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

<table>
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<tr>
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<th>Policy</th>
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<tr>
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<td>This policy outlines the framework by which the Trust will ensure that interests, gifts, hospitality and sponsorship are appropriately declared, recorded and monitored.</td>
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<td>Standing Orders, Standing Financial Instructions</td>
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<td>Author(s):</td>
<td>Head of Corporate Governance</td>
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<td>Eric Sanders, Head of Corporate Governance</td>
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Lead Director: Director of Finance
Issue Date: 31 January 2014
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Introduction

1. This policy aims to ensure that NHS funds are used appropriately and the Trust operates in an open and impartial manner. 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 of conduct expected of all staff, including Non-Executive Directors, regarding private interests as they relate and interface with public service duties.

2. 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.

3. 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).

4. This policy specifies the mechanism by which the Trust will ensure that interests, gifts, hospitality and sponsorship are appropriately declared, recorded and monitored.

5. The Trust’s Counter Fraud 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

6. 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.

7. 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.

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

9. All staff must declare any gifts, hospitality and sponsorship.

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

11. 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

12. This policy extends to any financial interest in:

   12.1. Any business, including a company, public sector organisation, other NHS employer and/or voluntary organisation; or in
12.2. Any activity or pursuit which may compete for an NHS contract to supply either goods or services to the employing authority.

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

Aim and Objectives

14. The aim of this policy is to ensure 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.

15. The policy objectives are to:

15.1. Outline the standards of conduct expected of all staff, regarding private interests and their interface with public service duties;

15.2. Ensure that Trust funds are used appropriately;

15.3. Provide a mechanism for interests to be declared and recorded;

15.4. Ensure that the Register of Interests is regularly reviewed and updated;

15.5. Provide a mechanism for the scrutiny and monitoring of interests; and

15.6. Provide a mechanism for declaring, recording and monitoring gifts, hospitality and sponsorship.

Definitions

16. The terms in use in this document are defined as follows:

16.1. Gifts: A gift is an item of value, given by a third party. Examples include vouchers, money, prizes in draws and raffles at sponsored events and any other item of value.

16.2. Hospitality: Hospitality is defined as the provision of beverages, meals, accommodation, travel, entertainment (i.e. an invitation or ticket to a sporting event or theatre) or entry to an event or conference, regardless of whether provided during or outside normal working hours.

16.3. Sponsorship: 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. It could include an offer to sponsor a research or operational post, staff training, attendance at a conference, costs associated with meetings, conferences or a working visit. The sponsorship may cover some or all of the costs.

16.4. Member of Staff: Anybody engaged in NHS duties, including secondees, individuals with an honorary contract and Non-Executive Directors.

17. This list is not exhaustive and offers of other benefits, goods or services will need to be considered on a case by case basis.

Roles and Responsibilities

18. All members of staff whether acting on behalf of the organisation or in partnership with another organisation must:
18.1. Be impartial and honest in the conduct of their official business;
18.2. Ensure that the interest of the service user is paramount at all times;
18.3. Use the Trust’s funds delegated to them to the best advantage of the service, always ensuring value for money;
18.4. 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.

19. In addition, employees are expected to ensure that they do not:
19.1. Abuse their official position for the benefit of themselves, family or friends;
19.2. Seek to gain advantage for a business or other interest during the course of their official business.

20. All staff should adhere to the Seven Principles of Public Life: These are:
20.1. **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 their friends.
20.2. **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.
20.3. **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.
20.4. **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.
20.5. **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.
20.6. **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.
20.7. **Leadership**: Holders of public office should promote and support these principles by leadership and example.

**Declaration of interests**

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

**Interests which may need to be declared**

22. Although not exhaustive, interests which are regarded as “relevant and material”, and which must be declared, include:
22.1. Directorships, including Non-Executive Directorships held in private companies or PLCs (with the exception of those dormant companies);
22.2. Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;

22.3. Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS;

22.4. A position of Authority in a charity or voluntary organisation in the field of health and social care;

22.5. Any connection with a voluntary or other organisation contracting for NHS services;

22.6. Research funding/grants that may be received by an individual or their department;

22.7. Interests in pooled funds that are under separate management;

22.8. Royalties, licence fees or other similar payments that may be received by an individual or their department.

23. 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.

