
Standards of Business Conduct - Register of Interests, Gifts & Hospitality Policy

Please be aware that this printed version of the Policy may NOT be the latest version. Staff are reminded that they should always refer to the Intranet for the latest version.

Purpose of Agreement	This document translates the general guidelines given by the NHSE in HSG(93)5 “Standards of business conduct for NHS staff” into a set of operational instructions for Directors, Managers and staff, relative to the conduct of business with the Trust, including the registering of interests, gifts and hospitality.
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Amendments

Pg	Section	Date	Concerning
6	4.5	15.12.14	Amended to include reference to the non-acceptance of money, alcohol, tobacco or other intoxicating substances. <i>(Agreed by Chair of Policy Steering Group and Chair of Assurance Committee via Chairs action).</i>
		Aug 2015	Document review to conform with NHS Protect template.
		Nov 2015	Document amended to include further guidance regarding working with commercial organisations and pharmaceuticals
5	3.6.3	March 2016	New section added regarding private practice (JCC and DDNC consulted with on amendments)

**STANDARDS OF BUSINESS CONDUCT FOR STAFF
- REGISTER OF INTERESTS, GIFTS & HOSPITALITY**

1. INTRODUCTION & PURPOSE

- 1.1 The NHS is a publicly funded organisation. All employees have a duty to ensure that all funds are spent for the purpose for which they were intended. They also have a duty to comply with the Codes and Accountability guidance, Standing Orders (SOs), Standing Financial Instructions (SFIs), together with all good business and corporate governance practices. Staff must also comply with the requirements of the Bribery Act 2011.
- 1.2 NHS bodies are required to have an explicit procedure for staff (including temporary, Bank or agency staff) and Board members to declare any gifts, hospitality and sponsorship offered by and accepted from contractors, suppliers and others. In addition, it is good practice to declare any gifts, hospitality and sponsorship offered by contractors, suppliers and others, but declined.
- 1.3 From time to time Health Service staff can obtain advantage from their public position, for example, in connection with the award of contracts, or in cases where decisions are made which could be of individual benefit. A conflict of interest can also arise where people in public service undertake employment whether or not with the knowledge or consent of their employers.
- 1.4 This document translates the general guidelines given by the Health Service Guidelines HSG(93)5 *"Standards of business conduct for NHS staff"* into a set of operational instructions for Directors, Managers and staff. This policy sets out the standards of business conduct for staff working within the Trust including the registering of interests, gifts and hospitality (including the sponsorship of meetings).
- 1.5 The organisation maintains the following Registers:
- Register of Staff Interests (concerning all staff members),
 - Register of Gifts and Hospitality (concerning all staff members),
 - A register of Board members interests (both Non-Executive Directors and Executive Directors) which is updated annually (and declared in the Annual Report) and an update is also maintained on a monthly basis
 - A register of (shadow) Council of Governors interests

In accordance with the Freedom of Information Act 2000 and the Department of Health "Commercial Sponsorship – Ethical Standards for the NHS" the Trust is required to release information contained within these Registers to the public upon request. Paragraph 19 of the Department of Health document states *"In order to demonstrate openness, it is essential that the Register should be available on request to the public (and be made available at all Board meetings)"*.

- 1.6 This document should also be read in conjunction with the Standard Operating Procedure: *Working in Partnership with the Pharmaceutical and Commercial Industries* and in conjunction with the *Anti-Fraud, Corruption & Bribery Policy*

- 1.7 All staff are expected to adhere to the Nolan Principles (the seven principles of Public Life); Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. In accordance with these principles, staff must therefore be open and transparent in their declarations.

2. SCOPE & DEFINITIONS

- 2.1 This document applies to all directly and indirectly employed staff within the Trust and other persons working within the organisation in line with Solent NHS Trust's Equal Opportunities Policy.

- 2.2 Failure to adhere to the policy could lead to disciplinary action.

