

# GIFTS, HOSPITALITY AND INTERESTS POLICY

Version:	1.0
Bodies consulted:	Finance Directorate
Approved by:	Board of Directors
Date Approved:	May 2018
Responsible Director:	Director of Finance
Date issued:	May 2018
Review date:	May 2022



# Contents

1.	Policy Summary .....	3
2.	Introduction .....	4
3.	Purpose .....	4
4.	Definitions .....	5
5.	Interests .....	5
6.	Staff .....	6
7.	Decision Making Staff .....	6
8.	Identification, declaration and review of interests .....	7
8.1	Identification & declaration of interests (including gifts and hospitality) ...	7
8.2	Proactive review of interests .....	8
8.3	What is the fine line between gifts, hospitality and interests, and bribes? .	8
9.	Records and publication .....	8
9.1	Maintenance .....	8
9.2	Publication .....	8
9.3	Wider transparency initiatives .....	9
10.	Management of interests - General .....	9
11.	Management of interests – Common situations .....	10
11.1	Gifts .....	10
11.2	Hospitality .....	11
11.3	Outside Employment .....	12
11.4	Shareholdings and other ownership issues .....	13
11.5	Patents .....	13
11.6	Loyalty interests .....	13
11.7	Donations .....	14
11.8	Sponsored events .....	15
11.9	Sponsored research .....	15
11.10	Sponsored posts .....	16
11.11	Clinical private practice .....	16
12.	Management of interests – advice in specific contexts .....	17
12.1	Strategic decision making groups .....	17
12.2	Procurement .....	18
13.	Dealing with Breaches .....	19
13.1	Identifying and reporting breaches .....	19
13.2	Taking action in response to breaches .....	19
13.3	Learning and transparency concerning breaches .....	20
14.	Review .....	21
15.	Dissemination and implementation .....	21
16.	Associated Documents .....	21
17.	List of Appendices .....	22
	Appendix A – Equality Analysis	23
	Appendix B – Declaration of Interests Form & Guidance Notes	25
	Appendix C – Declaration of Gifts and Hospitality Form & Guidance Notes	28
	Appendix D – Declaration of Sponsorship Form & Guidance Notes	31

# GIFTS, HOSPITALITY AND INTERESTS POLICY

## 1 Policy Summary

Adhering to this policy will help to ensure that we use NHS money wisely, providing best value for taxpayers and accountability to our patients for the decisions we take.

As a member of staff you should...	As an organisation we will...
<ul style="list-style-type: none"> <li>• Familiarise yourself with this policy and follow it. Refer to the guidance for the rationale behind this policy <a href="https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf">https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf</a></li> <li>• Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent</li> <li>• Regularly consider what interests you have and declare these as they arise. If in doubt, declare.</li> <li>• <b>NOT</b> misuse your position to further your own interests or those close to you</li> <li>• <b>NOT</b> be influenced, or give the impression that you have been influenced by outside interests</li> <li>• <b>NOT</b> allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that this policy and supporting processes are clear and help staff understand what they need to do.</li> <li>• Allocate the Director of HR &amp; Corporate Governance responsibility for:               <ul style="list-style-type: none"> <li>○ Keeping this policy under review to ensure they are in line with the guidance.</li> <li>○ Providing advice, training and support for staff on how interests should be managed.</li> <li>○ Maintaining register(s) of interests.</li> </ul> </li> <li>• Audit this policy and its associated processes and procedures at least once every three years.</li> <li>• <b>NOT</b> avoid managing conflicts of interest.</li> <li>• <b>NOT</b> interpret this policy in a way which stifles collaboration and innovation with our partners</li> </ul>

## 2 Introduction

Tavistock and Portman NHS Foundation Trust (the 'Trust'), and the people who work with and for us, collaborate closely with other organisations, to deliver high quality care for our patients.

These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely but there is a risk that conflicts of interest may arise where staff are offered gifts and/or hospitality or have other interests.

Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution. We are committed to maximising our resources for the benefit of the whole community. As a Trust and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of our service users.

This policy applies to all staff as defined in section 5 of this policy.

The Bribery Act 2010 came into force in July 2011. The Trust fully supports this act and further information can be found in the Trust's Anti-Fraud and Bribery which is published on the Trust's internal Intranet.

