will help to support the decision-making which in turn will help to deliver the plan.

**ACCESS TO INFORMATION**

**NON-CONFIDENTIAL**


**This report does not contain information which warrants its**

**consideration in the absence of the Press or members of the public**

**REFERENCE DOCUMENTS:** **Appendix A:** Council Constitution Part 5 (a) – Standards of Conduct and Ethics

**Appendix B:** NHS England guidance on Managing Conflicts of Interest

The background papers relating to this report can be inspected by contacting the report writer, Paul Pallister

 Telephone: 07342 056010

 e-mail: [paul.pallister@nhs.net](mailto:paul.pallister@nhs.net)

## **1. BACKGROUND**

- 1.1 In January 2016 Tameside Metropolitan Borough Council (TMBC) and NHS Tameside and Glossop Clinical Commissioning Group (CCG) established the Interim Single Commissioning Board as a shadow joint committee between the two organisations. In April 2016 these arrangements became substantive and, since that date, the Single Commissioning Board (SCB) has been the body responsible for making the commissioning decisions funded by the Integrated Commissioning Fund held within the section 75 agreement between the two organisations.
- 1.2 The Single Commissioning Board is constituted as a joint committee between the two statutory organisations. The membership of the Single Commissioning Board is comprised of some of the Executive Members of Tameside Metropolitan Borough Council (TMBC) and some of the Governing Body members of NHS Tameside and Glossop Clinical Commissioning Group (CCG) intended to be all of the Governing Body and increased numbers of elected members. It is acknowledged that the decision-making within these two statutory bodies is subject to different frameworks with regards to the management of conflicts of interest. That said when making decisions as part of the Single Commissioning Board all members must comply with those standards set by the Local Government Act 2000.
- 1.3 A national working group was established in summer 2016 and was tasked with producing guidance intended to be helpful for those economies which were establishing such joint commissioning arrangements. Unfortunately this working group has not yet reported back and there is currently no known timescale by which any such guidance is intended to be published. In the absence of any national guidance it is considered necessary that the locality proceeds with making its own arrangements.
- 1.4 This report is intended to propose to the members of the Standards Committee an approach for the management of conflicts of interest within the Single Commissioning Board with the aim of providing assurance as to its decision-making processes.

## **2. MANAGING CONFLICTS OF INTEREST**

- 2.1 It is notable that a review of the NHS England guidance for CCGs and of Chapter 7 of the Localism Act 2011 (with respect to local authorities) shows that both frameworks are broadly aligned in terms of supporting transparency and managing interests. This is perhaps reflective of the fact that both frameworks cite the desire to be consistent with the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 2.2 As a formal part of TMBC's governance the Single Commissioning Board is subject to the legislation governing local authorities within the Local Government Act 1972 as amended by the 2000 Act. This legislation provides in section 94 details of what would be considered as direct and indirect pecuniary interests for a member and how these can be managed during the decision-making process. The TMBC Constitution sets out within its Procedural Standing Orders at Part 4a, section 35 the definitions of a prejudicial interest and the process for managing these which is as follows:

### **35.3**

1. *Subject to sub-paragraph (2), where a member has a prejudicial interest in any business of the authority –*
  1. *s/he must withdraw from the room or chamber where a meeting considering the business is being held -*

1. *in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;*
  2. *in any other case, whenever it becomes apparent that the business is being considered at that meeting;*
  3. *unless s/he has obtained a dispensation from the authority's standards committee;*
2. *s/he must not exercise executive functions in relation to that business; and*
  3. *s/he must not seek improperly to influence a decision about that business.*

2. *Where a member has a prejudicial interest in any business of the authority, s/he may attend a meeting (including a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.*

2.3 NHS England is the body to which the CCG is accountable. NHS England is responsible for providing guidance which must be followed by CCGs and this includes the arrangements for the management of conflicts of interest. This guidance recognises that CCGs are subject to certain inherent conflicts within their essence by being clinically-led organisations. The General Practitioners (GPs) are leading the commissioning of local health and care services whilst also being a significant part of the provider landscape. This provision can extend beyond what are typically considered as general practice services into some services of greater specialism. NHS England routinely reviews and amends its guidance concerning conflicts of interest to ensure that the guidance is in step with current developments in the commissioning landscape. The CCG's Accountable Officer and its Lay Member for Governance are required to sign a quarterly declaration to NHS England to confirm that the CCG has in place robust processes for the management of conflicts of interest which follow the published guidance.

2.4 The current NHS England guidance (issued February 2017) sets out the following processes for the management of actual or perceived conflicts of interest:

**5.7.** *If a member has an actual or potential interest the chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:*

- *Requiring the member to not attend the meeting*
- *Ensuring that the member does not receive meeting papers relating to the nature of their interest*
- *Requiring the member to not attend all or part of the discussion and decision on the related matter*
- *Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate*
- *Removing the member from the group or process altogether*

### **3. PROPOSAL FOR MANAGING CONFLICTS OF INTEREST AT THE SINGLE COMMISSIONING BOARD**

3.1 It is notable that there is a significant amount of congruence between the two approaches outlined above. This is unsurprising as both are intending to maintain the integrity of the decision-making within a statutory public organisation.

3.2 A key difference between the two frameworks is that the guidance issued by NHS England places greater discretion upon the Chair of the committee whereas the local authority framework is more absolute in its statements for example by stating that '*...where a*

*member has a prejudicial interest in any business of the authority...s/he must withdraw from the room or chamber where a meeting considering the business is being held...*' (section 35.3.1.1).

3.3 It is therefore proposed that the Single Commissioning Board adopts the framework as set out within the TMBC Constitution for the reasons that:

- This ensures that proceedings are taking place in accordance with local government statute under which the joint committee is governed
- This approach is aligned to the options set out within the NHS England guidance and therefore will enable the Accountable Officer and Lay Member for Governance to make the required quarterly assurance return to NHS England.

3.4 In order to support the above approach it is also proposed that a single Register of Interests is maintained for the members of the Single Commissioning Board and published on the website. This will enable those present, including members of the public, to have assurance in the processes in place at the Single Commissioning Board to manage conflicts of interest.

#### **4. REQUEST OF THE STANDARDS COMMITTEE**

4.1 The Standards Committee is asked to support the recommendations contained within this report.

#### **5. RECOMMENDATIONS**

5.1 These are as set out at the front of this report.

# Council Constitution

## Part 5 (a) - Standards of Conduct and Ethics

### The Code of Conduct

(Adopted by Council on 18 September 2012)

[Part 1 - General Provisions](#)

[Part 2 - Interests](#)

[Part 3 - The Register of Members' Interests](#)

## Part 1 - General Provisions

### 1. INTRODUCTION AND INTERPRETATION

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years. In this Code -“meeting” means any meeting of:
- (a) the Council;
  - (b) any of the Council’s committees or sub-committees, joint committees or joint sub-committees;
  - (c) the Executive or any committee of the Executive.

“Member” includes a co-opted member and an appointed member.

### 6 SCOPE

- 2.1 Subject to sub-paragraphs 2.2 and 2.3, you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and, references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Council:-
- (a) on another relevant authority, including the Greater Manchester Combined Authority, the Greater Manchester Fire & Rescue Authority and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **7 GENERAL OBLIGATIONS**

### **3.1 You must not:-**

- (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;
- (b) bully or be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

### **3.2 You must not:**

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

### **3.3 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.**

### **3.4 You:**

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
  - (i) act in accordance with the Council's reasonable requirements; and
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### **3.5 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by** - (a) The Council's chief finance officer; and - (b) The Council's monitoring officer, where that officer is acting pursuant to his or her personal statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## PART 2 - DISCLOSABLE INTERESTS

### 1. NOTIFICATION OF DISCLOSABLE PECUNIARY INTERESTS

- 1.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.  
*[Note: Standing order 35 requires existing members and co-opted members of the Council to notify the Monitoring Officer of disclosable pecuniary interests within 28 days of the adoption of the Code]*
- 1.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 1.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council – (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of Tameside Borough Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Tameside Borough Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council: and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of Tameside Borough Council; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- 1.4 For the purposes of the above  
 (a) "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.



