## Declarations of Interests, Gifts, Hospitality and Sponsorship Policy

<table>
<thead>
<tr>
<th>Category:</th>
<th>Policy</th>
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<tbody>
<tr>
<td><strong>Summary:</strong></td>
<td>This policy outlines the standards of conduct expected of all Trust staff and Board members, regarding private interests as they relate and interface with public service duties. This policy also provides a mechanism in relation to declaring, recording and monitoring interests, gifts, hospitality and sponsorship.</td>
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<td><strong>Equality Analysis undertaken:</strong></td>
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<td>Trust-wide</td>
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<tr>
<td><strong>Related Documents:</strong></td>
<td>Counter Fraud &amp; Bribery Policy and Reporting Procedures, Standing Orders, Standing Financial Instructions, Raising Concerns (Whistleblowing) Policy.</td>
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<tr>
<td><strong>Author(s):</strong></td>
<td>Susan Polywka, Heda of Corporate Governance Maria Crawford, Corporate Governance Manager</td>
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<td><strong>Further Information:</strong></td>
<td>Insert references e.g. hyperlink or department contact details</td>
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<td><strong>This Document replaces:</strong></td>
<td>Declarations of Interests, Declaration of Gifts, Hospitality and Sponsorship Policy v.1.5</td>
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**Lead Director:** Director of Assurance  
**Issue Date:** Dd month year
Introduction

1 The Oxford University Hospitals NHS Foundation Trust and the people who work with and for it, collaborate closely with other organisations, delivering high quality care for patients. These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely. However, there is a risk that conflicts of interest may arise.

2 The Trust has a duty to ensure that all its dealings are conducted to the highest standards of integrity and probity and that NHS monies are used wisely so that finite resources are used in the best interests of patients. This policy aims to ensure that NHS funds are used appropriately and that the Trust operates in an open and impartial manner.

3 This policy establishes a framework to ensure that conflict or potential conflict of private interests and public duties of NHS staff, including Trust Board Members does not occur. It outlines the standards expected of all staff, agents, contractors and others, regarding private interests as they relate and interface with public service duties.

4 Equally, all employees are required to observe the principles of good governance in the way that Trust business is conducted and to comply with this policy as well as Standing Orders, Standing Financial Instructions and all good business practices.

5 The standard NHS contract 2016/17 introduced a requirement that providers ensure that staff declare all actual or potential conflicts of interest and offers of gifts or hospitality.

6 The acceptance of gifts, hospitality, preferential treatment in private transactions, sponsorship or loyalty schemes as an incentive for entering into business transactions is specifically prohibited by the Bribery Act 2010. In addition, the Bribery Act also created a corporate offence of failing to prevent bribery and the Trust’s Board of Directors may be liable if it cannot demonstrate that it has adequate procedures in place to prevent bribery.

7 Gifts, hospitality and sponsorship offered where there is no possibility that their acceptance could act as an incentive to act dishonestly, or in breach of the law, will not constitute a bribe, but may still need to be refused (see further at paragraph 55).

8 It is vital that all individuals working on behalf of the Trust follow this policy to protect both themselves and the Trust.

9 The Trust’s Counter Fraud & Bribery Policy and Reporting Procedures identifies the process of investigating any suspected fraud, bribery and corruption, and gives instruction to staff about what to do, and whom to contact if they have any fraud related concerns.
Policy Statement

10 The Trust is committed to ensuring that there is no opportunity for a conflict of interest to arise between the private interests and public duties of NHS staff, including Board Members.

11 All staff must declare any personal, professional or business interest which may conflict with their official duty, or which may be seen to compromise their personal integrity in any way. This may include an interest held by a close member of their family.

12 The Trust is committed to preventing bribery by anyone associated with the Trust.

13 All staff must declare any gifts, hospitality or sponsorship.

14 All staff must report any potential acts of bribery. There will be no recriminations against staff who report reasonably held suspicions.

15 Any member of staff who accepts gifts, hospitality, preferential treatment in private transactions, sponsorship or loyalty schemes as an incentive for entering into business transactions will be subject to disciplinary proceedings, and the matter will be referred to the Local Counter Fraud Specialist, who may refer onward for criminal prosecution.

