

# Policy Document

Reference: G16

# Standards of Business Conduct

<b>Version:</b>	<b>13</b>
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### Version Control Schedule

Version	Issue Date	Comments
1	December 2000	First version of the policy created.
2	September 2003	
3	September 2006	
4	November 2008	
5	December 2009	
6	September 2013	Full review of policy undertaken by Company Secretary. Addition of appendix 1 and appendix 6
7	April 2015	Policy reviewed against current legislation and in consideration with previous policies of MSFT and addition of Appendix 7
8	July 2016	Policy amended and updated to make consistent with the Trust's Standing Orders & SFIs, to highlight the changes to the NHS 2016/17 Standard Contract and makes specific reference to the use of NHS consumables.
9	May 2017	Policy amended to take into account NHS E 'Managing Conflicts of Interest in the NHS' guidance, issued 2017.
10	May 2018	Amendments made to: <ul style="list-style-type: none"> <li>References to Corporate Affairs changed to Corporate Governance</li> <li>Policy updated to add additional information in line with the NHS E Guidance</li> <li>Changes to declaration limits in respect of hospitality for meals, travel and accommodation</li> </ul>
11	April 2021	<ul style="list-style-type: none"> <li>Website links updates</li> <li>Clarification on declaration requirements for close family members/relatives working at the Trust</li> <li>Updated policy titles</li> <li>Updated Local Counter Fraud Specialist details</li> </ul>
12	May 2023	
13	May 2024	<ul style="list-style-type: none"> <li>Corrected references and job titles/departments throughout</li> <li>Addition to policy monitoring section whereby a sample of declarations will be cross-referenced with financial decisions made</li> <li>Amendment/clarification of approval requirement for sponsored posts whereby these are to be approved by the relevant Executive Director</li> <li>Added questions on the gifts/sponsorship form in terms of the date offered and if any previous gifts/sponsorship has been received before.</li> <li>Clarification provided on the gifts/hospitality form indicating where Divisional Operations Director approval is required.</li> </ul>

### Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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## 1. INTRODUCTION

- 1.1 In February 2017, NHS England published **Managing Conflicts of Interest in the NHS**, intended to protect patients, taxpayers and staff covering health services in which there is a direct state interest and came into force on 1 June 2017.

The guidance introduced consistent principles and rules for managing conflicts of interest, provides simple advice to staff and organisations about what to do in common situations and supports good judgement about how interests should be approached and managed.

This policy has been prepared in accordance with the guidance and applies both internally and externally to the organisation, including the following:

- Employees
- Third parties acting on behalf of the organisation
- Suppliers
- Employees and committee members of the organisation
- Partner organisations

Full details of the guidance can be found at:

<https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

- 1.2 **The NHS Constitution**, (originally published in January 2009, revised 2015 ,2021 and 2023) establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and pledges which the NHS is committed to achieve, together with responsibilities which the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively. All NHS bodies and private and third sector providers supplying NHS services are required by law to take account of this Constitution in their decisions and actions.

Responsibilities for staff include:

“a duty to accept professional accountability and maintain the standards of professional practice as set by the appropriate regulatory body applicable to your profession or role.”

This policy has been prepared in accordance with the principles and values set out in the NHS Constitution. The full Constitution can be found at:

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

- 1.3 The **Code of Conduct and Code of Accountability in the NHS** (issued May 1994, revised 2002, 2004 and 2013) reinforces the importance of public service values being at the heart of the National Health Service. It sets out high standards of corporate and personal conduct based on recognition that patients come first; this has been a requirement throughout the NHS since its inception. Moreover, since the NHS is publicly funded, it must be accountable to Parliament for the services it provides and for the effective and economical use of taxpayers' money.

The full Code can be found at: [https://www.nhsbsa.nhs.uk/sites/default/files/2017-02/Sect\\_1\\_-\\_D\\_-\\_Codes\\_of\\_Conduct\\_Acc.pdf](https://www.nhsbsa.nhs.uk/sites/default/files/2017-02/Sect_1_-_D_-_Codes_of_Conduct_Acc.pdf)

- 1.4 The **Health & Social Care Act 2012** sets out key legislative changes to strengthen and clarify accountability within the NHS, both locally and nationally and improves and introduces new mechanisms for local accountability within the health system. This means greater autonomy for NHS bodies will be matched by increased accountability to patients, democratic legitimacy and a transparent system for achieving value for money and quality inspection.

Further details of the Act can be found at:

<https://www.gov.uk/government/publications/health-and-social-care-act-2012-fact-sheets>

- 1.5** The **Bribery Act 2010**, which repeals existing legislation, introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, Bribery is defined as “Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges. Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

To demonstrate that the Trust has in place sufficient and adequate procedures and to show openness, probity and transparency, all staff are required to comply with the requirements the Trust’s G18 Anti-Bribery and Anti-Fraud Policy.

Should members of staff wish to report any concerns or allegations they should contact the Local Counter Fraud Specialist and where applicable, follow Trust Policy G26 Speaking Up Policy and Procedure.

Full details of the Act, can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181762/bribery-act-2010-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181762/bribery-act-2010-guidance.pdf)

## **2. POLICY STATEMENT**

- 2.1** The purpose of this policy is to:

- Outline consistent principles and rules
- Support good judgement about how to approach and manage interests
- Identify the roles and responsibilities of the Trust Board and staff.

- 2.2** This policy reinforces the principles outlined in section 1 and sets out the business activities and relationships with outside organisations which the Trust considers are appropriate for members of staff.

All members of staff must follow these guidelines to ensure that these codes are implemented throughout the Trust’s business. Members of staff who are registered with a professional body must also ensure that they adhere to their professional code of conduct. This includes contractors, agency staff and anyone such as Committee members, who may not be directly employed or engaged by the Trust.

- 2.3** This policy exists to assist staff in maintaining strict ethical standards in the conduct of all NHS business. The following information and guidance must be noted and adhered to by all staff. Recognising that statements of this nature cannot allude to every possible contingency, it is assumed that all staff are able to distinguish between acceptable and unacceptable behaviour in the conduct of their duties. If, however, staff are uncertain about the correctness or propriety of any proposed business transactions, or in relation to hospitality, declaration of interests and commercial sponsorship then they must seek guidance from the Corporate Governance Department.

- 2.4** The policy should be read in conjunction with the following Trust documents:

- Policy F01: Trust Policy for Standing Financial Instructions
- Policy F06: Charity Policy
- Policy F07: Management of Private Patients

- Policy G02 Research Governance Policy
  - Policy G03: Intellectual Property
  - Policy G18: Anti-Bribery & Anti-Fraud Policy
  - Policy G19: Standing Orders
  - Policy G26: Speaking Up Policy
  - Policy DSP08: Freedom of Information Policy
  - Policy DSP10: Data Protection, Security and Confidentiality
  - Policy HR01 Disciplinary Policy
  - Policy HR02 Resolution Policy
  - Policy HR08: Recruitment and Selection Policy & Procedure
  - Policy HR14: Sickness Absence Management
  - Policy HR28: Employment Break Scheme
  - Policy HR39: Working Time Regulations
  - Policy HR40: Study/Professional Leave for Career Grade Doctors
  - Policy HR45: Job Planning Policy for Consultant and Associate Specialists/Specialty Doctors (SAS Doctors)
  - Code of Conduct for Board Members
- And other documents as noted in section 1, as well as:
- Managing conflicts of interest in the NHS <https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>
  - The Ethical Code of the Chartered Institute of Purchasing and Supply <http://www.cips.org/aboutcips/What-we-do/>

### 3. SCOPE

- 3.1 The contents of this document must be brought to the attention of all managers and staff in order that they are fully aware of the Trust policy and the responsibilities it places on them.

### 4. DEFINITIONS

- 4.1 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”.

A conflict of interest may be:

- **Actual** – there is material conflict between one or more interests OR
- **Potential** – there is a possibility of a material conflict between one or more interests in the future

Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently and perceived conflicts of interest can be damaging. All interests should be declared where there is a risk of perceived improper conduct.

- 4.2 An ‘interest’ 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.

Interests fall into the following categories:

- **Financial interests** – where an individual may get direct financial benefit from the consequences of a decision they have been involved in making.
- **Non-financial professional interests** – where an individual may obtain a non-financial professional benefit from the consequences of a decision they have been involved in making e.g. increasing professional reputation or promoting their professional career.

- **Non-financial personal interests** – 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
- **Indirect interests** – 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 have been involved in
- For further information on types of interests, please see Appendix 6.

NB. A benefit may arise from the making of gain, or avoiding a loss.

\*Associations may arise through relationships with close family members and relatives, close friends and associates and business partners. If staff are aware of material interests, these must be declared.

- 4.3** The Nolan Committee was set up in 1994 to examine concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in arrangements which might be required to ensure the highest standards of propriety in public life.

The committee published ‘Seven principles of Public Life’ which apply to all those operating in the public service sector. These principles should be adopted by all staff and are:

<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
<b>Integrity</b>	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
<b>Objectivity</b>	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
<b>Accountability</b>	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
<b>Openness</b>	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
<b>Honesty</b>	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
<b>Leadership</b>	Holders of public office should promote and support these principles by leadership and example.

