

CONFLICTS OF INTERESTS, GIFTS, HOSPITALITY AND SPONSORSHIP POLICY

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CONTENTS

1 INTRODUCTION	4
1.1 The Bribery Act 2010	4
2 PURPOSE	5
2.1 Scope	5
3 DEFINITIONS	5
4 ACCOUNTABILITIES AND RESPONSIBILITIES	6
5 INTERESTS	7
5.1 Identification and declaration of Interests	8
5.1.1 Annual declaration of gifts, hospitality and sponsorship	8
5.1.2 Annual declaration of interests	9
5.1.3 Declaration of interests in relation to requests for new medicines	9
5.1.4 Declaration of interests in relation to requests for new medical devices	9
6 MANAGEMENT OF INTERESTS - GENERAL	9
7 MANAGEMENT OF INTERESTS - COMMON SITUATIONS	9
7.1 Gifts	10
7.2 Hospitality	10
7.3 Sponsorship	11
7.4 Outside Employment	12
7.5 Clinical Private Practice	12
7.6 Shareholdings and other ownership issues	13
7.9 Donations	13
7.10 Preferential treatment in private transactions	13
7.11 Contracts	13
7.11.1 Favouritism in awarding contracts	14
9 DEALING WITH BREACHES	14
9 TRAINING	14
9.1 Equality Impact Assessment	14
10 MONITORING COMPLIANCE	14
11 REFERENCES	14
12 ASSOCIATED DOCUMENTATION	15
13 VERSION HISTORY TABLE	15
APPENDIX A – EQUALITY ANALYSIS (EA) TEMPLATE – SERVICES, STRATEGIES OR POLICIES	17
APPENDIX B – CONSULTATION TEMPLATE	23
APPENDIX C – NOLAN PRINCIPLES	24
APPENDIX D – A SUMMARY OF GIFTS, HOSPITALITY AND SPONSORSHIP GUIDANCE	25

EXECUTIVE SUMMARY

In February 2017, NHS England updated its guidance on conflicts of interest, introducing consistent principles and rules for managing conflicts of interest across the NHS.

The Bribery Act 2010 emphasises the importance of ensuring that staff do not accept any gift, hospitality and sponsorship offered with the aim of obtaining favour.

The Trust has a duty to ensure that all staff 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.

This policy sets out clear guidance to all staff (including fixed term appointments, secondments, members of the Board, agency workers, contractors, sub-contractors, all prospective staff, committee, sub-committee and advisory group members, volunteers, trainees and work experience staff) on avoiding conflict of interests and on the acceptance of gifts, hospitality and sponsorship within the course of their NHS duties.

Public sector bodies, which include the NHS, must be impartial and honest in the conduct of their business, and their all staff should remain beyond suspicion. In keeping with this:

- Staff must not encourage patients to give, lend or bequeath money or gifts or make donations that will be directly or indirectly of benefit to them.
- Staff must refuse gifts of any kind, which might reasonably, be seen to compromise their personal judgment or integrity, or might exert undue influence or might obtain preferential consideration.
- Staff must ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties
- Staff should decline any personal offers of cash or cash equivalents;
- Staff are discouraged from accepting gifts whether they be monetary or non-monetary in nature.
- In the very rare circumstance that declining the offer of a gift would cause overwhelming offense and consequently the gift is accepted then this must be declared.

Appendix D contains a summary of the guidance on gifts, hospitality and sponsorship.

Staff who fail to comply with this policy could lead to dismissal and/or referral to the Trust's Local Counter Fraud Specialist (LCFS) for investigation in accordance with the Trust's Anti-Fraud, Bribery and Corruption Policy and Procedure.

This policy should be read in conjunction with the Trust's Anti-Fraud, Bribery and Corruption Policy and Procedures and, the other policies list in Section 12 (page 15) of this policy.

1 INTRODUCTION

Croydon Health Services NHS Trust and the people, who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients. These partnerships have many benefits and they should help ensure that public money is spent efficiently and wisely but there is a risk that conflicts of interest may arise.

There may be occasions when members of the public or company suppliers may wish to offer gifts, hospitality and/or sponsorship to Trust staff. It is important that the acceptance of any such offers fall within the framework established within this policy, in order to protect all staff and the public alike from allegations of fraud and/or bribery and/or corruption.