Scope

16 This policy extends to any interest in:
   • Any business, including a company, public sector organisation, other NHS employer and/or voluntary organisation; or in
   • Any activity or pursuit which may compete for an NHS contract to supply either goods or services to the employing authority.

17 This policy also covers the declaration of gifts, hospitality and sponsorship.

18 This policy applies to all staff and volunteers, directors and governors and any other persons who conduct business on behalf of the Trust. This includes individuals who are:
   • Employed under a contract of employment with the Trust
   • Employed under an honorary contract with the Trust
   • Unpaid volunteers of the Trust
   • Employed via an agency or via personal services company

Aims and Objectives

19 The aim of this policy is to ensure that the Trust is open, transparent and honest in the way it conducts its business, and to ensure that the Trust operates in an open and impartial manner (and can be seen to do so). It aims to ensure that the Trust has in place adequate safeguards against conflict or potential conflict of interest between private interests and public duties of members of staff; and proportionate procedures to prevent bribery.
The policy objectives are to:

- Outline the standards expected of all staff regarding private interests and their interface with public service duties;
- Ensure that Trust funds are used appropriately;
- Provide a mechanism for interests to be declared and recorded;
- Ensure that the Register of Interests is regularly reviewed and updated;
- Provide a mechanism for the scrutiny and monitoring of interests; and
- Provide a mechanism for the declaring, recording and monitoring gifts, hospitality and sponsorship.

**Definitions**

<table>
<thead>
<tr>
<th>TERM</th>
<th>EXPLANATION</th>
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<tr>
<td>Benefits in Kind</td>
<td>Any type of benefit that an individual receives that has some implicit value</td>
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<tr>
<td>Close relative</td>
<td>Partner or spouse, Parents (or parents of a partner or spouse)</td>
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<tr>
<td></td>
<td>Children (or children of a partner or spouse)</td>
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<td>Siblings (or siblings of a partner or spouse)</td>
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<td>Grandparent or grandchild</td>
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<td>Aunt or uncle</td>
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<td>Niece or nephew</td>
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<td></td>
<td>Partners or the above</td>
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<tr>
<td>Conflict of Interest</td>
<td>A set of circumstances relating to an interest outside of the Trust that may impact upon or be seen to impact upon the Trust.</td>
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<tr>
<td>Declaration</td>
<td>A formal state of any (or no) interests in other organisations.</td>
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<tr>
<td>Gifts</td>
<td>Any item over £50 (or cash of any value) that is for personal use.</td>
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<tr>
<td>Hospitality</td>
<td>The provision of food, drink, accommodation or an event for which no payment (or minimal payment) is required to be made by the recipient.</td>
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| Interest            | A position of influence or benefit in another organisation that may have a business relationship with the Trust (or

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1 The most common types of Conflicts of Interest include: (i) Direct financial interest; (ii) Indirect financial interest; (iii) Non-financial personal interests; (iv) Conflicts of loyalty.
Roles and Responsibilities

21 All members of staff whether acting on behalf of the organisation or in partnership with another organisation must:

- Be impartial and honest in the conduct of their official business;
- Ensure that the interest of the service user is paramount at all times;
- Use the Trust’s funds delegated to them to the best advantage of the service, always ensuring value for money;
- Be open and explicit about companies that offer incentives for awarding or renewing a contract for goods and services. These companies must be excluded from consideration during the tendering process of a contract.

22 In addition, staff and directors are expected to ensure that they do not:

- Abuse their official position for the benefit of themselves, family or friends;
- Seek to gain advantage for a business or other interest during the course of their official business.

It is recommended that where there is doubt, a declaration of interest should be made.

23 All staff should adhere to the Seven Principles of Public Life:

- **Selflessness**: 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 friends.
- **Integrity**: 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.
- **Objectivity**: 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.
- **Accountability**: 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.
- **Openness**: 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.
- **Honesty**: 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.
- **Leadership**: Holders of public office should promote and support these principles by leadership and example.
Declaration of Interests

24 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). This may include an interest held by a close member of their family.

