



Standards of Business Conduct

Policy on Managing Conflicts of Interest; Gifts & Hospitality and Sponsorship

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1. Introduction

The North West Ambulance Service NHS Trust (the 'organisation'), 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 should help ensure that public money is spent efficiently and wisely. But there is a risk that conflicts of interest may arise.

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 an organisation 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 patients.

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...
- Familiarise yourself with this policy and follow it. Refer to the guidance for the rationale behind this policy https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf - Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent - Regularly consider what interests you have and declare these as they arise. If in doubt, declare. NOT misuse your position to further your own interests or those close to you NOT be influenced, or give the impression that you have been influenced by outside interests NOT allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money	- Ensure that this policy and supporting processes are clear and help staff understand what they need to do. - Identify a team or individual with responsibility for: - Keeping this policy under review to ensure they are in line with the guidance. - Providing advice, training and support for staff on how interests should be managed. - Maintaining register(s) of interests. - Auditing this policy and its associated processes and procedures at least once every three years. NOT avoid managing conflicts of interest. NOT interpret this policy in a way which stifles collaboration and innovation with our partners

This policy will help our staff manage conflicts of interest risks effectively. It:

- Introduces consistent principles and rules
- Provides simple advice about what to do in common situations.
- Supports good judgement about how to approach and manage interests

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This policy should be considered alongside the following organisational policies that can be found on the Green Room:

- Anti-Fraud, Bribery & Corruption Policy & Response Plan
- Freedom to Speak Up Policy
- Disciplinary Policy & Procedure

2. 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
- **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.

Section 10 of this policy identifies the sanctions in instances where interests have not been identified, declared or managed appropriately and effectively.

Interests fall into the following categories:

- **Financial interests:**
Where an individual may get direct financial benefit¹ 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 association² with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

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

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

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A list of examples of interests that should be regarded as 'relevant and material' is provided below however is not exhaustive. Further guidance is provided at Annex A:

- Directorships, including non-executive directorships, held in private companies or PLCs
- Ownership or part ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS
- Shareholdings and ownership interests in any publicly listed, private or not might reasonably be expected to do business with the organisation
- A position of authority in another NHS organisation, commercial, charity, voluntary, professional, statutory or other body which could be seen to influence your role within the organisation
- A position on an advisory group or other paid or unpaid decision making forum that could influence how the 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
- A position of influence that exists in the context of the specification for, or award of, a contract
- Any connection with a private, public, voluntary or other organisation contracting for NHS services
- Any other commercial interest relating to any relevant decision to be taken by the organisation.

Conflicts can occur because of interests held by a close family member, business partner, close friend or associate. If staff are aware of material interests (or could be reasonably expected to know about these) then these should be declared. In this context, a close family member is defined as:

- Spouse or civil partner
- Any other person with whom the individual cohabits
- Children or step children
- Parents
- Grandparents
- Siblings.

3. Staff Duties / Responsibilities

At North West Ambulance Service NHS 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 (including Non-Executive Directors);
- All prospective employees – who are part-way through recruitment;
- Previous employees who become a supplier of the Trust;
- Contractors and sub-contractors; and
- Agency staff.

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Decision Making Staff

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

Decision making staff in this organisation are:

- Executive and non-executive directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers' money
- Those at Agenda for Change band 8a and above
- Administrative and clinical staff who have the power to enter into contracts on behalf of their organisation
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment, and formulary decisions

4. Identification, Declaration and Review of Interests

4.1 Identification & declaration of interests (including gifts and hospitality)

All staff, including Directors and Non-Executive Directors, should identify and declare material interests at the earliest opportunity (and in any event within 28 days of the interest occurring). 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).

Registration of Declarations of interest(s) should be made electronically using the form available on the Green Room or by scanning the QR code below.



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Queries relating to declarations should be made to: declarations.inbox@nwas.nhs.uk

After expiry, an interest will remain on register(s) for a minimum of 6 months and a private record of historic interests will be retained for a minimum of 6 years.