- 4.4** All staff are expected to adopt these principles when conducting all official business for and on behalf of the Trust so that appropriate ethical standards can be demonstrated at all times. It is a long established principle that public sector bodies, which include the NHS, must be impartial and honest in the conduct of their business and staff should remain beyond suspicion. It is also an offence under:

- The Fraud Act 2006 if a person abuses their position, if they act against the financial interest of another person or body, to make gain for him/herself or another or causes a loss to another or exposes them to the risk of loss.
- The Fraud Act 2006 if a person dishonestly fails to disclose information which he or she is under a legal duty to disclose and by failing to disclose this information makes a gain for him/herself or another or causes a loss to another or exposes them to the risk of loss.
- Section 7 of the Bribery Act 2010 which creates a criminal offence of a failure to prevent bribery on the part of commercial organisations and reflects a general recognition that there

is an important role to be played by business itself in ensuring that commerce is undertaken in an open and transparent manner.

**A breach of the provisions of these Acts renders staff liable to prosecution and may also lead to loss of their employment and superannuation rights in the NHS. A person may be regarded as having abused their position even though their conduct consisted of an omission rather than an act.**

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 The Trust Board**

**As a public sector body, the Trust Board should ensure that:**

- It remains impartial and honest in the conduct of business.
- The Trust Board fulfil their statutory duty to ensure they achieve value for money from public funds with which they are entrusted and demonstrate high ethical standards of personal conduct.
- The interests of the patient remain the first priority within all business planning, operations and transactions.
- The awarding of contracts should be based solely on merit and should be conducted through fair and open competition with no special favour being shown. Any tender process must be conducted impartially, with staff known to have an interest excluded from the process.

The Chair and Board members shall act impartially and shall not be influenced by social or business relationships. Where, during the course of the Trust Board's business there is a potential for private interests to be material and relevant to the NHS business, the Board member shall declare such interests and they shall be recorded in the Board's minutes. When a conflict of interest is established, the Board member shall withdraw and play no part in the relevant discussion or decisions.

### **5.2 All Staff**

It is the responsibility of all staff to be familiar with this policy and use common sense and judgement to consider whether any interests could affect the way taxpayers' money is spent. Staff may hold interests for which they cannot see potential conflict, however caution is always advisable because others may see things differently.

Members of staff should regularly consider what interests they may have and declare these on appointment or as they arise and if in doubt, declare.

**Staff must not:**

- Misuse their position to further their own interests or of those close to them
- Be influenced, or give the impression that they have been influenced, by outside interests
- Allow outside interests to inappropriately affect the decisions made when using taxpayers' money

### **5.3 Decision Making Staff**

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. Because of their influence in the spending of taxpayers' money, these staff must provide an annual declaration.

For the purposes of the Trust, decision making staff are considered as:

- Executive and Non-Executive Directors
- Associate Directors
- Consultants



- Members of advisory groups contributing to direct or delegated decision making on the provisions of taxpayer funded services
- Staff Band 8a and above
- All Authorised Signatories

#### **5.4 People Directorate**

The People Directorate are responsible for ensuring the appropriate use of the Trust's Disciplinary Procedure. It is the responsibility of every Manager to ensure that all staff including those new to the Department are aware of the Disciplinary Procedure and of the standards of conduct and performance required of them.

The People Directorate shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures.

#### **5.5 Confidentiality**

- All staff have a responsibility, in line with their conditions of employment and professional responsibilities, to preserve confidentiality and must not disclose any confidential information other than to those authorised to receive it. This includes details about Trust clients, employees or business associates, whether actual, potential or past, and all details relating to information on any of the Trust databases or manual filing systems.
- Breaches of confidentiality are a disciplinary offence and may result in disciplinary action which could result in dismissal.
- Internal information of a 'commercial in confidence' nature, particularly if its disclosure would prejudice the principles of a purchasing system based on fair competition, must not be used or made public.
- Where staff are unsure about the confidentiality of particular information, they should seek the advice of their manager before any disclosure is made or seek the advice of the Named Executive Director for Raising Concerns as set out in G26 Speaking Up Policy and Procedure.
- Information concerning a member of staff's private affairs must not be supplied to any person outside the Trust unless the consent of the member of staff is first obtained.
- The Standards of Business Conduct relate primarily to commercially sensitive information. Other areas might be matters in the Public Interest, whistle blowing and concerns about conduct, performance or health that place patients at risk. These are covered by other Trust policies and professional codes of conduct. All staff must ensure that they comply with these standards.
- Staff should refer to DSP08 Freedom of Information Policy which sets out clear guidance for the disclosure of information under the Freedom of Information Act 2000 and any exceptions to this.

### **6. BREACHES OF THE POLICY**

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 other organisations. For the purposes of this policy, these situations are referred to as 'breaches'.

#### **Identifying and Reporting Breaches**

Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to the Corporate Governance Department, Counter Fraud Champion or Freedom to Speak Up Guardian who will refer these to the People Directorate and the Local Counter Fraud Specialist as appropriate, for investigation.

To ensure that interests are effectively managed, staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this. Staff should refer to Policy G26: Speaking Up Policy and Procedure for further information.

The Trust will investigate each reported breach according to its own specific facts and merits and give relevant parties the opportunity to explain and clarify any relevant circumstances. Breaches of the policy will be noted on Datix as an adverse incident.

### **Taking Action in Response to Breaches**

Action taken in response to breaches of this policy will be in accordance with the disciplinary policy of the Trust and could involve the People Directorate and the Local Counter Fraud Specialists as appropriate.

Breaches could require action in one or more of the following ways:

- Clarification or strengthening of existing policy, process and procedures
- Consideration as to whether HR/employment law/contractual action should be taken against staff or others
- Consideration being given to escalation to external parties. This may include referral of matters to external auditors, NHS Counter Fraud Authority, the Police, statutory health bodies (such as NHS England, NHS Improvement or the Care Quality Commission) and/or health professional regulatory bodies.

Inappropriate or ineffective management of interests can have serious implications for the Trust and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.

Sanctions will only be considered once the circumstances surrounding the breach have been properly investigated. However, if such investigations establish wrong doing or fault, then the Trust can and will, consider the range of possible sanctions that are available in a manner which is proportionate to the breach. Possible sanctions include:

- Employment law action against staff, which might include informal action (such as reprimand, or signposting to training and/or guidance) or formal disciplinary action (such as formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion or dismissal)
- Reporting incidents to external parties described above for them to consider what further investigations or sanctions may be required.
- Contractual action, such as exercise of remedies or sanctions against the body or staff which caused the breach.
- Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation.

### **Learning and Transparency Concerning Breaches**

Reports on breaches, the impact of these and the action taken will be considered by the Audit Committee on a quarterly basis. To ensure lessons are learnt and management of interests can continually improve, anonymised information on breaches and the impact of these will be made available for inspection by the public upon request.

## **7. EDUCATION AND TRAINING**

Information highlighting the requirements of this policy will be issued to staff on a periodic basis.

A Counter Fraud e-learning package is available on ESR as part of the Security Awareness Module.

## 8. MONITORING AND REVIEW ARRANGEMENTS

Implementation of this policy will be monitored by the Corporate Governance Department or through internal audit as necessary and reported to the Audit Committee, as required.

The Corporate Governance Department will undertake an annual review against the policy in terms of levels of compliance of completed declarations, cross-referencing a sample of declarations with financial decisions made, numbers of declarations of gifts, hospitality and sponsorship received, cross-referencing declarations with information held on the Disclosure UK Database, and other databases, as appropriate.

The policy will be reviewed in 3 years following approval unless local need or changes in national guidance or legislation require this to be done sooner.

## 9. REFERENCES

- NHS England Managing Conflicts of Interest in the NHS, February 2017
- Department of Health / NHS Appointments Commission, Code of Conduct and Code of Accountability in the NHS, revised April 2013
- Department of Health, The NHS Constitution
- NHS Management Executive: Standards of Business Conduct for NHS Staff, January 1993
- The Bribery Act, 2010
- Medical and Dental Whitney Council Rules
- The ABPI Code of Practice for the Pharmaceutical Industry  
<https://www.abpi.org.uk/reputation/abpi-2021-code-of-practice/>

## DECLARATION OF INTERESTS

All members of staff must ensure that they are not placed in a position which risks or appears to risk, conflict between their private interests and their NHS duties.

Decision making staff are required to declare material interests at the earliest opportunity (and in any event within 28 days) via completion of Appendix 1A. Declarations must be made:

- On appointment
- When a member of staff moves into a new role or responsibilities change significantly and/or as new interests arise

All decision making staff will be contacted on appointment, and annually (Appendix 1B) to request completion of the declaration form (Appendix 1A) which should be forwarded to their line manager if any interests have been declared. This includes the submission of an annual nil declaration, if staff have no declarations to make. The manager should countersign the form (or the Chair in case of Chief Executive) to evidence their review prior to forwarding it to the Corporate Governance Department. In addition, if members of staff do not have any declarations to make, they are required to confirm this via providing a nil declaration to the Corporate Governance Department.

Disciplinary action may be taken if a member of staff fails to declare a relevant interest (including failure to declare in a timely manner) or is found to have abused their official position or knowledge, for the purpose of self-benefit, or for the interest of family or friends. Criminal action may be instigated.

