



Standards of Business Conduct Policy

Including Hospitality and Gifts and Declarations of Interests

Document Control Sheet

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This policy supersedes all previous issues.

Version Control - Table of Revisions

All changes to the document must be recorded within the 'Table of Revisions'.

Version number	Document section/ page number	Description of change and reason (e.g. initial review by author/ requested at approval group)	Author/ Reviewer	Date revised
02	Full policy	Extensive update including combining Standards of Business Conduct and Hospitality and Gifts Policies in line with national good practice recommendations.	Trust Secretary	April 2016
03	Full policy	<p>Additions and amendments made to multiple sections to bring the policy in line with the new national standards introduced by NHS England. Key changes include:</p> <ul style="list-style-type: none"> • Clearer guidance regarding 'decision-making staff'; • More comprehensive definition of key terms; • Clearer guidance regarding gifts from suppliers; • New sections on meals and refreshments, donations, patents, sponsored research, sponsored posts and clinical private practice; • A new section on contract management; • Guidance for strategic decision-making groups on how to manage potential conflicts; • A comprehensive section on how the Trust will deal with breaches; and • Reference to wider transparency initiatives in healthcare. 	Trust Secretary	July 2017

Table of Contents

1.	Introduction	5
2.	Purpose	6
3.	Scope	7
4.	Decision Making Staff	7
5.	Duties - Roles & Responsibilities	7
6.	Glossary of Terms	9
7.	Policy Content	11
7.1	Legislation and Guidance	11
7.2	Fraud and Probity	12
7.3	Hospitality, Gifts and Sponsorship - General Principles	12
7.4	Gifts – of money from patients, relatives or carers	13
7.5	Gifts – of money or of a cash equivalent (e.g., vouchers) from contracts or suppliers	13
7.6	Gifts – of low intrinsic value or informal gifts	13
7.7	Gifts from contactors or suppliers	13
7.8	Hospitality received from/offered to external agencies	13
7.9	Meals and refreshments	14
7.10	Hospitality from patients	14
7.11	Donations	14
7.12	Management of Interests – General	15
7.13	Employee Declarations of Interests	15
7.14	Board Member Declaration of Interests	16
7.15	Secondary Employment	17
7.16	Clinical Private Practice	17
7.17	Employment of Relatives	17
7.18	Patents	18
7.19	Commercial Sponsorship	18

7.20	Sponsored Research	19
7.21	Sponsored Posts	19
7.22	Contracts	20
7.23	Management of interests – strategic decision making groups	20
7.24	Procurement	21
8.	Dealing with Breaches	21
8.1	Identifying and Reporting Breaches	21
8.2	Reporting Breaches to the Media	22
8.3	Taking action in respect to breaches	23
8.4	Learning and transparency regarding breaches	23
9.	Publication	24
10.	Wider Transparency Initiatives	24
11.	Equality and Diversity	24
12.	Monitoring Compliance with and Effectiveness of this Policy	25
12.1	Compliance and Effectiveness Monitoring	25
12.2	Compliance and Effectiveness Monitoring Table for this policy	26
13.	Consultation and Review of this Policy	27
14.	References	27
15.	Associated Documentation	27
	Appendices	29
15.1	Appendix A: Practical Guidelines for Staff on Gifts and Hospitality	29
15.2	Appendix B : Examples of Interests that need to be declared by staff	30
15.3	Appendix C – Nolan Principles	31
15.4	Appendix D: Guidance of the acceptance of Hospitality, Gifts and Sponsorship	32

1. Introduction

This policy has been introduced to provide all staff and volunteers with clear guidelines, standards and protocols to follow in respect of their business conduct.

As a member of staff or volunteer by reading and adhering to this policy you should be clear on how to:

- make sure that you are not placed in a position to risk conflict between your NHS and private position;
- act impartially in all your NHS work;
- be aware of what would constitute an act of bribery or corruption and of the Trust's commitment to preventing bribery and corruption;
- refuse gifts, benefits, hospitality or sponsorship of any kind which might reasonably be seen to compromise your personal judgement or integrity and seek to obtain preferential consideration;
- declare and register any gifts (over £25 in value), benefits, hospitality and sponsorship whether accepted or declined;
- beware of bias generated through sponsorship where this might impinge on your professional judgement and impartiality;
- declare and record financial or personal interests in any organisation with which you have to deal, and be prepared to withdraw from those dealings if required, thereby ensuring that your professional judgement is not influenced by such considerations;
- fulfil your contractual obligations to the Trust before embarking on any extra work, paid or otherwise. If you do take on extra work, you must obtain formal permission from your manager. You must also not work elsewhere whilst you are off sick from the Trust;
- not abuse your position to obtain preferential rates for private dealings with organisations with which you have official dealings;
- not give unfair advantage to one competitor over another, if your duties involve tendering or contracting for the supply of goods and/or services to the Trust. You must also be careful that your action, or inaction, does not create an impression that you might give such an advantage;
- not misuse your official position or information acquired in the course of your official duties to further your private interests or those of others; and
- not make use of, or make known publicly, confidential information that you have gained during the course of your work.