25 Although not exhaustive, interests which are regarded as "relevant and material," and which must be declared, include:

- Directorships, including Non-Executive Directorships held in private companies or public limited companies (PLCs), with the exception of dormant companies;
- Ownership or part-ownership of private companies, business or consultancies likely or possibly seeking to do business with the NHS;
- Majority or controlling share holdings in organisations likely or possibly to do business with the NHS;
- A position of authority in a charity or voluntary organisation in the field of health and social care;
- Any connection with a voluntary or other organisation contracting for NHS services;
- Research funding/grants that may be received by an individual or their department;
- Interests in pooled funds that are under separate management;
- Royalties, licence fees or other similar payments that may be received by an individual or their department.

26 There may be specific situations where a declaration of interest needs to be extended to that of a close member of the family, such as a spouse, parent or child or to a friend or close business or professional associate. A judgement may have to be made in individual circumstances regarding the appropriateness for a declaration to be made when for example there is a specific contractual situation, a set of circumstances or series of specific circumstances or a close connection.

27 Advice should be sought from the Head of Corporate Governance on this issue as such an interest may be deemed to be a potential conflict to the business of the Trust.

Secondary Employment

28 If a member of staff wishes to engage in any outside employment which may affect their contractual obligation, or which may be perceived to conflict with their role within the Trust, the member of staff must discuss this with their manager in the first instance. Agreement to such employment will not be unreasonably refused, but must be declared. Staff may also seek advice from their Human Resources Officer.

29 Clinical private practice and any other work undertaken must also be declared. The declaration should specify details of the nature and location of the work undertaken, its expected duration, hours spent per week/month, and the contractual basis (e.g. whether as employee, or self-employed consultant/contractor).

Process for Declaring Interests

Staff

30 All staff must declare interests in line with this policy to the Head of Corporate Governance both when they take up a position within the Trust or whenever a new declarable interest arises. A declaration form is included at Appendix 1.
31 There may also be a need to declare interests which may have implications during any decision making processes. For example, during an official meeting, staff must declare any interests which may impact on the decision making process.

32 If any member of staff is in any doubt as to what may be considered an interest, they should seek advice from the Head of Corporate Governance.

33 All interests must be considered by the individual’s line manager and approved. If an interest is deemed to be in conflict with the business of the Trust, the line manager should decide on the most appropriate course of action to mitigate this. For example, preclude an individual from purchasing decisions related to the interest, or ask the individual to cease the highlighted interest.

34 A Declaration of Interest form must be completed and signed by the member of staff and approved by the individual’s line manager.

For the purpose of the following sections Board Members include both Executive and Non-Executive Directors and members of the Executive Team.

35 It is a requirement for all Board Members to declare any personal or business interests they may have which may affect, or be perceived to affect, the conduct of their role. This includes any interest that may influence, or be perceived to influence, their judgment in the course of conducting the Board’s business.

36 Board Members must notify the Head of Corporate Governance of any such interests at the time of their appointment, and any further interests as they arise through their tenure as Board Members. Board Members must also declare any interests held by family members or people or bodies with which they are connected. In the case of Non-Executive Directors, any interest should be approved by the Chairman.

37 The Head of Corporate Governance will provide advice to the Chairman of the Board on what should be considered as an interest, taking account of regulatory requirements. If individual Board Members are in any doubt about what may be considered as an interest, they should seek advice from the Head of Corporate Governance. The onus however regarding declaration will always reside with the individual Board Member.

38 Further information on declaration of interests, including declaring interests at Board Meetings for Board Members can be found in the Trust Standing Orders or from the Head of Corporate Governance.

Register of Interests

39 The Head of Corporate Governance will ensure that a Register of Interests is established and maintained as a formal record of interests declared by all staff including Board Members. The Register will be published in two parts: one for staff and one for Board Members. The part of the register relating to Board Members will be published on the Trust interest site, in line with the Trust’s Standing Orders and in accordance with data protection legislation.