- (b) "director" includes a member of the committee of management of an industrial and provident society.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## 2. NON PARTICIPATION IN CASE OF DISCLOSABLE PECUNIARY INTEREST

- 2.1 If you are present at a meeting [of the authority, or any committee, subcommittee, joint committee or joint sub-committee of the authority, or the executive or committee of the executive] and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
- (i) You must not participate in any discussion of the matter at the meeting.
  - (ii) You must not participate in any vote taken on the matter at the meeting.
  - (iii) If the interest is not registered, you must disclose the interest to the meeting.
  - (iv) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- [Note: In addition, Standing Order 35 requires you to leave the room where the meeting is held while any discussion or voting takes place, and in the case of a registered (as well as unregistered interest) to disclose it to the meeting].*
- 2.2 Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## 3. OFFENCES

- 3.1 It is a criminal offence to:
- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
  - Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
  - Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
  - Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
  - As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
  - As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
  - Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting
- 3.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## **PART 3 - OTHER INTERESTS**

### **1. NOTIFICATION OF PERSONAL INTERESTS**

- 1.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of:
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later),
- notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 1.2 below for inclusion in the register of interests.
- 1.2 You have a personal interest in any business of your authority where it relates to or is likely to affect
- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
  - (b) any body
    - (i) exercising functions of a public nature;
    - (ii) directed to charitable purposes; or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are in a position of general control or management;
  - (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least [£100]

### **2 DISCLOSURE OF INTERESTS**

- 2.1 Subject to paragraphs 2.4 to 2.7, where you have a personal interest described in paragraph 1.2 above or in paragraph 2.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision;
- 2.3 In paragraph 2.2, a *relevant person* is
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) anybody of a type described in paragraph 1.2(a) or (b) above.
- 2.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 1.2(a) or 1.2(b)(i) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- 2.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 1.2(c) above, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 2.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 2.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **3 NON PARTICIPATION IN CASE OF PREJUDICIAL INTEREST**

- 3.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
  - (a) affects your financial position or the financial position of a person or body described in paragraph 2.3; or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 2.3.
- 3.2 Subject to paragraphs 3.3 and 3.4, where you have a prejudicial interest in any business of your authority:-
  - (a) You must not participate in any discussion of the matter at the meeting.
  - (b) You must not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

*[Note: In addition Standing Order 35 requires you to leave the room where the meeting is held while any discussion or voting takes place].*
- 3.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 3.4 *Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:-*
  - (a) *school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;*
  - (b) *statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and*
  - (c) *any ceremonial honour given to members.*

For the avoidance of doubt the following are NOT disclosable pecuniary interests:

- i. an allowance, payment or indemnity given to members;
- ii. setting council tax or a precept under the Local Government Finance Act 1992.

- 3.5 Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

#### **4. INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

- 4.1 In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

### **PART 4 - GENERAL MATTERS RELATING TO PARTS 2 AND 3**

#### **1. REGISTER OF INTERESTS**

- 1.1 Subject to paragraph 2.1 below any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

#### **2. SENSITIVE INTERESTS**

- 2.1 This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

#### **3. DISPENSATIONS**

- 3.1 The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

# Managing Conflicts of Interest in the NHS

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Guidance for staff and organisations

Publications Gateway Reference: 06419



**NHS England INFORMATION READER BOX**
**Directorate**

Medical	Operations and Information	Specialised Commissioning
Nursing	Trans. & Corp. Ops.	<b>Commissioning Strategy</b>
Finance		

**Publications Gateway Reference:**
**0**

<b>Document Purpose</b>	Guidance
<b>Document Name</b>	Managing Conflicts of Interest in the NHS
<b>Author</b>	NHS England
<b>Publication Date</b>	07 February 2017
<b>Target Audience</b>	CCG Clinical Leaders, CCG Accountable Officers, CSU Managing Directors, Foundation Trust CEs , Medical Directors, Directors of Nursing, NHS Trust Board Chairs, NHS England Regional Directors, NHS England Directors of Commissioning Operations, All NHS England Employees, Directors of HR, Directors of Finance, NHS Trust CEs
<b>Additional Circulation List</b>	Care Trust CEs, GPs
<b>Description</b>	This guidance provides guidance for the management of conflicts of interest in the NHS. It is applicable to Clinical Commissioning Groups, NHS Trusts and NHS Foundation Trusts and NHS England. Other bodies involved in the provision of NHS services are invited to consider implementing this guidance.
<b>Cross Reference</b>	Managing Conflicts of Interest: Revised Statutory Guidance for CCGs
<b>Superseded Docs</b> (if applicable)	
<b>Action Required</b>	Review and update existing relevant organisational policies.
<b>Timing / Deadlines</b> (if applicable)	<b>This guidance comes into force 1 June 2017</b>
<b>Contact Details for further information</b>	england.psu@nhs.net

**Document Status**

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# Scope of this guidance

This guidance is intended to protect patients, taxpayers and staff covering health services in which there is a direct state interest. It comes into force on 1 June 2017.

It is applicable to the following NHS bodies:

- Clinical Commissioning Groups ('CCGs')
- NHS Trusts (all or most of whose hospitals establishments and facilities are situated in England) and NHS Foundation Trusts - which include secondary care trusts, mental health trusts, community trusts, and ambulance trusts
- NHS England

For the purposes of this guidance these bodies are referred to as 'organisations'.

The principles of this guidance will be included in a revised version of the statutory guidance for CCGs issued by NHS England pursuant to its powers under s.14O and s.14Z8 of the National Health Service Act 2006. Until this guidance comes into force existing guidance issued under these powers continues to apply, and is accessible at: <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>

NHS Trusts and NHS Foundation Trusts must have regard to this guidance through its incorporation into the NHS Standard Contract pursuant to General Condition 27.

Its applicability to NHS England will be delivered through amendments to our Standards of Business Conduct.

This guidance does not apply to bodies not listed above (i.e. independent and private sector organisations, general practices\*, social enterprises, community pharmacies, community dental practices, optical providers, local authorities – who are subject to different legislative and governance requirements). However, the boards/governing bodies of these organisations are invited to consider implementing the guidance as a means to effectively manage conflicts of interest and provide safeguards for their staff. The requirements of GC27.2 of the generic NHS Standard Contract (2017/18 and 2018/19 edition) should be interpreted in that light.

\* However, GP practice staff should note that the requirements in the statutory guidance for CCGs on the management of conflicts of interest (referred to above) continue to apply to GP partners (or where the practice is a company, each director) and individuals in a practice directly involved with the business or decision making of their CCG.

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# 1. Purpose

1.1. Every year the taxpayer entrusts NHS organisations with over £110 billion to care for millions of people. This money must be spent well, free from undue influence.

1.2. To deliver high quality and innovative care organisations need to work collaboratively with each other, local authorities, industry and other public, private and voluntary bodies. Partnership working brings many benefits, but also creates the risk of conflicts of interest.

1.3. Organisations and the people who work with, for, and on behalf of them (referred to as **'staff'** in this guidance) want to manage these risks in the right way. Staff and organisations may already be taking steps to do this. However, how this should be done has not always been made clear and there is variation in current practice. Implementation of this guidance will make things easier and enable greater consistency across the NHS.

1.4. By implementing this guidance staff and organisations will understand what to do to take the best action and protect themselves from allegations that they have acted inappropriately.

## This guidance:

- Introduces consistent principles and rules for managing conflicts of interest.
- Provides simple advice to staff and organisations about what to do in common situations.
- Supports good judgement about how interests should be approached and managed.