## CATEGORIES OF DECLARATIONS

### 1. OUTSIDE EMPLOYMENT

Members of staff may hold other employment in addition to their post within the Trust, provided that:

- This does not interfere with their physical or mental capacity to do the job for which they are employed within the Trust.
- The other employment does not cause a conflict of interest to arise.
- The other work does not involve the use of equipment or resources owned by the Trust unless under private patient arrangements for medical staff.
- Any other paid or unpaid appointments outside the Trust, are discussed with their manager. Reasonable requests will not be refused, but where such consent is given then the other employment must in no way diminish the contribution the member of staff is able to make to the Trust. The total weekly average hours of work should not normally exceed the limit under the Trust's Working Time Policy. Where the manager assesses there to be a conflict of interests or where the Trust's confidentiality requirements are jeopardised, the member of staff will be required to give up the other employment; their employment with the Trust may be terminated should they refuse to do so.
- If there are concerns that secondary employment is impacting on employment with the Trust, these cases will be managed via policies HR14 Sickness Absence Management and HR29 Capability.

#### **Declaration of Outside Employment**

- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from their line manager to engage in outside employment or to undertake paid work on behalf of another organisation during Trust contracted hours.
- In addition, HR39 Working Time Regulations Policy and Procedure requires staff to complete an Additional Employment Disclaimer Form.
- When a member of staff is on sickness absence, no secondary work should be undertaken during the period of sickness. On occasion, secondary employment is specified and allowed on the GP/Fit note covering that particular absence and it is the responsibility of the individual to inform their manager immediately and produce the medical certificate. Where a staff member is found to be working elsewhere whilst in receipt of sickness pay from the NHS and GP/Fit Note must be provided to confirm the staff member's eligibility to work, the Trust Local Counter Fraud Specialist may be notified to carry

out further investigation into the matter. Dishonestly working elsewhere whilst in receipt of sickness pay may be treated as gross misconduct and/or a fraud by false representation and may result in disciplinary action or criminal prosecution.

- Any employment undertaken during an employment break that is not for the Trust, must be declared and agreed by the Trust. If an employee takes up any other paid work during the period of the employment break scheme, then this will constitute a fundamental breach of the employee's contract with the Trust and will entitle the Trust to summarily dismiss the employee.

Type of outside employment	Declaration required?	When is the declaration required?	Counter-signature required?
Any employment or other engagements, outside of formal employment arrangements, including but not exclusive to: Directorships (including non-executive directorships held in private companies or PLC's); Non-Executive roles; Self-employment; Consultancy work; Charitable Trustee roles; Political roles; Roles with not-for-profit organisations; Paid advisory positions; Paid honorariums relating to bodies likely to do business with the Trust	Yes	On appointment and as any new employment arises → Appendix 1A  In addition, HR39 Working Time Regulations Policy and Procedure requires completion of an Additional Employment Disclaimer Form	Yes. Line manager to consider declaration and any mitigating risks. Line manager to judge whether other employment is detrimental to the interests of the Trust or patients, and take advice from the People Directorate where appropriate.

NB. For declarations of clinical practice, refer to section 5 for declaration process.

#### Acceptance of Additional Fees

Type of additional fees received	Fees payable to	Additional actions
For work undertaking during Trust contracted hours	Fees to be paid to the Trust	Any costs incurred by the Trust in enabling this work to be done (e.g. photocopying etc.) must be reimbursed.
For publishing books, articles, etc. and delivering any lectures, whether on matters arising out of hospital service or not	Fees to be paid to the individual if carried out during periods of annual leave or in the individuals own time	For staff covered by Medical and Dental Whitley Council Rules. If the individual wishes the fee can be donated to research or departmental Trust funds.
For any work in relation to the consultants contractual or consequential services	Fees to be paid to the Trust	
For duties which are included in the job plan, including any additional programmed activities agreed with Trust	Fees to be paid to the Trust	
From other organisations for work carried out during the consultants programmed activities	Fees to be paid to the Trust	Unless the work involves minimal disruption and the Trust agrees that the work can be done in NHS time without the employer collecting the fee.
For domiciliary consultations carried out during the consultants programmed activities	Fees to be paid to the Trust	
For lectures and teaching during the course of consultant's clinical duties and	Fees to be paid to the Trust	

during the consultant's programmed activities.		
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The Counter Fraud provider for the Trust is RSM UK, the Local Counter Fraud Specialist is Emily Wood and can be contacted on [emily.wood@rsmuk.com](mailto:emily.wood@rsmuk.com) or 0113 285 5026. Further information can be obtained from the Counter Fraud intranet pages.

Alternatively, staff can raise concerns anonymously via the National fraud reporting lines 0800 028 4060 or <https://cfa.nhs.uk/reportfraud>.

## 2. SHAREHOLDING AND OTHER OWNERSHIP INTERESTS

Conflicts of interest can arise when staff personally benefit from shares or other ownership interests, because of their role within the Trust e.g. if staff are involved in the Trust'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.

### Declaration of Shareholding and Other Ownership Interests

Type of shareholding and other ownership interests declaration	Declaration required?	When is the declaration required?	Counter-signature required?
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 the Trust	Yes	On appointment and when any new shareholdings or ownership interests arise → Appendix 1A	Yes. Line manager to consider declaration and any mitigating risks. Line manager to judge whether the interest is detrimental to the interests of the Trust or patients, and take advice where appropriate
Any shares or securities held in collective investment or pension funds, or units of authorised unit Trusts	No	Not required	Not required

## 3. PATENTS AND INTELLECTUAL PROPERTY

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 the Trust, this too could create risks of conflicts of interest.

### Declaration of Patents or Other Intellectual Property

Staff should seek prior permission from the Trust before entering into any agreement with bodies regarding product development, research, work on pathways, where this impacts on the Trust's own time, or uses its equipment, resources or intellectual property.

Type of patent or other intellectual property	Declaration required?	When is the declaration required?	Counter-signature required?
Patents or other intellectual property rights held (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing and are expected to	Yes	On appointment and when any new interests arise → Appendix 1A	Yes. Line manager to consider declaration and any mitigating risks. Line manager to judge whether the interest is detrimental to the interests of the Trust or

be related to items to be procured or used by the Trust			patients, and take advice where appropriate
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NB. Staff should also refer to G03 Trust Policy for Intellectual Property.

#### 4. LOYALTY INTERESTS

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 decisions.

##### Declaration of Loyalty Interests

Type of loyalty interests, where staff:	Declaration required?	When is the declaration required?	Counter-signature required?
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	Yes	On appointment and when any new interests arise → Appendix 1A	Yes. Line manager to consider declaration and any mitigating risks. Line manager to judge whether the interest is detrimental to the interests of the Trust or patients, and take advice where appropriate
Sit on advisory groups or other paid or unpaid decision making forums, that could influence how the Trust 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 the Trust does business with an organisation with whom close family members and relatives, close friends and associates, and business partners have decision making responsibilities,			
Have close family members and relatives, with decision making responsibilities, working at the Trust			

#### 5. CLINICAL PRIVATE PRACTICE

Existing provisions in contractual arrangements make allowances 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, and professional conduct rules apply. However, these arrangements create the possibility of conflicts of interests arising, therefore this must be declared so that potential conflicts of interest can be managed.

Medical and dental members of staff may hold clinical private practice in addition to their post within the Trust, provided that:

- Where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.
- They do not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines
- They do not initiate discussions about providing their private professional services for NHS patients, nor should they ask other staff to initiate such discussions on their behalf
- Consultants (and associate specialists) employed by the Trust under the terms and conditions of Service of Hospital Medical and Dental Staff carry out private practice in NHS hospitals subject to the conditions outlined in the handbook "A Guide to the Management of Private Practice in the NHS". Consultants who have Trust contracts are also subject to the terms applying to private practice.
- Regular private commitments are noted and kept up to date within their job plan. The Consultant is responsible for ensuring that private commitments do not conflict with programmed activities.
- Any work for outside agencies is not undertaken within the time they are contracted to the NHS, and the conditions in the paragraph above are observed.
- Locum work outside of doctors and dentists in training is not undertaken where such work would be in breach of their contracted hours.

### Declaration of Clinical Private Practice

Type of private practice	Declaration required?	When is the declaration required?	Counter-signature required?
Clinical private practice	Yes	On appointment and any new private practice as it arises → Appendix 1A	Yes. Line manager to consider declaration and any mitigating risks. Line manager to judge whether other employment is detrimental to the interests of the Trust or patients, and take advice from Human Resources where appropriate
Completion of cremation forms	Yes	In accordance with the Standard Operating Procedure available from the Finance Department.	

For further information please read:

[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)

[https://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/Consultant\\_Contract\\_V9\\_Revised\\_Terms\\_and\\_Conditions\\_300813\\_bt.pdf](https://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/Consultant_Contract_V9_Revised_Terms_and_Conditions_300813_bt.pdf)

## 5.1 USE OF HOSPITAL EQUIPMENT AND FACILITIES INCLUDING PFI FACILITIES

### Using NHS time and equipment

- Members of staff must ensure that NHS consumable equipment and materials are not used for off-site independent sector/private practice. It is recognised that consumables, equipment and materials used for private referrals to the Trust are covered by private patient charges made to the Trust.

### IT Equipment

- Staff must comply with the Trust policies when using hardware and software. This precaution is necessary to prevent the spread of computer viruses. Heads of Department must ensure that steps are taken to regularly undertake virus checking of all computer equipment within their responsibility.



- Any use of the Trust's information technology system is forbidden for purposes other than those which have been expressly authorised and an individual is required to do as part of their job.
- Medical staff utilising specific clinical or research material should seek advice before using any software.

#### **Medical Equipment**

- The loan of equipment for private use on or off-site is forbidden unless expressly authorised in writing by the appropriate Clinical Director. Where there is an existing policy/protocol/procedure this must be followed.