- 2.3 For the purpose of this document the following definitions apply

- **Hospitality** For example; receiving of catering and entertainment
- **Gifts** Means, the voluntary transfer of property from one person to another without any compensation for it and without any obligation of an agreement or contract
- **Interests** Means any potential conflict of interest that may impact, or should be declared to the organisation – see section 3.1 for further details.

3. REGISTRATION OF INTERESTS

- 3.1 Any potential conflict of interest between NHS duties and private gain must be declared either on commencing employment or when the interest commences. This includes involvement in any business or other activity which may compete for an NHS contract.

- 3.2 Examples of interests that must be recorded include the following (list not exhaustive):

- Involvement in other areas of NHS work
- Involvement in private work or affiliation with industries that could be construed as being connected or influential
- Share holding in a health related businesses
- Close family involvement in a paid/voluntary capacity in the organisation

- 3.3 Staff should ask themselves the following points:

- Could I, my family or friends, benefit from the connection between my private interest and employment?
- Do I have access to information which could influence purchasing decisions?
- Could my outside interest be detrimental to the NHS or to patients' interests?
- Do I have any other reason to think I may be risking a conflict of interest?

If staff are unsure, they should declare.

Being transparent is paramount; it is equally important to declare 'perceived' interests; for example if the interest is not actually material but questions could be raised if there was a perceived connection between you and the company/decision made.

- 3.4 All staff should openly declare any interests by the completion of the form located in Appendix A. The form will be provided within the HR documentation upon appointment. A copy of the form must be returned to HR who will consult with the relevant Manager and Company Secretary if there are any potential implications for the individual or the Trust identified by the declaration.

In accordance with the standards of openness, transparency and probity all Board members will be asked to routinely declare their interests and any changes recorded at each Board meeting. Similarly staff must also provide details of any changes declared.

3.5 Staff Interests

- 3.5.1 All members of staff must declare if they, or a close relative or associate, have any financial interests in a business (including a private company, public sector organisation, other NHS employer and/or voluntary organisation) or in any other activity or pursuit which may compete for a contract to supply goods or services either to the Trust or in competition with the Trust.
- 3.5.2 Staff must inform their manager of any interests when starting employment or on acquisition of the interest in order that it may be known to the Trust and in no way promoted to the detriment of either the Trust or patients.
- 3.5.3 Staff do not have to declare and register attendance at training events that are organised/hosted by third party organisations.
- 3.5.4 In the event of a patient death and any gift or monies left in a Will, staff should register these if the staff member was directly involved in the care of the patient whilst carrying out their duties on behalf of the organisation.

3.6 Outside Employment and working in private practice

- 3.6.1 Staff are advised not to engage in outside employment which may conflict with or be detrimental to their NHS work, for example working for another health provider. They must inform their line manager, who in turn will seek advice where necessary regarding the declaration, if they think they may be risking a conflict of interest and a judgement may need to be made by the organisation in conjunction with the Human Resources Team regarding the interest of the Trust, examples include where patient safety, health and safety of the individual and clients may be put at risk, or breaching the Working Time regulations.
- 3.6.2 Where the staff member undertakes other employment that adversely affects their performance within the Trust or is considered fraudulent; this could be a disciplinary matter under the Disciplinary Policy and/or dealt with via the Local Counter Fraud Specialist under the terms of the Anti-Fraud, Corruption and Bribery Policy.
- 3.6.3 Regarding private practice the following principles apply:
- Staff must not self-refer or deliver private care for patients who are being treated within their NHS service. Staff must not gain private work directly from a patient

being treated within their service and must not solicit directly or indirectly (for example via a colleague) their private practice to such patients, whilst being treated in service.

- If a staff member is approached by a patient currently being treated within their service, about the provision of private services, the staff member must only provide details of the relevant professional body and where to find details of a range of private providers, or advise the client to speak to their GP. The staff member is not permitted to make arrangements to provide private services, nor ask colleagues to make such arrangements on their behalf.
- Staff should refer to their respective professional codes and the Department of Health 'A Code of Conduct for Private Practice' for further information.