### ***Board Statement:***

*The Trust aims to provide excellent public service and needs to ensure propriety and accountability in all matters.*

*The Trust is determined to protect itself, our staff and the public from fraud and bribery and is committed to implementing and maintaining robust policies for the prevention and detection of fraud and bribery.*

*The Trust has a zero tolerance attitude towards fraud and bribery. The Trust will investigate any suspected acts of fraud, bribery, misappropriation or irregularity and take full and appropriate action against any wrong doing.*

## 3 Purpose

This policy aims to provide clear guidance to all Tavistock & Portman NHS Foundation Trust staff who are offered hospitality, gifts or personal benefits, as a consequence of working for the Trust. It also provides guidance to staff on dealing with other interests which may be considered to compromise their integrity.

This policy sets out how Trust staff will manage gifts, hospitality and interests so that the risk of a conflict of interest is managed effectively by:

- introducing consistent principles and rules;
- providing simple advice about what to do in common situations; and
- supporting good judgement about how to approach and manage interests.

This policy should be considered alongside these other organisational policies:

- Trust Standing Orders.
- Standing Financial Instructions.
- Code of Conduct.
- Trust Anti-Fraud and Bribery Policy.

## 4 Definitions

A 'conflict of interest' 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 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; or
- Potential – there is the possibility of a material conflict between one or more interests in the future.

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.

## 5 Interests

Interests fall into the following categories:

- **Financial interests**

Where an individual may get direct financial benefit<sup>1</sup> 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.

<sup>1</sup> This may be a financial gain, or avoidance of a loss.

- **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<sup>2</sup> with another individual, who has a financial interest, a non-financial professional interest or a non-financial personal interest in the Trust, and could stand to benefit from a decision the other individual is involved in making.

## 6 Staff

At Tavistock & Portman NHS Foundation Trust we use the skills of many different people, all of whom are vital to our work. This includes people on differing employment terms, who for the purposes of this policy we refer to as ‘staff’ and are listed below:

- All salaried employees – full time and part time including those on fixed term contracts;
- Associated persons such as secondees and those with an honorary contract;
- All prospective employees – who are part-way through recruitment;
- Contractors and sub-contractors;
- Agency staff; and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the Trust).

This policy also applies to Non-Executive Directors of the Trust.

## 7 Decision Making Staff

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

Decision making staff in this Trust are:

- Executive and Non-Executive Directors (or equivalent roles) 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;

<sup>2</sup> 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.

- those at Agenda for Change band 8d;
- administrative and clinical staff who have the power to enter into contracts on behalf of the Trust including Estates and Procurement staff; and
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions – generally this means all budget holders.

## 8 Identification, declaration and review of interests

### 8.1 Identification & declaration of interests (including gifts and hospitality)

All staff should identify and declare material interests at the earliest opportunity (and in any event within 28 days of the gift or hospitality or interest arising). If staff are in any doubt as to whether an interest is material then they should declare it, so that it can be considered. Further advice can be obtained from the Director of HR & Corporate Governance.

Declarations should be made:

- on appointment with the Trust;
- when staff move to a new role or their responsibilities change significantly;
- at the beginning of a new project/piece of work; or
- 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).

A declaration of interest(s) form is available at Appendix 1 of this policy and on the Trust's Intranet. The form needs to be countersigned by the staff member's line manager.

Completed declaration of interest(s) forms should be submitted to the Director of HR & Corporate Governance at [TSecretary@tavi-port.nhs.uk](mailto:TSecretary@tavi-port.nhs.uk) or in writing to:

Director of HR & Corporate Governance  
Tavistock & Portman NHS Foundation Trust  
120 Belsize Lane  
London  
NW3 5BA

The Director of HR & Corporate Governance maintains a Register of Interests for each financial year for all staff, which includes Non-Executive Directors. The information from the declaration form will be entered onto the Register of Interests. The Register of Interests will be circulated to the Audit Committee at least once a year.

The Director of HR & Corporate Governance will provide advice to staff and line managers on interests that should be declared and how to manage any actual or potential conflicts of interest.