## 2. Action: What should staff and organisations do?

### Action for staff

#### DO

- Familiarise yourself with this guidance and your organisational policies and follow them.
- Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent.
- Regularly consider what interests you have and declare these as they arise. If in doubt, declare.

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#### DON'T

- Misuse your position to further your own interests or those close to you.
- Be influenced, or give the impression that you have been influenced by, outside interests.
- Allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money.

### Action for organisations

#### DO

- Ensure that you have clear and well communicated processes in place to help staff understand what they need to do.
- Identify a team or individual with responsibility for:
  - Reviewing current policies and bringing them in line with this guidance.
  - Providing advice, training and support for staff on how interests should be managed.
  - Maintaining register(s) of interests.
  - Auditing policy, process and procedures relating to this guidance at least every three years.

#### DON'T

- Avoid managing conflicts of interest.
- Interpret and deploy this guidance in a way which stifles the collaboration and innovation that the NHS needs.

Organisations should ensure their policies as a minimum meet the standards in this guidance. They can also introduce local requirements that are more stringent, on the basis of their own circumstances, should they think this is necessary. Organisations may wish to adopt or adapt the Model Policy at [Annex A](#) to assist with implementation.

# 3. Definitions: Conflict of interest

3.1. For the purposes of this guidance a ‘[conflict of interest](#)’ is defined as:

“A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold.”

3.2. A conflict of interest may be:

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## Actual

There is a material conflict between one or more interests

## Potential

There is the possibility of a material conflict between one or more interests in the future

3.3. Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently. It will be important to exercise judgement and to declare such interests where there is otherwise a risk of imputation of improper conduct.

# 3. Definitions: Interests

3.4. 'Interests' can arise in a number of different contexts. A material interest is one which a reasonable person would take into account when making a decision regarding the use of taxpayers' money because the interest has relevance to that decision.

3.5. Interests fall into the following categories:

Financial interests	Non-financial professional interests	Non-financial personal interests	Indirect interests
Where an individual may get direct financial benefit* from the consequences of a decision they are involved in making	Where an individual may obtain a non-financial professional benefit* from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career	Where an individual may benefit* personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career	Where an individual has a close association** with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit* from a decision they are involved in making

\* A benefit may arise from the making of gain or avoiding a loss

\*\* These associations may arise through relationships with close family members and relatives, close friends and associates, and business partners. A common sense approach should be applied to these terms. It would be unrealistic to expect staff to know of all the interests that people in these classes might hold. However, if staff do know of material interests (or could be reasonably expected to know about these) then these should be declared.

Further guidance on how to interpret these categories is at [Annex B](#).

## 4. Declarations: Processes to follow

**4.1.** Organisations should support staff to understand that having interests is not in itself negative, but not declaring and managing them is.

**4.2.** All staff must be aware of how and to whom declarations should be made, declaring material interests at the earliest opportunity (and in any event within 28 days) via a positive declaration to their organisation. Therefore, declarations should be made:

- On appointment with an organisation
- When a person moves to a new role or their responsibilities change significantly

At the beginning of a new project/piece of work

As soon as circumstances change and new interests arise

**4.3.** Some staff are more likely than others to have a decision making influence on the use of taxpayers' money, because of the requirements of their role. For the purposes of this guidance these people are referred to as '**decision making staff**'.

**4.4.** Because of their influence in the spending of taxpayers' money, organisations should ensure that, at least annually, decision making staff are prompted to update their declarations of interest, or make a nil return.

**4.5.** Organisations should define decision making staff according to their own context, but this should be justifiable and capture those groups of staff that have a material influence on how taxpayers' money is spent.

**4.6.** The following non-exhaustive list describes who these individuals are likely to be:

- Executive and non executive directors\* who have decision making roles which involve the spending of taxpayers' money
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services
- Those at Agenda for Change band 8d\*\* and above
- Administrative and clinical staff who have the power to enter into contracts on behalf of their organisation
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.

**4.7.** There may be occasions where staff declare an interest but, upon closer consideration, it is clear that this is not material and so does not give rise to the risk of a conflict of interest. The team or individual responsible for managing organisational policy should decide whether it is necessary to transfer such declarations to an organisation's register(s) of interests.

\* equivalent roles in different organisations carry different titles – this should be considered on a case by case basis

\*\* reflecting guidance issued by the Information Commissioner's Office with regard to Freedom of Information legislation:

<https://ico.org.uk/media/1220/definition-document-health-bodies-in-england.pdf>

# 5. Management: Principles and situations

**5.1.** Organisations should manage interests sensibly and proportionately. If an interest presents an actual or potential conflict of interest then management action is required.

**5.2.** Some common sense management principles should be adopted by organisations which, for the purposes of this guidance, are referred to as '[general management actions](#)':

- Requiring staff to comply with this guidance
- Requiring staff to proactively declare interests at the point they become involved in decision making
- Considering a range of actions, which may include:
  - deciding that no action is warranted
  - restricting an individual's involvement in discussions and excluding them from decision making
  - removing an individual from the whole decision making process
  - removing an individual's responsibility for an entire area of work
  - removing an individual from their role altogether if the conflict is so significant that they are unable to operate effectively in the role
- Keeping an audit trail of the actions taken

**5.3.** Each case will be different. The general management actions, along with relevant industry/professional guidance, should complement the exercise of good judgement. It will always be appropriate to clarify circumstances with individuals involved to assess issues and risks.

**5.4.** However, there are a number of common situations which can give rise to risk of conflicts of interest, being:

- Gifts
- Hospitality
- Outside employment
- Shareholdings and other ownership interests
- Patents
- Loyalty interests
- Donations
- Sponsored events
- Sponsored research
- Sponsored posts
- Clinical private practice

The following pages discuss the risks and issues posed in these situations, and the principles and rules that staff and organisations should adopt to manage them.

## What are the issues?

Staff in the NHS offer support during significant events in people's lives. For this work they may sometimes receive gifts as a legitimate expression of gratitude. We should be proud that our services are so valued. But situations where the acceptance of gifts could give rise to conflicts of interest should be avoided. Staff and organisations should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way.

A gift means any item of cash or goods, or any service, which is provided for personal benefit, free of charge, or at less than its commercial value.

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## Principles and rules

Overarching principle applying in all circumstances:

- Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with an organisation should be declined, whatever their value.
- Subject to this, low cost branded promotional aids may be accepted where they are under the value of a common industry standard of £6\* in total, and need not be declared.

\*The £6 value has been selected with reference to existing industry guidance issued by the ABPI:

<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

# Gifts (continued)

## Principles and rules

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Gifts from others sources (e.g. patients, families, service users):

- Gifts of cash and vouchers to individuals should always be declined.
- Staff should not ask for any gifts.
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These should be declared by staff.
- Modest gifts accepted under a value of £50 do not need to be declared.
- A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).
- Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature and value of the gift, including its source.
- Date of receipt.
- Any other relevant information (e.g. circumstances surrounding the gift, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).



## What are the issues?

Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of 'traditional' working hours. As a result, staff will sometimes appropriately receive hospitality. Staff receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.

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## Principles and rules

Overarching principles applying in all circumstances:

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors – these can be accepted if modest and reasonable but individuals should always obtain senior approval and declare these.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75\* - may be accepted and must be declared.
- Over a value of £75\* - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on an organisation's register(s) of interest as to why it was permissible to accept.
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

\*The £75 value has been selected with reference to existing industry guidance issued by the ABPI  
<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

# Hospitality (continued)

## Principles and rules

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Travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on an organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type.
- A non exhaustive list of examples includes:
  - offers of business class or first class travel and accommodation (including domestic travel).
  - offers of foreign travel and accommodation.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature and value of the hospitality including the circumstances.
- Date of receipt.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

# Outside employment

## What are the issues?

The NHS relies on staff with good skills, broad knowledge and diverse experience. Many staff bring expertise from sectors outside the NHS, such as industry, business, education, government and beyond. The involvement of staff in these outside roles alongside their NHS role can therefore be of benefit, but the existence of these should be well known so that conflicts can be either managed or avoided.