#### **Other Equipment**

- The loan of equipment for private use on or off-site is forbidden unless expressly authorised in writing by the appropriate Director. Where there is an existing policy/protocol/procedure this must be followed.
- When a member of staff borrows Trust equipment with written permission, they are responsible for the return of the equipment in the same condition as when borrowed.
- The Trust will accept no liability, financial or otherwise, if the equipment malfunctions whilst on loan.
- The use of Trust telephones by staff for personal use should be restricted to urgent calls only, this includes mobile phones.

### **6. RECRUITMENT OF STAFF**

Each candidate for appointment must disclose any relationship with any Executive, Non-Executive or senior member of staff of the Trust.

Any canvassing of directors or committee members of the Trust, directly or indirectly for any appointment under the Trust, shall disqualify the candidate from the appointment. Any member of staff responsible for shortlisting and interviewing candidates who are known to them in any other capacity other than professional must declare this during the recruitment process.

Canvassing is seen as any undue influence or pressure applied to any member of staff involved or in a position to influence the recruitment process.

Approaches to directors, or indeed any other member of staff are acceptable in order to learn more about a post or about the service and the Trust or to meet potential future colleagues.



## Declaration of Interests

FOR COMPLETION BY DECISION MAKING STAFF

Please note this form is also available online [here](#)

- Trust Policy, G16 Standards of Business Conduct, states that staff are required to ensure that they are not placed in a position which risks or appears to risk, conflict between their private interests and their NHS duties. As such decision making staff are required to declare any outside employment, shareholding and other interests, patents and intellectual property, loyalty interests and clinical private practice.
- Any interests to be declared must be reported to the Corporate Governance Department on appointment or on acquisition of the interest. It is advisable to make this declaration even if there is some doubt as to whether a conflict could arise. Failure to declare a relevant interest may lead to disciplinary action, including dismissal and, in certain circumstances, to prosecution. In this context, staff should also be aware that in certain circumstances, the interests of their partner or spouse may be deemed also to be their interests.
- The information submitted will be held by the Trust for personnel or other reasons specified on this form and to comply with the Trust's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in public registers that the Trust holds.
- **Please note that any specific declarations of gifts, hospitality or sponsorship should be noted on Appendix 2A.**

<b>Name:</b>		<b>ID:</b>	
<b>Job Title:</b>			
<b>Division:</b>		<b>Ward/Department:</b>	

**PLEASE COMPLETE EITHER SECTION A OR B**

**SECTION A: SOMETHING TO DECLARE**

**Declaration of Outside Employment** (i.e. Directorships, Non-Executive roles, self-employment, consultancy work, charitable Trustee roles, political roles, roles with not-for-profit organisations, paid advisory positions and paid honorariums)

<b>Description of declaration:</b>	
<b>Associated time period (from and to):</b>	
<b>Days/Sessions &amp; Time Commitment:</b>	
<b>Do you receive pay or other benefits for any of the above?</b>	

**Declaration of Clinical Private Practice**

<b>Name of Private Facility:</b>	
<b>Specialty/Major Procedures Practised:</b>	
<b>Days/Sessions &amp; Time Commitment:</b>	
<b>Is this included within your job plan?:</b>	
<b>Do you receive pay or other benefits for any of the above?</b>	

**Continued overleaf**

<b>Declaration of Shareholdings &amp; Ownership</b> (i.e. in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be expected to do, business with the Trust)	
<b>Description of declaration:</b>	
<b>Associated time period (from and to):</b>	
<b>Do you receive pay or other benefits for any of the above?</b>	

<b>Declaration of Patents/Intellectual Property</b> (i.e. anything held individually, or by virtue of your association with the Trust, including when applications to protect have started or are ongoing and which are related to items procured or used by the Trust)	
<b>Description of declaration:</b>	
<b>Associated time period (from and to):</b>	
<b>Do you receive pay or other benefits for any of the above?</b>	

<b>Declaration of Loyalty Interests</b> (i.e. holding a position in another NHS organisation, other organisation, advisory group or unpaid forum, which could influence decisions in your NHS role; involvement in the recruitment or management of close family members/relatives, friends and associates; doing business with an organisation where close family members/relatives, friends and associates have decision making responsibilities, close family members/relatives with decision making responsibilities at the Trust)	
<b>Description of declaration:</b>	
<b>Associated time period (from and to):</b>	
<b>Do you receive pay or other benefits for any of the above?</b>	

<b>SECTION A: CONFIRMATION OF SOMETHING TO DECLARE</b>	
I confirm that the information provided is complete and correct. I acknowledge that any changes in these declarations must be notified to the Trust as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, internal disciplinary, or professional regulatory action may result.	
<b>Employee signature:</b>	<b>Date:</b>

**FOR COMPLETION BY THE LINE MANAGER**

I CONFIRM THAT THE ABOVE ACTIVITIES ARE CONSIDERED SUITABLE TO CONTINUE WHILST AN EMPLOYEE OF THE TRUST, THERE IS NO IMPACT OR CONFLICT WITH THE TRUST AND NO FURTHER ACTIONS ARE REQUIRED:			
<b>Manager's Name:</b>		<b>Managers Signature:</b>	
<b>Designation:</b>		<b>Date:</b>	
IF THE ABOVE ACTIVITIES POST A POTENTIAL CONFLICT, HOW IS THIS TO BE MANAGED? (PLEASE TICK)			
<b>Individual to be removed from decision making process:</b>		<b>Individual's involvement in discussions to be restricted:</b>	
<b>Individual to be removed from their role if significant:</b>		<b>Individual's responsibility to be removed for entire area of work:</b>	
Please return your completed and signed form via email to <a href="mailto:jason.dutton@uhnm.nhs.uk" style="color: blue; text-decoration: underline;">jason.dutton@uhnm.nhs.uk</a>			

--- OR ---

<b>SECTION B: NOTHING TO DECLARE</b>
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I confirm that I have no declaration to make in respect of any outside employment, clinical private practice, shareholdings & ownership, patents/intellectual property and loyalty interests

Employee signature:

Date:

### LINE MANAGER DETAILS

Full Name of Line Manager:

Job Title:

Ward/Department:

Please return your completed and signed form via email to [jason.dutton@uhnm.nhs.uk](mailto:jason.dutton@uhnm.nhs.uk)

**Alternatively, if you have nothing to declare, you can confirm this directly in an email along with the name of your line manager**

Please note that the Trust has a contractual obligation to disclose, on its website, the names and positions of any staff who have neither completed a declaration of interest nor submitted a nil return, therefore your prompt response would be appreciated.



Date

Chief Executive                      Chair  
Executive Directors                  Non-Executive Directors  
Associate Directors                  Consultants  
Other decision making staff not already listed  
All Authorised Signatories

**Executive Suite**  
Springfield  
Royal Stoke University Hospital  
Newcastle Road  
Hartshill  
Stoke-on-Trent  
ST4 6QG  
Tel: 01782 676612

Dear Colleague

### Declaration of Interests

In line with the requirements of the Trust's Standards of Business Conduct Policy (G16), all decision making staff (as identified above) are required to declare on appointment, on acquisition of an interest and thereafter on an annual basis, any interests they have (including other employment) which may be in conflict with their Trust duties.

The interests which require your declaration are:

- Any outside employment
- Clinical Private Practice
- Patents/Intellectual Property
- Shareholdings and ownership
- Loyalty interests

The above may involve:

1. Financial interests - This is where an individual may get direct financial benefits from the consequences of a decision they are involved in making
2. Non-financial professional interests - This is 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 status or promoting their professional care
3. Non-financial personal interests - This is 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
4. Indirect interests - 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

NB. A benefit may arise from both a gain, or avoidance of a loss.

The form attached to this letter should be used for reply but a separate list may be attached if appropriate. Please ensure that if you do have anything to declare, that the form has been counter-signed by your line manager/clinical director before returning. **Please ensure that you return the form to the Corporate Governance Department, even if you have no interests to declare (electronic email signatures are accepted for any nil returns)**

Please note that as part of the Counter Fraud annual programme of work, declarations may be cross-referenced against information held on national databases (including the National Fraud Initiative, which identifies any Trust staff who work at other organisations). It is therefore important that your declaration includes any employment outside of the organisation.

Any declarations relating to the following should be noted on a separate form, Appendix 2A of the policy.

- Gifts, hospitality, donations, sponsored events, sponsored research or sponsored posts

Please note that you will be asked to update your declaration on an annual basis, if there are any changes to your declaration prior to receiving the request, please complete and return a new declaration form.

For your information, I have attached a copy of the frequently asked questions. If you have any further queries please do not hesitate to contact me.

Yours sincerely **DEPUTY ASSOCIATE DIRECTOR OF CORPORATE GOVERNANCE**

## ADDITIONAL DECLARATIONS

All members of staff are required to declare gifts, hospitality and sponsorship as set out below. This should be completed at the earliest opportunity (and in any event within 28 days).

All decision making staff will be contacted on appointment (Appendix 2C) to highlight the requirements of the policy.

### 1. GIFTS

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

Under the Bribery Act 2010, it is a criminal offence for members of staff to demand or accept any gifts or consideration as an inducement or reward for:

- Doing, or refraining from doing, anything in their official capacity
- Showing bias/favour, or disfavour, to any person in their official capacity.

#### Declaration of Gifts

Staff:

- Must not accept gifts of cash or vouchers
- Must not accept gifts that may affect, or to be seen to affect their professional judgement
- Must not accept gifts from suppliers or contractors doing business (or likely to do business) with the Trust (other than low cost branded promotional aids less than £6)
- Must not ask for any gifts
- Must not ask for preferential rates, nor benefits in kind, for private transactions carried out with companies with which they have had, or may have had, official dealings on behalf of the Trust. This includes goods and services for personal use, and these must not be obtained at a discounted rate.