Under corporate governance and audit rules, the Trust is required to demonstrate that it has established adequate procedures to prevent and detect fraud, corruption and bribery. This policy is an important part of these arrangements and requires that a record of declarations to be held by the Head of Corporate Affairs on behalf of the Chief Executive.

This policy should be drawn to the attention of all staff that a written record is required in every instance where hospitality, a gift or sponsorship is offered and/or received, where the monetary value exceeds £50. Staff are also expected to declare any interests, on appointment or when the interest is acquired, which have the potential to conflict with their NHS duties.

The issue of what is and is not a conflict of interest can be complex and subjective and it is difficult to capture all possible scenarios. This policy aims to take a common-sense approach and accepts that in some cases it may be necessary for a decision to be taken at Executive level, and that this may in some cases require legal advice. The Head of Corporate Affairs should be contacted for advice.

1.1 The Bribery Act 2010

The Bribery Act 2010 contains two general criminal offences that apply to individuals covering:

- the offering, promising or giving of a bribe (active bribery) and;
- the requesting, agreeing to receive or accepting of a bribe (passive bribery)

The Act also sets out two further offences which specifically address commercial bribery. One of these 'section 7 of the Act') creates a new form of corporate liability for failing to prevent bribery on behalf of a commercial organisation (which includes NHS organisations).

The Fraud Act 2006

The Fraud Act 2006 creates a single offence of fraud that can be committed in three ways:

- false representation (Section 2) - Dishonestly made a representation, knowing that the representation was or might be untrue or misleading with intent to make a gain for himself or another, to cause loss to another or to expose another to risk of loss
- failing to disclose information (Section 3) - Failed to disclose information to another person, when he was under a legal duty to disclose that information, dishonestly intending, by that failure, to make a gain or cause a loss
- abusing a position of trust (Section 4) - A person occupies a position in which he was expected to safeguard, or not to act against, the financial interests of another person abused that position dishonestly intending by that abuse to make a gain/cause a loss)

2 PURPOSE

The NHS Standards of Business Conduct require that all NHS staff ensure that they are not placed in a position which risks or appears to risk conflict between their private interests and their NHS duties. NHS staff are expected to put the interest of patients first, be impartial and honest in their official business and use public funds to the best advantage of the service. They should not abuse their official position for personal gain or benefit of their family or friends or seek to advantage their private business or other interests in the course of their NHS duties.

The Nolan Committee's report on standards in public life set out seven principles that apply to all who serve the public in any way. See Appendix C for more details on the Nolan Principles.

This policy sets out the Trust's approach to offers of gifts, hospitality and sponsorship, providing clear guidelines as well as detailing the procedures to be followed. It reflects the Trust's core values – including specifically that of being open and honest – and aims to ensure that the conduct of staff is scrupulously impartial, honest and beyond reproach at all times.

The policy also sets out the conduct expected of all staff where their private interests may conflict with their public duties, and the steps to safeguard the organisation against conflict of interest.

The policy covers how sponsorship arrangements with external organisations should be managed.

2.1 Scope

This policy applies to all staff including fixed term appointments, secondments, members of the Board, agency workers, contractors, sub-contractors, all prospective all staff – who are part-way through recruitment, committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organization), volunteers, trainees and work experience staff, including ex-all staff.

This policy does not seek to identify every scenario where gifts, hospitality or sponsorship may be offered.

3 DEFINITIONS

Bribery

The Bribery Act 2010 defines a bribe as “a financial or other advantage offered or received in return for performing a relevant function improperly”. It is a criminal offence to accept, promise or offer a bribe.

Examples of advantages sought:

- to secure or keep a contract or order
- to gain an advantage over a competitor
- to turn a blind eye
- to prescribe or favour a particular drug or medical equipment

Decision Making Staff

They are staff who are more likely to have a decision making influence on the use of taxpayers' money because of the requirements of their roles. Decision making staff in this organisation are usually, but not exclusively, Band 7 and above, including temporary staff.

Conflict of interest

For the purposes of this policy a 'conflict of interest' is defined as “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 assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold.”

A conflict of interest may be:

- Actual - there is a material conflict between one or more interests
- Potential – there is the possibility of a material conflict between one or more interests in the future

Benefit

Extra money or other non-monetary compensation for goods or services or a combination of these is received in addition to salary.

Gift

A gift means any item of cash or goods, or any service, which is provided for personal benefit, free of charge, or at less than its commercial value.

Hospitality

Hospitality means offers of meals, refreshment, travel accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.