40 The Head of Corporate Governance will undertake an annual review of the Register of Interests, in which Board Members and staff will be required to confirm accuracy and completeness with regard to their own interests. The register will be maintained by the Head of Corporate Governance. It will be available for inspection by the public and auditors.
41 If a change to registered details arises during the year, the Head of Corporate Governance must be notified immediately so that any conflict between private and public interests can be avoided.

42 The Head of Corporate Governance will arrange for Board Members’ directorships of companies or positions in other organisations likely or possibly seeking to do business with the NHS to be published in the Board’s Annual Report.

Use of the Register of Interests

43 In order for the Trust to ensure that there is no opportunity for a conflict of interest to arise, the Register of Interests and the Register for Gifts, Hospitality and Sponsorship will be scrutinised by the Head of Procurement, or a delegated member of staff, at the start of any procurement process.

44 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.

45 It is the responsibility of individual members of staff to declare any interests which may impact on any part of the procurement process.

46 During any tendering process, a Contract Interests Declaration Form will be issued for contracts above £10,000. This information will be made available to all members of staff involved in the tendering process at the earliest opportunity. Completed forms must be forwarded to the Head of Procurement and kept on the contract file for auditing purposes.

47 Where the Head of Procurement has concerns about a declared interest, s/he must refer to the Divisional Director who will need to determine whether a conflict of interest exists. Advice from the Head of Corporate Governance should be sought.

48 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.

Failure to declare interests

49 Disciplinary action for gross misconduct may be initiated, after investigation, is any member of staff fails to declare an interest as defined above, provides false information or participates in a decision making process where special favour is shown to unfairly award a contract, or abuses his/her official position or knowledge for the purpose of benefit to himself/herself, family or friends.

50 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 (please refer to the Counter Fraud & Bribery Policy and Reporting Procedures). It should be noted that individuals may also be liable to prosecution under the Fraud Act 2006 or the Bribery Act 2010.
Gifts, Hospitality and Sponsorship

51 In line with the Bribery Act 2010, employees should refuse gifts, hospitality or sponsorship or benefits from a third party which may compromise or may be seen to compromise their professional position. This may in certain circumstances also include a gift, hospitality or sponsorship offered to a family member.

52 A breach of the provisions of the Act renders staff liable not only to dismissal but to criminal prosecution under the Act, and a prison term of up to 10 years if convicted. If the Trust is found to have failed to prevent bribery, it will be guilty of the “corporate offence,” and both the organisation and its directors can receive a sanction including unlimited fines. A “twin track” approach may be used, to prosecute an individual member of staff, and the Trust simultaneously.

53 Any concerns or suspicions must also be reported to the Local Counter Fraud Specialist and Chief Finance Officer (please refer to the Counter Fraud & Bribery Policy and Reporting Procedures).

54 All staff have a personal responsibility to volunteer information regarding offers of gifts, hospitality and sponsorship, including those offers that have been refused.

55 **Staff should seek approval from their line manager, prior to accepting any gifts or hospitality.** These details must be recorded on a Declaration of Gifts, Hospitality and Sponsorship form (Appendix 1). This form must be sent to the Head of Corporate Governance, who will ensure that the details are entered on the Register of Gifts, Hospitality and Sponsorship register.

56 **Staff should also seek approval before accepting any offer of sponsorship.** The offer of sponsorship should initially be referred by the member of staff to their line manager, who should consider whether there may be on-going financial implications for the Trust after the term of sponsorship has ended. Where necessary, further advice may be sought from the Divisional Management Team, to confirm whether sign-off will be required from Executive Directors. **All offers of sponsorship received from the pharmaceutical or medical technology industries will need to be referred for consideration by the Trust Management Executive, via the Head of Corporate Governance (please refer to paragraphs 80 - 85 below).**

57 Where more than one member of staff receives hospitality, each individual must complete a Declaration of Gifts, Hospitality and Sponsorship form and submit this to the Head of Corporate Governance.

58 When hospitality is received, the person(s)/organisation offering the hospitality should be made aware that the Trust will not and does not agree to preferential treatment as a result of receiving the hospitality.