Nature of Gift	Acceptable?	Declaration Required?	Counter-signature required?
Cash or gift vouchers of any amount	No	Yes	Yes
Gifts from suppliers or contractors doing business (or likely to do business) with the Trust	No (unless under £6)	No	No
Under £6 from any source	Yes	No	No
Between £6 to £25	Yes*	No	No
Between £25 to £50	Yes*	Yes → Appendix 2A	Yes by line manager to evidence their review
Above £50 **	No (unless accepted on behalf of the Trust i.e. to Charitable Funds)	Yes → Appendix 2A	Yes by line manager to evidence their review
<p>* Please note that gifts above £6 from suppliers or contractors doing business (or likely to do business) with the Trust, are <b>not</b> acceptable.  ** If more than one item is received from the same source (over a 12 month period), when the cumulative value exceeds £50, this must be declined and declared via completion of Appendix 2A.</p>			

NB. The above does not apply when gifts are exchanged between individual members of staff, in respect of celebrations etc.

## 2. DONATIONS AND LEGACIES

- 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 and the Associate Director for Procurement and Commercial Services should be made aware. 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 the Trust, or is being pursued on behalf of the Trust's registered charity and is not for their own personal gain
- Staff must obtain permission from the Trust 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 the Trust's charity (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.

Staff should refer to Trust Policy F06: Charity Policy with regards to maintaining formal records of acceptance of donations and legacies.

## 3. HOSPITALITY

Hospitality means offers of meals, refreshments, travel, accommodation and other expenses in relation to members of staff attending meetings, conferences, education and training events.

### Declaration of Hospitality

Staff:

- Must not ask for, or accept, hospitality which may affect, or be seen to affect, their professional judgement
- Should only accept hospitality when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- Should pay particular caution when hospitality is offered by actual or potential suppliers or contractors – these can be accepted if modest and reasonable but approval should be sought.

Meals and refreshments	Acceptable?	Declaration Required?	Counter-signature required?
Under £25	Yes	No	No
Between £25 to £75	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Over £75	No, unless in exceptional circumstances	Yes → Appendix 2A	Yes by Divisional Operations Director or equivalent) and if not refused, a clear reason provided as to why permissible to accept
Travel	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £300 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review

Any costs over the above; offers of business class or first class travel; offers of foreign travel	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept
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Accommodation (per night)	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £150 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Any costs over the above; Offers of business class or first class accommodation; offers of foreign accommodation	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept

Repeated minor hospitality from the same company/organisation must be considered carefully by the recipient. Modest hospitality provided it is normal and reasonable in the circumstances, e.g. lunches in the course of working visits may be acceptable. Where the catering is provided by the Trust's catering provider but is paid for by another company/organisation, the Trust's hospitality request form must indicate the said company/organisation.

#### 4. **SPONSORSHIP**

There is potential for conflicts of interest between the Trust and the sponsor, particularly regarding the ability to market commercial products or services.

Sponsorship usually relates to events held by the Trust with an educational and/or research context.

When obtaining sponsorship, it is the responsibility of all staff to:

- Check companies for potential irregularities, i.e. anything that may affect a company's liability to meet the conditions of the agreement.
- Assess the costs and benefits in relation to alternative options and to ensure that the decision making process is transparent and defensible.
- Ensure that purchasing decisions (including pharmaceuticals and appliances) are based on best clinical practice and value for money, taking into account their impact on other parts of the healthcare system).
- Ensure that all partnerships involving a pharmaceutical company comply fully with the Medicines (advertising) Regulations 1994 (Revised November 2020) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/376398/Blue\\_Guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376398/Blue_Guide.pdf)
- Ensure that the interests of patients are taken into account including the requirement for protection and use of information.
- Determine how clinical and financial income will be monitored.
- Ensure that any sponsorship agreements have a break clause to enable termination where good value for money/clinical outcomes are not being achieved.
- Ensure that potential sponsors are informed that any sponsorship will have no effect on purchasing decisions within the Trust.



## Wider Transparency Initiatives

Staff are strongly encouraged to give their consent for payments they receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative, and to declare these via Appendix 2A. These 'transfers of value' include payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel both inside and outside of the UK
- Donations, grants and benefits in kind provided to healthcare organisations.

Further information about the scheme can be found on the ABPI website:

<https://www.abpi.org.uk/our-ethics/disclosure-uk/about-disclosure-uk/#15de7af5>

## Declaration of Sponsorship

### Events

- When liaising 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 be supplied.
- 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.
- The involvement of a sponsor in an event should always be clearly identified in the interests of transparency.
- Staff 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.

### Research and Development

- Funding sources for research purposes must be transparent.
- 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.
- All research must be managed in accordance with the requirements of the Department of Health Research Governance Framework. Consultants must comply with all reporting requirements, systems and duties of action put in place by the Trust to deliver research governance. Consultants must also comply with the GMC guidance 'Good Practice in Research', as from time to time amended.

### Sponsored Posts

- Staff who are establishing the external sponsorship of a post should seek formal prior approval from the Trust via the relevant Executive Director (i.e. the Chief Medical Officer for medical posts, the Chief Nurse for nursing posts – advice can be sought from the Corporate Governance Department).
- 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 the Trust has the ability to exit sponsorship arrangements if conflicts of interest, which cannot be managed, arise.
- Any supplier Sponsorship Arrangements must be arranged via the Supplies and Procurement Team

- Human Resources should be involved to ensure employment related liabilities are fully dealt with properly
- 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.
- Staff should declare any other interests arising as a result of their association with the sponsor via completion of Appendix 1A

Staff:

- Must not enter into a partnership which is linked to the purchase of a particular product or supply from a particular source unless as a result of competitive tendering.
- Must not recommend patients to use the sponsor's products or services, in preference to other options.

Type of sponsorship	Acceptable?	Declaration Required?	Counter-signature required?
Events (including meeting rooms and refreshments, provision of free services i.e. speakers)	Yes - if a reasonable person would conclude that the event will result in clear benefit for the Trust and the NHS	Yes → Appendix 2A	Yes by line manager to evidence their review
Conference and course fees			
Research and development	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Sponsored Posts	Yes – form prior approval required	Yes → Appendix 2B	Yes, approval process to be followed and Executive Director authorisation obtained

The Corporate Governance Department will maintain a register of gifts, hospitality and sponsorship deals which will be reported regularly to the Audit Committee and published on the Trust's website.



## Declaration of Gifts, Hospitality and Sponsorship

### FOR COMPLETION

Please note this form is also available online [here](#)

- **All cash gifts, including gift vouchers, of any amount, must be declined.** Alternatively donations to the UHNM Charity can be accepted in accordance with the UHNM Charity Policy.
- Members of staff are required to declare any gifts between £25 to £50. Any gifts above £50 must be **declined** and declared. Any gifts above £6 from suppliers or contractors doing business (or likely to do business) with the Trust, must be **declined**.
- Any hospitality from suppliers or contractors doing business (or likely to do business) with the Trust, must be treated with **caution** and only accepted if modest and reasonable.
- Hospitality i.e. meals and refreshments between £25 to £75 must be declared. If the value is above £75 this may only be accepted in **exceptional circumstances** and must be declared.
- Hospitality i.e. travel and accommodation must be declared. Any offers of first or business class travel and accommodation should only be accepted in **exceptional circumstances** and prior approval must be sought.
- The information submitted will be held by the Trust for personnel or other reasons specified on this form and to comply with the Trust's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in public registers that the Trust holds.
- **Please note that any standing declarations of interests should be noted on Appendix 1A and declarations relating to sponsorship of posts should be declared by completing Appendix 2B.**

### FOR COMPLETION BY THE EMPLOYEE

<b>Name:</b>		<b>ID</b>	
<b>Job title:</b>			
<b>Directorate:</b>			

CATEGORIES OF DECLARATIONS (please tick)			
<b>Declaration of Gift:</b>		<b>Declaration of Hospitality (meals and refreshments / travel / accommodation):</b>	
<b>Declaration of Sponsorship of Event:</b>		<b>Declaration of Sponsorship of Courses &amp; Conferences:</b>	
<b>Declaration of Donation/Legacy:</b> <i>Please inform the Director of Communications. If from a supplier or potential supplier, please inform the Associate Director for Procurement and Commercial Services</i>		<b>Declaration of Sponsored Research:</b> <i>Please inform the Director of Research and Development</i>	
<b>Please complete the rest of the form and forward to your line manager for signature</b>			

<b>Reason for the gift, hospitality, sponsorship, donation, research:</b>			
<b>Date offered:</b>			
<b>Date received / Date of event:</b>			
<b>Approximate value £: (please use an actual amount or an estimate)</b>			
<b>Have you previously accepted or received any offers from this supplier / offeror before? (If yes, please detail)</b>			
<b>Approximate number of attendees (for sponsored events):</b>			
<b>Name of company involved (if applicable):</b>			
<b>This was (please tick):</b>	<b>Accepted</b>		<b>Declined</b>
It is an offence to accept a gift, inducement or reward to refrain from doing something or to show bias for or against a person. In accepting any gift, hospitality or sponsorship an employee will be deemed by the courts to have received it corruptly unless they can prove to the contrary.			