24. 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

25. If any 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.

26. 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

27. Staff must declare interests in line with this policy to the Head of Corporate Governance both when they take up a position with the Trust and whenever a new declarable interest arises. A declaration of interest form is included at Appendix 1.

28. There may also be a need to declare interests which may have implications during any decision making processes. For example, during an official meeting, an employee must declare any interests which may impact on the decision making process.

29. If a member of staff is in any doubt as to what may be considered a declarable interest, s/he should seek advice from the Head of Corporate Governance.
30. 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 the individual from purchasing decisions related to the interest, or ask the individual to cease the highlighted interest.

31. A Declaration of Interests form must be completed and signed by the member of staff and approved by the individual's line manager.

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

32. 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 interests that may influence, or be perceived to influence, their judgement in the course of conducting the Board's business.

33. 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.

34. 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 the 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 but the onus for declaration will always remain with the individual Board Member.

35. 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**

36. 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 internet site, in line with Trust’s Standing Orders and in accordance with data protection legislation.

37. 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 by auditors.

38. 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.

39. The Head of Corporate Governance will arrange for the 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

40. 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.

41. It is the responsibility of every member of staff to declare any interests which may impact on any part of the procurement process.

42. During any tendering process, a Contract Interests Declaration Form (Appendix 4) 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.

43. 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.

44. Where a conflict of interest has been identified of a significant and serious nature, the Head of Procurement 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. 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.

45. A record of all decisions will be retained on the contract file.

Failure to declare interests

46. Disciplinary action for gross misconduct may be initiated, after investigation, if 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.

47. Any concerns or suspicions must also be reported to the Local Counter Fraud Specialist (please refer to the Counter Fraud Policy). 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

48. In line with the Bribery Act 2010, employees should refuse gifts, hospitality, 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.

49. 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.
50. Any concerns or suspicions must also be reported to the Local Counter Fraud Specialist (please refer to the Counter Fraud Policy).

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

52. 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 2). The form must be sent to the Head of Corporate Governance, who will ensure that the details are entered on the Register for Gifts, Hospitality and Sponsorship register.

53. 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 74 and 75 below).

54. 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.

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

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

56. It is not possible to make explicit when 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:

56.1. **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;

56.2. **Legitimate interest**: Regard should be paid to the reason for the contact on both sides and whether it is a contact that is likely to benefit the Trust i.e. further the aims of the organisation;

56.3. **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;

56.4. **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;

56.5. **Frequency**: Acceptance of frequent or regular invitations particularly from the same source would breach the required standards of conduct;
56.6. **Reputation**: If the body concerned is known to be under investigation by, or has been publicly 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**

57. Staff must refuse gifts which may reasonably be seen to compromise their professional judgement or integrity, or which seek to exert influence to obtain a preferential consideration.

58. Staff must not accept gifts offered by contractors or others involved in any procurement process, even if the offer is not in any way connected with the performance of duties or contract so as to constitute an offence under the Bribery Act 2010. Trivial articles of nominal value, such as calendars or diaries, need not be subject to this rule. In cases of doubt the Head of Corporate Governance should be consulted.

59. It is appreciated that patients, and their families, may offer gifts in thanks for the service they have received, but staff should exercise 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, but staff receiving the gift should inform their line manager.

60. Any gifts received in excess of £25 (or several small gifts totalling over £100) should be declared and recorded in the Register of Gifts, Hospitality and Sponsorship.

61. Staff are not permitted to accept any cash or vouchers regardless of the 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**

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

63. Staff may accept the occasional offer of hospitality, provided that it is ‘modest and proportionate’ 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 55, will generally be deemed acceptable and need not be declared.

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

65. A distinction may be drawn between items offered as hospitality and items offered in substitution for fees, for example, for 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

66. 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.

67. Staff may be offered sponsorship in the form of a 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.

68. Staff must seek permission initially from his/her line manager before accepting any offer of sponsorship (see further at paragraph 53 above). S/he must also record this on a Declaration of Gifts, Hospitality and Sponsorship form (Appendix 2).