2. Purpose

It should also be read in conjunction with the Trust documents outlined in section 15.

NHS employees are expected to:

- Ensure that the interests of patients and service users remains paramount at all times;
- Be impartial and honest in the conduct of their official business;
- Demonstrate probity when dealing with the assets of the Trust;
- Use integrity in all decisions affecting patients and service users, staff and suppliers and in the use of information acquired in the course of their duties;
- Use the public funds entrusted to them to the best advantage of the service, always ensuring value for money; and
- Accept responsibility for the actions that they have taken, ensuring that the appropriate person within the Trust is notified should problems occur.

It is also the responsibility of employees to ensure that they **DO NOT**:

- Abuse their official position for personal gain or to benefit their family or friends;
- Seek to advantage or further private business or other interests, in the course of their official duties;
- Misuse their position to further their interests or those close to them;
- Be influenced, or give the impression that they have been influenced by outside interests;
- Allow outside interests they have to inappropriately affect the decisions they make when using taxpayers' money;
- Avoid managing conflicts of interest; and
- Interpret this policy in a way which stifles collaboration and innovation with our partners.

As an organisation we will:

- Ensure that this policy and supporting processes are clear and help staff understand what they need to do.
- Identify a team or individual with responsibility for:

- Keeping this policy under review to ensure they are in line with the guidance.
- Providing advice, training and support for staff on how interests should be managed.
- Maintaining register(s) of interests.
- Auditing this policy and its associated processes and procedures at least once every three years.

3. Scope

This policy applies in all areas of the Trust. It is aimed at all employees of the Trust, regardless of position held, be they permanent or temporary and all secondees, agency staff and contracted out staff working within the Trust. It also applies to:

- All prospective employees – who are part-way through recruitment;
- Volunteers acting on behalf of the Trust, trainees, apprentices, contractors, sub-contractors and those on work experience; and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation).

4. Decision Making Staff

Some staff are more likely than others to have a decision making influence on the use of taxpayers’ money, because of the requirements of their role. For the purposes of this guidance these people are referred to as ‘decision making staff.

The following will be decision making staff:

- Executive and non-executive directors who have decision making roles which involve the spending of taxpayers’ money.
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services.
- Those at Agenda for Change band 8a and above.
- Administrative, clinical and managerial staff who have the power to enter into contracts on behalf of their organisation.
- Administrative, clinical and managerial staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.

5. Duties - Roles & Responsibilities

Individual	Key Responsibilities
Chief Executive	<ul style="list-style-type: none"> • As the ‘Accounting Officer’ is ultimately responsible for ensuring there is an effective system in place for employees to declare hospitality, gifts, sponsorship,

Individual	Key Responsibilities
	outside income and any other interests.
Trust Secretary	<ul style="list-style-type: none"> • Ensuring a fit for purpose policy is in place and made available to staff. • Monitor and ensure compliance with this policy. • Advising staff on the contents of this policy. • Providing guidance for staff on refusal or acceptance for hospitality or gifts. • Maintaining a central register of hospitality and gifts and ensuring that this is available for inspection. • Receive declarations for inclusion in the Hospitality and Gifts Register. • Maintaining a register of interests and making this available for inspection. • Ensure that this policy is compliant with legislation and guidance.
All Managers	<ul style="list-style-type: none"> • Ensuring that their staff are aware of, and adhere to, this policy. • Make declarations of receipts of hospitality or gifts where required. • Processing staff declarations of interest and requests for secondary employment in line with this policy. • Provide advice and guidance to staff on the receipt of hospitality and gifts in the first instance, and • Consult with the Trust Secretary where additional guidance is required.
All Staff	<ul style="list-style-type: none"> • Ensuring they are aware of, and follow this policy. • Make declarations of receipt of hospitality and gifts where required in consultation with their line manager. • Refuse gifts, inducements or hospitality other than items of modest value. • Staff with authority to commit expenditure must declare any relevant and material interests. • Do not use your official position for private gain. • Respect confidentiality of business information.

Individual	Key Responsibilities
	<ul style="list-style-type: none"> Act in accordance with the seven Nolan principles on standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties, whether this is direct or indirect.
Local Counter Fraud Specialist (LCFS)	<ul style="list-style-type: none"> The LCFS's role is to ensure that all cases of actual or suspected fraud and bribery are notified to the Director of Finance and Resources and reported accordingly. Investigation of the majority cases of alleged fraud within NEAS. The LCFS will regularly report to the Director of Finance & Resources on progress of investigations and when/if referral to the police is required. The LCFS and the Director of Finance & Resources, in conjunction with NHS Protect, will decide who will conduct investigations and when/if referral to the police is required.