Outside employment means employment and other engagements, outside of formal employment arrangements. This can include directorships, 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. (Clinical private practice is considered in a separate section).

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## Principles and rules

- Staff should declare any existing outside employment on appointment, and any new outside employment when it arises.
- Where a risk of conflict of interest is identified, the general management actions outlined in this guidance should be considered and applied to mitigate risks.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from an organisation to engage in outside employment.
- Organisations may also have legitimate reasons within employment law for knowing about outside employment of staff, even this does not give rise to risk of a conflict. Nothing in this guidance prevents such enquiries being made.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

# Shareholding and other ownership interests

## What are the issues?

Holding shares or other ownership interests can be a common way for staff to invest their personal time and money to seek a return on investment. However, conflicts of interest can arise when staff personally benefit from this investment because of their role with an organisation. For instance, if they are involved in their organisation's procurement of products or services which are offered by a company they have shares in then this could give rise to a conflict of interest. In these cases, the existence of such interests should be well known so that they can be effectively managed.

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## Principles and rules

- Staff should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with their organisation.
- There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.
- Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions outlined in this guidance should be considered and applied to mitigate risks.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature of the shareholding/other ownership interest.
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

## What are the issues?

The development and holding of patents and other intellectual property rights allows staff to protect something that they create, preventing unauthorised use of products or the copying of protected ideas. Staff are encouraged to be innovative in their practice and therefore this activity is welcomed.

However, conflicts of interest can arise when staff who hold patents and other intellectual property rights are involved in decision making and procurement. In addition, where product development involves use of time, equipment or resources from their organisation, then this too could create risks of conflicts of interest, and it is important that the organisation is aware of this and it can be managed appropriately.

## Page 51 Principles and rules

- Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by their organisation.
- Staff should seek prior permission from their organisation before entering into any agreement with bodies regarding product development, research, work on pathways, etc, where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.
- Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions outlined in this guidance should be considered and applied to mitigate risks.

## What should be declared

- Staff name and their role with the organisation.
- A description of the patent or other intellectual property right and its ownership.
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

# Loyalty interests

## What are the issues?

As part of their jobs staff need to build strong relationships with colleagues across the NHS and in other sectors. These relationships can be hard to define as they may often fall in the category of indirect interests. They are unlikely to be directed by any formal process or managed via any contractual means - it can be as simple as having informal access to people in senior positions. However, loyalty interests can influence decision making.

Conflicts of interest can arise when decision making is influenced subjectively through association with colleagues or organisations out of loyalty to the relationship they have, rather than through an objective process. The scope of loyalty interests is potentially huge, so judgement is required for making declarations.

Page 52

## Principles and rules

Loyalty interests should be declared by staff involved in decision making where they:

- Hold a position of authority 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.
- Sit on advisory groups or other paid or unpaid decision making forums that can influence how their organisation spends taxpayers' money.
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- Are aware that their organisation does business with an organisation with whom close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

Where holding loyalty interests gives rise to a conflict of interest then the general management actions outlined in this guidance should be considered and applied to mitigate risks.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature of the loyalty interest.
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

## What are the issues?

A donation is a charitable financial payment, which can be in the form of direct cash payment or through the application of a will or similar directive. Charitable giving and other donations are often used to support the provision of health and care services. As a major public sector employer the NHS holds formal and informal partnerships with national and local charities. Staff will, in their private lives, undertake voluntary work or fundraising activities for charity. A supportive environment across the NHS and charitable sector should be promoted. However, conflicts of interest can arise.

## Page 53

## Principles and rules

- Acceptance of donations made by suppliers or bodies seeking to do business with an organisation should be treated with caution and not routinely accepted. In exceptional circumstances a donation from a supplier may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for an organisation, or is being pursued on behalf of that organisation's registered charity (if it has one) or other charitable body and is not for their own personal gain.
- Staff must obtain permission from their organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign.
- Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.
- Staff wishing to make a donation to a charitable fund in lieu of a professional fee they receive may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to such donations are properly discharged and accounted for.

## What should be declared

- Organisations should maintain records in line with their wider obligations under charity law, in line with the above principles and rules.

# Sponsored events

## What are the issues?

Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefiting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result there should be proper safeguards in place to prevent conflicts occurring.

## Page 54

## Principles and rules

- Sponsorship of events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the organisation and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
- At an organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified in the interest of transparency.
- Organisations should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Staff should declare involvement with arranging sponsored events to their organisation.

## What should be declared

- Organisations should maintain records regarding sponsored events in line with the above principles and rules.



# Sponsored research

## What are the issues?

Research is vital in helping the NHS to transform services and improve outcomes. Without sponsorship of research some beneficial projects might not happen. More broadly, partnerships between the NHS and external bodies on research are important for driving innovation and sharing best practice. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage. There needs to be transparency and any conflicts of interest should be well managed.

## Principles and rules

- Funding sources for research purposes must be transparent.
- Any proposed research must go through the relevant health research authority or other approvals process.
- There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.
- Staff should declare involvement with sponsored research to their organisation.

## What should be declared

- Organisations should retain written records of sponsorship of research, in line with the above principles and rules.
- Staff should declare:
  - their name and their role with the organisation
  - a description of the nature of the nature of their involvement in the sponsored research
  - relevant dates
  - any other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance)

# Sponsored posts

## What are the issues?

Sponsored posts are positions with an organisation that are funded, in whole or in part, by organisations external to the NHS. Sponsored posts can offer benefits to the delivery of care, providing expertise, extra capacity and capability that might not otherwise exist if funding was required to be used from the NHS budget. However, safeguards are required to ensure that the deployment of sponsored posts does not cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition.

## Page 56

## Principles and rules

- Staff who are establishing the external sponsorship of a post should seek formal prior approval from their organisation.
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and confirm the appropriateness of arrangements continuing.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. For the duration of the sponsorship, auditing arrangements should be established to ensure this is the case. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor's specific products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

## What should be declared

- Organisations should retain written records of sponsorship of posts, in line with the above principles and rules.
- Staff should declare any other interests arising as a result of their association with the sponsor, in line with the content in the rest of this guidance.

## What are the issues?

Page 57

Service delivery in the NHS is done by a mix of public, private and not-for-profit organisations. The expertise of clinicians in the NHS is in high demand across all sectors and the NHS relies on the flexibility that the public, private and not-for-profit sectors can provide. It is therefore not uncommon for clinical staff to provide NHS funded care and undertake private practice work either for an external company, or through a corporate vehicle established by themselves.

Existing provisions in contractual arrangements make allowances for this to happen and professional conduct rules apply. However, these arrangements do create the possibility for conflicts of interest arising. Therefore, these provisions are designed to ensure the existence of private practice is known so that potential conflicts of interest can be managed. These provisions around declarations of activities are equivalent to what is asked of all staff in the section on Outside Employment.

## Principles and rules

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises\* including:

- where they practise (name of private facility)
- what they practise (specialty, major procedures).
- when they practise (identified sessions/time commitment)

\*Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultantermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultantermsandconditions.pdf)

# Clinical private practice (continued)

Clinical staff should (unless existing contractual provisions require otherwise or unless emergency treatment for private patients is needed):

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.\*\*
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines:  
[https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment\\_Order\\_amended.pdf](https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf)

Hospital Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other staff to initiate such discussions on his or her behalf.\*\*

\*\* These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

Where clinical private practice gives rise to a conflict of interest then the general management actions outlined in this guidance should be considered and applied to mitigate risks.