## 8.2 Proactive review of interests

We will require all decision making staff to complete a declaration of interest form annually. Where there is no declaration to be made, a nil return will be required. There is a process of reminders and escalation to ensure that all decision making staff comply with this requirement.

## 8.3 What is the fine line between gifts, hospitality and interests, and bribes?

As set out in the Trust's Anti-Fraud and Bribery Policy the Trust has a zero tolerance attitude towards fraud and bribery. Circumstances around gifts, hospitality and interests could be considered a bribe and all members of staff should consider this in all actions involving gifts, hospitality or interests to protect themselves and the Trust from criminal prosecution.

Any inference that gift or hospitality provision was intended as a bribe would be strengthened if:

- there was any unjustifiable 'add-ons', for example to travel or accommodation; or
- the expenditure was related in time to some actual or anticipated business with the recipient, particularly where some form of competitive process is involved.

It is expressly prohibited for a member of staff to accept any gift or benefit from an organisation that is actively involved in a tender process with the Trust. This prohibition commences at the point that an invitation to tender is published and extends to period three months after a contract has been awarded.

# 9 Records and publications

## 9.1 Maintenance

The Trust will maintain a Register of Interests, which will include gifts, hospitality and other interests excluding other/secondary employment. This Register of Interests will be maintained by the Director of HR & Corporate Governance.

A Register for Secondary Employment will be maintained by the Director of HR. This will be shared with the Director of HR & Corporate Governance and the Procurement Team to ensure that all actual or potential conflicts of interest are identified.

## 9.2 Publication

We will publish the Register of Interests on the Trust's public website and internal intranet. This published information will be updated at least quarterly.

In addition the Register of Interests may be accessed upon request to the Director of HR & Corporate Governance.

If any member of staff making a declaration has substantial grounds for believing that publication of their interests should not take place then they should contact the Director of HR & Corporate Governance 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.

## 9.3 Wider transparency initiatives

The Tavistock and Portman NHS Foundation Trust fully supports wider transparency initiatives in healthcare, and we encourage 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; and
- 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>

# 10 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 the staff member's involvement in associated discussions and excluding them from decision making;
- removing the staff member from the whole decision making process;
- removing from the staff member responsibility for an entire area of work; and

- removing the staff member 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 Director of HR & Corporate Governance will always clarify the circumstances and issues with the individuals involved. The decision will be recorded in the Register of Interests and individual staff members and line managers should maintain a written audit trail of information considered and actions taken.

Where there is a dispute with the decision of the Director of HR & Corporate Governance the issue will be referred to the Executive Team for review and decision.

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

The Director of HR & Corporate Governance will work closely with the Procurement Team to ensure that declarations declared as part of a tender exercise are recorded on the Trust registers.

## 11 Management of interests – Common situations

All staff must declare all gifts, hospitality and interests, unless there is a direct link to working arrangements and a genuine business reason can be demonstrated (please see [www.england.nhs.uk/ourwork/coi](http://www.england.nhs.uk/ourwork/coi) for examples).

The following sub-sections are examples where declarations may be necessary and set out the principles and rules to be adopted by staff, and what information should be declared.

### 11.1 Gifts

- Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.
- The Trust will not provide gifts to internal or external parties under any circumstances.

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the Trust 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 £6<sup>3</sup> 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.

<sup>3</sup> 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>

- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the Trust and not in a personal capacity. These should be declared by the individual member of staff accepting the gift along with a statement of how the gift has been disposed of. Such gifts could be shared with all staff in the team or donated to the Trust's charity.
- Modest gifts accepted under a value of £50 do not need to be declared.
- 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).
- 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.

#### **11.1.1 What should be declared**

- Member of staff's name and their role within the Trust;
- a description of the nature and value of the gift, including its source.
- the date of receipt.
- any other relevant information (e.g. circumstances surrounding the gift, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **11.2 Hospitality**

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- 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 approval must be obtained.
- On occasion it might be appropriate for professional relationship reasons to accept hospitality to a purely social event. In this instance, the event should be attended in the member of staff's own time, taking annual leave as necessary. The invitation should be recorded in the Register of Interest whether accepted or declined.
- The Trust may provide hospitality for meetings, conferences and workshops with other organisations where there is a genuine business reason. This hospitality should be modest and appropriate to the occasion and subject to Associate Director approval.