3.7 Procedure for Registering an Interest

3.7.1 All interests must be declared and registered upon starting employment. Forms will be issued via HR and staff must ensure that any changes in their declaration are appropriately notified - if in doubt, staff must ask for an interest to be registered.

3.7.2 Staff should submit a completed 'Register of Interests – Declaration Form' (Appendix A) to their Line Manager who should retain the form on the staff members personnel file and send a copy to HR. Line Managers must consider the nature of the declaration made and whether there is any impact on the individual and implications for the Trust. Further advice should be sought where there are any queries (for example, from HR or the Company Secretary). The Line Manager must also send a copy of the form to the Company Secretary who will log the details on a central register. These registers are available for public inspection.

3.7.3 Members of the Board and identified Committees will also be required to declare any interests at the beginning of each meeting and will be required to provide an update against any interests already registered.

3.7.4 Any subsequent changes to the individual's interests should be declared using Form A and submitted to staff members line manager (and a copy to the Company Secretary). The original should be held in the individuals personal file.

4. ACCEPTANCE & REGISTRATION OF GIFTS

4.1 Gifts offered by contractors or others should in general be politely but firmly declined. However, it is accepted that in some circumstances it may be perfectly appropriate for a member of the Trust to agree to receive modest gifts and/or hospitality from third parties provided their value is less than £15.

4.2 The test that needs to be applied in all such situations is whether a fair minded member of the public knowing the facts of the matter, would see anything improper or suspicious in the receipt of the offer and/or hospitality.

4.3 Articles of low intrinsic value (£15 or less) such as diaries, calendars, pens, post it notes, or small tokens of gratitude from patients or their relatives, need not necessarily be refused. In case of doubt, staff should seek advice from their line manager.

- 4.4 Any gift over £15 in value must be registered. Similarly, if gifts are received from the same source over a number of months, which cumulatively add up to over £15, these must also be registered.
- 4.5 Money, alcohol, tobacco or other intoxicating substances (that are against the ethics of the Trust) must not personally be accepted in any circumstances. It is permissible for staff to accept cash donations to the Trust's Charitable Funds, subject to a receipt being issued and the cash being banked through the Trust's cashier's office. Also see, section 6 of this policy.
- 4.6 Any employee corruptly accepting any incentive or reward for doing, or refraining from doing, anything in his/her official capacity or corruptly showing favour or disfavour in the handling of contracts is deemed to have committed an offence (Prevention of Corruption Acts 1906 and 1916). The Trust will take appropriate steps including disciplinary action and the involvement of the Counter Fraud Team where it deems appropriate.
- 4.7 Any donated assets (for example physical equipment) should be dealt with via the Estates & Facilities Subcommittee and the Director of Infrastructure and Director of Finance & Performance should be informed prior to acceptance.
- 4.8 Where, for example, staff are invited to attend external lunchtime hosted events, authorisation should be sought from their line manager first before accepting. Any attendance at such events should be taken within the considered lunch break period for the staff member concerned and declared for transparency reasons.

4.6 Registration of 'free prize' draw gifts/prizes

- 4.6.1 The Trust acknowledges that sometimes staff members may be entered into 'free prize' draws when they are representing the organisation in a business capacity (for example when attending a conference). In such cases, any gifts/prizes over £15 in value should be registered in the same way as other gifts as described in section 3.7.2.

4.7 Procedure for Registering Gifts (Declare via Form B)

- 4.7.1 Any gift which is accepted should be declared by completing the Form in Appendix B. The staff member should pass this to their Line Manager who should retain the form on the staff members personnel file. The Line Manager must also send a copy of the form to the Company Secretary.
This register is available for public inspection.