69. The member of staff and his/her line manager must be satisfied that the offer is compatible with the principles outlined in paragraph 56 and will not compromise their position. In cases of doubt, advice from the Head of Corporate Governance must be sought.

70. Please note that offers of sponsorship from the pharmaceutical or medical technology industries should be referred to the Executive Team, via the Head of Corporate Governance for consideration (please refer to paragraphs 74 and 75). Offers of sponsorship from other sources may also need to be referred to the Executive Team.

71. 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.

72. 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.

73. 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 55 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

74. 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 (see paragraph 53 above). The Trust Management Executive will apply the principles in paragraph 56 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.

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

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

77. 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.

78. 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 by the individual.

**Register of gifts, hospitality and sponsorship**

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

80. 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.

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

- **Gifts**: Generally, only gifts of material value need be declared and recorded. Those with a 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 in the register, but anything in excess of this should be recorded.

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

**Training**

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

**Communication to Employees**

83. This policy will be circulated to all staff via the e-Bulletin and will be available for staff on the policies web page. A reminder to all 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.

84. Managers also have a responsibility to bring this policy to the attention of their staff.
Information governance implications

85. 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 rigorously as other staff information and will be treated confidentially.

86. 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.

87. 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, e.g. allowing for the redaction of personal identifiable information where appropriate.

Monitoring Compliance

88. Compliance with the document will be monitored in the following ways.

<table>
<thead>
<tr>
<th>Aspect of compliance or 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 plan</th>
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<tr>
<td>Review of involvement of staff, with declared interests, in procurement decisions</td>
<td>Desktop audit</td>
<td>Deputy Head of Corporate Governance</td>
<td>Annual</td>
<td>Audit Committee</td>
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<tr>
<td>Review of completeness of Register of Interests</td>
<td>Interviews with sample of employees</td>
<td>Deputy Head of Corporate Governance</td>
<td>Annual</td>
<td>Audit Committee</td>
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89. The Audit Committee will review and report to the Board upon the adequacy of the arrangements for declaring, registering and handling interests at least annually.

Review

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

91. This policy has been developed in accordance with:

- Standards for members of NHS boards and Clinical Commissioning Group governing bodies in England (Professional Standards Authority, November 2012);
- Code of Conduct for NHS Managers (Department of Health, October 2002);
- The NHS Foundation Trust Code of Governance (Monitor, April 2010)
- Bribery Act 2010
- NHS Standards of Business Conduct Guidance [HSG 93(5)]
- Fraud Act 2006
- Public Interest Disclosure act 1998 (PIDA)
- OUH Counter Fraud Policy and reporting Procedures (OUH, June 2013)

Equality Impact Assessment

92. 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>
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<tr>
<td>24 May 2013</td>
<td>1.0</td>
<td>New document created</td>
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<td>28 May 2013</td>
<td>1.1-3</td>
<td>Format updated and content aligned to the KPMG Counter Fraud Report – The Bribery act Risk Assessment – March 2013</td>
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<tr>
<td>8 October 2013</td>
<td>1.4</td>
<td>Updated with comments from the Interim Head of Procurement</td>
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<tr>
<td>9 January 2014</td>
<td>1.5</td>
<td>Updated with comments received following consultation, as considered by TME</td>
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Appendix 1: Declarations of Interests Form

Every member of staff is required to 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. A Register of Interests must be maintained by the Head of Corporate Governance. The Register will be published in two parts: one for Board Members, and one for all other staff.

An express declaration as to whether or not you have any ‘relevant and material interest(s)’ is required from all members of staff holding a post at Grade …. or equivalent.

In particular, do you

- Hold any Directorships, including Non-Executive Directorships in private companies or PLCs (with the exception of dormant companies);
- Own or part-own any private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;
- Hold a majority or controlling share-holding in organisations likely or possibly seeking to do business with the NHS;
- Hold any position of Authority in a charity or voluntary organisation in the field of health and social care;
- Have any connection with a voluntary or other organisation contracting for NHS services;
- Receive any research funding or grant (as an individual, or on behalf of a department);
- Have any interest in pooled funds that are under separate management;
- Receive any royalties, licence fees or other similar payments, whether received as an individual or on behalf of a department.

