

## Register of Interests

<b>Trust Board Meeting</b>	<b>Item: 9.2</b>
<b>24<sup>th</sup> September 2014</b>	<b>Enclosure: I</b>
<b>Purpose of the Report:</b> To provide the Board with an updated Register of Interests and confirmation of annual signing of the code of conduct by Board members.	
<b>FOR: Information</b> <input checked="" type="checkbox"/> <b>Assurance</b> <input type="checkbox"/> <b>Discussion and input</b> <input type="checkbox"/> <b>Decision/approval</b> <input type="checkbox"/>	
<b>Sponsor (Executive Lead):</b>	Deborah Lawrenson, Head of Corporate Affairs & Company Secretary
<b>Author:</b>	Deborah Lawrenson
<b>Author Contact Details:</b>	020 8934 2522 <a href="mailto:Deborah.lawrenson@kingstonhospital.nhs.uk">Deborah.lawrenson@kingstonhospital.nhs.uk</a>
<b>Risk Implications – Link to Assurance Framework or Corporate Risk Register:</b>	None
<b>Link to Relevant Corporate Objective:</b>	N/A
<b>Document Previously Considered By:</b>	N/A
<b>Recommendation &amp; Action required by the Trust Board :</b>	
<b>Executive Summary</b>	
<p>The Board is asked to <b>note</b> the updated Register of Interests for members of the Board and to <b>confirm</b> all declarations of gifts and hospitality have been provided for the period April 2014 – September 2014.</p> <p>The Board is asked to <b>note</b> changes being put in place in the Code of Conduct and contract for Directors on the Board and any others on VSM contracts to fit the requirements of the Fit and Proper Persons test.</p> <p>Board members are asked to <b>provide confirmation</b> with their compliance with the updated Code of Conduct after the Board meeting.</p>	

## 1. Executive summary

- 1.1 This paper provides the Board with the updated register of interests. Detail on changes required regarding the Fit and Proper Persons Test,

## 2. Background

- 2.1 The NHS Code of Accountability requires Board Directors to declare any interests which are relevant and material to the Board. This includes any interest that could conflict with the impartial discharge of their duties and which could cause conflict between their private interests and their NHS duties. The Register for the Board is attached. This information will be made publicly available on the Trust website following the meeting and pending any further updates provided.

Members of the Board are required to annually sign the code of conduct in line with the Code of Conduct paper received at the Board in November 2012. The Code of Conduct for Board members and any others on Very Senior Manager (VSM) contracts has been updated to reflect the requirements of the Fit and Proper Persons test which becomes a requirement from October 2014 onwards.

Board members have been provided with the updated Code of Conduct and the updated Standing Orders and Standing Financial Instructions at this meeting and therefore are being asked to confirm receipt of these and compliance with the Code after the Board meeting.

There is a separate record of declarations of gifts and hospitality. Board members have been asked to provide updates for this for any activity since April 2014.

The Board is asked to **note** the current Register of Interests. This information will be publicly available on the Trust website.

### 2.2 Requirements under the Fit and Proper Persons Test

*A director must:*

- *be of good character;*
- *have the qualifications, skills and experience necessary for the relevant position;*
- *be capable of undertaking the relevant position, after any reasonable adjustment*
- *under the Equality Act 2010;*
- *not have been responsible for any misconduct or mismanagement in the course of*
- *any employment with a CQC registered provider;*
- *not be prohibited from holding the relevant position under any other law. e.g.*
- *under the Companies Act or the Charities Act. [See excerpt following]*

*A director can be deemed unfit if they meet the criteria in Schedule 1– i.e. they:*

- *have been sentenced to imprisonment for three months or more within the last 5*

- *years;*
- *are an undischarged bankrupt;*
- *are subject of a bankruptcy order or an interim bankruptcy order;*
- *have an undischarged arrangement with creditors; or*
- *are included on any barring list preventing them from working with children and*
- *vulnerable adults*

*Board of Directors – Disqualification (taken from section 27.7.1 of the Company Directors Disqualification Act 1986)*

*A person may not be a Director of the Trust if:–*

- a) He has been adjudged bankrupt or his estate has been sequestrated and in either case he has not been discharged*
- b) He has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it;*
- c) He has within the preceding five years been convicted anywhere in the world of any offence, and a sentence of imprisonment (\*whether suspended or not) for a period of three months or more (without the option of a fine) was imposed on him*
- d) In the case of a Non-Executive Director, he no longer satisfies paragraph 21.3*
- e) He is a person whose tenure of office as a Chairman or as a member or Director of a health service body has been terminated on the grounds that his appointment is not in the interests of public service, for non-attendance at meetings, or for non-disclosure of a pecuniary interest*
- f) He has had his name removed, by a direction under section 151 of the 2006 Act from any relevant list, and has not subsequently had his name included on such a list*
- g) He has within the preceding two years been dismissed, otherwise than by reason of redundancy or ill health, from any paid employment with a health service body*
- h) He is the subject of a sex offender’s order*