5. HOSPITALITY REGISTRATION AND WORKING WITH PRIVATE ORGANISATIONS INCLUDING PHARMACEUTICALS (Declare via Form B)

- 5.1 Modest hospitality, provided it is normal and reasonable in the circumstances, e.g. lunches in the course of working visits, may be acceptable, though it should be similar to the scale of hospitality which the NHS as an employer would be likely to offer. Staff should also refer to section 4.8 of this policy.
- 5.2 All other offers of hospitality or entertainment should be notified to the relevant Line Manager. The Line Manager will decide whether the matter is acceptable. If they confirm the hospitality is acceptable, they will need to sign Section B of the 'Acceptance

of Gifts and Hospitality' Form (Appendix B). If in doubt, the member of staff should seek advice from their manager or relevant Director / Operational Director or the Company Secretary.

5.3 Working with Private Companies and Pharmaceuticals

Information about declaring Sponsorship is outlined in the review of the 'Working in Partnership with the Pharmaceutical and Commercial Industries Policy', Sponsorship includes an on-going business relationship with a company/organisation in exchange for financial, commercial or other benefits.

Transparency and openness is key. Due to the high profile media attention associated with private companies and in particular pharmaceutical relationships, staff must remain open and honest with any affiliation or relationship with such companies and openly declare these at the earliest opportunity. Staff should declare anything covered by the following areas

- Work as a paid adviser to a private company or pharmaceutical/ manufacturing company / companies.
- In receipt of any lecture, attendance fees or payments of any kind
- In receipt of free equipment or funding to support staff
- Shareholder in any private company (including pharmaceuticals)
- Have taken part in any equipment, device or drug trials.
- In receipt of an educational / research grant for self or department from a private company/pharmaceutical
- Received gifts, benefits or sponsorship of any kind, whether refused or accepted worth over £15 .
- Any other interest which could be seen as influencing views

****Any money (including that received as lecture fees, for example) must only be earned during an individual's free time, which could include annual leave. Staff may, by exception and only with prior agreement from their line manager, be permitted to participate in activities within work time - any financial benefit received by the private company/pharmaceutical company must be paid back to the Trust and not the individual in such cases***

5.4 **Procedure for Registering Hospitality (Declare via Form B)**

5.4.1 Any hospitality which is accepted or provided, should be declared by completing the form in Appendix B). Staff should pass the completed form to their Line Manager who should retain the form on the staff members personnel file. The Line Manager must also send a copy of the form to the Company Secretary. This register is available for public inspection.

5.5 **Summary flow chart of process**

5.5.1 A summary flow chart illustrating the process for making declarations is included in Appendix C.

6. **Donations to Charitable Funds**

- 6.1 Patients, public and companies wishing to donate to the organisation can do so via the Trusts Charitable Funds either by cash or cheques made payable to Solent NHS Trust. Monies received are paid into the Charitable Funds and are specific to the service donated to.
- 6.2 Cash donations must be banked through the Cashiers Office and a receipt retained. Any staff member retaining cash donations meant for the Trusts Charity, will be dealt in accordance to the Trusts Disciplinary Policy and Anti-Fraud, Corruption & Bribery Policy.

7. ROLES & RESPONSIBILITIES

7.1 The Director of Finance and Performance

The Director of Finance and Performance is responsible for ensuring that staff are aware of the contents of HSG(93)5 and the Trust's Standing Financial Instructions and that systems are in place for implementing the requirements effectively. This includes ensuring that Registers of Staff Interests and Register of Gifts and Hospitality are maintained.

7.2 Line Managers

- 7.2.1 Line Managers must ensure that copies of forms are retained on personnel files for two years following the last declaration (and ensure that the form is shared with HR).
- 7.2.2 Line Managers must ensure that they are appropriately assured of the implications concerning the declarations made by staff members and make any additional enquiries as necessary.
- 7.2.2 Line Managers must also ensure that a copy of any completed forms is sent to the Company Secretary as soon as the interest, gift, and hospitality/sponsorship is declared.