6. Glossary of Terms

This policy uses the following terms:

Term	Description
Hospitality and gifts	For the purposes of this policy is defined as the receipt of entertainment (including meals and drinks), gifts or cash (or equivalent, i.e. cheques, vouchers, gift cards, lottery tickets or betting slips) for personal use or benefit which has no direct benefit to patient care or the business of the Trust. This policy covers general hospitality (e.g. when a Trust employee is bought a meal or a snack either during or outside normal working hours) and management hospitality (the entertainment and hospitality of Directors and employees).
Commercial Sponsorship	Defined as NHS funding from an external source, including funding of all or part of the costs of a member of staff, NHS research, staff, training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad),

Term	Description
	provision of free services (speakers), equipment, buildings or premises.
Financial interests	Where an individual may get direct financial benefit ¹ from the consequences of a decision they are involved in making.
Non-financial professional interests	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 promoting their professional career.
Non-financial personal interests	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.
Indirect interests	Where an individual has a close association ² with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.
Conflict of interest	<p>A conflict is 'a set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering, commissioning, or assuming taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold'.</p> <p>A conflict of interest may be:</p> <ul style="list-style-type: none"> ○ Actual – there is a material conflict between one or more interest ○ Potential – there is the possibility of a material conflict between one or more interests in the future.
Secondary employment	<p>This includes:</p> <ul style="list-style-type: none"> • any paid employment outside the Trust • self-employment • bank/locum agency work outside of the Trust • voluntary work (whether paid or not)
Corruption	Accepting any gifts or consideration as an inducement or reward for: doing, or refraining from doing, anything in their official capacity; or showing favour or disfavour to any person

¹ This may be a financial gain, or avoidance of a loss.

² A common sense approach should be applied to the term 'close association'. Such an association might arise, depending on the circumstances, through relationships with close family members and relatives, close friends and associates, and business partners.

Term	Description
	in their official capacity.
Bribery	<p>Promising or giving a financial or other advantage to another person, and intending the advantage to induce a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity.</p> <p>The scope of the Bribery Act 2010 extends to bribery taking place overseas, conniving or turning a blind eye to bribery; and failure to take reasonable steps to prevent bribery.</p>

7. Policy Content

7.1 Legislation and Guidance

The Trust Board is committed to the prevention of bribery and demonstrating the importance of transparency and openness at all times.

It is an offence under the Bribery Act 2010 both for anyone to receive, be offered or to offer any financial or other advantage to another person in order to induce a person to perform improperly or reward any person for improper performance of a function or activity. This includes breaches in expected performance.

It is also an offence under section 3 of the Fraud Act 2006 for an employee to fail to disclose information to an employer to make a gain for themselves or another or to cause a loss or expose the Trust to the risk of loss.

Additionally, section 4 of the Fraud Act 2006 provides that it is also an offence for an employee who occupies a position in which they are expected to safeguard or not act against the financial interests of the Trust, to abuse that position to cause a loss or expose the Trust to the risk of loss.

The Human Medical Regulations 2012 clearly state that a 'person may not, in connection with the promotion of medicinal products to persons qualified to prescribe or supply them, supply, offer, or promise any gift, pecuniary advantage or benefit unless it is cheap and relevant to medicinal practice'. Convictions under these laws can result in a two year jail term. Acts of bribery or fraud are covered by the Bribery Act 2010 and the Fraud Act 2006. Convictions under the Bribery Act can lead to up to ten years imprisonment and an unlimited fine.

All purchasing decisions must demonstrably stand the value for money test and be conducted in line with the Trust's Constitution and Standing Financial Instructions.

In support of this transparent process, the Trust has a 'Hospitality and Gifts' Register which publicly details items or gifts received by, or offered to, employees. This document is available for inspection by the public at any time and will be used to

respond to Freedom of Information (Fol) requests on this subject as appropriate. It is also subject to audit inspection at any time.

In accordance with the Trust's Constitution, the Directors are required to declare any pecuniary (financial) interest in contracts or other matters under consideration by the Trust and potentially withdraw from those dealings if required. Such declarations are formally recorded. This is in place to protect both the Directors and the Trust from any suggestion of improper influence. In order to protect against the possibility of such suggestions against the Trust's employees, this register of interests is extended to all employees. The Trust therefore has an 'Employees' Register of Interests' in which all NEAS employees and persons affiliated with the Trust register their interest with other organisations. The register is also subject to audit inspection at any time.

7.2 Fraud and Probity

In accordance with the details set out in this policy, the Trust expects all employees to act with honesty and probity. Failure to comply with the policy could be considered as a breach of duty which may result in disciplinary action being taken in accordance with the Trust's general disciplinary policy and may also lead to criminal prosecution.

Where the allegation is serious the matter should be referred to the Local Counter Fraud Specialist or Director of Finance & Resources. The contact details are contained within the Trust's Anti-Fraud, Bribery and Corruption Policy. Staff can alternatively report fraud by calling the confidential NHS Fraud & Corruption Reporting Line on: 0800 028 40 60 or at www.reportnhsfraud.nhs.uk

7.3 Hospitality, Gifts and Sponsorship - General Principles

The Trust maintains a Register of Hospitality and Gifts. Any gift that is accepted, or offered and exceeds a real or theoretical value in excess of £25.00 must be declined and declared. In addition, regular small gifts below this threshold which are received or given to the same individual over a twelve month period of time and collectively amount to more than £50.00 must also be declined and declared. All offers of gifts, whether accepted or declined, should be declared within 28 days of the offer being made.