<b>CONFIRMATION OF DECLARATION</b>			
I confirm that the information provided is complete and correct. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, internal disciplinary, or professional regulatory action may result.			
<i>In exceptional circumstances, your name and other information can be redacted from the published register. If you would like this to be considered, please provide the reasons below:</i>			
<b>Employee signature:</b>			<b>Date:</b>
<b>Please forward this form to your line manager for counter signature</b>			

## FOR COMPLETION BY THE LINE MANAGER

Please note, any of the following requires prior approval from the Divisional Operations Director (or equivalent)

- Meals and refreshments over £75 accepted in exceptional circumstances
- Travel - Any costs over the allowed limit; offers of business class or first class travel; offers of foreign travel
- Accommodation - Any costs over the allowed limit; Offers of business class or first class accommodation; offers of foreign accommodation

<b>I confirm that I have reviewed the information contained within this declaration and confirm that appropriate approvals have been obtained and that there is no further action to be taken in respect of this declaration</b>			
<b>Manager's Name:</b>		<b>Managers Signature:</b>	
<b>Designation:</b>		<b>Date:</b>	
<b>IF THE ABOVE DECLARATION POSES A POTENTIAL CONFLICT, HOW IS THIS TO BE MITIGATED?</b>			
When completed, please forward this form to Jason Dutton, via email <a href="mailto:jason.dutton@uhnm.nhs.uk">jason.dutton@uhnm.nhs.uk</a>			

**FOR COMPLETION BY THE DIVISIONAL OPERATIONS DIRECTOR (OR EQUIVALENT) (IF REQUIRED – RELATING TO THE ABOVE EXCEPTIONS)**

<b>I confirm that the there is no further action to be taken in respect of this declaration</b>			
<b>Divisional Operations Director (or equivalent) Name:</b>		<b>Signature:</b>	
<b>Designation:</b>		<b>Date:</b>	
<b>IF THE ABOVE DECLARATION POSES A POTENTIAL CONFLICT, HOW IS THIS TO BE MITIGATED?</b>			
When completed, please forward this form to Jason Dutton, via email <a href="mailto:jason.dutton@uhnm.nhs.uk">jason.dutton@uhnm.nhs.uk</a>			



## Declaration of Sponsored Post

### FOR COMPLETION

- Under the terms of Trust Policy G16 Standards of Business Conduct, members of staff are required to seek approval for any sponsored posts
- The information submitted will be held by UHNM for personnel or other reasons specified on this form and to comply with the Trust's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that UHNM holds.

### FOR COMPLETION BY THE EMPLOYEE

<b>Name:</b>		<b>ID</b>	
<b>Job title:</b>			
<b>Directorate:</b>			

<b>Job title of the sponsored post:</b>			
<b>Name of company providing sponsorship:</b>			
<b>Value of sponsorship £:</b>			
<b>Time period of contract:</b>			
<b>What monitoring arrangements have been established to ensure that purchasing decisions are not being influenced by the sponsorship:</b>			
<b>Name of person in Procurement who has been informed of the sponsorship:</b>			
<b>I confirm that the Trust has confirmed, in writing, to the company that the sponsorship will have no effect on future purchasing decisions or prescribing and dispensing habits.</b>			
<b>Employee signature:</b>		<b>Date:</b>	
<b>When completed, forward this form to your Directorate Manager for authorisation.</b>			

### DECLARATION OF SPONSORED POST

I confirm that the information provided overleaf is complete and correct. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, internal disciplinary, or professional regulatory action may result.

*In exceptional circumstances, your name and other information can be redacted from the published register. If you would like this to be considered, please provide the reasons below:*

## AUTHORISATION PROCESS

<b>I confirm that there is no further action to be taken in respect of this declaration and the principles outlined within G16 policy regarding sponsorship of posts, have been considered</b>			
<b>Directorate Manager's Name:</b>		<b>Directorate Manager's Signature:</b>	
<b>Date:</b>		<b>When completed, please forward this form to the Divisional Operations Director for authorisation.</b>	
<b>Divisional Operations Director's Name:</b>		<b>Divisional Operations Director's Signature:</b>	
<b>Date:</b>		<b>When completed, please forward this form to the relevant Executive Director for authorisation.</b>	
<b>Executive Director's Name and Role:</b>		<b>Executive Director's Signature:</b>	
<b>Date:</b>		<b>When completed, please forward this form to the Corporate Governance Department.</b>	

## FOR COMPLETION BY THE CORPORATE GOVERNANCE DEPARTMENT

<b>Date Received:</b>		<b>Date Recorded on Register:</b>	
<b>Forwarded to Requestor:</b>		<b>Monitoring Arrangements Noted:</b>	



Date

Chief Executive            Chair  
Executive Directors       Non-Executive Directors  
Associate Directors       Consultants  
Staff Band 8 and above (not already listed)  
All Authorised Signatories

**Executive Suite**  
Springfield  
Royal Stoke University Hospital  
Newcastle Road  
Hartshill  
Stoke-on-Trent  
ST4 6QG  
Tel: 01782 676612

Dear Colleague

### **Declaration of Acceptance or Refusal of Gifts, Hospitality and Commercial Sponsorship**

In line with the requirements of the Trust's Standards of Business Conduct Policy (G16) I would like to draw your attention to the specific requirements which relate to the acceptance of Gifts, Hospitality and Commercial Sponsorship.

#### **Gifts**

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

Staff must not:

- Accept gifts of cash or vouchers
- Accept gifts that may affect, or to be seen to affect their professional judgement
- Ask for any gifts
- Ask for preferential rates, nor benefits in kind, for private transactions carried out with companies with which they have had, or may have had, official dealings on behalf of the Trust. This includes goods and services for personal use, and these should not be obtained at a discounted rate.

#### **Hospitality**

Hospitality means offers of meals, refreshments, travel, accommodation and other expenses in relation to members of staff attending meetings, conferences, education and training events.

Staff should:

- Ensure any hospitality from suppliers or contractors doing business (or likely to do business) with the Trust, is treated with caution and only accepted if modest and reasonable and senior approval has been sought.
- not ask for, or accept, hospitality which may affect, or be seen to affect, their professional judgement
- only accept hospitality when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.

#### **Commercial Sponsorship**

Staff must not:

- Enter into a partnership which is linked to the purchase of a particular product or supply from a particular source unless as a result of competitive tendering.
- Recommend patients to use the sponsor's products or services, in preference to other options.
- Proceed with sponsored posts until full prior authorisation has been provided

The Corporate Governance Department will maintain a register of gifts, hospitality and sponsorship deals which will be reported regularly to the Audit Committee and published on the Trust's website.

The procedures for acceptance and declaration of the above, is included on the attached guide for staff.



### **Wider Transparency Initiatives**

Staff are strongly encouraged to give their consent for payments they receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative. The Trust is required to confirm these 'transfers of value' each year and they are cross-referenced with the declarations on the Trust's Register. This includes payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel both inside and outside of the UK
- Donations, grants and benefits in kind provided to healthcare organisations.

Further information about the scheme can be found on the ABPI website:

<https://www.abpi.org.uk/our-ethics/disclosure-uk/about-disclosure-uk/#15de7af5>

### **The Bribery Act 2010**

The Bribery Act 2010, which repeals existing legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place, sufficient and adequate procedures, to prevent bribery and corruption taking place. Under the Act, Bribery is defined as "Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges." Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. Should members of staff wish to report any concerns or allegations they should contact the Trust Local Counter Fraud Specialist.

Kind regards

**DEPUTY ASSOCIATE DIRECTOR OF CORPORATE GOVERNANCE**

## STRATEGIC DECISION MAKING GROUPS

Strategic decision making groups are groups which 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

The interests of those who are involved in any significant groups, should be well known to those involved.

- 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 Trust's register
- If a member has an actual or potential interest, the chair should consider the following approaches and ensure the reason for action is documented within the minutes:
  - Request that the member does not attend all or part of the meeting
  - Ensure the member does not receive meeting papers relating to the nature of their interest
  - If the nature and extent of the interest is judged appropriate, the member can remain and participate
  - The vice-chair (or other non-conflicted member), should chair all or part of a meeting when the Chair has an interest which may prejudice their judgement.

## PROCUREMENT DECISIONS

All staff who are in contact with suppliers and contractors and, in particular those who are authorised to sign purchase order or place contracts, are expected to adhere to professional standards set down by the Trust. 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. (A link to the Ethical Code of the Chartered Institute of Purchasing and Supply (CIPS) can be found at section 1 of this policy).

Fair and open competition between prospective contractors or suppliers is a requirement of the Trust Standing Orders. This means that:

- No private, public or voluntary organisation or company which may bid for NHS business should be given an advantage over its competitors, such as advance notice of NHS requirements. This applies to all potential contracts whether or not there has been a previous contract or business relationship.
- Each new contract should be awarded solely on merit, taking into account the requirements of the Trust and the ability of contractors to fulfil them.

Members of staff should ensure that no special favour is shown to current or former members of staff, or their close relatives or associates, in awarding contracts to private or other business which are either owned by the or which employ them in a managerial capacity. Contracts may only be awarded where they have been won in fair competition, but the Trust will ensure that the selection process is conducted impartially and that staff who are known to have a relevant interest play no part in the selection.