'Goods' include vehicles or any type of equipment. 'Services' include invitations to events, travel, accommodation or work carried out. Interests, Gifts, Hospitality, and Sponsorship Policy

Sponsorship

For the purposes of this guidance commercial sponsorship is defined as including: '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), provision of free services (speakers), buildings or premises'.

Donation

A donation is a charitable financial payment, which can be in the form of direct cash payment or through the application of a will or similar directive.

The Trust refers to Croydon Health Services NHS Trust.

4 ACCOUNTABILITIES AND RESPONSIBILITIES

Chief Executive

The Chief Executive will approve any sponsorship in excess of £1,000.

Company Secretary, Head of Corporate Affairs and SIRO

The Head of Corporate Affairs will provide advice on the interpretation of the policy and retain a copy of the register of declarations of interests of directors, consultants and senior staff and the register of gifts, hospitality and sponsorship.

The Committee and Office Manager:

The Committee and Office Manager is responsible for:

- Maintaining the register of Gifts, Hospitality and Sponsorship Register, and provide appropriate reports on the register as and when required
- Maintaining the register of Interests, and provide appropriate reports on the register when required
- Providing reports on declarations made to the Audit Committee and Trust Board;
- Issuing a monthly reminder to staff regarding the need to make the declarations referred to in this policy;
- Coordinating the consideration of any requests to accept offers of gifts due to exceptional circumstances

Managers and Senior Staff

It is the responsibility of all Managers and senior staff to:

- Ensure their staff are aware of this policy and when they need to make a declaration of the offer of gift, hospitality or sponsorship, or the existence of a “relevant and material” interest.
- Ensure that all staff are aware that a breach of the provisions of the Bribery Act 2010 and Fraud Act 2006 renders them liable to prosecution and may also lead to loss of their employment and pension rights in the Trust.
- Be familiar with the principles outlined in this policy and provide appropriate advice and support to all staff.

All Staff and Board Members

It is the responsibility of all staff (including doctors and dentists, volunteers and temporary members of staff) and members of the Board:

- To act in accordance with this policy.
- To consider, when gifts are offered, whether they can be received without contravening this policy;
- To seek appropriate advice and guidance before accepting any gifts that they may be offered (if in any doubt);
- To decline any offers of cash or cash-equivalents;
- To ensure that any offers of non-monetary gifts above the value of £50 are formally declared and entered onto the Trust’s Gifts, Hospitality and Sponsorship Register (by submitting the declaration at <https://croydon.mydeclarations.co.uk/login>);
- To declare any “relevant and material” interest (by submitting the declaration at <https://croydon.mydeclarations.co.uk/login>);
- To ensure that any off-site hospitality that are accepted are formally declared and entered onto the Trust’s Gifts, Hospitality and Sponsorship Register (by submitting the declaration at <https://croydon.mydeclarations.co.uk/login>);
- To ensure that any sponsorship arrangements (including sponsorship to attend training) are formally declared and entered onto the Trust’s Gifts, Hospitality and Sponsorship Register (by submitting the declaration at <https://croydon.mydeclarations.co.uk/login>).

Organisers of on-site hospitality funded via external sponsorship

Organisers of on-site hospitality funded via external sponsorship

- To consider whether on-site hospitality could, in the judgement of any reasonable person, be considered lavish or excessive; and if so...
- Declare any lavish or excessive hospitality using the Trust’s Gifts, Hospitality and Sponsorship Form (by submitting the declaration at <https://croydon.mydeclarations.co.uk/login>).

Consultants requesting addition of new medicines to the Trust’s Formulary:

- Applications for the introduction of new medicines should be made through the Croydon Prescribing Committee. Consultants must formally declare any interests in new medicines, to this committee.

Staff requesting the introduction of new medical devices:

- To adhere to the Trust’s procurement processes (further details can be obtained from the Procurement Department).

5 INTERESTS

A conflict of interest is a situation in which someone in a position of trust has competing professional or personal interests. Such competing interests can make it difficult for individuals to fulfil their duties impartially.

A conflict of interest may exist even if no unethical or improper act results from it. However, it is the responsibility of staff to ensure they are not placed in a position that risks, or appears to risk, conflict between their private interests and their duties in employment.

Interests can arise in a number of different contexts. A material interest is one which a reasonable person would take into account when making a decision regarding the use of taxpayers' money because the interest has relevance to that decision.

