Trust Board Meeting in Public: Wednesday 8 November 2017
TB2017.113

<table>
<thead>
<tr>
<th>Title</th>
<th>Declaration 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>Submitted to Trust Management Executive on 26 October 2017</td>
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<tr>
<th>Board Lead(s)</th>
<th>Ms Eileen Walsh, Director of Assurance</th>
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<tbody>
<tr>
<td>Key purpose</td>
<td>Strategy</td>
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Executive Summary

1. The date for review of the OUH Trust’s Declarations of Interests, Gifts, Hospitality and Sponsorship Policy has now passed.

2. Endorsement of the Declarations of Interests, Gifts, Hospitality and Sponsorship Policy hitherto sat within the remit of the Finance Director, while responsibility for implementation and monitoring of the policy lay with the Head of Corporate Governance.

3. Henceforth, the lead Executive Director having responsibility for revising, implementing and monitoring the Policy will be the Director of Assurance, to whom the Head of Corporate Governance reports.

4. From 1 June 2017, NHS England Guidance on Managing Conflicts of Interest in the NHS came into force and is applicable to both NHS Trusts and Foundation Trusts\(^1\), which must have regard to it through its incorporation into the NHS Standard Contract 2017/18 and 2018/19.

5. The guidance covers a range of measures, including:
   - Setting consistent and clear minimum standards and clear guidelines for when staff should declare gifts and hospitality;
   - Requiring organisations to make registers of interests available for public scrutiny; and
   - Underlining NHS England’s support for the Disclosure UK scheme, which publishes details of payments made to staff by the pharmaceutical industry.

6. The policy has been reviewed and expanded upon to meet the national requirements for receipt of gifts and hospitality in line with Trust values.

7. The policy places the onus on staff to ensure awareness of their responsibilities to declare interests, gifts, hospitality, and sponsorship and to avoid conflicts. The key changes are set out at Section 3.

8. It is proposed to explore further the scope within existing systems for providing a fully automated platform for submitting and recording declarations made.

9. **Recommendation**
   The Trust Board is asked to approve the revised policy for implementation.

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\(^1\) [https://www.england.nhs.uk/ourwork/coi/](https://www.england.nhs.uk/ourwork/coi/)
1. Introduction
   1.1. The date for review of the OUH Trust’s Declarations of Interests, Gifts, Hospitality and Sponsorship Policy has now passed
   1.2. This paper updates the Trust Board on the revisions made to the existing 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. From 1 June 2017, NHS England Guidance on Managing Conflicts of Interest in the NHS came into force, superseding the Standards of Business Conduct for NHS staff (HSG(93)5).
   2.2. The guidance is applicable to both NHS Trusts and Foundation Trusts, which must have regard to it through its incorporation into the NHS Standard Contract 2017/18.2
   2.3. The guidance covers a range of measures, including:
   • setting consistent and clear minimum standards and clear guidelines for when staff should declare gifts and hospitality;
   • requiring organisations to make registers of interests available for public scrutiny; and
   • underlining NHS England’s support for the Disclosure UK scheme, which publishes details of payments made to staff by the pharmaceutical industry.
   2.4 The proposed updated Policy for Declarations of Interests, and of Gifts, Hospitality and Sponsorship has been revised in accordance with the new guidance.

3. Key changes
   3.1. The revisions made to the existing policy are set out below (with the principal changes shown in bold italics):

<table>
<thead>
<tr>
<th>Declarations of Interest</th>
<th>All staff must declare any personal professional or business interest which may conflict with their official duty or may be seen to compromise their personal integrity in any way at the earliest opportunity (and in any event within 28 days).</th>
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<tbody>
<tr>
<td>Use of the Register of Interests</td>
<td>The Head of Corporate Governance will arrange for copies of the registers to be sent to the Procurement Manager whenever new declarations which have the potential to conflict with the awarding contracts, are added to the register.</td>
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2 The standard NHS Contract introduced a requirement that providers ensure that staff declare all actual or potential conflicts of interest and offers of gifts or hospitality.
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<th>Use of the Register of Interests</th>
<th>Where a conflict of interest has been identified of a significant and serious nature, the Procurement Manager and Head of Corporate Governance must be notified. They will need to consider whether it is appropriate for the individual to continue to be included in the procurement process. However, it is recognised, that in some cases, the individual concerned may be vital to the procurement process i.e. where they are providing specialist advice. In this circumstance, a senior independent colleague should be involved during the process with the agreement of the Chief Finance Officer. A record of all decisions will be retained on the contract file.</th>
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<td>Failure to declare interests</td>
<td>If staff have any concerns or suspicions that a fraud may have occurred in relation to other staff not declaring gifts, hospitality received or failing to declare an interest, the concern should be immediately reported to the Local Counter Fraud Specialist and Chief Finance Officer.</td>
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<tr>
<td>Gifts</td>
<td>Gifts with a value over £50³ (or several small gifts totalling over £100) should be declared and recorded in the Register of Gifts, Hospitality and Sponsorship.</td>
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| Sponsorship | Rolling sponsorships of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.  
Sponsorship of a post should only happen when there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing or dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.  
The pharmaceutical industry is expected to adhere to the ABPI Code of Practice for the pharmaceutical industry which clearly specifies what is and what is not acceptable.  
Offers of sponsorship from the pharmaceutical or medical technology industries should be referred to the Trust Management Executive for consideration. |
| Donations | This is a new section consistent with the new guidelines and is set out at Paragraph 86, page 13. |

³ The value was previously uplifted from that of £25 in the original Policy (consistent with national guidance)
3.2. These changes may also be viewed within the revised policy at Appendix 1.

4. **Online system**
   4.1. It is proposed to explore further the scope within existing systems for providing a fully automated platform for submitting and recording declarations made.
   
   4.2. In the meantime, the template form for the declaration of interests, gifts, hospitality and sponsorship has been revised in the light of NHS England Guidance on Managing Conflicts of Interest in the NHS.

5. **Recommendation**
   5.1 It is recommended that the Trust Board approve the revised policy for implementation.

**Eileen Walsh, Director of Assurance**

1 November 2017

Report prepared by:

Ms Susan Polywka, Head of Corporate Governance  
Miss Maria Crawford, Corporate Governance Manager