**Determining whether to accept gifts, hospitality and sponsorship**

59 It is not possible to make explicit a situation in which gifts, hospitality or sponsorship may be considered acceptable. Each offer should be considered independently. In determining whether any offer of a gift, hospitality or sponsorship should be accepted, an individual should consider the following **guiding principles:**

- **Openness:** It has been openly offered and the offer will not be construed as any form of inducement and will not put the individual under any obligation to those offering it;

- **Legitimate interest:** Regard should be paid to the reason for the contract on both sides and whether it is a contract that is likely to benefit the Trust i.e. further the aims of the organisation;
• **Relationship:** Consideration should be given as to whether the Trust is likely to enter into a contractual relationship with the organisation/individual making the offer, or is currently tendering for a product/service supplied by the organisation/individual;

• **Value:** Gifts and benefits of a trivial or inexpensive seasonal nature e.g. diaries/calendars, are more likely to be acceptable and can be distinguished from more substantial offers. Similarly, hospitality in the form of a working lunch would not be treated in the same way as more expensive social functions, travel or accommodation.

• **Frequency:** Acceptance of frequent or regular invitations particularly from the same source would breach the required standards of conduct;

• **Reputation:** If the body concerned is known to be under investigation by, or has been publically criticised by, a public body, regulators or inspectors, acceptance of a gift or hospitality might be seen as supporting the body or affecting in some way the investigation or negotiations. As such it should always be declined.

**Gifts**

60 Staff must refuse gifts that may affect, or be seen to affect, their professional judgement or integrity, or which seek to exert influence to obtain a preferential consideration.

61 Staff must not accept gifts, whatever their value, offered by contractors or others involved in the procurement process, even if the offer if not in any way connected with the performance of duties or contract so as to constitute an offence under the Bribery Act 2010. In cases of doubt the Head of Corporate Governance should be consulted.

62 Staff and directors should exercise the utmost discretion in accepting gifts from service users or their relatives. In cases where the gift offered is of low value and of a non-cash nature, such as a box of chocolates, it may be accepted graciously, and with thanks. Modest gifts accepted under a value of £50 do not need to be declared.

63 Any gifts received in excess of £50 (or several small gifts totalling over £100) should be declared and recorded in the Register of Gifts, Hospitality and Sponsorship.

64 Staff are not permitted to accept any cash or vouchers regardless of value. Cash donations to the Trust can be paid into the Trust charitable fund. In all cases where cash or vouchers are offered, the Head of Corporate Governance should be consulted.

**Hospitality**

65 Staff must refuse hospitality which may compromise or be seen to compromise their professional judgement or integrity, or which seeks to exert influence to obtain a preferential consideration.

66 Staff may accept the occasional offer of hospitality, provided that it is “modest and proportionate to the nature and purpose of the event” and similar in scale to that...
offered by the NHS. For example, acceptance of non-alcoholic refreshments or a light buffet/sandwich lunch during the course of an official meeting, provided that it is compatible with the guiding principles outlined in paragraph 59, will generally be deemed acceptable and need not be declared.

67 Anything above and beyond this should be declared and the appropriate approval sought, prior to acceptance of the offer.

68 Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.

69 A distinction may be drawn between items offered as hospitality and items offered in substitution for fees, for example, broadcasts, speeches, lectures or other work undertaken. There may be circumstances where the latter may be accepted if they can be used for official purposes. In cases of doubt, staff should seek advice from the Head of Corporate Governance.

**Sponsorship**

70 Sponsorship is an offer of funding to an individual, team or to the Trust from an external source, whether in cash, goods, services or benefits.

71 Staff may be offered sponsorship in the form of sponsored research or operational post, training, attendance at a conference, costs associated with meetings, conferences or a working visit. The sponsorship may cover some or all of the costs. This list is not exhaustive and offers of other benefits, goods or services will need to be considered on a case by case basis.

72 Staff must seek permission initially from his/her line manager before accepting any offer of sponsorship. S/he must also record this on a gifts, hospitality and sponsorship form (Appendix 1).

73 The member of staff and his/her line manager must be satisfied that the offer is compatible with the principles outlined at paragraph 59 and will not compromise their position. In cases of doubt, advice from the Head of Corporate Governance must be sought.

74 Rolling sponsorships of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.

75 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.