Interests fall into the following categories:

- **Financial interests** - Where an individual may get direct financial benefit* 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 with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit* from a decision they are involved in making

5.1 Identification and declaration of Interests

All staff who have been offered or received hospitality, gift or sponsorship as described in this policy or who have acquired an interest with the potential to conflict with their NHS duties should identify and declare material interests at the earliest opportunity (and in any event within 28 days) using the online [Gifts, Hospitality and Sponsorship Declaration](#) section of the website.

Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently and perceived conflicts of interest can be damaging. All interests should be declared where there is a risk of perceived improper conduct.

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).

Care must be taken however to ensure that donations and contributions to charitable or research funds cannot be construed as inducements to contract business with the Trust or one of its departments.

5.1.1 Annual declaration of gifts, hospitality and sponsorship

All staff, including temporary staff and clinical staff (including doctors and dentists) are required to make a declaration for all gifts, hospitality and sponsorship received, by submitting their [Gifts, Hospitality and Sponsorship Declaration](#) on the system.

This declaration process will be organised by the Committee and Office Manager. This annual declaration will act as an aide memoire to staff that have omitted to make relevant declarations within the year.

5.1.2 Annual declaration of interests

All Band 7 staff or equivalent and above including clinical staff (including doctors and dentists), contractors and temporary staff are required to make a declaration of interests on appointment and during each subsequent financial year or submit a nil return using the online [Declaration of Interests Form](#).

All directors will be required submit their [Declaration of Interests](#) on an annual basis either by submitting the new interest or updating the current declaration recorded on the system. All directors will be asked to declare any interests at the commencement of each Board meeting.

Staff will also receive a reminder monthly to declare their interests, including any new interest and/or changes to their original declaration.

5.1.3 Declaration of interests in relation to requests for new medicines

If a Consultant wishes to add a new medicine to the Trust's Formulary, the consultant should make a specific declaration of any interests in the new medicine or in any of the companies involved in licensing / marketing the medicine.

The consultant should declare the interests by following the procedures put in place by Trust's Pharmacy Department.

5.1.4 Declaration of interests in relation to requests for new medical devices

Medical devices are expected to be introduced following adherence to the Trust's procurement processes, which includes the declaration of relevant interests. Further details can be obtained from the Procurement Department.

6 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 the Head of Corporate Affairs will, when necessary, clarify the circumstances and issues with the individuals involved.

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

7 MANAGEMENT OF INTERESTS - COMMON SITUATIONS

This section sets out the principles and rules to be adopted by staff in common situations.

All staff engaged by the Trust are required to:

- refuse gifts, benefits, hospitality or sponsorship of any kind which might be reasonably be seen to compromise their personal judgement or integrity;
- immediately declare and register gifts, hospitality or sponsorship whether the offer was refused or accepted;
- not misuse or dishonestly abuse their official position of trust or information acquired in the course of their official duties, to further their private interests or the private interests of others;
- ensure that their professional registration (if applicable) and/or status are not used in the promotion of commercial products or services;
- beware of bias generated through sponsorship, where this might impinge on professional judgement and impartiality;
- neither agree to practise under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals;
- avoid any activities that might be construed as either offering or accepting any form of bribe, whether 'active' or 'passive' as described at section 1.1 The 'Bribery Act 2010', above;
- where gifts or hospitality are declined on the basis that they create a sense of obligation the Head of Corporate Affairs must be notified
- Declare all private practice on appointment, and/or any new private practice when it arises and annual continuation thereof.

7.1 Gifts

Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6¹ in total, and need not be declared.

Gifts from other sources (e.g. patients, families, service users):

- Gifts of cash and vouchers to individuals should always be declined.
- Staff should not ask for any gifts.
- Modest gifts under the value of £50 may be accepted and do not need to be declared.
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of Croydon Health Services NHS Trust and not in a personal capacity must be declared.
- Multiple gifts from the same source over a 12-month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

7.2 Hospitality

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.

¹ 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>

- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- 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 staff approval must be obtained.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75² - may be accepted and must be declared.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior staff 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).

Travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type. A non-exhaustive list of examples includes:
 - offers of business class or first class travel and accommodation (including domestic travel)
 - offers of foreign travel and accommodation

7.3 Sponsorship

Sponsorship may be received to provide financial support (either directly or indirectly) to fund an educational visit or event which has direct benefit to patient care or to support patient care services.