#### ***Meals and refreshments***

- Under a value of £25 - may be accepted and need not be declared.

- Of a value between £25 and £75<sup>4</sup> - 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 Trust's Register 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 Trust 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 Trust's Register 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); and
  - offers of foreign travel and accommodation.

#### **11.2.1 What should be declared**

- Member of staff's name and their role within the Trust.
- The nature and value of the hospitality including the circumstances.
- Date of receipt.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **11.3 Outside Employment**

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises. This declaration needs to be made to the Human Resources Department as set out in the Trust's Code of Conduct.
- Where a risk of conflict of interest arises, the general management actions outlined in 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 Trust to engage in outside employment.

---

<sup>4</sup> 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>

- Appropriate liaison will be made between the Director of HR and the Director of HR & Corporate Governance for issues to be recorded on the Trust's Register of Interests.

#### **11.4 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 in 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.

##### **11.4.1 What should be declared**

- Member of staff's name and their role within the Trust.
- Nature of the shareholdings/other ownership interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **11.5 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 on-going, which are, or might be reasonably expected to be, related to items to be procured or used by the Trust.
- Staff should seek prior permission from the Trust before entering into any agreement with bodies regarding product development, research, work on pathways etc. where this impacts on the Trust'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.

##### **11.5.1 What should be declared**

- Member of staff's name and their role within the Trust.
- A description of the patent.
- Relevant dates.

- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

## **11.6 Loyalty interests**

Loyalty interests should be declared by staff involved in decision making where they:

- Hold a position of authority in another NHS organisation or commercial company, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.
- Sit on advisory groups or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers' money.
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- Are aware that the Trust does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

### **11.6.1 What should be declared**

- Member of staff's name and their role within the Trust.
- Nature of the loyalty interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

## **11.7 Donations**

- Donations made by suppliers or bodies seeking to do business with the Trust should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for the Trust, or is being pursued on behalf of the Trust's own registered charity or other charitable body and is not for their own personal gain.
- Staff must obtain permission from the 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.

#### **11.7.1 What should be declared**

- Member of staff's name and their role within the Trust.
- Nature of the shareholdings/other ownership interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).
- The Trust will maintain records in line with the above principles and rules and relevant obligations under charity law.

#### **11.8 Sponsored events**

- 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 to the Trust 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 Trust'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 Trust 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 Trust.

##### **11.8.1 What should be declared**

- The Trust will maintain records regarding sponsored events in line with the above principles and rules.

#### **11.9 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 Trust, 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 Trust.

#### **11.9.1 What should be declared**

- The Trust will retain written records of sponsorship of research, in line with the above principles and rules.
- Staff should declare:
  - their name and their role within the Trust;
  - the nature of their involvement in the sponsored research;
  - relevant dates and
  - any other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

#### **11.10 Sponsored posts**

- External sponsorship of a post requires prior approval from the Trust.
- 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.

#### **11.10.1 What should be declared**

- The Trust will retain written records of sponsorship of posts, in line with the above principles and rules.
- Staff should declare any other interests arising as a result of their association with the sponsor, in line with the content in the rest of this policy.

### 11.11 Clinical private practice

As set out in the Trust's Code of Conduct clinical staff should declare all private practice on appointment, and/or any new private practice when it arises<sup>5</sup> 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 the Trust 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.<sup>6</sup>
- 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](https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf)

Hospital 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.

#### 11.11.1 What should be declared

- This declaration needs to be made to the Human Resources Department as set out in the Trust's Code of Conduct.
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.

Appropriate liaison will be made between the Director of HR and the Trust Secretary for issues to be recorded on the Trust's Register of Interests.

## 12 Management of interests – Advice in specific contexts

### 12.1 Strategic decision making groups

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

---

<sup>5</sup> 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](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

<sup>6</sup> 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](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

- entering into (or renewing) large scale contracts;
- awarding grants;
- making procurement decisions; and/or
- 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.

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 Trust's Register of Interests.
- 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.

## **12.2 Procurement**

Procurement is 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 are conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

In accordance with the Procurement Policy those involved in procurement exercises for and on behalf of the Trust 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.