## What should be declared

- Staff name and their role with the organisation.
- A description of the nature of the private practice (e.g. what, where and when you practise, sessional activity, etc).
- Relevant dates.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this guidance).

# 5. Management: Strategic decision making groups

5.5. Many organisations use boards (or committees and sub-committees of boards), advisory groups, and procurement panels to make key strategic decisions about things such as:

- Entering into (or renewing) large scale contracts
- Awarding grants
- Making procurement decisions
- Selection of medicines, equipment, and devices

These are referred to in this guidance as ‘strategic decision making groups’.

5.6. It is important that the interests of those who are involved in these groups are well known to those involved. Organisations must therefore identify relevant strategic decision making groups and ensure they operate in a manner consistent with the following principles, which reflect wider standards of good governance:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant interests
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise
- Any new interests identified should be added to the organisation’s register

- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement

5.7. If a member has an actual or potential interest the chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:

- Requiring the member to not attend the meeting
- Ensuring that the member does not receive meeting papers relating to the nature of their interest
- Requiring the member to not attend all or part of the discussion and decision on the related matter
- Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate
- Removing the member from the group or process altogether

5.8. The default response should not always be to exclude members with interests, as this may have a detrimental effect on the quality of the decision being made. An example is the need for clinical involvement, when clinicians may hold and represent a diversity of interests. Good judgement is required to ensure proportionate management of risk. The composition of groups should be kept under review to ensure effective participation.

# 5. Management: Procurement decisions

**5.9.** Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients.

**5.10.** Organisations should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process. NHS Improvement and NHS England have published detailed and specific guidance on procurement processes which staff and organisations should consult.

**5.11.** For the avoidance of doubt, nothing in this section or this guidance waives or modifies any existing legal requirements relating to conflicts of interest and procurement decisions.



NHS Improvement Guidance on Procurement, Patient Choice and Competition:

<https://www.gov.uk/government/publications/procurement-patient-choice-and-competition-regulations-guidance>



NHS England Guidance on Conflicts of Interest for CCGs:

<https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>

# 6. Transparency: Maintenance and publication of register(s)

## Maintenance of Register(s)

**6.1.** Organisations must ensure that a nominated team or individual collates and maintains up to date organisational register(s) of interests. An interest should remain on the register(s) for a minimum of 6 months after the interest has expired. Organisations should retain a private record of historic interests for a minimum of 6 years after the date on which it expired.

**6.2.** Template declaration of interests and register of interests forms for organisations to use are provided at [Annex C and D](#). They should always contain:

The returnee's name and their role with the organisation

- A description of the interest declared (reflecting the content of section 5 of this guidance for common situations)
- Relevant dates relating to the interest
- Space for comments (e.g. action taken to mitigate conflict)

**6.3.** Using the common format in the templates will help minimise burdens on staff who might need to submit returns to multiple organisations.



[Declaration of interests template](#)

## Publication

**6.4.** All staff should declare interests and, as a minimum, organisations should publish the interests of decision making staff at least annually in a prominent place on their website. Organisations without websites should maintain registers locally, available for inspection on request.

**6.5.** The format of published registers should be accessible and contain meaningful information. Adopting the templates and advice on content in this guidance will assist organisations in this task.

**6.6.** Organisations should put in place processes for staff to make representations that information on their interests should not be published. This will allow for, in exceptional circumstances, an individual's name and/or other information to be redacted from any publicly available registers where the public disclosure of information could give rise to a real risk of harm or is prohibited by law.

**6.7.** As well as taking these steps, organisations should seek to ensure that staff who are subject to wider transparency initiatives such as the ABPI Disclosure UK scheme are aware of and comply with them:

<http://www.abpi.org.uk/our-work/disclosure/Pages/disclosure.aspx>



[Register of interests template](#)

# 7. Breaches: How should these be dealt with?

**7.1.** There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or organisations. For the purposes of this guidance these situations are referred to as 'breaches'.

**7.2.** Organisations should identify a team or individual to be notified of breaches, and be clear as to how staff or other parties can raise concerns about these. Staff should be encouraged to speak up about actual or suspected breaches, in compliance with their organisation's whistleblowing policy.

**7.3** Organisations should also identify a team or individual empowered to investigate breaches, involving organisational leads for human resources, fraud, audit etc. as appropriate. Each breach needs to be investigated and judged on its own merits and this should start with those involved having the opportunity to explain and clarify any relevant circumstances.

**7.4.** Following investigations organisations should:

- Decide if there has been or is potential for an actual breach and the severity
- Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum
- Consider who else inside and outside the organisation

should be made aware of the breach

- Take appropriate action, such as clarifying existing policy, taking action against the staff member(s) responsible for the breach, or escalating to external parties such as auditors, NHS Protect, the Police, statutory health bodies and/or regulatory bodies

**7.5.** When dealing with instances of breach organisations may want to take legal or other appropriate advice prior to imposing sanctions which could have serious consequences for those involved. A range of responses should be considered in terms of proportionate sanctions for breaches, including:

- Employment law action
- Reporting incidents to external bodies
- Contractual or legal consequences

Further information on the consequences of breaches and the range of potential sanctions is at [Annex E](#).

**7.6.** Organisations should consider whether reports on breaches, the impact of these, and action taken (i.e. if strong management action or sanctions are taken) should be considered by their governing body, audit committee, executive team or similar on a regular basis.

**7.7.** To aid transparency organisations should consider whether anonymised information on breaches and action taken in response should be prepared and published on websites on a regular basis.



# 8. Resource Annexes

ANNEX A – Model Conflict of Interest Policy

[due for publication in March 2017]

ANNEX B – Types of interests

ANNEX C – [Template interests declaration form](#)

ANNEX D – [Template interests register](#)

ANNEX E – Potential sanctions for breach of conflicts of interest policies

# Annex B – Types of interests

Type of interest	Description
Financial interests	<p>Where an individual may get direct financial benefits* from the consequences of a decision their organisation makes. This could include:</p> <ul style="list-style-type: none"><li>• A director (including a non-executive director) or senior employee in another organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding</li><li>• A shareholder, partner or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding</li><li>• Someone in outside employment</li><li>• Someone in receipt of secondary income.</li><li>• Someone in receipt of a grant.</li><li>• Someone in receipt of other payments (e.g. honoraria, day allowances, travel or subsistence).</li><li>• Someone in receipt of sponsored research.</li></ul>
Non-financial professional interests	<p>Where an individual may obtain a non-financial professional benefit* from the consequences of a decision their organisation makes, such as increasing their professional reputation or status or promoting their professional career. This could include situations where the individual is:</p> <ul style="list-style-type: none"><li>• An advocate for a particular group of patients.</li><li>• A clinician with a special interest.</li><li>• An active member of a particular specialist body.</li><li>• An advisor for the Care Quality Commission or National Institute of Health and Care Excellence.</li><li>• A research role.</li></ul>

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\* A benefit may arise from the making of gain or avoiding a loss

# Annex B – Types of interests (continued)

Type of interest	Description
Non-financial personal interests	<p>This is where an individual may benefit* personally from a decision their organisation makes in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> <li>• A member of a voluntary sector board or has a position of authority within a voluntary sector organisation.</li> <li>• A member of a lobbying or pressure group with an interest in health and care.</li> </ul>
Indirect interests	<p>This is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit* from a decision they are involved in making. This would include**:</p> <ul style="list-style-type: none"> <li>• Close family members and relatives.</li> <li>• Close friends and associates.</li> <li>• Business partners.</li> </ul>

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\* A benefit may arise from the making of gain or avoiding a loss

\*\* A common sense approach should be applied to these terms. It would be unrealistic to expect staff to know of all the interests that people in these classes might hold. However, if staff do know of material interests (or could be reasonably expected to know about these) then these should be declared.