**NB** This is not an exhaustive list. Please declare any other interest(s) which may be regarded as “relevant and material”.

Further advice should be sought from the Head of Corporate Governance, if required.

---

**Declaration of Interests** Complete & submit to Executive Office, Level 3, JR

Or by email to company.secretary@ouh.nhs.uk

Please **delete** one of the following, **as applicable**:

1. I **declare** the following relevant and material interest (**continue on another sheet as necessary**)

   …………………………………………………………………………………………………………………………………………

   Signature: ........................................... Name (printed) ........................ Date: ........
   Job title: ............................................. Contact details: ..........................................

   **OR**

2. I understand the definition of relevant and material interests, and I **confirm** that I have **no interests** to declare

   …………………………………………………………………………………………………………………………………………

   Signature: ........................................... Name (printed) ........................ Date: ........
   Job title: ............................................. Contact details: .............................................
Appendix 2: Declarations of Gifts, Hospitality & Sponsorship Form

Every member of staff is required to declare any gifts, hospitality and sponsorship (see form overleaf). Under the Bribery Act 2010, giving or accepting a bribe is punishable by a term of up to 10 years’ imprisonment. Bribery includes offering an incentive to someone to act dishonestly, or in breach of the law. Any offer which may compromise or may be seen to compromise your professional position should be refused. This may in certain circumstances also include a gift, hospitality or sponsorship offered to a family member.

In public service, even where gifts, hospitality and sponsorship don’t constitute bribery, they may still need to be refused (see Trust Policy on Declaration of Gifts, Hospitality & Sponsorship for further detail).

In determining whether any offer of a gift, hospitality or sponsorship can be accepted, you 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 contact on both sides and whether it is a contact 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 publicly 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.

If you are not sure how these principles might apply to any particular offer of a gift, hospitality or sponsorship, you should seek further guidance from the Head of Corporate Governance before acceptance.

The Head of Corporate Governance will maintain a Register of Gifts, Hospitality and Sponsorship as a formal record, and will keep under review the incidence and pattern of gifts, hospitality and sponsorship; advising the Trust Board on any action required, as appropriate. Subject to the considerations in the Trust’ Standing Orders, the following guidance will be applied in determining what should be recorded on the Register:

- **Gifts**: Generally, only gifts of material value need be declared and recorded. Those with a 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 in the register, but anything in excess of this should be recorded
- **Sponsorship**: All offers of sponsorship should be declared and will be entered on to the Register.
Declarations of Gifts, Hospitality & Sponsorship Form
Complete and submit to Executive Office, Level 3, JR
Or by email to company.secretary@ouh.nhs.uk

I wish to declare that during the financial year 20 ..../20 .... (please complete)
I have received an offer of the following (please give details as appropriate)

Gift(s) .............................................................................................................................................
Estimated value: .................................................................................................................................

Hospitality ..........................................................................................................................................
Estimated value: .................................................................................................................................

Sponsorship ........................................................................................................................................
Amount received/ Estimated value: ....................................................................................................... 

Other (incl e.g. support for education & training, or consultancy)..........................................................
Amount received: .................................................................................................................................

I have/have not* (*please delete as appropriate) notified my line manager/senior colleague of this offer.
My line manager/senior colleague has/has not* (*please delete as appropriate) given his/her approval to this offer being accepted. Please tick here ( ) if Not appropriate

If you have consulted your line manager/senior colleague, then s/he should counter-sign below

I have accepted* OR
I have not accepted* (*please delete as appropriate) the offer of gift/hospitality/sponsorship detailed above.

Signature: ........................................ Name (printed) ................... Date: ...................

Job title: ........................................ Contact details: .................................................................

Line Manager's/Senior Colleague's
Counter- Signature: .................... Name (printed) ................... Date: ...................