The Trust will ensure that all invitations to potential contractors to tender for Trust business will include a notice warning tenderers of the consequence of engaging in any corrupt practices involving members of staff; in addition contractors also have an obligation to declare any conflicts of interest

## **MAINTENANCE AND PUBLICATION OF REGISTERS**

The standard forms as discussed in previous appendices must be completed and forwarded to the Corporate Governance Department. The forms will be entered onto the Trust's Register of Interests and will remain on the register for a minimum of 6 months after the interest has expired.

The register will be updated to include:

- Names of members of staff concerned
- A description of the interest declared
- The date(s) the event took place
- Reason(s) for the hospitality/gift/sponsorship
- Approximate value of hospitality/gift/sponsorship (as required)
- Indication of whether the hospitality/gift/sponsorship was accepted or refused

All declared interests shall be recorded on a register of interests, which will be published on an annual basis via the Trust's website.

Updates to the Register of Interests will be reported regularly to the Trust Audit Committee. Following the implementation of the Freedom of Information Act 2000, the information contained within the Trust register will be subject to disclosure to any member of the public on request.

If staff declaring an interest have substantial grounds for believing that publication of their interests should not take place, then they should make this clear on the declaration form and reasons for this. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, information may be withheld or redacted on public registers. However this would be the exception and information will not be withheld or redacted merely because of a personal preference.

## G16 STANDARDS OF BUSINESS CONDUCT - QUESTIONS & ANSWERS

### Outside Employment (page 12 of Trust Policy)

#### Any outside employment should be declared via Appendix 1A, including but not exclusive to:

- Directorships (including non-executive directorships held in private companies or PLC's)
- Non-Executive roles
- Self-employment
- Consultancy work
- Charitable Trustee roles
- Political roles
- Roles with not-for-profit organisations
- Paid advisory positions
- Paid honorariums relating to bodies likely to do business with the Trust

**1. Since I joined the Trust, I have set up my own company to do some consultancy work. This isn't directly related to my day job...do I still have to declare it?**

You should declare any outside employment and other similar engagements, as above, as it arises, and in some cases you might be required to seek prior approval. There are instances i.e. within employment law, which the Trust needs to know about, even if it doesn't give rise to the risk of conflict of interest.

### Acceptance of Additional Fees (page 13 of Trust Policy)

#### Fees to be remitted to the Trust for the following:

- For work undertaken during Trust contracted hours (and any costs incurred by the Trust in enabling this work to be done e.g. photocopying must be reimbursed)
- For any work in relation to the consultants contractual or consequential services
- For duties which are included in the job plan, including any additional programmed activities agreed with Trust
- From other organisations for work carried out during the consultants programmed activities (unless the work involves minimal disruption and the Trust agrees that the work can be done in NHS time without collecting the fee)
- For domiciliary consultations carried out during the consultants programmed activities
- For lectures and teaching during the course of consultant's clinical duties and during the consultants programmed activities.

#### Fees to be paid to the individual, if carried out during periods of annual leave or in individuals own time:

- For publishing books, articles, etc. and delivering any lectures, whether on matters arising out of hospital service or not (for staff covered by Medical and Dental Whitley Council Rules. If the individual wishes the fee can be donated to research or departmental Trust funds)

**2. I am an academic and have received an invitation to lecture at a conference. Do I need to declare this?**

Yes you do – regardless of who has organised the conference (e.g. a patient advocacy charitable organisation as opposed to a medical devices manufacturer).

**3. If I am paid for the lecture but I donate my fee to a registered charity, do I still need to declare it?**

If you receive payment for the lecture which you then donate to charity, you should still declare this to your organisation and take personal responsibility for making sure that any tax liabilities relating to the donation are properly discharged and accounted for. Fees should be remitted as above.

### Shareholding and Other Ownership Interests (page 14 of Trust Policy)

#### Types of shareholding and other ownership interests requiring declaration via Appendix 1A

- 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 the Trust

**4. I hold a small shareholding in a large medical devices company. I don't have any controlling interest...do I still need to declare this?**

If the medical devices company might reasonably be expected to do business with the Trust then yes, you should make a declaration whatever the size of your shareholding. It doesn't matter whether you have a controlling interest or not.

**5. I have purchased an annuity. I don't manage the fund but I know that it is predominantly invested in the biomedical sciences industry. Do I need to declare this?**

No, you don't need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

### Loyalty Interests (page 15 of Trust Policy)

#### Types of loyalty interests requiring declaration via Appendix 1A, where staff:

- 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 could influence how the Trust 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 the Trust does business with an organisation with whom close family members and relatives, close friends and associates, and business partners have decision making responsibilities
- Are aware of close family members/relatives working at the Trust, with decision making responsibilities

**6. I work for more than one NHS organisation. How should I manage my declarations?**

You will need to declare your interests openly with each organisation, and for the Trust use Appendix 1A.

**7. In my role in the Trust I work in the *A.N.Other* service. Every Saturday afternoon I volunteer in my local charity shop. The charity raises money for *A.N.Other* research. Do I need to declare this as a loyalty interest?**

You don't need to declare this because you are not in a position of authority within the charity. However, if you take on a position of authority in the charity, such as sitting on their board, you would need to declare this as a loyalty interest as it could be seen to influence decisions you take at work.

**8. My department is recruiting two new members of staff, and a close friend of mine might apply. Do I need to declare this?**

Yes, if you know there is a reasonable chance of them applying. You need to make this known so that the Trust can decide on the right level of involvement for you in the recruitment and/or management process.

**9. My husband works for a company which supplies surgical equipment to the hospital that I work for. Do I need to declare this?**

If your husband has decision making responsibilities in the company, then yes. If you're not sure, speak to the Corporate Governance Department. If in doubt, declare.

**10. In my role in the Trust I work in the *A.N.Other* service. I also sit on an independent advisory group which makes recommendations about new scanner development. Do I need to declare this?**

Yes you do. This might be seen to influence how the Trust spends taxpayers' money.

### Clinical Private Practice (page 15 of Trust Policy)

**11. I carry out some private practice in addition to my NHS role. Is this ok?**

NHS commitments should always take precedence over private work where there might be a conflict of interest. Otherwise, private practice is fine as long as you declare it to the Trust on appointment or whenever any new private practice arises via completion of Appendix 1A. You will also need the prior approval of the Trust, except for in emergency situations, and you should not initiate discussions about your private professional services with patients,

or ask other staff to initiate such discussions on your behalf. You should not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines.

**12. How does the guidance apply to referrals made to private services, in which NHS clinicians may have a financial interest?**

If an NHS clinician has a financial interest in a service which is doing, or may potentially do business with the NHS, then they should declare this to the Trust. The clinician must never allow their financial interests to influence, or be seen to influence, decisions they take in their NHS role.

**13. I am asked to participate in a waiting list initiative / Choose and Book initiative. If I do some of this work privately, should this be declared?**

Yes, any new private practice should be declared as and when it arises.

**14. I am an NHS doctor but I also do private medico-legal work – do I need to declare this?**

Yes – you should declare this to the Trust as outside employment.

**Declaration of Gifts (page 22 of Trust Policy)**

Nature of Gift	Acceptable?	Declaration Required?	Counter-signature required?
Cash or gift vouchers of any amount	No	Yes	Yes
Gifts from suppliers or contractors doing business (or likely to do business) with the Trust	No (unless under £6)	No	No
Under £6 from any source	Yes	No	No
Between £6 to £25	Yes*	No	No
Between £25 to £50	Yes*	Yes → Appendix 2A	Yes by line manager to evidence their review
Above £50 **	No (unless accepted on behalf of the Trust i.e. to Charitable Funds)	Yes → Appendix 2A	Yes by line manager to evidence their review
* Please note that gifts above £6 from suppliers or contractors doing business (or likely to do business) with the Trust, are <b>not</b> acceptable. ** If more than one item is received from the same source (over a 12 month period), when the cumulative value exceeds £50, this must be declined and declared via completion of Appendix 2A.			

**15. The family of a patient receiving NHS treatment has offered me a £30 gift voucher....what do I do?**

Gifts of cash or vouchers to individuals should always be declined, and declared. You could, if appropriate, suggest that they donate the voucher to the Trust's charity, where it will be used to promote the work of the Trust.

**16. An NHS patient has offered me a case of wine, which I estimate to be worth £45. I have already accepted a bottle of whiskey from this family earlier this year, which retails at £25...what do I do?'**

Because the original gift was valued at less than £50, it was fine to accept this as long as it wouldn't be seen to affect your professional judgement. However, because the cumulative value of multiple gifts from the same family over a 12 month period now exceeds £50, it would not be appropriate to accept the second gift personally. It should be treated with caution and may only be accepted on behalf of the organisation, and should be declared if accepted.

**17. One of the Trust's suppliers has offered me a branded pen....what do I do?**

Gifts from actual or potential suppliers and contractors should always be declined, but the exception to this is low cost promotional items worth less than £6 – so assuming it isn't a particularly expensive pen it's fine to accept it. If a gift or more than one gift together is worth more than £6, it should always be declined.

## Declaration of Hospitality (page 23 of Trust Policy)

Meals and refreshments	Acceptable?	Declaration Required?	Counter-signature required?
Under £25	Yes	No	No
Between £25 to £75	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Over £75	No, unless in exceptional circumstances	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and if not refused, a clear reason provided as to why permissible to accept

Travel	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £300 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Any costs over the above; offers of business class or first class travel; offers of foreign travel	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept

Accommodation (per night)	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £150 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Any costs over the above; Offers of business class or first class accommodation; offers of foreign accommodation	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept

### 18. I am attending an event sponsored by a pharmaceutical company and lunch is provided. I estimate the value to be £15. What do I do?