Regular reconciliation exercises are undertaken between declarations made to the Procurement Team and the Director of HR & Corporate Governance.

## 13 Dealing with Breaches

There will be situations when gifts, hospitality and 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’.

### 13.1 Identifying and reporting 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 the Director of HR and Corporate Governance or the Trust’s Local Counter Fraud Specialist. Contact details can be found below.

#### Local Counter Fraud Specialist

Lianna Parker-Carn, RSM UK Tel: 020 3201 8000  
 Mobile: 07800 617 462  
 Email: [Lianna.Parker-Carn@rsmuk.com](mailto:Lianna.Parker-Carn@rsmuk.com)

#### Director of HR & Corporate Governance

Craig de Sousa Tel: 020 0938 2001  
 Email: [TSecretary@tavi-port.nhs.uk](mailto:TSecretary@tavi-port.nhs.uk)

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. For further information about how concerns should be raised consult the Trust’s Raising Concerns at Work (Whistleblowing) Policy.

The Trust 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 Trust will:

- Decide if there has been or is potential for a breach and if so what the 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 Trust should be made aware.

- Take appropriate action as set out in the next section.

### 13.2 Taking action in response to breaches

Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the Trust 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 the Trust 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 members of 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 Trust 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 wrong-doing or fault then the Trust 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 members of 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 undertaken.
- 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 and bribery legislation.

### 13.3 Learning and transparency concerning breaches

The Trust takes the failure to disclose such information as required by this policy seriously. It is an offence under the Fraud Act 2006, for a member or employee to fail to disclose information to the Trust in order to make a gain for themselves or another. It is also an offence to cause a loss or expose the organisation to a loss.

Therefore, where an employee has failed to disclose any relevant interests or who has otherwise breached the Trusts policies and procedures in relation to failing to disclose are subject to investigation and, where appropriate, to disciplinary action and dismissal in accordance with the Human Resources Disciplinary Policy and Procedure.

If an individual becomes aware that someone has failed to disclose relevant and material information, they should raise the matter with the Director of HR & Corporate Governance in the first instance. The Trust's Anti-Fraud and Bribery Policy will be consulted and an appropriate referral made to the Local Counter Fraud Specialist where applicable.

Reports on breaches, the impact of these, and action taken will be considered by the Trust's Audit and Risk Committee following conclusion of any investigation.

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 in the Trust's communications to staff as appropriate, or made available for inspection by the public upon request.

## 14 Review

This policy will be reviewed in two years unless an earlier review is required. This will be led by the Director of HR & Corporate Governance.

## 15 Dissemination and implementation

This document will be circulated to all managers who will be required to cascade the information to members of their teams and to confirm receipt of the procedure and destruction of previous procedures/policies which this

supersedes. It will be available to all staff via the Trust's intranet. Managers will ensure that all staff are briefed on its contents and on what it means for them.

## 16 Associated documents

- Freedom of Information Act 2000
- ABPI: The Code of Practice for the Pharmaceutical Industry (2014)
- ABPI Code of Business Practice
- NHS Code of Conduct and Accountability (July 2004)

- Raising Concerns at Work (Whistleblowing) Policy
- Anti-Fraud and Bribery Policy
- Trust's Code of Conduct
- Procurement Policy
- Fraud Act 2006
- Bribery Act 2010

## 17 List of Appendices

Appendix A – Equality Analysis

Appendix B – Declaration of Interests Form & Guidance Notes

Appendix C – Declaration of Gifts and Hospitality Form & Guidance Notes

Appendix D – Declaration of Sponsorship Form & Guidance Notes

**Appendix A – Equality Analysis**

<b>Completed by</b>	Craig de Sousa
<b>Position</b>	Director of HR & Corporate Governance
<b>Date</b>	October 2017

**The following questions determine whether analysis is needed**

	<b>Yes</b>	<b>No</b>
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of the above questions was No, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	<b>Yes</b>	<b>No</b>	<b>Comment</b>
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?		X	
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	

Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.

**Appendix B – Declaration of Interests Form & Guidance Notes**

**DECLARATION OF INTERESTS FORM**

Holding an interest may be perceived as affecting the individual’s judgement in undertaking their professional duties. It may be perceived as an inducement to show favour to a person or organisation in his or her official capacity. It is not always feasible to not have any associations that may be perceived as a conflict of interest therefore these need to be declared. All staff should conduct themselves with integrity, impartiality and honesty at all times and should maintain high standards of propriety and professionalism. The Trust seeks annual declarations of all interests.