# Annex E – Potential sanctions

## Disciplinary sanctions

Staff who fail to disclose any relevant interests or who otherwise breach an organisation's rules and policies relating to the management of conflicts of interest are subject to investigation and, where appropriate, to disciplinary action. This may include:

- Employment law action which might include:
  - Informal action – such as reprimand or signposting to training and/or guidance.
  - Formal action – such as formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion or dismissal.
- Referring incidents to regulators.
- Contractual action against organisations or staff.

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## Professional regulatory sanctions

Statutorily regulated healthcare professionals who work for, or are engaged by, organisations are under professional duties imposed by their relevant regulator to act appropriately with regard to conflicts of interest. Organisations should consider reporting statutorily regulated healthcare professionals to their regulator if they believe that they have acted improperly, so that these concerns can be investigated. These healthcare professionals should be made aware that the consequences for inappropriate action could include fitness to practise proceedings being brought against them, and that they could, if appropriate be struck off by their professional regulator as a result.

Information and contact details for the healthcare professional regulators are accessible from the Professional Standard Authority website:

<http://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/find-a-regulator>

# Annex E – Potential sanctions (continued)

## Civil sanctions

If conflicts of interest are not effectively managed, organisations could face civil challenges to decisions they make – for instance if interests were not disclosed that were relevant to the bidding for, or performance of contracts. In extreme cases, staff and other individuals could face personal civil liability, for example a claim for misfeasance in public office.

## Criminal sanctions

Failure to manage conflicts of interest could lead to criminal proceedings including for offences such as fraud, bribery and corruption. This could have implications for the organisation concerned and linked organisations, and the individuals who are engaged by them.

The Fraud Act 2006 created a criminal offence of fraud and defines three ways of committing it:

- Fraud by false representation
- Fraud by failing to disclose information and
- Fraud by abuse of position.

In these cases an offender's conduct must be dishonest and their intention must be to make a gain, or to cause a loss (or the risk of a loss) to another. Fraud carries a maximum sentence of 10 years imprisonment and/or a fine and can be committed by a body corporate.

The Bribery Act 2010 makes it easier to tackle this offence in public and private sectors. Bribery is generally defined as giving or offering someone a financial or other advantage to encourage a person to perform certain activities and can be committed by a body corporate. Commercial organisations (including NHS bodies) will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

The offences of bribing another person or being bribed carries a maximum sentence of 10 years imprisonment and/or a fine. In relation to a body corporate the penalty for these offences is a fine.

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# Agenda Item 6

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	7 November 2017
<b>REPORT OF:</b>	Sandra Stewart – Borough Solicitor (Monitoring Officer)
<b>SUBJECT MATTER:</b>	<b>SOCIAL MEDIA USE: RESPONSIBLE CONDUCT POLICY</b>
<b>REPORT SUMMARY:</b>	To consider the Social Media Use Responsible Conduct Policy which has been refreshed and updated to take on board learning and best practice since the policy was last approved as part of the Information Governance Framework which was presented to the Standards Committee in October 2013.
<b>RECOMMENDATION(S)</b>	The Committee are asked to comment and recommend that this policy be adopted by the Council.
<b>FINANCIAL IMPLICATIONS:</b> (Authorised by Borough Treasurer)	There are no significant financial issues arising from this Report.
<b>LEGAL IMPLICATIONS:</b> (Authorised by Borough Solicitor)	It is important that employees are fully advised of what is expected of them in a clear and accessible way.
<b>RISK MANAGEMENT:</b>	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.
<b>LINKS TO COMMUNITY PLAN:</b>	Support the current arrangements for ethical and corporate governance of the Council to ensure that the public can have confidence in the ability of the Standards Committee.

## ACCESS TO INFORMATION

## NON-CONFIDENTIAL

**This report does not contain information which warrants its consideration in the absence of the Press or members of the public**

## REFERENCE DOCUMENTS:

The background papers relating to this report can be inspected by contacting the report writer, Wendy Poole, the Head of Risk Management and Audit Services.



Telephone: 0161 342 3846



e-mail: [wendy.poole@tameside.gov.uk](mailto:wendy.poole@tameside.gov.uk)

# **Social Media Use: Responsible Conduct Policy**

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**November 2017**



## **SOCIAL MEDIA USE: RESPONSIBLE CONDUCT POLICY**

**(This policy covers all employees, agency workers and consultants representing the Council.**

### **CONDUCT**

As an organisation, we encourage communication among our employees, residents, customers, partners, and others - and Web logs (blogs), social networks, discussion forums, wikis, video, and other social media - such as Twitter - can be a great way to stimulate conversation and discussion. They are also an invaluable tool to share information and consult.

The Internet provides a number of benefits in which Tameside council employees may wish to participate. From rediscovering old school friends on *Facebook* to keeping up with other people's daily lives on *Twitter* or helping to maintain open access online encyclopaedias such as *Wikipedia*. Even if your social media activities take place completely outside of work, as your personal activities should, what you say can have an influence on your ability to conduct your job responsibilities, your work colleagues' abilities to do their jobs, and Tameside's business interests.

Accordingly, where an employee is clearly identifiable as being an employee of the Council and/or discusses their work, they are expected to behave appropriately when on the Internet, and in ways that are consistent with the Council's values and policies. This guidance note sets out the principles which Council employees are expected to follow when using the Internet and gives interpretations for current forms of interactivity. It applies to blogs, to microblogs like *Twitter* and to other personal web space. The Internet is a fast moving technology and it is impossible to cover all circumstances. However, the principles set out in this document should always be followed.

The intention of this guidance is not to stop Council employees from conducting legitimate activities on the Internet, but serves to flag-up those areas in which conflicts can arise.

Tameside Council's reputation for impartiality, objectivity and fairness is crucial. The public must be able to trust the integrity of Tameside councillors, employees and its services. Our residents and partners audiences need to be confident that the outside/private activities of our employees do not undermine the Council's reputation and that its actions are not perceived to be influenced by any commercial or personal interests.

To this end employees/agency workers and consultants:

- Should NOT engage in activities on the Internet which might bring the Council into disrepute;
- Should NOT conduct themselves in a way that is detrimental to the Council;
- Should NOT use the Internet in any way to send or post abusive, offensive, hateful or defamatory messages, especially those which concern members of the public, councillors, customers/service users, employees, agency staff, consultants or the Council;
- Should Not 'like' a comment of this nature;
- Should NOT post derogatory or offensive comments on the Internet;
- Should NOT act in a way which could reputationally damage the council;
- Should NOT act in a way that damages the Council's or the public's trust and confidence in an employee's fitness to undertake their role;
- Should act in a transparent manner when altering online sources of information;
- Should NOT post information that could constitute a breach of copyright or data protection legislation;
- Employees (including agency workers and consultants should only use their work email addresses for official Council business;

- Should NOT use the Council's ICT Systems for party political purposes or for the promotion of personal financial interests; and
- Should take care not to allow interaction on these websites that could cause damage to working relationships between councillors, employees (including agency workers and consultants) and the public.

Individuals in politically restricted posts (usually over salary scale point 44), those that provide regular advice and support to committees and panels or speak with the press and those that work in politically sensitive areas should not be seen to support any political party or cause. Any online activities associated with work for the Council should be discussed and approved in advance by a senior council manager.

All employees (including agency workers and consultants) should be mindful of the information they disclose on social networking sites. Where they associate themselves with the Council (through providing work details or joining a council employee network) they should act in a manner which does not bring the Council into disrepute. Employees (including agency workers and consultants) need to be mindful that even though they do not associate themselves with the Council, others on the social networking site may be able to identify them and make the association.