Job title: ........................................ Contact details: .................................................................
### Appendix 3 - Equality Analysis

**Please include this in the preparation to write a policy** and refer to the “Policy on Writing Policies.” Full guidance is available: [http://ouh.oxnet.nhs.uk/Equality/Pages/EqualityImpactAssessment.aspx](http://ouh.oxnet.nhs.uk/Equality/Pages/EqualityImpactAssessment.aspx)

<table>
<thead>
<tr>
<th>Equality Analysis</th>
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</thead>
<tbody>
<tr>
<td>Policy / Plan / proposal name: Declarations of Interests, Gifts, Hospitality and Sponsorship Policy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Policy</th>
<th>31 January 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date due for review</td>
<td>30 January 2017</td>
</tr>
<tr>
<td>Lead person for policy and equality analysis</td>
<td>Eric Sanders, Head of Corporate Governance</td>
</tr>
</tbody>
</table>

Does the policy / proposal relate to people? If yes please complete the whole form. **YES**

The only policies and proposals not relevant to equality considerations are those not involving people at all. (E.g. Equipment such as fridge temperature)

1. **Identify the main aim and objectives and intended outcomes of the policy.**
   The policy is applicable to all members of staff and is being introduced to ensure there is clarity in the way that any interests, gifts, hospitality or sponsorship are declared and registered. This is to ensure that staff do not gain an unfair benefit or advantage from their work within a public sector organisation.

2. **Involvement of stakeholders.**
   Proposed draft policy circulated for consultation to all Divisional and Directorate Management Teams, Counter Fraud Specialist, Internal Audit, and other interested parties.

3. **Evidence.**
   Population information on [www.healthprofiles.info](http://www.healthprofiles.info) search for Oxfordshire.

**Disability** Have you consulted with people who have a physical or sensory impairment?
How will this policy affect people who have a disability?

This policy will affect all members of staff. There has been no specific consultation with members of staff who have a disability.

The principles guiding whether any offer of gifts, hospitality or sponsorship can be accepted – or an interest retained - are the same for all members of staff. Further guidance upon application of the guiding principles may be sought from the Head of Corporate Governance.

**Disability: learning disability**

**Sex:** How will the policy affect people of different gender?
There is no inequality in the Policy’s effect upon people of different gender.

**Age:** How will the policy affect people of different age – the very young and very old?
There is no inequality in the Policy’s effect upon people of different ages.
## Race: How will the policy affect people with different racial heritage?
There is no inequality in the Policy’s effect upon people with different racial heritage equally.

## Sexual orientation: How will the policy affect people of different sexual orientation?
There is no inequality in the Policy’s effect upon people of different sexual orientation.

## Pregnancy and maternity: How will the policy affect people who are pregnant or those who have maternity rights?
There is no inequality in the Policy’s effect upon people who are pregnant or those who have maternity rights.

## Religion or belief: How will the policy affect people who have different religions or belief or no belief?
There is no inequality in the Policy’s effect upon people who have different religions or belief or no belief.

## Gender re-assignment: How will the policy affect people who are in transition or who have transitioned?
There is no inequality in the Policy’s effect upon people who are in transition or who have transitioned.

## Marriage or civil partnerships: How will the policy affect people with different marital status or civil partnership?
There is no inequality in the Policy’s effect upon people with different marital status or civil partnership

## Carers
Remember to ensure carers are fully involved, informed, supported and they can express their concerns. Consider the need for flexible working. How will the policy affect carers?
The Policy applies to all members of staff, but not to patients.

## Safeguarding people who are vulnerable: How has this policy plan or proposal ensured that the organisation is safeguarding vulnerable people? (E.g. by providing communication aids or assistance in any other way.)
The Policy applies to all members of staff, but not to patients.

## Other potential impacts e.g. culture, human rights, socio economic e.g. homeless people
None.

### Section 4 Summary of Analysis
Does the evidence show any potential to discriminate? If your answer is no – you need to give the evidence for this decision.

The Policy has no disproportionate impact on the grounds of race, gender, disability, age, sexual orientation or religious belief. No detriment has been identified.