Where there is no interest to be declared, a nil declaration is required. This needs to be made annually.

<b>Name:</b>	
<b>Position(s) held at the Tavistock and Portman NHS FT:</b>	

Having read the Trust’s policy I (tick the appropriate box):	Have an interest which I am declaring.		I have no interest(s) to declare and this is a nil return.
--------------------------------------------------------------	----------------------------------------	--	------------------------------------------------------------

Description of Interest	Relevant Dates		Comments
	From	To	

<i>Example: Employed by the Royal Free London as a clinical service lead.</i>	<i>21/12/2016</i>	<i>21/12/2016</i>	<i>Discussed with executive director and agreed I will withdraw from business decisions in competition with the Royal Free</i>

The information submitted will be held by Tavistock & Portman NHS Foundation Trust for personnel and/or other reasons specified on this form and to comply with the Trust’s policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that Tavistock & Portman NHS Foundation Trust holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the Trust as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then internal disciplinary, or professional regulatory, action may result. Should I provide false or misleading information, I understand that a referral may be made to the Local Counter Fraud Specialist for a Criminal Investigation.

**All fields on this form must be completed.**

Please return this form to: [TSecretary@tavi-port.nhs.uk](mailto:TSecretary@tavi-port.nhs.uk)

Tavistock & Portman NHS Foundation Trust  
120 Belsize Lane, London, NW3 5BA

Sign:

---

Date:

---

## DECLARATION OF INTERESTS FORM - GUIDANCE NOTES

<b>Name &amp; Role</b>	Insert your name and your position/role in relation to Tavistock & Portman NHS Foundation Trust
<b>Description of Interest</b>	<p>Provide a description of the interest that is being declared. This should contain enough information to be meaningful. This information should enable a reasonable person with no prior knowledge to be able to read this and understand the nature of the interest.</p> <p>The type of issues to be declared on this form include:</p> <ul style="list-style-type: none"> <li>Outside Employment</li> <li>Clinical Private Practice</li> <li>Shareholdings</li> <li>Companies owned</li> <li>Patents and loyalty interests</li> </ul>
<b>Financial Interests</b>	This is where an individual may get direct financial benefits from the consequences of a decision they are involved in making.
<b>Non-Financial Professional Interests</b>	This is where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or status or promoting their professional career.
<b>Non-Financial Personal Interests</b>	This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.
<b>Indirect Interests</b>	This is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.
<b>Nil Return</b>	All decision making staff are required to make a return. If there is nothing to declare on your return, please indicate so in the Nil Return column.

**Appendix C – Declaration of Gifts and Hospitality Form & Guidance Notes**

**DECLARATION OF GIFTS AND HOSPITALITY FORM**

Receiving benefits, gifts, rewards or hospitality in return for providing services (even if these services are part of a usual role) can be perceived as an inducement to show favour to a person or organisation in his or her official capacity. Staff are advised to decline such offers, but it is acknowledged there may be occasions when this is not feasible. All staff should conduct themselves with integrity, impartiality and honesty at all times and should maintain high standards of propriety and professionalism.

<b>Details of Employee declaring gifts and/or hospitality</b>	
<b>Name</b>	
<b>Service Line</b>	
<b>Job Title</b>	
<b>Email Address</b>	
<b>Description of Gift or Hospitality</b>	
<b>Value/Estimated Value</b>	
<b>Purpose of the Offer</b>	
<b>Person/Organisation making the offer</b>	
<b>Relationship with the person offering the gift/hospitality</b>	
<b>Acceptance of gifts/hospitality</b>	Yes / No

The information submitted will be held by Tavistock & Portman NHS Foundation Trust for personnel and/or other reasons specified on this form and to comply with the Trust's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that Tavistock & Portman NHS Foundation Trust holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the Trust as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then internal disciplinary, or professional regulatory, action may result. Should I provide false or misleading information, I understand that a referral may be made to the Local Counter Fraud Specialist for a Criminal Investigation.