76 **Please note that offers of sponsorship from pharmaceutical or medical technology industries should be referred to the Executive Team, via the Head of Corporate Governance for consideration (please refer to paragraphs 80 - 85). Offers of sponsorship from other sources may also need to be referred to the Executive Team.**

77 Under no circumstances may “linked deals” be agreed, whereby sponsorship is linked to the purchase of particular products or to supply from particular sources. Attendance at a sponsored event may well preclude the individual from participation in an adjudication panel or giving advice on purchasing decisions in the future.
Where a member of staff is required to take study leave to attend a sponsored conference/event, full details of the sponsorship arrangements should be recorded on a study leave form.

Where the Trust receives or invites offers of sponsorship, for events, which are hosted wholly or partly by the Trust, the relevant line manager must apply the principles outlined in paragraph 59 and consider whether it is appropriate to accept the offer. The relevant line manager must complete a Declaration of Gifts, Hospitality and Sponsorship form and submit it to the Head of Corporate Governance for approval.

**Offers of sponsorship from the pharmaceutical or medical technology industries**

Offers of sponsorship from the pharmaceutical or medical technology industries should be referred to the Trust Management Executive for consideration. Offers of sponsorship from other sources may also need to be referred. The Trust Management Executive will apply the principles in paragraph 59 in determining whether an offer should be accepted or not. Where such sponsorship is accepted, it must be made clear to the company concerned that the sponsorship will have no effect on purchasing decisions.

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.

No member of staff may enter into individual arrangements for sponsorship with the pharmaceutical or medical technology industries.

**Offers of Honorarium**

An honorarium is an ex gratia payment (i.e. one which would not usually be expected to be provided).

Sponsorship may sometimes include the offer of honoraria to a member of staff. Where a member of staff has received an offer of an honorarium they must consider the appropriateness of acceptance and whether this might be perceived as impacting on their impartiality. Staff should refer to the Head of Corporate Governance for advice.

Where a member of staff wishes to accept an honorarium and it is appropriate to do so, they must take annual leave. The member of staff should note that this may have tax implications. Appropriate declarations for tax purposes will need to be made.

**Donations**

Donations made by suppliers or bodies seeking to do business with the Trust should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. 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 own registered charity or other charitable body and is not for their own personal gain.

Staff must obtain permission from the organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the Trust’s.
Donations when received should be made to a specific charitable fund (never to an individual) and a receipt should be issued.

Register of gifts, hospitality and sponsorship

The Head of Corporate Governance will maintain a Register of Gifts, Hospitality and Sponsorship made to staff.

The Head of Corporate Governance, on behalf of the Chairman and Chief Executive, will ensure that the incidence and patterns of offers and receipt of gifts, hospitality and sponsorship are kept under review. S/he will take appropriate action where necessary.

When determining what should be declared for inclusion in the Register, individuals shall apply the following principles, subject to considerations in the Trust’s Standing Orders:

- **Gifts**: Generally, only gifts of material value need to be declared and recorded. Those with nominal value, e.g. seasonal items such as diaries/calendars would not usually need to be declared or recorded.

- **Hospitality**: Occasional offers of “modest and proportionate” hospitality i.e. a working buffet lunch which is incidental to a conference/seminar need not be declared nor included on the register, but anything in excess of this should be recorded.

- **Sponsorship**: All offers should be declared and will be entered on to the Register.

Training

There is no requirement for Trust staff to attend a training course on this policy.

Communication to Employees

This policy will be circulated to staff via the e-bulletin and will be available for staff on the policies web page. A reminder to staff, along with a link to the policy will be circulated on a yearly basis to inform staff of the need to declare any interests and to report offers of gifts, hospitality and sponsorship.

Managers also have a responsibility to bring this policy to the attention of their staff. New staff will be made aware of this policy as part of the induction process.

Information Governance Implications

The Register of Interests for Board Members will be available for public scrutiny and will be published on the Trust website, in accordance with the Data Protection Act. The Register of Interests for staff will contain personal identifiable information not only of staff members but possibly members of their families and close relations. It will therefore be protected as rigourously as other staff information and will be treated confidentially.