Offers of commercial sponsorship are acceptable, but only when:

- Impartiality can be assured (i.e. there is not any genuine or perceived incentive or expectation to prescribe or use more of any particular treatment or product as a result of the sponsorship); and
- There is an obvious and genuine education, training or research and development benefit to a department and/or the Trust.

The procedure for sponsorship is the same as that for gifts. All acceptances and offers must be declared and recorded in the 'Gifts, Hospitality and Sponsorship Register' as stated in this policy. This includes sponsorship for attendance at external training events.

When dealing 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. Staff arranging sponsored events must declare this to the organisation.

² 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>

The Trust recognises that it may receive offers for entire posts (i.e. employed positions) funded via external organisations. Such offers may be connected to particular research trials, and may be funded by Pharmaceutical and/or medical equipment companies. Such offers are acceptable by staff, provided the staff can assure impartiality. Specifically, the following arrangements should be in place:

- All such arrangements should be declared, using the Gifts, Hospitality and Sponsorship section of the system (submit all declarations at <https://croydon.mydeclarations.co.uk/login>);
- There should be no incentive or expectation to prescribe or use more of any particular treatment or product other than in accordance with the peer-reviewed and mutually agreed protocol for the specific research intended.

7.4 Outside Employment

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.
- Where a risk of conflict of interest arises, the general management actions outlined in Section 6 of this policy should be considered and applied to mitigate risks.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the Human Resources Department to engage in outside employment.

All Trust staff are advised not to engage in outside employment that may conflict with their Trust work, or be detrimental to it. They must inform their line manager of any additional employment if they think that they may be risking a conflict of interest in this area. The Trust will be responsible for judging whether the interests of the general public could be harmed, by reference to considering what is in the best interests of patients and taxpayers.

7.5 Clinical Private Practice

Clinical staff may undertake private practice or work for outside agencies providing they do not do so within the time they are contracted to the Trust or if on sick leave, and they observe the conditions outlined in the paragraph above.

All Clinical staff should

- Seek prior approval of the Trust before taking up private practice
- declare all private practice on appointment, and/or any new private practice when it arises
- Ensure that, where there would be a conflict or potential conflict of interest, NHS commitments take precedence over private work
- Not accept direct or indirect financial incentives from private providers

Consultant Medical Staff employed by the Trust are engaged under “the Consultant Contract” which sets out the terms and conditions of service for consultants. The Trust’s Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other staff to initiate such discussions on their behalf.

In respect of this policy Consultants should be mindful of the relevant sections of the Terms and Conditions of Service for Consultants (2003) most notably Schedule 9 ‘Private Practice’ and Schedule 12 ‘Outside Employment and Financial Interests’.

Consultants should not undertake private work whilst working for the NHS, unless in an emergency. Consultants should make alternative arrangements to provide cover where emergency

work of this kind regularly affects their NHS commitments. Otherwise, this may constitute fraud and the matter will be referred to the Trust's LCFS for investigation in accordance with the Trusts Anti-Fraud, Bribery and Corruption Policy and Procedures.

7.6 Shareholdings and other ownership issues

- Staff should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the Trust.
- Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions outlined Section 6 of this policy should be considered and applied to mitigate risks.
- There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

7.9 Donations

- Donations made by suppliers or bodies seeking to do business with the Trust should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for Croydon Health Services NHS Trust, or is being pursued on behalf of the Trust's own registered charity or other charitable body and is not for their own personal gain.
- Staff must obtain permission from the Trust if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the Trust's 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 that any tax liabilities related to such donations are properly discharged and accounted for.

7.10 Preferential treatment in private transactions

Individual all staff must not seek or accept preferential 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 does not apply to concessionary agreements negotiated with companies by the NHS or Trust management, or by recognised staff interests, on behalf of all staff . e.g. NHS staff benefits schemes.

7.11 Contracts

All staff who are in contact with suppliers and contractors (including external consultants), and in particular those all staff who are authorised to sign Purchase Orders, hold corporate credit cards, or place contracts for goods materials or services, are required to adhere to the professional standards set out in the Professional Code of Ethics of the Chartered Institute of Purchasing and Supply.

7.11.1 Favouritism in awarding contracts

Fair and open competition between prospective contractors or suppliers for Trust contracts is a Trust requirement as well as an obligation under the Public Contracts Regulations. This means that:

- No private, public or voluntary organisation or company which may bid for Trust business should be given any advantage over its competitors, e.g. advance notice of Trust requirements. This applies to all potential contractors, whether or not there is a relationship between them and the Trust, such as a long-running series of previous contracts.
- Each new contract should be awarded solely on merit, taking into account the requirements of the Trust and the ability of the contractor to fulfil them.