<b>Signature of Employee:</b>	<b>Date:</b>
-------------------------------	--------------

### Line Manager Approval

<p>I approve the gift/hospitality taken as detailed above.</p> <p>Does the acceptance of the gift/hospitality require any special management arrangements? If yes, please explain what arrangements are in place.</p>

Approved By (Signed)		Job Title		Date	
-------------------------	--	-----------	--	------	--

**All fields on this form must be completed.**

Please return this form to: [TSecretary@tavi-port.nhs.uk](mailto:TSecretary@tavi-port.nhs.uk)  
 Director of HR & Corporate Governance  
 Tavistock & Portman NHS Foundation Trust  
 120 Belsize Lane  
 London  
 NW3 5BA

## DECLARATION OF GIFTS AND HOSPITALITY FORM - GUIDANCE NOTES

<b>Name &amp; job title</b>	Insert your name and your position/role in relation to Tavistock & Portman NHS Foundation Trust
<b>Description of Gift or Hospitality</b>	<p>Provide a description of the gift/hospitality that is being declared. This should contain enough information to be meaningful. This information should enable a reasonable person with no prior knowledge to be able to read this and understand the nature of the interest.</p> <p>The type of issues to be declared on this form include:</p> <ul style="list-style-type: none"> <li>Gifts</li> <li>Hospitality</li> <li>Donations</li> </ul>

**Appendix D – Declaration of Sponsorship Form & Guidance Notes**

**DECLARATION OF SPONSORSHIP FORM**

Receiving sponsorship in return for providing services (even if these services are part of a usual role) can be perceived as an inducement to show favour to a person or organisation in his or her official capacity. Staff are advised to decline such offers, but it is acknowledged there may be occasions when this is not feasible. All staff should conduct themselves with integrity, impartiality and honesty at all times and should maintain high standards of propriety and professionalism.

<b>Details of Employee declaring sponsorship</b>	
<b>Name</b>	
<b>Service Line</b>	
<b>Job Title</b>	
<b>Email Address</b>	
<b>Description of Sponsorship</b>	
<b>Value/Estimated Value</b>	
<b>Purpose of the Offer</b>	
<b>Person/Organisation making the offer</b>	
<b>Relationship with the person offering the sponsorship</b>	
<b>Acceptance of sponsorship</b>	Yes / No

The information submitted will be held by Tavistock & Portman NHS Foundation Trust for personnel and/or other reasons specified on this form and to comply with the Trust's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that Tavistock & Portman NHS Foundation Trust holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the Trust as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then internal disciplinary, or professional regulatory, action may result. Should I provide false or misleading information, I understand that a referral may be made to the Local Counter Fraud Specialist for a Criminal Investigation.

<b>Signature of Employee:</b>	<b>Date:</b>
-------------------------------	--------------

### Line Manager Approval

I approve the sponsorship taken as detailed above.				
Does acceptance of the sponsorship require any special management arrangements? If yes, please explain what arrangements are in place.				
Approved By (Signed)	Job Title	Date		

**All fields on this form must be completed**

Please return this form to: [TSecretary@tavi-port.nhs.uk](mailto:TSecretary@tavi-port.nhs.uk)  
 Director of HR & Corporate Governance  
 Tavistock & Portman NHS Foundation Trust  
 120 Belsize Lane,  
 London  
 NW3 5BA

## DECLARATION OF SPONSORSHIP FORM - GUIDANCE NOTES

<b>Name &amp; Job Title</b>	Insert your name and your position/role in relation to Tavistock & Portman NHS Foundation Trust
<b>Description of Sponsorship</b>	<p>Provide a description of the sponsorship that is being declared. This should contain enough information to be meaningful. This information should enable a reasonable person with no prior knowledge to be able to read this and understand the nature of the interest.</p> <p>The type of issues to be declared on this form include: Sponsored Events Sponsored Research Sponsored Posts</p>
<b>Financial Interests</b>	This is where an individual may get direct financial benefits from the consequences of a decision they are involved in making.
<b>Non-Financial Professional Interests</b>	This is where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or status or promoting their professional career through the sponsorship.
<b>Non-Financial Personal Interests</b>	This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.
<b>Indirect Interests</b>	This is where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.