7.3 Company Secretary

- 7.3.1 The Company Secretary will maintain a register of interests and gifts/hospitality.

7.4 Staff

- 7.4.1 It is the personal responsibility of staff 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. This applies to all Trust staff, including those who hold honorary contracts, bank & agency staff, and students. Staff are expected to be impartial and honest in the conduct of their business and should remain above suspicion.
- 7.4.2 It is the responsibility of staff to openly declare interests, gifts and hospitality and ensure that their declarations are updated and notified accordingly. Staff will be asked to complete a disclaimer regarding declarations as part of their annual appraisal process from April 2016.
- 7.4.3 If staff are concerned or have any suspicions about activities, they can contact the Trust's Local Counter Fraud Specialist below, or the confidential reporting line:
- Sam Willoughby
LCFS
Mob: 07946 370497

Email: samantha.willoughby@nhs.net

- NHS Fraud and Corruption Reporting Line 0800 028 40 60

7.4.4 Staff should understand that by openly declaring this does not exempt them from being investigated should allegations be made regarding improper conduct.

7.5 HR

7.5.1 HR will retain copies of the Form A returned at the point of appointment and keep on e-personnel files .

8. TRAINING

8.1 This document will be accessible to staff via the intranet and should be included as part of the local induction provided by line management and Data Custodians. An annual reminder regarding the principles of this policy will be cascaded centrally via the relevant communications functions.

9. EQUALITY & DIVERSITY AND MENTAL CAPACITY ACT

9.1 In accordance with the Policy on Policies, an Impact Assessment was completed (see Appendix D) highlighting no negative impact.

10. SUCCESS CRITERIA / MONITORING THE EFFECTIVENESS OF THE POLICY

10.1 Any issues arising as a result of the implementation of this policy will be considered and incorporated if necessary into the next version of this document.

10.2 Where issues of a disciplinary matter are concerned that relates to gifts or hospitality any necessary changes/issues arising from the matter will also be incorporated into a policy review as directed by the Human Resources Team.

11. REVIEW

11.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed in three years time.

12. REFERENCES AND LINKS TO OTHER DOCUMENTS

12.1 This policy should be read in conjunction with the following:

- Disciplinary Policy
- Working in Partnership with the Pharmaceutical and Commercial Industries Policy
- Standing Orders
- Standing Financial Instructions
- Scheme of Delegation
- Anti-Fraud, Corruption & Bribery Policy
- Department of Health 'A Code of Conduct for Private Practice'.

APPENDIX A - FORM A
Staff Register of Interests Declaration Form

Name:		Date:	
Job Title		Department:	
Signature			
Registerable Interest	Not applicable (Please tick)	Applicable (Please tick)	Details <i>Please state the name of the organisation, the nature of the organisation, your title held, length of service and any payment you may be receiving</i>
Paid employment <i>Please state any current employment outside of Solent NHS Trust</i>			
Directorships <i>Details of any paid or non-paid directorships, including non executive directorships held in any organisation - private, public or third sector</i>			
Appointments and Offices Held (E.g President, Chairman, Chief Executive, Treasurer, Secretary, Council Member). <i>Please include any details of trusteeships, directorships, local authority membership, tribunals, any office held in a professional body, speciality society, e.g. Royal College or other similar body in the public, private or voluntary sector etc.</i>			
Membership (of professional bodies/ special interest groups -including local or national community organisations) <i>It is not necessary to declare membership to a related health professional body which is a requirement of your clinical role.</i>			
Company Ownership <i>Please state any full or part ownership, of private companies, businesses or consultancy, likely or possibly seeking to do business with the NHS.</i>			
Shareholdings <i>Shareholdings in i) any medical, healthcare, or pharmaceutical company or organisation or ii) any other organisation that may influence, trade, supply or advise Solent NHS Trust. Include here any majority or controlling shareholdings held by spouse, partner or dependent children</i>			
Miscellaneous <i>Any other declaration</i>			

If completing at the point of joining the Trust- return this form to HR.