For the avoidance of doubt, if an employee is unsure as to the appropriateness or acceptability of a gift then it should be politely declined. Similarly it is better for an employee to declare an entry in the Register of Hospitality and Gifts if in doubt as to whether or not they are required to do so. Gifts offered from a commercial organisation, irrespective of their real or intrinsic value, must be declared.

It is particularly important that gifts and hospitality offered by pharmaceutical companies are declared in detail in order to comply with the 'sunshine rule' which seeks to ensure that NHS organisations are not inappropriately lobbied in order to use specific drugs. This is in accordance with the Human Medical Regulations 2012.

Accepted gifts and hospitality which are deemed to be declarable must be authorized by the line manager of the staff member.

If any member of staff is unclear whether any offers of gifts or hospitality should be declined or submitted to the register they should contact the Trust Secretary for advice.

7.4 Gifts – of money from patients, relatives or carers

For the avoidance of doubt, this includes money or gifts of a cash equivalent, such as vouchers, of any value offered to individual employees must always be politely but firmly, declined. Instead the patient, relative or carer should be made aware of the NEAS Charitable Fund which can receive cash donations.

7.5 Gifts – of money or of a cash equivalent (e.g., vouchers) from contracts or suppliers

Such gifts must always be firmly refused and details should be notified to the Trust Secretary.

7.6 Gifts – of low intrinsic value or informal gifts

Items such as pens, calendars, diaries, biscuits, flowers etc., may be accepted but wherever possible should be shared to the benefit of a team rather than solely by the individual. Any gift from a contactor or supplier must be declared, irrespective of value. Gifts of low intrinsic value from patients, relatives or carers do not need to be declared, but should wherever possible be shared to the benefit of a team rather than solely by the individual. Any gift that exceeds a real or intrinsic value over £25 must be declined and declared.

7.7 Gifts from contactors or suppliers

Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value.

To accept a gift under such circumstances may amount to an offence under Section 2 of the Bribery Act, or at the very least the perception that a member of staff may have been influenced by such a gift.

Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6³ in total, and need not be declared.

7.8 Hospitality received from/offered to external agencies

Hospitality if moderate in nature and provided to an individual or small group of staff is permitted if there is a clear and genuine business justification. Hospitality accepted must be no more in size or value than would be offered by the NHS as an employer. Hospitality received, or offered and declined, must also be submitted to the Register of Hospitality and gifts.

³ The £6 value has been selected with reference to existing industry guidance issued by the ABPI: <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. This can be accepted, and must be declared, if modest and reasonable. Senior approval must be obtained.

It not necessary for small, simple, low cost hospitality received, e.g., tea, coffee and buffet lunches to be recorded in the register, nor is it necessary to record items of an advertising nature received at training courses, conferences or seminars, etc., or part of a promotional exercise, e.g. pens, books, folders, etc.

7.9 Meals and refreshments

In terms of meals and refreshments, the following guidance applies:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75⁴ - may be accepted and must be declared.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept.
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

7.10 Hospitality from patients

This may jeopardise professional boundaries. All staff, where it is reasonable to do so, should therefore politely decline such hospitality.

7.11 Donations

Donations made by suppliers or bodies seeking to do business with the organisation 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 organisation, or is being pursued on behalf of the organisation'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 organisation's own.

Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.

Staff wishing to make a donation to a charitable fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring

⁴ The £75 value has been selected with reference to existing industry guidance issued by the ABPI <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

that any tax liabilities related to such donations are properly discharged and accounted for.

7.12 Management of Interests – General

If an interest is declared but there is no risk of a conflict arising then no action is warranted. However, if a material interest is declared then the general management actions that could be applied include:

- restricting staff involvement in associated discussions and excluding them from decision making
- removing staff from the whole decision making process
- removing staff responsibility for an entire area of work
- removing staff from their role altogether if they are unable to operate effectively in it because the conflict is so significant

Each case will be different and context-specific, and NEAS will always clarify the circumstances and issues with the individuals involved. Staff should maintain a written audit trail of information considered and actions taken.

Staff who declare material interests should make their line manager or the person(s) they are working to aware of their existence.

7.13 Employee Declarations of Interests

The Trust has a legal duty to prevent bribery, corruption and fraud and all employees are required to demonstrate the highest standards of probity and transparency, in line with the Trust's contracts of employment.

All employees, and potential employees, must declare all instances where they, a close relative or associate, has a controlling and/or significant interest in any business (including a private company, public sector organisation, other NHS employer or voluntary organisation), or any other activity or pursuit, which may compete for an NHS contract to supply either goods or services to the Trust.

