Trust Board Meeting: Wednesday 22 January 2014  
TB2014.17

<table>
<thead>
<tr>
<th>Title</th>
<th>Declarations of Interests, Gifts, Hospitality and Sponsorship Policy</th>
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<tbody>
<tr>
<td>Status</td>
<td>For information</td>
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<tr>
<td>History</td>
<td>The draft Policy was considered by Executive Directors at meeting on 16th December 2013, has subsequently been widely circulated for consultation, and was considered by TME at its meeting on 9 January 2014</td>
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<tr>
<th>Board Lead(s)</th>
<th>Mark Mansfield, Director of Finance and Procurement</th>
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<tr>
<td>Key purpose</td>
<td>Strategy</td>
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### Executive Summary

1. On the basis of the Bribery Act Risk Assessment undertaken by Counter Fraud, it was recommended that the Trust should update its policy on gifts and hospitality. It was further recommended that there be posted on the Trust’s website a statement regarding the Bribery Act 2010, from the Chief Executive, together with a summary of the Act. These are attached in Appendix 2 and 3.

2. This paper updates the Trust Board on the development of a new Policy for Declarations of Interests, Gifts, Hospitality and Sponsorship, which specifies the mechanism designed to ensure that all relevant and material interests, as well as gifts, hospitality and sponsorship are appropriately declared, recorded and monitored. The new policy is attached in Appendix 1.

3. The updated Policy for Declarations of Interests, Gifts, Hospitality and Sponsorship includes new forms for the necessary declarations.

4. The updated Policy has been circulated for consultation to all Divisional and Directorate Management Teams, Counter Fraud Specialist, Internal Audit, and other interested parties. Comments received were considered by TME at its meeting on 9 January 2014, and have been taken into account in the draft Policy as presented.

5. **Recommendation**

   The paper recommends that Trust Board approve the updated Policy for implementation.
Declarations of Interests, Gifts, Hospitality and Sponsorship Policy

1. Introduction
   1.1. This paper updates the Trust Board on the development of a new Policy for Declarations of Interests, Gifts, Hospitality and Sponsorship, which specifies the mechanism designed to ensure that all relevant and material interests, as well as gifts, hospitality and sponsorship are appropriately declared, recorded and monitored.

2. Background
   2.1. The Trust is committed to maintaining honesty and openness in all of its dealings, to ensure that NHS funds are always used appropriately, and to ensure that the Trust operates in an open and impartial manner, and that it can be seen to do so.
   2.2. The Bribery Act 2010 specifically makes it a criminal offence for an individual to give or accept a bribe (punishable by a prison term of up to 10 years). If the Trust cannot demonstrate that proportionate anti-bribery procedures have been put in place, it may be found guilty of the corporate criminal offence of failing to prevent bribery, for which it – and its directors – may be subject to unlimited fines.
   2.3. On the basis of the Bribery Act Risk Assessment undertaken by Counter Fraud, it was recommended that the Trust should update its policy on gifts and hospitality.
   2.4. The Trust’s Counter Fraud Policy and reporting Procedures identify specifically what is expected of staff with regard to fraud, bribery and corruption, including what to do and whom to contact, and what will be the process of investigation.
   2.5. The proposed updated Policy for Declarations of Interests, and of Gifts, Hospitality & Sponsorship specifies the mechanism designed to ensure that all relevant and material interests, as well as gifts, hospitality and sponsorship are appropriately declared, recorded and monitored.

3. Key responsibilities
   3.1. Key responsibilities fall on Executive and Divisional Directors, to make their own declarations as individuals, and to implement the Policy in their area, such that all staff are made aware of:
      3.1.1. What constitutes a relevant and material interest, that must be declared;
      3.1.2. The principles governing whether or not an offer of gifts, hospitality or sponsorship may be accepted (and when it should not); and
      3.1.3. The requirement to declare any gifts, hospitality and sponsorship that have been approved for acceptance.
   3.2. Executive and Divisional Directors will also be responsible for establishing a process by which all relevant staff within their area expressly declare whether or not they hold any relevant and material interests (including e.g. the receipt of funding/grants for research, or royalties or licence fees received). For
Consultants, including those holding an Honorary contract, this may be aligned with the process of medical appraisal.

3.3. Executive and Divisional Directors must also stipulate who will have responsibility for considering whether or not any interest declared may potentially give rise to conflict; and, if so, what action must be taken to avoid actual conflict, e.g. ensuring that the member of staff has no involvement in any decision relating to the interest. If a conflict of interest cannot be avoided, then the interest cannot be approved.

3.4. Executive and Divisional Directors will be responsible for ensuring that documentation of all declarations of interest are submitted to the Head of Corporate Governance.

3.5. Executive and Divisional Directors must require all relevant staff within their area to confirm the accuracy and completeness of the interests recorded, on an annual basis, and submit documentation to the Head of Corporate Governance.

3.6. Executive and Divisional Directors will be responsible for establishing a process by which all members of staff will be required to declare any gift, hospitality or sponsorship.

3.7. Executive and Divisional Directors will be responsible for stipulating when approval will be required before an offer can be accepted, and who within the management structure will have authority to approve the acceptance of any gifts, hospitality and sponsorship.

3.8. Executive and Divisional Directors will be responsible for ensuring that documentation of all gifts, hospitality and sponsorship declared and approved is submitted to the Head of Corporate Governance.

3.9. The Head of Corporate Governance will be responsible for establishing and maintaining

3.9.1. A Register of Interests (Board Members and Staff) as a formal record of all interests declared; and


3.10. The Head of Corporate Governance will make available for inspection by the Head of Procurement, or delegated member of staff, the Register of Interests (Board Members and Staff), and the Register of Gifts, Hospitality and Sponsorship, at the start of any procurement process.

3.11. The Head of Corporate Governance will keep under review the incidence and pattern of gifts, hospitality and sponsorship; advising the Trust Board on any action required, as appropriate.

3.12. The Head of Corporate Governance will advise the Chairman of the Board as required when any interest declared by a Board member could potentially be in conflict with the business of the Trust, and what action may be required to avoid conflict e.g. that the Board Member take no part in decisions relating to the interest. If conflict cannot be avoided by mitigating action, the Board Member’s continuing tenure may depend upon ceasing the interest.
4. Consultation

4.1. The proposed updated Policy for Declarations of Interests, and of Gifts, Hospitality & Sponsorship has now been circulated for comment to all Divisional and Directorate Management Teams, Counter Fraud Specialist, Internal Audit, and other interested parties. Amendments suggested have been considered by TME at its meeting on 9 January 2014, and taken into account in the draft policy now presented.

5. Recommendation

5.1. It is recommended that the Trust Board approve the updated Policy for implementation.

Mark Mansfield
Director of Finance and Procurement

January 2014