If you are updating an original declaration or informing the Trust of a new 'interest' as described above, please complete and return to your Line Manager.

Line Managers - to send a copy of the form to the Company Secretary, Solent NHS Trust Headquarters, Highpoint Venue, Bursledon Rd, Southampton, SO19 8BR and to HR.

A copy of your completed application form may be disclosed under the Freedom of Information Act 2000 and the Department of Health document "Commercial Sponsorship – Ethical Standards for the NHS". Please note we will not seek your consent prior to disclosure. **A DELIBERATE FAILURE TO DISCLOSE ANY INTEREST OR EMPLOYMENT KNOWING IT TO BE A SERIOUS CONFLICT OF INTEREST MAY BE REGARDED AS A DISCIPLINARY OFFENCE**

FORM: Acceptance of Gifts, Hospitality and working with private/commercial organisations

SECTION A: (to be completed by employee)

Name:	
Job Title:	
Base:	
Telephone Number:	
Email Address:	
Line Managers Name	

I wish to declare that I have accepted the following (please tick)
<input type="checkbox"/> Gift <input type="checkbox"/> Hospitality
Please provide full details, including approximate cost, description and date received/planned of the gifts, hospitality.

For involvement with the private companies / pharmaceuticals

For any involvement with the private industry / pharmaceuticals; please provide full details of the relationship, details of gratuity, receipt of hospitality, gift, travel arrangements and any monetary benefit.
Please state the actual or perceived benefit to the Trust
Please state the actual or perceived risk exposure to the Trust

(For any retrospective declarations - please state who authorisation was provided by)

Employee Signature	
Date	

.....

SECTION B: (to be completed by the Line Manager)

I hereby confirm my acceptance of the above named individual receiving the gift/hospitality as described and in the case of the individual working with / being connected with private companies or the pharmaceutical industry understand and accept the implications.

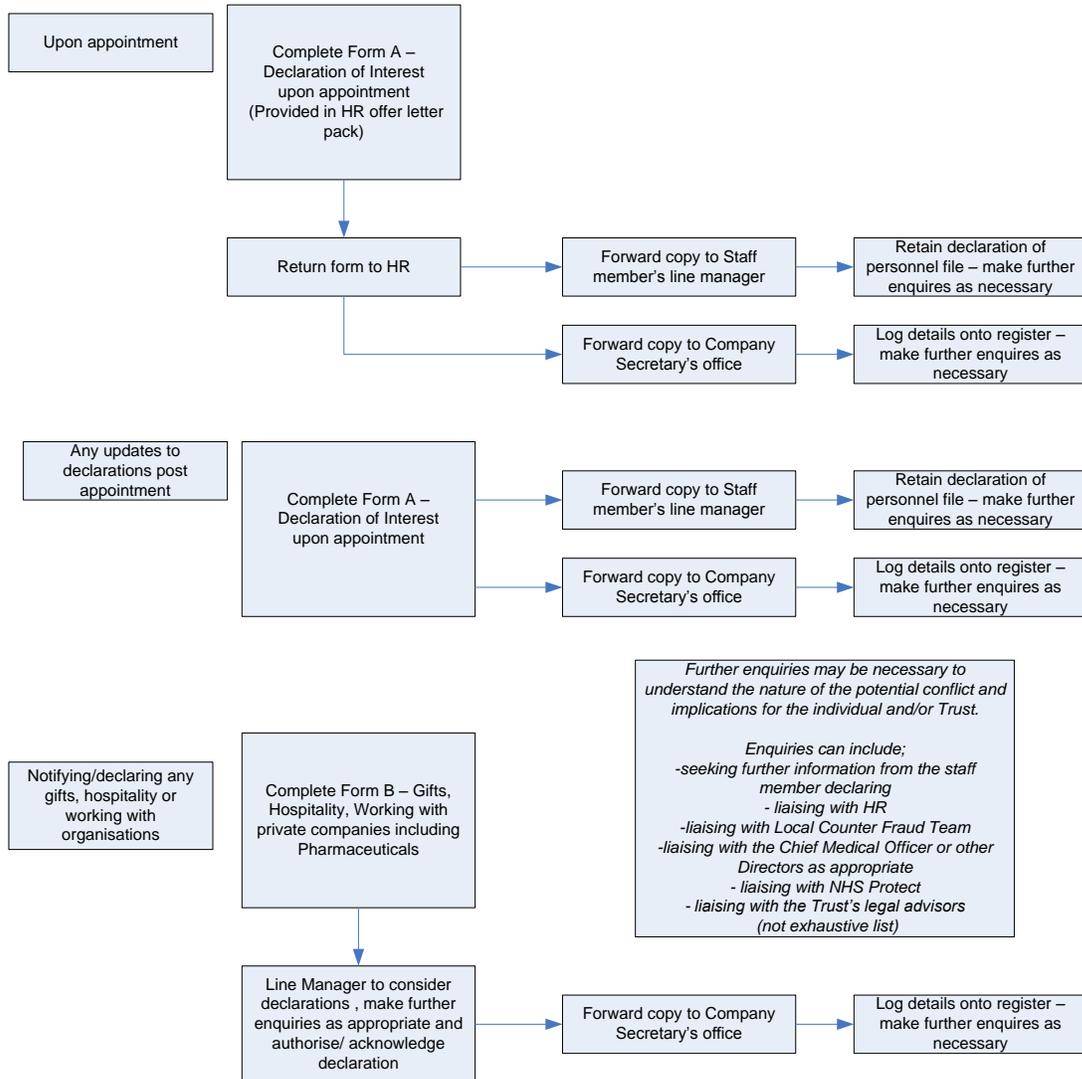
Name:	
Job Title:	
Signature:	
Date:	