Additionally, the Trust expects employees, and potential employees, to similarly declare personal interests (including directorship or other appointments) in any business venture or activity that could be perceived to have a connection to healthcare provision or in any way be linked to their main employment with the Trust.

The Trust also expects employees, and potential employees, to declare any potential conflict of interest arising from access to confidential and/or commercial information arising from their other employment or via spouse/partner e.g., employment by a competitor like another NHS Trust.

All staff should identify and declare material interests at the earliest opportunity (and in any event within 28 days). If staff are in any doubt as to whether an interest is material then they should declare it, so that it can be considered. Declarations should be made:

- On appointment with the organisation.
- When staff move to a new role or their responsibilities change significantly.

- At the beginning of a new project/piece of work.
- As soon as circumstances change and new interests arise (for instance, in a meeting when interests staff hold are relevant to the matters in discussion).

We will prompt Board Members, staff at band 8a and above, and anyone who has previously made a declaration to annually review declarations they have made and, as appropriate, update them or make a nil return. Additionally, on an annual basis we will encourage all staff to consider whether they need to make a declaration via promotion of the policy through the Trust's communication channels.

7.14 Board Member Declaration of Interests

The procedure for the Board of Directors including Non-Executive Directors and Governors to declare interests is described in the Trust's Constitution and Standing Orders. This process must be completed on appointment and on an annual basis for all Board Members.

At the time Board members' interests are declared, they should be recorded in the Board minutes. Any changes in interests should be declared at the next Board meeting following the change occurring.

Directorships of companies likely or possibly seeking to do business with the NHS should be published in the Trust's Annual Report. The information should be kept up to date for inclusion in succeeding annual reports.

During the course of a Board meeting, if a conflict of interest is established, the Board member concerned should withdraw from the meeting and play no part in the relevant discussion (unless the Board decides otherwise) or decision.

The interests of Board members' spouses or cohabiting partners should be regarded as relevant and should be disclosed.

Influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest. The interests of partners in professional partnerships including general practitioners should also be considered.

Directors have a duty not to accept benefits from a third party by virtue of their being a Director or for doing or not doing anything in their capacity as a Director.

The Trust Secretary will retain a register of Board Members' interests. The Register will be available for inspection by the public free of charge. The Secretary will take reasonable steps to bring the existence of the Register to the attention of the local population and to publicise arrangements for viewing it.

Copies or extracts of the Register will be provided to members of the NHS Foundation Trust free of charge and within a reasonable time period of the request. A reasonable charge may be imposed on non-members for copies or extracts of the Register.

Further detail can be found in section 6 of the Standing Orders and section 9.14 of the Constitution.

7.15 Secondary Employment

It is a condition of employment that Trust staff do not undertake any other employment, - paid or unpaid - which conflicts with the requirements of the post. In the event of staff wishing to take up any employment, they must seek prior, written, authority from their Executive Director. When written approval is given to a member of staff to undertake other employment, the relevant Director will ensure that this is recorded in the Register of Other Employment held by the HR Manager.

Staff should be aware that undertaking other employment whilst claiming sick pay from the Trust may lead to a referral being made to the Trust's Local Counter Fraud Specialist for investigation. This may lead to disciplinary action (including dismissal) and/or criminal prosecution. The employee would also have to repay any sick pay.

7.16 Clinical Private Practice

Clinical staff (such as GPs working in the Clinical Assessment Service) should declare all private practice on appointment, and/or any new private practice when it arises⁵ including:

- Where they practise (name of private facility).
- What they practise (specialty, major procedures).
- When they practise (identified sessions/time commitment).

Clinical staff should (unless existing contractual provisions require otherwise or unless emergency treatment for private patients is needed):

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.⁶
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines: https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf

7.17 Employment of Relatives

For the purposes of this Policy, the term relation/relative/relationship applies to blood (or adoptive) relations e.g., husband, wife, parent, child, brother, sister, aunt etc., and also to people who are living together as partners, regardless of gender or sexuality.

The Trust permits the employment of relatives. Potential members of staff must declare any current or previous relationship to employees of the Trust, as the employment of relatives may constitute a conflict of interest and must be declared.

⁵ Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003: https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf

⁶ These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the Terms and Conditions – Consultants (England) 2003: https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf

Failure to declare leading to a conflict of interest may result in disciplinary action.

It may not be acceptable for staff members in relationships to work within the same department and in each case, advice must be sought from the Human Resources (HR) Department.

It may not be acceptable for members of staff in relationships to act as supervisor or manager, whether in a direct or indirect sense, to one another and in each case, advice must be sought from the HR Department. Where this is the case, a declaration of interest must be made.

An employee must not shortlist, interview, appoint, promote, review performance or terminate employment of a person related to them.

Staff members entering into a relationship which may be considered to lead to a conflict of interest must make their line manager aware of this as soon as possible. The member will be required to act in the best interests of the patients and of their Department, if such a declaration is received. The longer serving party will be given the preference of remaining in the department or choosing to seek an alternative post.