The Policy is applicable to all members of staff equally, and is being introduced to ensure there is clarity in the way that any interests, gifts, hospitality or sponsorship are declared and registered. This is to ensure that staff do not gain an unfair benefit or advantage from their work within a public sector organisation.

The principles guiding whether any offer of gifts, hospitality or sponsorship can be accepted – or an interest retained - are the same for all members of staff. Further guidance upon application of the guiding principles may be sought from the Head of Corporate Governance.

How does the policy **advance equality of opportunity**?
The Policy provides a mechanism for the declaration of interests, gifts, hospitality and
How does the policy **promote good relations between groups?** (Promoting understanding)
The Policy provides a clear mechanism for declaring interests, gifts, hospitality and sponsorship. The principles guiding whether any offer can be accepted – or an interest retained – are the same for all members of staff.
Appendix 4: Contract Interest Declaration

Every member of staff is required to 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. A Register of Interests must be maintained by the Head of Corporate Governance. The Register will be published in two parts: one for Board Members, and one for all other staff.

Before any procurement process is commenced, all members of staff involved in the procurement process must submit an express declaration, to confirm whether or not they (or any member of their close family) hold an interest which may be regarded as relevant and material to the contract to be awarded.

Further advice should be sought from the Head of Procurement, if required

Contract Interest Declaration  Complete & submit to the Head of Procurement Gary.welch@ouh.nhs.uk

Please complete details of the contract/services to be procured:

........................................................................................................................................
............
........................................................................................................................................
............

Please delete one of the following, as applicable:

3. I declare the following relevant and material interest (continue on another sheet as necessary)

........................................................................................................................................
........................................................................................................................................

Signature: ..............................................  Name (printed) ...............................  Date: ...........................

Job title: ..............................................  Contact details: ............................................

OR

4. I understand the definition of relevant and material interests, and I confirm that I have no interests to declare that may be relevant and material to the contract/services to be procured

Signature: ..............................................  Name (printed) ...............................  Date: ...........................

Job title: ..............................................  Contact details: ............................................
**Appendix 5: Policy Summary - Dos and Don’ts guide**

It is your responsibility to ensure that you are familiar with the requirements of this policy. **This summary must be read in conjunction with the policy:**

- **DO** make sure that you are not in a position where your private interests and NHS duties may conflict.
- **DO** declare any relevant interests. These include:
  - Directorships, including Non-Executive Directorships held in private companies or PLCs (with the exception of those of dormant companies);
  - Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;
  - Majority or controlling share holdings in organisations likely or possibly seeking 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 that may be received by an individual or their department;
  - Employment where there could be a perceived or actual conflict with NHS duties. This includes the undertaking of private practice;
  - Anything else that could cause a potential for conflict.

- **DO** seek your manager’s permission before taking any outside work, in accordance with employment terms and conditions

<table>
<thead>
<tr>
<th>DOS</th>
<th>DON’TS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DO make sure that you are not in a position where your private interests and NHS duties may conflict.</td>
<td>1. DO NOT accept any gifts from suppliers or commercial organisations unless they are of low value and clearly issued for advertisement purposes e.g. pens, diaries</td>
</tr>
</tbody>
</table>
| 2. DO declare any relevant interests. These include:  
  - Directorships, including Non-Executive Directorships held in private companies or PLCs (with the exception of those of dormant companies);  
  - Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;  
  - Majority or controlling share holdings in organisations likely or possibly seeking 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 that may be received by an individual or their department;  
  - Employment where there could be a perceived or actual conflict with NHS duties. This includes the undertaking of private practice;  
  - Anything else that could cause a potential for conflict. | 2. DO NOT accept any cash or vouchers regardless of value;  
  - DO NOT accept any gifts from service users unless they are gifts of a low value and non-cash nature i.e. box of chocolates;  
  - DO NOT accept any inappropriate hospitality or sponsorship from suppliers or commercial organisations;  
  - DO NOT abuse your position to obtain preferential rates for private deals;  
  - DO NOT unfairly advantage one competitor over another or show favouritism in your dealings with commercial organisations; | 3. DO NOT use NHS resources for your own private use. |

For further guidance please contact:
Eric Sanders, Head of Corporate Governance.
E-mail: eric.sanders@ouh.nhs.uk  
Telephone: 01865 572475
Appendix 6: Statement from the Chief Executive Officer

The Bribery Act 2010

The Bribery Act 2010 came into force on 1 July 2011 to make it easier for bribery and corruption to be tackled proactively in the public and private sectors.