Principle 4 of the Data Protection Act requires information to be accurate, complete and up-to-date. There must be a robust, regular mechanism in place to ensure this, just as there is for Board Members. This includes deletion of records appropriately when a staff member leaves the employment of the Trust.

Staff should be aware that any such Register may be the subject of a Freedom of Information request. This will be dealt with in accordance with the Act, policy and appropriate guidelines.
99 Where an interest is commercially confidential or would otherwise be exempt from being made public under the Freedom of Information Act, then the declaration should still be made but it should be indicated why it is exempt. Advice must be sought from the Head of Information Governance to identify the specific exemption relevant under the Act.

100 It should be noted, however, that any exemption must be judged at the time of a freedom of information request, and therefore exemptions may change over time.

**Monitoring Compliance**

101 The Head of Corporate Governance will hold the Registers of Interest, Gifts, hospitality and sponsorship.

102 The Registers will be subject to regular review. The outcome of reviews will be reported to the Audit Committee.

103 In addition to the monitoring arrangements described above, the Trust may undertake additional monitoring of this policy in response to identification of any gaps, or as a result of the identification of risks arising from the policy prompted by incident review, external reviews or other sources of information and advice.

104 Monitoring at any point may trigger a policy review if there is evidence that the policy is unable to meet its stated objectives.

**Review**

105 This policy will be reviewed in 3 years, as set out in the Policy for the Development and Implementation of Procedural Documents.

**References**

106 This policy has been developed in accordance with:

- NHS Standards of Business Conduct Procedure for NHS [HSG 93(5)]
- OUH NHS FT Counter Fraud & Bribery Policy and Reporting Procedures (September 2016)
- Bribery Act 2010
- Fraud Act 2006
- The Seven Principles of Public Life (the Nolan Principles)
- Managing Conflicts of Interest in the NHS: Model policy content for organisations (April 2017)

107 **Supporting Documents**

- OUH NHS FT Constitution
- Standing Financial Instructions
- Standing Orders
- Freedom of Information and Environment Information Regulations Policy
- Information Governance Policy

**Equality Impact Assessment**

108 As part of its development, this policy and its impact on equality has been reviewed. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on the grounds of race, gender, disability, age, sexual orientation or religious belief. No detriment was identified.
Document History

Use this table to record the revisions made to the approved policy and record document history.

<table>
<thead>
<tr>
<th>Date of revision</th>
<th>Version number</th>
<th>Author</th>
<th>Reason for review or update</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 April 2017</td>
<td>2.0</td>
<td>Corporate Governance Manager</td>
<td>Policy reviewed and revised in the light of initial NHS England Guidance issued to CCGs in February 2017.</td>
</tr>
<tr>
<td>24 October 2017</td>
<td>2.1</td>
<td>Head of Corporate Governance</td>
<td>Revised draft policy updated to reflect NHS England Guidance which came into effect in June 2017 on managing conflicts of interest.</td>
</tr>
</tbody>
</table>

Consultation Schedule

Use this table to evidence your involvement of staff and key stakeholders, where appropriate, in the development and review of documents.

<table>
<thead>
<tr>
<th>Who? Individuals or Committees</th>
<th>Rationale and/or Method of Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Management Executive</td>
<td>Submitted for approval on 26 October 2017</td>
</tr>
</tbody>
</table>

Endorsement

Use this table to list relevant Divisional and/Directorate leads who have endorsed the policy/procedural document.

<table>
<thead>
<tr>
<th>Endorsee Name:</th>
<th>Endorsee Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 1

Form for the Declaration of Interests, Gifts, Hospitality and Sponsorship

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Description of Interest Gift, Hospitality or Sponsorship</th>
<th>Relevant Dates</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Please provide approx. £value where appropriate</td>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

The information submitted will be held by Oxford University Hospitals NHS FT for personnel or other reasons specified on this form and to comply with the organisation’s policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registrars that Oxford University Hospitals NHS FT holds.

I confirm that the information provided above is complete and correct. I acknowledged that any changes in these declarations must be notified to Oxford University Hospitals NHS FT 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.