7.18 Patents

Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the organisation.

Staff should seek prior permission from the organisation before entering into any agreement with bodies regarding product development, research, work on pathways etc, where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.

Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.

7.19 Commercial Sponsorship

Where the Trust organises seminars, conferences, etc., for which sponsorship is received from any non-NHS source, the organiser of the event must record details of the sponsorship (including the date and title of the event, the name of the sponsoring organisation and the nature and extent of the sponsorship received) in the Register of Hospitality and Gifts.

Offers of significant sponsorship in excess of £1,500 must be reviewed and formally approved by the Director of Finance & Resources before the offer is accepted to ensure that there is no possibility of decisions regarding subsequent purchasing or contracting decisions of the Trust being compromised. For this reason the Trust will on no account accept linked deals where sponsorship is connected to a future purchase of specific products or from specific suppliers.

Sponsorship of events by appropriate external bodies will only be approved if a reasonable person would conclude that the event will result in clear benefit the organisations and the NHS.

During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.

No information should be supplied to the sponsor from whom they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.

At the organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event.

The involvement of a sponsor in an event should always be clearly identified.

Staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.

Staff arranging sponsored events must declare this to the organisation.

7.20 Sponsored Research

Funding sources for research purposes must be transparent.

Any proposed research must go through the relevant health research authority or other approvals process.

There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.

The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.

Staff should declare involvement with sponsored research to the organisation.

7.21 Sponsored Posts

External sponsorship of a post requires prior approval from the organisation.

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

Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and 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.

Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.

Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

7.22 Contracts

All staff that are in contact with suppliers, contractors or external consultants, are expected to adhere to the professional standards set out in the Trust's Standing Orders and Standing Financial Instructions and in the Code of Ethics of the Chartered Institute of Purchasing and Supply (CIPS). This is particularly important for staff who are authorised to sign Purchase Orders or place contracts for goods, materials or services.

Directors, managers and members of staff, including external consultants need to ensure that they show no special favour to contractors, friends, current or former employees, close relatives or associates when awarding contracts or orders.

Directors, Managers and members of staff, including external consultants must not seek or accept preferential treatment, rates or benefits in kind, for private transactions carried out with companies with which they have had, or may have official dealings on behalf of the Trust. This excludes agreements which have been negotiated by NHS management for the benefit of all staff, (e.g., staff benefit schemes).

7.23 Management of interests – strategic decision making groups

In common with other NHS bodies, NEAS uses a variety of different groups to make key strategic decisions about things such as:

- Entering into (or renewing) large scale contracts.
- Awarding grants.
- Making procurement decisions.
- Selection of medicines, equipment, and devices.

The interests of those who are involved in these groups should be well known so that they can be managed effectively. For this organisation these groups include the Board of Directors, Board committees, sub-groups and Council of Governors (essentially the groups documented within the Trust's governance structure).

These groups should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests.
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise.
- Any new interests identified should be added to the organisation's register(s).

- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement.

If a member has an actual or potential interest the chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:

- Requiring the member to not attend the meeting.
- Excluding the member from receiving meeting papers relating to their interest.
- Excluding the member from all or part of the relevant discussion and decision.
- Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate.
- Removing the member from the group or process altogether.

The default response should not always be to exclude members with interests, as this may have a detrimental effect on the quality of the decision being made. Good judgement is required to ensure proportionate management of risk.

7.24 Procurement

Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

8. Dealing with Breaches

There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or other organisations. For the purposes of this policy these situations are referred to as 'breaches'.

8.1 Identifying and Reporting Breaches

To ensure that interests are effectively managed staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this.

Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to the Trust Secretary (0191 430 2001). Concerns which may relate to fraud, bribery or corruption should be reported to the Local Counter Fraud Specialist or Director of Finances and Resources.

For further information about how concerns relating to risk, malpractice or wrongdoing should be raised is contained within the Trust's *Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy* (Q-Pulse reference: EXT-CE-DOC-1).

The organisation will investigate each reported breach according to its own specific facts and merits, and give relevant parties the opportunity to explain and clarify any relevant circumstances.

Following investigation the organisation will:

- Decide if there has been or is potential for a breach and if so what severity of the breach is.
- Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action as set out in the next section.

8.2 Reporting Breaches to the Media

The Trust works closely with the media to help service users and the general public understand the challenges faced by the Trust and celebrate the successes within the organisation. As an essential emergency service and health provider, it is important that public confidence is not undermined.

Any employee considering disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters with their colleagues and where appropriate, line and professional managers. An employee considering contacting the media should also, as a first point, contact the Trust Communications Department.

It is expected that staff concerns can be addressed and dealt with without reference to the media and dealt with through other policies and procedures in the Trust. Disclosing issues of concern to the media, if entered into unjustifiably, will result in disciplinary action if it unreasonably undermines public confidence in the Trust.

The Trust acknowledges that Branch Secretaries (or formerly designated deputies) of recognised Trades Unions have the right to approach the Media without reference to the Trust Communications Department.