### 2.3 Duty of Candour

In the CQC consultation underway on the introduction of the Duty of Candour it is suggested that the CQC intends to use the Duty of Candour to confirm and encourage good practice through the ratings given, rather than to enforce them directly. This will be done through inspections which already consider safety incidents, training and guidance for staff, culture and values that the provider’s leadership promotes.

### 3. Conclusion

The Board is asked to **note** the updated Register of Interests for members of the Board and to **confirm** all declarations of gifts and hospitality have been provided for the period April 2014 – September 2014.

The Board is asked to **note** changes being put in place in the Code of Conduct and contract for Directors on the Board and any others on VSM contracts to fit the requirements of the Fit and Proper Persons test.

Board members are asked to **provide confirmation** with their compliance with the updated Code of Conduct after the Board meeting.

## KINGSTON HOSPITAL NHS FOUNDATION TRUST

**REGISTER OF BOARD MEMBERS INTERESTS**  
**Updated September 2014**

**Board members who left in the financial year 2013/14 have been removed**

The NHS Code of Accountability requires Board Directors to declare their interests which are relevant and material to the Board. This includes any interest that could conflict with the impartial discharge of their duties and which could cause conflict between their private interests and their NHS duties.

Interests which are regarded as 'relevant and material' are:

- a) Directorships, including non-executive directorships held in private companies or PLCs (with the exception of those of dormant companies).
- b) Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS.
- c) Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS.
- d) A position of authority in a charity or voluntary organisation in the field of health and social care.
- e) Any connection with a voluntary or other organisation contracting for NHS services.

The Register of Interests is held by the Company Secretary, in the Chief Executive's Office and Board Directors are asked twice a year to declare their interests. The last declaration was reported to the Trust Board in March 2013. As at 21<sup>ST</sup> November 2013 the interests declared by Board Directors are as follows:

<b>Name</b>	<b>Board Position</b>	<b>Current Declared Interest</b>
Sian Bates *	Chairman from 1 <sup>st</sup> September 2013	Nothing to declare
Candace Imison*	Non-Executive Director	Deputy Director of Policy at the King's Fund. (note Candace Imison acted up as Director of Policy from early 2013 until the 6 <sup>th</sup> January 2014)
Jacqueline Unsworth*	Non-Executive Director	Chair - Circus Communications Limited (Since February 2012) Associate Partner – Piper Private Equity LLP (Since April 2012) Non-Executive Director – Diet Chef Ltd (Since April 2012) Non-Executive Director – Celtic & Co (from June 2013 to January 2014)
Joan Mulcahy*	Non-Executive Director	Director – Elmbridge Housing Trust (Since May 2009) Audit and Treasury Committee member – Paragon Community Housing Group Ltd (since August 2009) Chair – for and on behalf of Robin A Technology Realisations PLC as trustee of the AEA Technology Pension scheme (since July 2010)

Michael Jennings*	Non-Executive Director	Member - Twining Enterprise Ltd. (since 2003) Member – Government’s Advisory Panel on Public Sector Information (since 2009)
Martin Grazier *	Non-Executive Director	Managing Director – Hydrocarbon Solutia Limited (since April 2012) Partner – PricewaterhouseCoopers LLP (2007 – 2012) Daughter has been a manager at Ernst & Young LLP (since 2011)
Chris Streater *	Non-Executive Director	Managing Director, South London Health Innovation Network (since July 2012)
Kate Grimes*	Chief Executive	Nothing to Declare
Jane Wilson*	Medical Director	Nothing to Declare
Simon Milligan*	Director of Finance	Nothing to Declare
Sarah Tedford*	Chief Operating Officer	Nothing to Declare
Duncan Burton *	Director of Nursing & Patient Experience	Honorary Senior Lecturer at Kingston University (from September 2013) Honorary Senior Lecturer at City University (from 2011 to February 2013)
Rachel Benton	Commercial Director	Nothing to Declare
Nicola Hunt	Productivity Director	Nothing to Declare
Terry Roberts	Director of Workforce from June 2014	
Cheryl Samuels	Acting Director of Workforce (from March 2014 – May 2014)	Nothing to Declare

\* Denotes Statutory Board Member