Trust management will ensure that no special favour is shown to current or former all staff or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity.

Contracts may be awarded to such businesses where they are won in fair competition against other tenders, but scrupulous care will be taken to ensure that the selection process is conducted impartially and all staff that are known to have an interest play no part in the selection.

9 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'.

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 Head of Corporate Affairs who will set up/initiate an investigation and take appropriate action where relevant.

To ensure that interests are effectively managed all staff are encouraged to speak up about actual or suspected breaches. For further information about how concerns should be raised can be found in the Trust's 'Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy'.

9 TRAINING

The Trusts Local Counter Fraud Specialist (LCFS) is available to supply training on the Bribery Act 2010 and can be contacted by phone on 07711 016550 or email: Kam.Johal1@nhs.net

9.1 Equality Impact Assessment

The Equality Impact Assessment for this policy is attached in Appendix A.

10 MONITORING COMPLIANCE

This policy and arrangements will be reviewed bi-annually by the Corporate Governance Team

11 REFERENCES

- Managing Conflicts of Interest in the NHS: Guidance for staff and organisations

- Commercial Sponsorship – Ethical Standards for the NHS, 2000
- Bribery Act 2010
- Fraud Act 2006
- Code of Conduct for Private Practice – Recommended Standards of Practice for NHS Consultants” (January 2004)

12 ASSOCIATED DOCUMENTATION

This policy is to be read in conjunction with obligations outlined in individual contracts of employment and, the following Trust policies:

- Anti-Fraud, Bribery and Corruption Policy and Procedures
- Supplier Representative Policy
- Quotation and Tendering Policy and Procedures
- Policy and Procedure for the Introduction and Development of New Interventional Procedures
- Policy and Guidance - Joint Working with the Pharmaceutical Industry and Sponsorship by the Pharmaceutical Industry
- Job Planning Policy
- Conduct for Medical Representatives
- Freedom to Speak up: Raising Concerns (Whistle Blowing) Policy

13 VERSION HISTORY TABLE

Version	Date	Author	Ratified by	Comment/Reason for change
1.0	August 2010	Lynette Wells	Integrated Governance and Clinical Governance Committee	New
2	May 2014	Moya Berry	Risk Assurance and Policy Group	The following changes were made as recommended by the Local Counter Fraud Specialist: <ul style="list-style-type: none"> • Introduction amended to include the Bribery Act and other Acts • Section 4 Manager’s responsibilities amended • An additional paragraph included in Section 6.3 Code of Conduct for Private Practice • 3 more associated documents included in Section 10 • Declaration added in Appendix D
1	December 2015	Moya Berry	Risk Assurance and Policy Group	Policy updated to include declarations of interest as well as conflicts of interest
2	December 2016	Moya Berry	Risk Assurance	Policy updated to reflect recent changes to staff and practices
3	September 2017	Moya Berry	Risk Assurance and Policy Group	Changes <ul style="list-style-type: none"> • Name of Policy changed to Conflicts of Interests, Gifts, Hospitality and Sponsorship Policy • Updated policy following new guidance from NHS England

				<ul style="list-style-type: none"> • Threshold for acceptance and declaration of gifts raised from £25 to £50 • Reducing the threshold of branded gifts from £25 to £6 • Added Summary Table in Appendix F
4	October 2018	Moya Berry	Risk Assurance and Policy Group	Updated in line with Counter Fraud Legislation
5	March 2020	Tyson Johnson	Risk Assurance and Policy Group	Policy reflects the new way in which we are recording declarations. Removed Appendix D and E and they are now on the online system called MES Declare
6	March 2022	Mel Brown	Risk Assurance and Policy Group	No changes made

APPENDIX A – EQUALITY ANALYSIS (EA) TEMPLATE – SERVICES, STRATEGIES OR POLICIES

An Equality Analysis is a way of assessing the effects of a key policy, strategy, staff -restructure or a service function. The Equality Act 2010 - Public Sector Duty requires Public Bodies to assess the impact that those functions may have on people in respect of; age, disability, gender-reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, sex and sexual orientation.

This includes looking for opportunities to promote equality that could have been missed, as well as negative or adverse impacts that can be removed or mitigated, where possible.