When completed, this form must be retained on the staff members personnel file and a copy should be sent to the Company Secretary, Solent NHS Trust Headquarters, Highpoint Venue, Bursledon Rd, Southampton, SO19 8BR

A copy of your completed application form will be disclosed under the Freedom of Information Act 2000 and the Department of Health document "Commercial Sponsorship – Ethical Standards for the NHS". Please note we will not seek your consent prior to disclosure.

Appendix C - Flow diagram

Declarations of interest, gifts, hospitality and working with private organisations



APPENDIX D Equality & Human Rights and Mental Capacity Act Impact Assessment

Step 1 – Scoping; identify the policies aims	Answer
1. What are the main aims and objectives of the policy?	This document translates the general guidelines given by the NHSE in HSG(93)5 “Standards of business conduct for NHS staff” into a set of operational instructions for Directors, Managers and staff, relative to the conduct of business with the Trust, including the registering of interests, gifts and hospitality and the sponsorship of meetings.
2. Who will be affected by it?	All staff
3. What are the existing performance indicators/measures for this? What are the outcomes you want to achieve?	n/a
4. What information do you already have on the equality impact of this policy?	n/a
5. Are there demographic changes or trends locally to be considered?	n/a
6. What other information do you need?	n/a

Step 2 - Assessing the Impact; consider the data and research	Yes	No	Answer (Evidence)
1. Could the policy unlawfully against any group?		X	
2. Can any group benefit or be excluded?		X	
3. Can any group be denied fair & equal access to or treatment as a result of this policy?		X	
4. Can this actively promote good relations with and between different groups?		N/A	
5. Have you carried out any consultation internally/externally with relevant individual groups?	Y		Local Counter Fraud Services
6. Have you used a variety of different methods of consultation/involvement		n/a	
Mental Capacity Act implications			
7. Will this policy require a decision to be made by or about a service user? (Refer to the Mental Capacity Act policy for further information)		X	

If there is no negative impact – end the Impact Assessment here.