Provided you have used a common sense approach to estimate the value, there is a legitimate business reason for attending, and the hospitality will not affect, or be seen to affect, your professional judgment, this lunch can be attended. However if the company offering the lunch is an actual or potential supplier or contractor then senior approval would be required and the hospitality should be declared.

### 19. I am attending an event sponsored by a medical devices manufacturer and they have offered to pay for my travel and accommodation...can I accept?

You can accept modest offers to pay for travel and accommodation but you must declare them if you accept. You would need senior approval before accepting any offer of first class domestic travel and accommodation or foreign travel and accommodation, or other unusually generous offer. You would also need senior approval if the company offering to pay for the travel and accommodation is an actual or potential supplier or contractor. Any payment of conference and course fees do not count towards the travel and accommodation limit – these are classed as sponsorship (see below).

## Declaration of Sponsorship (page 24 of Trust Policy)

### Types of sponsorship requiring declaration via Appendix 2A:

- Events (including meeting rooms and refreshments, provision of free services i.e. speakers)
- Conference and course fees

**20. Can I still receive funding from industry for clinical or medical education?**

Yes – but you will need to declare any funding received under the principles and rules within the policy as set out above.

**21. I am required to attend training on new technical equipment which is only provided in overseas training centres. The company providing the equipment have offered to pay for the training, how does the guidance apply?**

The training on the equipment will result in clear benefit for the Trust and the NHS. Attendance at the training should be declared as sponsorship on Appendix 2A.

**22. I am arranging an educational event and have been offered sponsorship by a local university and a pharmaceutical company. How do I apply the guidance in both cases?**

If the event will result in clear benefit for the Trust and the NHS, sponsorship can be accepted if it is declared to the Trust, and the same rules apply for both sponsors. There must be no breach of patient or individual confidentiality or data protection rules, and no information should be shared which is not already in the public domain or from which the sponsor might gain a commercial advantage. You will also need to be transparent about the sponsor's support and make it clear on all event materials that sponsorship does not equate to endorsement of the company or its products.

**23. I am arranging a specialty-specific event for clinicians in my area. A pharmaceutical company has offered support for funding the event in exchange for a presentation slot. Can I accept this?**

Sponsors or their representatives can 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. You should also consider the requirements concerning confidentiality, commercial advantage and transparency, as set out above.

**24. My area of specialty lacks funding due to small patient population sizes. Industry can have an important role in providing investment, resources and skills to facilitate change. If I'm organising a meeting, can I still invite a sponsor to speak at an event in a manner that is appropriate to the context of the event or wider project at hand?**

Sponsors or their representatives can 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. You should also consider the requirements concerning confidentiality, commercial advantage and transparency, as set out above.

### Types of sponsorship requiring declaration via Appendix 2B:

- Sponsored Posts

**25. I have the opportunity to establish an additional post in my team through external sponsorship. This additional capacity would really benefit the team. Can I still do this?**

Yes you can, so long as you have formal prior approval from the Trust. You need to:

- Get formal written confirmation from the sponsor that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits - and you should audit this for the duration of the sponsorship.
- Ensure any supplier Sponsorship Arrangements are arranged via the Supplies and Procurement Team
- Involve Human Resources to ensure employment related liabilities are fully dealt with properly
- Make sure that the sponsor does 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 post. For example, make sure that all relevant companies are invited to open days; do not undertake any mailings on behalf of the sponsoring company.
- Have a written agreement in place detailing the circumstances under which your organisation can exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Avoid establishing rolling sponsorship of the post unless you have put checkpoints in place to review and confirm whether the arrangements are still appropriate.



vii. Make sure that the sponsored post holder does not promote or favour the sponsor's specific products, and that they provide information about alternative products and suppliers as well as the sponsor's.

**26. An employee in my team is on a sponsored post – I expect all members of staff in my team to shape the duties (both clinical and non-clinical) of their post. Does this put me/them in breach of the guidance?**

No, as long as this does not mean that the sponsor themselves has any undue influence over the duties of the post or preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored post. As the manager, you must carefully review the activities being undertaken by the individual and be prepared to step in (as set out in local policy) if conflict arises and terminate the sponsorship if the conflict cannot be managed.

**27. The guidance says that rolling sponsorship of posts should be avoided unless checkpoints are in place to confirm that arrangements are still appropriate. Do you have any recommendations for how these checkpoints should work and how often they should be scheduled?**

i. Confirm with sponsored postholders on a regular basis that they are not being put under any pressure to recommend specific products or dispensing appliance contractors (with reference to the NHS position on direction of prescriptions)

ii. Regularly auditing the number of patients using the sponsors' products or dispensing appliance contractor (recognising that trends suggesting bias will be hard to define and may vary) and making sure that patient choice is respected

iii. Being prepared to terminate the sponsorship should a conflict arise that cannot be managed.

### Advisory and Decision Making (page 34 of Trust Policy)

**28. I contribute to the advisory board of a pharmaceutical company. How should I declare this?**

The rules in the guidance on outside employment will apply. You must declare your role with the pharma company as soon as possible and, in any event, within 28 days from when it arises, to be published on the Trust's register. Approval will depend on your role and duties within the NHS and whether the Trust is satisfied that any conflicts of interest which might arise can be either managed or avoided. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your interest.

**29. I am one of a small number of clinicians working in a rare disease area. We are often needed by external organisations, including the pharmaceutical industry, as well as the NHS, to provide expert advice so that correct decisions are made that are most beneficial to patients. Does the guidance mean that I won't be able to sit on procurement panels or advisory committees as a result of such external relationships?**

The guidance does not stop you from fulfilling these advisory/decision-making roles. You should make a positive declaration to be published on the Trust's register which should be made as soon as possible when any new material interest arises, and, in any event, within 28 days of the material interest arising. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your other interests so that any actual or potential conflicts of interest can be managed.

**30. In my NHS role I work in the diagnostics service. I also sit on an independent advisory group which makes recommendations about new scanner development. Do I need to declare this?**

Yes you do. This might be seen to influence how the Trust spends taxpayers' money.

### Donations (page 23 and also see Trust Policy F06)

**31. Can I make my patients and their families aware of the UHNM Charity, in case they want to donate?**

Yes, you can make them aware of the charity, but you should not actively solicit charitable donations unless this is a prescribed or expected part of your duties for the organisation.

**32. We have recently tested the market for potential suppliers of equipment. One of the potential suppliers has since offered a donation to the UHNM Charity. Can we accept?**

In these circumstances the donation should be treated with caution and not routinely accepted. It can only be accepted if there are exceptional circumstances present. The Associate Director for Procurement and Commercial Services should be informed and if accepted, the reason why it was deemed acceptable should be recorded together with the actual or estimated value.

**33. In my private practice, I am happy for some of my patients to make a charitable donation in lieu of paying my professional fee. Is this still permissible?**

Yes, so long as you take personal responsibility for making sure that any tax liabilities related to such donations are properly discharged and accounted for.

**34. If a member of staff receives a charitable donation in the form of a funeral directors' cheque, how does the guidance apply?**

Donations, when received, should be passed to the UHNM charity office, who will issue a receipt indicating which charitable fund has been credited. It is unlawful to make or accept a "charitable" donation to an individual. The Trust is required to maintain records in line with their wider obligations under charity law.

**Sponsored Research (page 25 and also see Trust Policy G02)**

**35. I have successfully applied for funding for a piece of research relating to my clinical area. Do I need to declare this?**

Yes, you should declare your source of funding to the Trust. The funding must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service. Your proposed research must go through the relevant approvals process. There must be a written protocol and written contract between you, the Trust, 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 any payment for those services.

**36. I am involved in research and am about to receive some sponsorship. What is the timeframe for me to declare this?**

Declarations of new material interests which have arisen should be made at the earliest opportunity (or in any event within 28 days) via a declaration to the Trust.

**37. I am part of a research steering committee for a pharmaceutical company. Does the guidance stop me collaborating with pharma in this way and guiding their research programme?**

This depends on your role and duties and whether your line manager is satisfied that any conflicts of interest which may arise can be either managed or avoided. The rules in the guidance on outside employment will apply, so you must declare your role with the pharma company and, depending on your contract of employment, you may need to seek prior approval from the Trust. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your interest.

## TYPES OF INTERESTS

### Financial Interests

- Where a member of staff may get direct financial benefits\* from the consequences of a decision the Trust makes. This could include:
  - A Director (including a Non-Executive Director) or senior member of staff in another organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding
  - 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
  - Someone in outside employment
  - Someone in receipt of secondary income
  - Someone in receipt of a grant
  - Someone in receipt of other payments (e.g. honoraria, day allowances, travel or subsistence)
  - Someone in receipt of sponsored research

### Non-Financial Professional Interests

- Where a member of staff may obtain a non-financial professional benefit\* from the consequences of a decision the Trust makes, such as increasing their professional reputation or status or promoting their professional career. This could include situations where the individual is:
  - An advocate for a particular group of patients
  - A clinician with a special interest
  - An active member of a particular specialist body
  - An advisor for the Care Quality Commission or National Institute of Health and Care Excellence
  - A research role

### Non-Financial Personal Interests

- Where a member of staff may benefit\* personally from a decision the Trust 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:
  - A member of a voluntary sector board or has a position of authority within a voluntary sector organisation
  - A member of a lobbying or pressure group with an interest in health and care

### Indirect Interests

- This is where a member of staff 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:
  - Close family members and relatives
  - Close friends and associates
  - Business partners

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