Title:	Tyson Johnson, Committee and Office Manager
Short description of policy, procedure, strategy or change in practice: (e.g. aims and objectives)	The policy is in place to support staff and identify their responsibilities in regards to declaring any interest they have and any gifts, hospitality or sponsorship they receive.
Directorate Lead:	Helen Potton, Company Secretary, Head of Corporate Affairs and SIRO
Is this a new or policy, procedure, strategy, change in practice?	Policy amendment to fit the new procedure to reporting declarations.

Please enter the name/s of the individuals completing this Equality Analysis.

Name	Job Title and Directorate	Contact Details	Date
Mel Brown	Governance Consultant	mel.brown8@nhs.net	March 2022

Part 1- Identify the aims of the project/ service

What is the purpose of the proposed or existing policy, procedure, strategy or change in practice?
The policy is in place to support staff and identify their responsibilities in regards to declaring any interest they have and any gifts, hospitality or sponsorship they receive.
Who is intended to benefit and how?
The staffing body
Is the responsibility shared with another directorate or organisation
No
What other groups or organisations have an interest?
n/a
What are the intended outcomes?
The policy helps ensure that public money is spent efficiently and wisely.

Part 2- Data Analysis

Data Analysis should be used to identify who are the actual and potential users or those affected by the policy, procedure or change in practice, and any significant findings across the protected characteristics. Quantitative and qualitative information is often already available in-house, from local authorities, stakeholders, complaints and from service user surveys.

If your policy, procedure or changes in practice are for a particular equality group you will need the demographic data of that group. This is available from various sources including census data, user surveys, local consultations, evaluation forms, comments and complaints or PALS data.

If there is limited data, perhaps around sexual orientation, you can use local knowledge for the analysis as well as national data. You can also contact the relevant E & D subgroup.

Protected Characteristic	Data Analysis should be used to identify who are the actual and potential users or recipients of the policy, procedure or change in practice are.	What actions can be taken to mitigate the impact?
Age	n/a	n/a
Disability	n/a	n/a
Gender Reassignment	n/a	n/a
Marriage and Civil Partnership	n/a	n/a
Pregnancy and Maternity	n/a	n/a
Race	n/a	n/a
Religion or Belief	n/a	n/a
Sex	n/a	n/a
Sexual Orientation	n/a	n/a

Part 3

1) Assess the Likely Impact.

Parts 1 & 2 will have provided sufficient information for you to judge what impact the project/ service will have or is having across the protected characteristic questions.

Please give a brief explanation below of EA outcomes. Record if the policy, procedure strategy or change in practice will have a **negative**, **neutral** or **positive** impact for each protected characteristic, using the table below.

Protected Characteristics	Impact on discrimination across the protected characteristics?	Impact on promotion of equal opportunity?	Impact on relations between different groups
Age	N/A	N/A	N/A
Disability	N/A	N/A	N/A
Gender Reassignment	N/A	N/A	N/A
Marriage & Civil Partnership	N/A	N/A	N/A
Pregnancy and Maternity	N/A	N/A	N/A
Race	N/A	N/A	N/A
Religion and Belief	N/A	N/A	N/A
Sex	N/A	N/A	N/A
Sexual Orientation	N/A	N/A	N/A

2) Consultation

Who have you consulted with? (Ensure there is diverse representation)	n/a
What key issues have been raised through the consultation process?	n/a
What changes have been made to your proposal as a result of the consultation?	n/a

3) Consider ways of minimising adverse impact.

Explain the amendments you have made so that negative consequences are eliminated or minimised, for the relevant protected characteristics.	n/a
What alternative ways have you considered to achieve the aims of the policy/ procedure/ strategy / change of practice?	n/a
Do you need to consider abandoning the policy/ procedure/ strategy/ change of practice?	n/a

4) Monitoring and reviewing arrangements

State what arrangements will be put in place to monitor the policy/ procedure/ strategy/ change of practice?	n/a
Identify the frequency of the monitoring reports to be produced, and published.	n/a

5) Action Plan

You also need to prepare an action plan. You should base your action plan on:

- The evidence you find and immediate actions that need to be taken to support your decisions
- The challenges you identify that may need future arrangements in place.
- The opportunities you identify

Action	Rationale	Lead	Target Date	How will it be monitored?
1.				
2.				
3.				
4.				
5.				

Sign Off

Please complete the section below and send an electronic copy of the completed EA to the Equality & Inclusion Manager in the HR Department. Please ensure that the EA is published on our website (this is a legal requirement).