**I do / do not [delete as applicable]** give my consent for this information to be published on registers that Oxford University Hospitals NHS FT holds.

If consent is NOT given please give reasons:

Signed:..............................................

Date:..........................

Please return to: declarations@ouh.nhs.uk
# Guidance for completing the Form

<table>
<thead>
<tr>
<th>Name and Role</th>
<th>Insert your name and your position/role in relation to the Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Interest</td>
<td>Provide a description of the interest that is being declared. This should contain enough information to be meaningful (e.g. detailing the supplier of any gifts, hospitality, sponsorship, etc.). That it, the information provided should enable a reasonable person with no prior knowledge should be able to read this and understand the nature of the interest.</td>
</tr>
<tr>
<td>Types of Interest:</td>
<td></td>
</tr>
<tr>
<td>Financial interests</td>
<td>This is where an individual may get direct financial benefits from the consequences of a decision they are involved in making.</td>
</tr>
<tr>
<td>Non-financial professional interests</td>
<td>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 career.</td>
</tr>
<tr>
<td>Non-financial personal interests</td>
<td>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.</td>
</tr>
<tr>
<td>Indirect interests</td>
<td>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.</td>
</tr>
<tr>
<td>Relevant Dates</td>
<td>Detail here when the interest arose and, if relevant, when it ceased.</td>
</tr>
<tr>
<td>Comments</td>
<td>This field should detail any action to manage an actual or potential conflict of interest. It might also detail any approvals or permissions to adopt a certain course of action.</td>
</tr>
</tbody>
</table>
## Appendix 2 – Monitoring Table for this Policy

<table>
<thead>
<tr>
<th>Aspect of compliance effectiveness being monitored</th>
<th>Monitoring method</th>
<th>Responsibility for monitoring (job title)</th>
<th>Frequency of monitoring</th>
<th>Group or Committee that will review the findings and monitor completion of any resulting action</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Registers of Interest, Gifts, Hospitality and Sponsorship.</td>
<td>Review of registers prior to publication</td>
<td>Head of Corporate Governance / Corporate Governance Manager</td>
<td>Twice per annum (April and October)</td>
<td>Audit Committee</td>
</tr>
<tr>
<td>Staff will be reminded periodically of their requirement to declare gifts and hospitality provided/accepted/declined in accordance with this Policy.</td>
<td>Dissemination of email alert by the Corporate Governance Department and Directorates</td>
<td>Head of Corporate Governance / Corporate Governance Manager</td>
<td>March and September</td>
<td>Audit Committee</td>
</tr>
<tr>
<td>The Trust Board of Directors will monitor changes in declarations of interest at each meeting of the Board, and through an annual review of Registers of Interest.</td>
<td>Preparation of annual review for the Trust Board</td>
<td>Head of Corporate Governance/ Corporate Governance Manager</td>
<td>April</td>
<td>Audit Committee</td>
</tr>
<tr>
<td>Review of involvement of staff, with declared interests, in procurement decisions</td>
<td>Desktop audit</td>
<td>Head of Corporate Governance/ Corporate Governance Manager</td>
<td>Annual</td>
<td>Audit Committee</td>
</tr>
</tbody>
</table>
## Appendix 3: Equality Analysis

<table>
<thead>
<tr>
<th>Have you considered how the Policy will affect people:</th>
<th>Yes</th>
<th>No</th>
<th>How have these groups been included in the development of the Policy?</th>
<th>How will the Policy affect them?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who have a physical or sensory impairment? Have you consulted with them?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With a disability?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Of different gender?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Of different ages?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With different racial heritages?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With different sexual orientations?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who are pregnant or recently had a baby?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With different religions or beliefs?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who are going through gender re-assignment or have transitioned?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Of different marital/partnership status?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who are carers?</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any other group who may be affected by this policy</td>
<td>☐</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary of Analysis

<table>
<thead>
<tr>
<th>Does the analysis show evidence of:</th>
<th>Yes</th>
<th>No</th>
<th>Please explain your answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>The potential to discriminate?</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>The advancement of equality of opportunity?</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>The promotion of good relations between groups?</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>