The Oxford University Hospitals NHS Trust supports the Bribery Act and is committed to ensuring we comply with its standards and six core principles, one of which requires top level commitment to the prevention of bribery.

The Trust Board is committed to preventing bribery within the Trust and within organisations with whom the Trust contracts. We aim to foster a culture in which bribery is never acceptable. Work is underway to ensure our policies are updated and consistent, in line with the requirements in the Bribery Act, and to ensure that our staff and partner organisations understand their importance.

The organisation has in place robust processes for staff and others to raise concerns. For staff this information can be found at the Raising Concerns page of the intranet. For patients and members of the public, any concerns should be raised through the Patient Advice and Liaison Service (PALS). Details can be found at PALS.

The full legislation can be found at: Bribery Act 2010

On behalf of the Board of Directors, I confirm our commitment to ensuring that Oxford University Hospitals NHS Trust is free of bribery and corruption.

Sir Jonathan Michael
Chief Executive
Appendix 7: Bribery Act 2010 – Summary

Overview
As an employee of Oxford University Hospitals NHS Trust you should be aware of the Bribery Act 2010 and its consequences. You should make yourself aware of the Declarations of Interests, Gifts, Hospitality and Sponsorship Policy to ensure that you are complying with the legal requirements.

Summary of Legislation
The Bribery Act 2010 replaces the existing anti-corruption statute and common law. It covers bribery which takes place in the UK and overseas, by employees and third parties employed by the Trust.

The Act outlines four offences of bribery and introduces a new corporate offence of bribery.

In summary, it provides:

- a general offence of active bribery, which prohibits giving someone a financial or other advantage to induce them to perform their duty improperly;
- a general offence of passive bribery, which prohibits requesting, receiving or accepting a bribe;
- an offence of bribing a foreign public official in order to win business, keep business or gain a business advantage for the organisation;
- an offence relating to failure by a business to prevent a person associated with it from committing the above offences on its behalf in order to win business, keep business or gain a business advantage for the organisation;

According to the Act, a person is guilty of bribery 'if he offers or gives a financial or other incentive to someone with the intention of getting that person or a third party to perform a function or activity improperly or as a reward for an improper act'. He or she is also guilty if they know or believe that the offer or payment itself constitutes an improper performance of a relevant function or activity.

It should be noted that receiving or providing corporate hospitality is not in itself a breach of the Act. However this should be proportional and appropriate.

Examples

The following are fictitious examples of what you should and should not do in relation to interests, gifts, hospitality and sponsorship.

1. You are a cleaning manager, with purchasing authority, and you accept an offer of a gift or hospitality from a supplier. If you then take a purchasing decision influenced by this gift or hospitality, you are at risk of criminal prosecution, for potentially accepting a bribe.

Instead what you should do is:

- Seek approval from your line manager to accept the gift or hospitality;
- Make a declaration on the relevant form;
Oxford University Hospitals

- Inform the company that the Trust will not and does not agree to any preferential treatment as a result of receiving the hospitality; and
- Exclude yourself from any current or future purchasing decision involving this company.

2. You are a consultant and own shares in a company which supplies the Trust with anaesthetic sundries. You have not declared this “relevant and material” interest or sought approval from your line manager. If you influence the Trust to purchase products from this company and you make a financial gain from the business they transact, you are in breach of the Trust’s policy and maybe subject to disciplinary proceedings.

Instead what you should do is:
- Notify your line manager that you have an interest;
- Complete a Declaration of Interests form and submit to the Head of Corporate Governance;
- Exclude yourself from any procurement decision, including the provision of advice to the decision making team, relating to this company;

For more information or for guidance on what to declare please contact Eric Sanders, Head of Corporate Governance; eric.sanders@ouh.nhs.uk