The Trust recognises that all staff are entitled to use social media for social networking in a personal capacity but that individual comments and postings relating to work or professional issues can impact on the reputation of the NEAS or the NHS. A Social Networking Policy exists to provide guidance to staff on conducting their legitimate activities on social media while avoiding potential problems for themselves or the NHS. The Trust's Communications & Engagement team should be consulted by any team or department who is thinking of using social media to promote their work. Any online posting associated with the Trust's business also needs to be approved by the individual's line manager.

8.3 Taking action in respect to breaches

Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the organisation and could involve organisational leads for staff support (e.g. Human Resources), fraud (e.g. Local Counter Fraud Specialists), members of the management or executive teams and organisational auditors.

Breaches could require action in one or more of the following ways:

- Clarification or strengthening of existing policy, process and procedures.
- Consideration as to whether HR/employment law/contractual action should be taken against staff or others.
- Consideration being given to escalation to external parties. This might include referral of matters to external auditors, NHS Protect, the Police, statutory health bodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.

Inappropriate or ineffective management of interests can have serious implications for the organisation and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.

Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrongdoing or fault then the organisation can and will consider the range of possible sanctions that are available, in a manner which is proportionate to the breach. This includes:

- Employment law action against staff, which might include:
 - Informal action (such as reprimand, or signposting to training and/or guidance).
 - Formal disciplinary action (such as formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion, or dismissal).
- Reporting incidents to the external parties described above for them to consider what further investigations or sanctions might be.
- Contractual action, such as exercise of remedies or sanctions against the body or staff which caused the breach.
- Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation.

8.4 Learning and transparency regarding breaches

Reports on breaches, the impact of these, and action taken will be considered by the Audit Committee.

To ensure that lessons are learnt and management of interests can continually improve, anonymised information on breaches, the impact of these, and action taken will be prepared and published as appropriate, or made available for inspection by the public upon request.

9. Publication

The Trust will:

- Publish the interests declared by decision making staff in the Trust's Register of Interests
- The information will be refresh on an annual basis
- The Register is available to the public via the Trust's website.
- Publish the Register of Gifts and Hospitality on the Trust's website.

If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Trust Secretary to explain why. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, information may be withheld or redacted on public registers. However, this would be the exception and information will not be withheld or redacted merely because of a personal preference.

10. Wider Transparency Initiatives

The Trust fully supports wider transparency initiatives in healthcare, and encourages staff to engage actively with these.

Relevant staff are strongly encouraged to give their consent for payments they receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative. These "transfers of value" include payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel, both inside and outside the UK
- Donations, grants and benefits in kind provided to healthcare organisations

Further information about the scheme can be found on the ABPI website:

<http://www.abpi.org.uk/our-work/disclosure/about/Pages/default.aspx>

11. Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on the grounds of any protected characteristic (Equality Act 2010).

An equality analysis has been undertaken for this policy, in accordance with the internal Equality Policy and the Equality Act (2010).

Details of this assessment are stored within the central register for Equality Analysis Assessments maintained within the Equality and Diversity team within the Communications and Engagement department.

12. Monitoring Compliance with and Effectiveness of this Policy

12.1 Compliance and Effectiveness Monitoring

Arrangements for the monitoring of compliance with this policy and of the effectiveness of the policy are detailed in the table below.

12.2 Compliance and Effectiveness Monitoring Table for this policy

Process in the policy	Monitoring and audit					
	Key Performance Indicators (KPI)/ Criteria	Method	Who By	Committee	Frequency	Learning/ Action Plan
Register of Interests	<p>Audited on an annual basis.</p> <p>Public Document – can be examined on request.</p> <p>Reported within the Trust's Annual Report.</p>	Review of completed forms within the register to determine compliance with this policy	Trust Secretary	Audit	Annual	Provide feedback to individuals on the appropriateness of their declarations if any weaknesses are identified.
Register of Hospitality & Gifts	<p>Audited on an annual basis.</p> <p>Public Document – can be examined on request.</p>	Review of completed forms within the register to determine compliance with this policy	Trust Secretary	Audit	Annual	Provide feedback to individuals on the appropriateness of their declarations if any weaknesses are identified.

13. Consultation and Review of this Policy

This policy has been reviewed in consultation with the Trust Secretary, Audit Committee and Board of Directors. Its content is aligned with the model policy produced by NHS England in 2017.

This Policy will be reviewed by the Trust Secretary every three years or when otherwise appropriate to reflect changes in legislation or guidance. The Audit Committee and Board of Directors will consider the materiality of any revision made to the document and, subject to its view, approve for dissemination throughout the Trust.

This policy will be circulated by the Quality Assurance Assistant/Manager.

14. References

This document refers to the following guidance, including national and international standards:

- The Nolan Committee's Seven Principles of Public Life
- The Bribery Act 2010
- NHS Code of Accountability
- The Fraud Act 2006
- Code of Ethics of the Chartered Institute of Purchasing and Supply (CIPS)

15. Associated Documentation

This policy does not directly impact upon other Trust policies and procedures, although the standards of professional and business conducts outlined within the Trust's codes of conduct apply to all circumstances outlined in this policy.