Equality Analysis Lead Officer (please print)	Equality Analysis Lead Officer Signature	Date
Directors Name (please print)	Directors Signature	Date

APPENDIX B – CONSULTATION TEMPLATE

1.	Procedural Document's Name:	Conflict of Interests, Gifts, Hospitality and Sponsorship Policy	
2.	Procedural Document Author:	Tyson Johnson, Committee and Office Manager	
3.	Group/Committee Consulted: Counter Fraud Team	Date: August 2018	
4.	Helen Potton, Head of Corporate Affairs, Company Secretary and SIRO	Date: February 2020	
5.	Helen Potton, Head of Corporate Affairs, Company Secretary and SIRO	Date: March 2022	
6.	Group/Committee Consulted: Risk Assurance and Policy Group	Date: April 2022	
7.	Comments		

APPENDIX C – NOLAN PRINCIPLES

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 benefits for themselves, their family, or their friends.

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.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

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

Please note that the form is also available on the Trust's intranet at: [Conflicts of Interests, Gifts, Hospitality and Sponsorship](#) page.

APPENDIX D – A SUMMARY OF GIFTS, HOSPITALITY AND SPONSORSHIP GUIDANCE

ISSUE/SITUATION	ACCEPT	MUST BE DECLARED	CONDITIONS/GUIDANCE
Gifts from suppliers or contractors	NO	YES	Gifts from suppliers or contractors doing business with the Trust should always be declined
Branded promotional aids from suppliers or contractors under a value of £6	YES	NO	Total value should be no more than £6
Modest gifts from patients, families and service users under a value of £50 to wards and clinical departments (e.g. chocolates)	YES	NO	Several small gifts from the same source within the space of 12 months totalling more than £50 should be treated in the same way as a single gift valued over £50
Gifts valued over £50 from patients, families and service users	YES	YES	Treat with caution and only accept on behalf of the Trust
Gifts of cash and voucher to individuals	NO	YES	Always decline. Do not accept
Gifts of cash or vouchers to go to ward /departmental charitable funds	YES	YES	Must be banked immediately in accordance with the Trust Standing Orders
Meals and refreshments under a value of £25	YES	NO	None
Meals and refreshments valued between £25 - £75	YES	YES	None
Meals and refreshments over a value of £75	NO	YES	Accept only in exceptional circumstances with senior staff approval. A clear reason for accepting should be recorded on the Trust's register of interests.
Travel and accommodation – Modest offers	YES	YES	Only to cover some or all of the travel and accommodation cost related to attendance at events.
Travel and accommodation – beyond modest (e.g. Business or 1 st class travel and accommodation; offers of foreign travel)	NO	YES	Accept only in exceptional circumstances with senior staff approval. A clear reason for accepting should be recorded on the Trust's register of interests.
Sponsorship of Trust training events	YES	YES	A written agreement must be in place and the sponsorship disclosed in any papers relating to the meeting is declared and entered onto the register.
Personal sponsorship to attend trade or training events	YES	YES	Must be approved in advance, declared and entered into the Register. Value up to £1,000 to be approved by Clinical Director/Executive Director (unless the sponsorship is for the benefit of the Clinical Director/Executive Director, in which case it must be approved by the Chief Executive Value over £1,000 to be approved by the Chief Executive.
Hospitality off Trust premises, e.g. working dinner, whether outside or within normal working hours	YES	YES	Only where Trust business is conducted that could not be performed on site / in working hours. Must be approved in advance, declared and entered into the

			Register. Value up to £100 to be approved by Manager or Head of Department; Any value over £100 to be escalated to Executive Director Staff should also consider whether the hospitality is over and above that which could reasonably be considered as normal
Entertainment from an existing supplier to mark a special occasion e.g. installation of new equipment	YES	YES	Must be approved in advance. All such special occasions must be discussed first with the Head of Corporate Affairs and approved by the Chief Executive.
Entertainment of any sort whilst the Trust is in the process of procuring goods or services from the supplier	NO	YES	Any offers must be declined.
Use of commercial premises for holidays or private purposes	NO	YES	Any offers must be declined.
Visits to supplier sites paid for by the supplier at a time when the Trust is procuring goods or services	NO	YES	Any offers must be declined. If such visits are necessary the costs must be met by the Trust to ensure absolute probity: Therefore prior approval will be required through the normal route for approval of expenditure.
Corporate hospitality e.g. attendance at sport events, theatre tickets	NO	YES	Any offer must be declined.