Employees will be aware that use of the internet at work is provided primarily for business use. However the Council recognises that many employees use the internet for personal purposes and that many employees participate in social networking on websites such as Facebook, Twitter, Myspace, Bebo and Friendster (this list being for illustrative purposes only). Alongside such social networking sites the internet also offers employees the opportunity to access and post on blogs, twitter, wikis and other online forums.

The purpose of this guidance is to outline the responsibilities of employees using social networking websites and other online forums. It forms part of the Council's existing Information Governance Framework and the Councils Employee Code of Conduct.

### **Personal use of the internet at work**

The Council has devoted time and effort into developing the ICT Systems to assist you with your work. The Council does, however, recognise that there are times when you may want to use the ICT Systems for non-work related purposes, and in recognising this need the Council permits you to use the ICT Systems for responsible personal use.

You must not use the ICT Systems for personal use during working hours. If you work flexible hours then personal use must be at a time when you are not working and outside core time. You must not allow personal use of the ICT Systems to interfere with your day- to-day duties or of others.

If you choose to use the Council's ICT Systems to access social networking sites and/or other online forums, blogs etc. you must do so in a responsible and appropriate manner. There is no unconditional right for an Employee to access such sites and the Council reserves the right to restrict access to the internet (or certain websites) for particular employees if there is cause for concern over their use.

Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a "network". Employees should not assume that their entries on any website will remain private.

### **Personal conduct whilst in work or outside the workplace**

The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected.

Employees are reminded of the unique way in which information posted on the internet can be quickly disseminated and control over such information can be rapidly lost. As such, employees should think about what information they are posting and how this could reflect on them and the Council especially in light of the difficulty they may encounter in trying to remove such information. Where comments are removed there is no guarantee that removing the source comment removes it from all websites.

Employees (including agency workers and consultants) using social networking websites and/or online forums outside of work are requested to:

- Refrain from commenting on any aspect of the Council's business, on any Council policy issue or issues at work. Adding a disclaimer that the views are your own and not those of the Council, will not protect you from potential disciplinary action should concerns be raised or reported;
- Ensure that they do not conduct themselves in a way that is detrimental to the Council;
- Never send or post abusive, offensive, hateful or defamatory messages about members of the public, councillors, other employees (including agency workers and consultants, customers, service users or the Council); and
- Take care not to allow interaction on these websites that could cause damage to working relationships between councillors, employees (including agency workers and consultants, customers, service users and/or members of the public.

### **Monitoring of online access at work**

You should note that, in order to protect its legitimate business interests and its ICT Systems, the Council monitors internet use in accordance with the provisions set down in the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy, and unacceptable levels of use could lead to disciplinary action.

### **Inappropriate Posting**

If an employee is found to have posted inappropriate material in any format on the internet, they are required to assist in any way to ensure such material is removed without delay. Failure to assist in removing such material in a timely fashion could lead to disciplinary action being taken against that employee.

### **Disciplinary Implications**

If the Council finds that an employees' internet use is not in accordance with the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy or this guidance, access to the internet may be withdrawn.

Employees are reminded they should never send or post inappropriate, abusive or defamatory messages on the internet either whilst in work or outside the workplace. Any messages which are abusive, offensive or defamatory could cause damage to the council's reputation and distress and anxiety to others in the workplace and employees are reminded of their obligations under the Council's Code of Conduct, Equalities Policy and Data Protection Policy.

Employees must be aware that if such matters do come to light, disciplinary action may be taken in line with the Council's Disciplinary Procedure if deemed sufficiently serious, this could result in dismissal.

### **Security and identity theft**

Employees are reminded to be security conscious and take steps to protect themselves from identity theft, for example by restricting the amount of personal information that they give out. Social networking websites and online forums allow people to post detailed personal information

such as date of birth, place of birth and favourite football team, which can form the basis of security questions and passwords.

Employees must take care when posting such information, in order that it does not allow a breach of security within the Council, or raise the possibility of the employee's identity being stolen.

In addition, employees should:

- Ensure no information is made available that could provide a person with unauthorised access to the Council and/or any confidential information belonging to the Council, councillors, other employees and/or members of the public; and
- Refrain from recording any confidential information regarding the Council, councillors other employees and/or members of the public on any social networking website.

## WHAT IS SOCIAL MEDIA?

Facebook, Twitter, blogs, YouTube, Wikipedia and networking sites such as LinkedIn are all examples of social media. The term covers anything on the internet where content is created and adapted by the people who use the site and which allows two-way conversations.

The Tameside **Social media use: responsible conduct policy** applies to:

- All blogs, wikis, forums, and social networks hosted or sponsored by Tameside;
- Your personal blogs that contain postings about Tameside's business, councillors, employees, residents, customers, or partners;
- Your postings about Tameside's business, councillors, employees, residents, customers, or partners, on any external blogs, wikis, discussion forums, or social networking sites such as Twitter; and
- Your participation in any video related to Tameside's business, councillors, employees, residents, customers, or partners; whether you create a video to post or link to on your blog, you contribute content for a video, or you appear in a video created either by another Tameside employee or by a third party.

## WHY DO LOCAL COUNCILS NEED SOCIAL MEDIA?

Local authorities and other public sector agencies are increasingly looking to social media to engage with their audiences for two broad reasons:

1. **The audience is changing** - People also expect to 'talk back' when official bodies communicate with them and they expect that those agencies will in turn respond and do so in appropriate language. New media enables that kind of interaction to happen in a more efficient manner than, for instance, arranging regular public meetings. Also our audience is becoming fragmented and diverse in so many ways. The traditional ways of communicating where budget is invested into a newsletter or another form of mass communication that contains one standard message and assumes this will be effective for everybody is increasingly losing impact. Information needs to be provided in a variety of formats so each target audience can choose how to access it. Photographs can tell a thousand words and videos are very accessible for a wide audience.
2. **Pressure from Central Government** - We all know that public funds are being squeezed from the centre as the focus becomes much tighter on how money is spent, especially on communications. **There** is also an ethos in some areas of Whitehall that e-government needs to be incentivised and **encouraged**. For these reasons, central government is looking more closely at the degree to which local authorities are using new media to talk to their audiences and this is becoming an increasing factor in the awarding of funds/grants.

## **WHAT ARE THE BENEFITS OF USING SOCIAL MEDIA?**

Used carefully, social media can bring people together over common interests; can be useful for consulting people and getting feedback and publishing information that other media may ignore. However, you must treat social media with respect. Always remember any information or comments you publish on any site (internal or external):

- May stay public for a long time;
- Can be republished on other websites;
- Can be copied, used and amended by others;
- Could be changed to mis-represent what you said; and
- Can attract comments and interest from other people/the media.

Always be aware of the standards, conditions of use and guidelines for posting laid down by the owner of any site or network and make sure you comply with them.

## **USING SOCIAL MEDIA**

This policy applies to you participating in any on-line social media (whether listed here or not), whether privately or as part of your role with the Council and sets out the standards of behaviour the Council expects of all its employees.

You are permitted to use social media from a Council computer at work, provided you comply with the Council's Email, Communications and Internet Acceptable Use Policy and this guidance, and ensure that you use it in a reasonable manner, unless you are specifically using it to undertake Council business e.g. consultation with the public, that you only engage in such social interaction in your own time.

You must make sure any on-line activity does not interfere with your job, your colleagues, your responsibilities and duties as a Council employee, our commitment to customers, is legal and does not bring the Council into disrepute. If you are found to be in breach of any of these policies, then you may face disciplinary action.

## **STAY LEGAL**

You must stay within the law at all times. Be aware that fair use, financial disclosure, libel, defamation, copyright and data protection laws apply on-line just as in any other media. Remember that colleagues and customers may see your online information (e.g. Facebook). Whether you identify yourself as an employee of Tameside Council or not, think carefully about how much personal information you want to make public and make sure your profile and the information you post reflects how you want them to see you both personally and professionally.