- Constitution (SOP-CE-TS-3)
- Standing Financial Instructions (SOP-CE-TS-2)
- Reservation and Delegation of Powers (SOP-CE-TS-4)
- Standing Orders (SOP-CE-TS-5)
- Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy (EXT-CE-DOC-1)
- Anti-Fraud, Bribery and Corruption Policy (POL-F-CF-1)
- Staff Terms and Conditions of Employment (Employment Contracts)

- Disciplinary Policy and Procedures (POL-WOD-HR-7)
- Social Media Policy (POL-WOD-HR-10)

Appendices

15.1 Appendix A: Practical Guidelines for Staff on Gifts and Hospitality

Genuine: Is the offer made for reasons of genuine appreciation for something I have done, without any encouragement from me?

Independent: If I accept it, would a reasonable member of the public be confident that I could be independent in doing my job?

Free: Would it be clear to a reasonable member of the public that the donor does not expect any favourable treatment from the Trust in return?

Transparent: Would I be comfortable if the gift was transparent to my organisation, colleagues and to the public?

If the answer to any of the above questions is 'no' then the offer of a gift, gratuity, hospitality or sponsorship must be declined.

Do:

- Make sure you understand the guidelines on the hospitality and gifts and consult your line manager if you are not sure
- Make sure you are not in a position where your private interests and duties to the Trust may conflict
- Declare to the Trust any interests which may be relevant

If in doubt, ask yourself:

- Am I or might I be in a position where I (or my family/friends) could gain from the connection between my private interests and my employment?
- Do I have access to information which could influence purchasing or contracting decisions?
- Could my outside interest be in any way detrimental to the Trust or to clients' interests?
- Do I have any other reason to think I may be risking a conflict of interest?

Do not:

- Accept any gifts, inducements or hospitality unless you are sure that acceptance will not constitute a conflict of interest
- Abuse your past or present official position to obtain preferential rates for private deals or to affect the employment conditions of a relative
- Unfairly advantage one competitor over another or show favoritism in awarding contracts or making business decisions
- Misuse to make available official 'commercial in confidence' information

15.2 Appendix B : Examples of Interests that need to be declared by staff

The following table provides some practical examples of interest that should be disclosed for inclusion in the Register of Interests.

Type of Interest	Specific Examples
Commercial interest	A personal or family connection with a private, limited or public company e.g. work of family member connected with the organisation, supplier/personal acquaintance of company employee. Connection to a company invited to tender to supply goods or services to the Trust
Shareholdings	Shares in a private hospital or supplier or potential supplier of the Trust
Partnerships	Links and contracts with both the public and private sectors
Consultants / GPs	Private practice
Education	School Governor
Other NHS	Trustee/Non-Executive Director of another Trust
Outside Employment	Employment with any external organisation or company
Directorships	Director of a company
Political	County Councillor
Land	Owner of land under negotiation or owner of rental accommodation
Charities	Active involvement in a charity.

The above list is not intended to be exhaustive. Further advice can be obtained from the Trust Secretary.

15.3 Appendix C – Nolan Principles

The Seven Principles of Public Life

1. Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material materials for themselves, their family, or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

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.

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.

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.

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.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

15.4 Appendix D: Guidance of the acceptance of Hospitality, Gifts and Sponsorship

Hospitality or Gift	Acceptable	Declarable
Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.	No	Yes
Low value gifts from others such as: diaries/calendars under £25.00	Yes*	No
Gifts from suppliers or contractors doing business (or likely to do business)	No	Yes
Low cost branded promotional aids such as pens or post-it notes from contractors / suppliers under the value of £6 in total	Yes	No
Token gifts given at a courtesy visit/VIP visit	Yes*	Yes
Infrequent working breakfast	Yes*	Only if considered greater than £25.00 in value
Infrequent working lunch	Yes*	Only if considered greater than £25.00 in value
Biscuits, chocolates, flowers, alcohol from patients/relatives / friends of patients	Yes*	Only if considered greater than £25.00 in value
Formal dinners/evenings**	Yes*	Yes
Visits to view equipment paid for by outside companies	Yes*	Yes
Other forms of commercial sponsorship	Yes*	Yes
Holiday accommodation	No - to be declined	Yes
Services offered to staff by Trust contractors or suppliers at discounted rates	No	Yes
Gifts/equipment offered by contractors/potential suppliers over £25.00 (such as invitations to concert/sporting event tickets)	No - to be declined	Yes
Other promotional gifts	No - to be declined	Yes, regardless of value
Gifts of cash or vouchers (any amounts) – persons offering cash should be advised of the existence of the Charitable Funds as an alternative	No - to be declined	Yes, regardless of value

* Acceptable where the hospitality/gift does not create a sense of obligation or constitute an incentive or bribe.

** See section 7.9 for acceptable values.