Never give out personal details like home addresses, phone numbers, financial information or full date of birth to prevent identity theft.

In addition, a person that posts grossly offensive or indecent matter may be found guilty of an offence under the Communications Act 2003 and could be sentenced to up to 6 months imprisonment and/or be fined up to £5,000.

## **KEEP IT PRIVATE AND DECENT**

**Remember your obligations** to residents, service users, partners, suppliers and colleagues and to protecting the Council's reputation. Never give out details of or divulge dealings with colleagues, customers or partners without their explicit consent. Check with your manager if you are not sure

what is and isn't confidential.

**Never make offensive comments** about any customer, supplier, partner or any of their employees or your Council colleagues. Don't use ethnic slurs, personal insults, obscenity or behave in ways that would not be acceptable in the workplace. That could bring the Council into disrepute, break the law and leave you open to prosecution and/or disciplinary action.

**Don't pick fights**, be the first to correct your mistakes and don't alter previous posts without indicating that you have done so.

**Don't be afraid to be yourself**, but be considerate about other people's views, especially around 'controversial' topics such as politics and religion. You can challenge without being abusive.

**Be credible, be accurate, fair and thorough** and make sure you are doing the right thing.

**Share useful information** that you gain from using social media with others, where appropriate.

**Speaking for the Council**, you should not 'speak for the Council' (disclose information, publish information, make commitments or engage in activities on behalf of the Council) unless you are specifically authorised to do so in writing. If you have not been authorised, then please speak to your line manager and the Council's communications team before taking any action.

**Remember** you are personally liable for what you publish online.

If you are unsure please contact your line senior council manager in the first instance or:

- Sarah Dobson – Assistant Director Policy, Performance and Communications
- Sandra Stewart – Director – Governance and Pensions (Borough Solicitor/Monitoring Officer)
- Aileen Johnson – Head of Legal Services

## **GIVING YOUR PERSONAL VIEWS**

1. Be professional, responsible and honest and try to add value to any debate. Remember that if people know your **links** with the Council you will be seen as representing the whole Council (even if you are not speaking on our behalf) so be careful.
2. If you are discussing or publishing any information on a website about the Council or council/work related matters, you must make it clear that you are speaking for yourself and not on behalf of Tameside Council. The easiest way to do this is to write in the 'first person' (I think, my view is.) and use a disclaimer, however, this will not protect you from potential disciplinary action should concerns be raised or reported.
4. Be aware that you may attract media interest in you as an individual, so be careful whenever you use social media for personal or business reasons. If you have any doubt, speak to your line manager and the Council's Communications Team before you go on-line.
5. If the media do contact you about something posted on-line, politely ask for their contact details, say you will get back to them and take advice from the Council's Communications Team before any response is given.

## **GUIDELINES FOR BLOGGING/BLOGGERS**

1. Please see the "Keep it private and decent" section
2. If you already have a personal blog or website which shows in any way that you work at Tameside Borough Council you must tell your manager. You should include a simple and visible disclaimer such as "The views expressed here are my own and don't necessarily represent the views of Tameside Borough Council"

3. If you want to start blogging, and your blog/website will say that you work for Tameside Council you should tell your manager and use the disclaimer.
4. If you think something on your blog or website may cause a conflict of interest or have concerns about impartiality or confidentiality, speak to your manager. If in any doubt, don't talk about what you do at work – particularly if you work in sensitive areas (such as social work) or on high profile, controversial projects. The Council has to be seen as honest, transparent, fair and impartial at all times. You must not undermine that.
5. If someone offers to pay you for blogging this could cause a conflict of interest and you must inform your manager.

## **GUIDELINES FOR SOCIAL NETWORKS, DISCUSSION FORUMS, WIKIS ETC**

1. Please see the "Keep it private and decent" section
2. Use your best judgment. Remember that there are always consequences to what you publish.
3. Don't use your work email account or your email or work number in on-line discussions unless you have been authorised to speak for the Council.
4. It is not a good idea to invite customers to become your friends on social networking sites. There may be a conflict of interest, security and privacy issues
5. Make sure any wiki entries, articles or comments are neutral in tone, factual and truthful.
6. Never post rude or offensive comments on any online encyclopaedias
7. Before editing an online encyclopaedia entry about the Council, or any entry which might cause a conflict of interest or adding links, check the house rules of the site. You may also need permission from the relevant wiki editor and your line manager.
8. If you edit online encyclopaedias whilst using a work computer, the source of the correction may be recorded as a Tameside Borough Council IP address. That means it may look as if the Council itself has made the changes. If this is correcting an error about the Council, that's fine – we should be open about our actions. In other circumstances be careful that you do not bring the Council into disrepute through this. If in any doubt, ask the Council's communications team before taking action.
9. We should respond to legitimate criticism with facts but please speak to the Council's communications team for advice before responding; a poor response could make matters worse. Never remove criticism of the Council or derogatory or offensive comments. Report them to the site administrator for them to take action.

## **GUIDELINES FOR 'MEDIA' SHARING (VIDEO, PHOTOS, PRESENTATIONS)**

1. Make sure all video and media is safe to share, does not contain any confidential or derogatory information, and is not protected by any copyright or intellectual property rights.
2. If the content is official Tameside Council content then it must be labelled and tagged as such.
3. Individual work must be labelled and tagged as such. Use a disclaimer where appropriate: "This is my personal work and does not necessarily reflect the views of Tameside Borough Council." Please note that a disclaimer will not protect you from potential disciplinary action should concerns be raised or reported.

## **USE OF COUNCIL COMPUTER EQUIPMENT**

1. Make sure you have read, understood and signed the Council's ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy. This sets out very clearly what you can and cannot do.
2. You must protect the security of our network and information at all times.
3. Do not install any application.
4. Do not open emails from people you don't know and trust, particularly if they have attachments. Do not forward these within the council unless you know they are virus free.
5. Remember online activity can be traced back to the Council and you. Don't do anything online

that breaches the ICT Security Policy and the Email, Communications and Internet Acceptable Use Policy and this guidance.

6. Do not reveal any details of the Council's ICT systems and services, including what software we use for email, internet access and virus protection to minimise the risk of malicious attack.
7. If you use secure systems, such as GovConnect email or to process financial transactions, never log onto social networking sites while connected to those systems. If you have used a social networking site, please restart your computer before logging onto the secure system to clear any information in the computer's memory cache.

## **LEGAL ISSUES**

### **Libel**

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

### **Copyright**

Placing images or text from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

### **Data Protection**

Avoid publishing the personal data of individuals unless you have their express written permission.

### **Bias and Pre-determination**

If you are involved in planning or licensing application or other quasi-judicial decisions, avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

### **Obscene material**

It goes without saying that you should avoid publishing anything that people would consider obscene. Publication of obscene material is a criminal offence.

## **GUIDELINES FOR MANAGERS**

Please make sure you and your employees (including agency workers and contractors) are aware of and working within these guidelines. Please speak to the Assistant Director of Policy, Performance and Communications, Legal, ICT or Human Resources if you have any questions or concerns about interpreting this policy.

Managers are responsible for deciding what is appropriate, bearing in mind concerns about impartiality, confidentiality, conflicts of interest or commercial sensitivity.

If you believe any employee is breaching these guidelines or is spending too much time on the internet/social media), ask ICT to activate internet monitoring for that employee. It is your responsibility as a manager to ensure your employees (including agency workers and consultants) are not abusing Council ICT facilities.



## **FINALLY....**

These guidelines are to protect you and the reputation of the Council. They are not meant to restrict your genuine and work related use of what is an important method of communication and engagement. By its nature though, it is fast and responsive so when a mistake is made it can rapidly get out of control.

If you think social media may help your service you should contact the Head of Policy and Communications who can support you and ensure your proposal is supported by the other work being done as part of the corporate communications strategy.

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