All declarations that have been accepted and declined must be reviewed independently by the Director of Corporate Affairs.

4.2 Proactive Review of Interests

We will prompt decision making staff annually to review declarations they have made and, as appropriate, update them or make a nil return. Nil returns will be retained as evidence of compliance with this policy for future use in the event of a challenge. Any staff who fail to respond to the annual review of declarations will be contacted by a member of the Corporate Governance Team, except for where it is known these staff have left the employment of the Trust.

On an annual basis, Non-Executive Directors will be required to review the complete list of declared related parties and make an additional declaration that there are no known relationships between the parties with whom they have declared an interest and the wider pool of declared related parties, or where such relationships do exist to provide details of these.

The Board seeks to encourage a culture of full, complete and transparent disclosure from all staff in order to reach a collective view on potential interests that could arise.

The Director of Corporate Affairs will report annually to the Audit Committee in respect of all declarations, including any breaches and responses.

5. Records and Publication

5.1 Maintenance

The organisation will maintain:

- Register of Board of Directors' Interests
- Register of Interests
- Register of Gifts and Hospitality

All declared interests that are material will be promptly transferred to the register(s) by the Corporate Governance Team.

5.2 Publication

We will:

- Publish the interests declared by Board members and decision making staff in the Register of Interests.
- Refresh this information annually
- Make this information available on the Trust website

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If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Director of Corporate Affairs 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.

5.3 Wider transparency initiatives

North West Ambulance Service NHS 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
- Donations, grants and benefits in kind provided to healthcare organisations

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

<https://www.abpi.org.uk/publications/code-of-practice-for-the-pharmaceutical-industry-2019/>

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 North West Ambulance Service NHS Trust will always clarify the circumstances and issues with the individuals involved. Staff should maintain a written audit trail of information considered and actions taken.

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

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7. Management of Interests – Common Situations

This section sets out the principles and rules to be adopted by staff in common situations, and what information should be declared.

7.1 Gifts

Staff should not accept gifts that may affect, or be seen to affect, their professional judgement. Staff should also consider those relationships outlined in Section 2, that may potentially create any threats to independence in relation to gifts and hospitality.

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 £6.00 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.
 - Gifts valued at over £50 should be treated with caution and only be accepted on behalf of North West Ambulance Service NHS Trust Charitable Funds and not in a personal capacity. **These should be declared by staff.**
- 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.

What should be declared?

- Staff name and their role with the organisation.
- A description of the nature and value of the gift, including its source.
- Whether the gift was accepted or rejected
- 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).

7.2 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.

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Meals and refreshments:

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

What should be declared?

- Staff name and their role with the organisation.
- The nature and value of the hospitality including the circumstances.
- Whether the hospitality was accepted or rejected
- 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).

Registration of Gifts and Hospitality should be made electronically using the form on the Green Room or by using the following link: [Gifts and Hospitality Form](#)

Once the form is completed and submitted, an independent review of the declaration will be undertaken by the Director of Corporate Affairs.

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7.3 Outside Employment

Outside employment means employment and other engagements, outside of formal employment arrangements. The list below is not exhaustive but can include:

- Directorships
 - Non-Executive roles
 - Self-employment
 - Consultancy Work
 - Charitable Trustee roles
 - Political Roles
 - Roles within Not-for-Profit organisations
 - Paid advisory positions; and
 - Paid honorariums relation to bodies likely to do business with the organisation.
 - Employment with another NHS organisation/non-NHS organisation
 - Employment with another organisation which might be in a position to supply goods/services to the organisation;
- 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 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 organisation to engage in outside employment.

The organisation may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk of a conflict.

Secondary Employment Application forms are available from the intranet site. All application forms need to include formal permission from Line Managers to ensure there is no detrimental impact on an individual's work and that there are no conflicts of interest. Where conflicts/risks have been identified by the Line Manager, the staff member should complete a Declaration of Interests form and include the agreed actions/mitigations that provides safeguards for both the Trust and the staff member concerned. The declaration will require further independent review and approval or rejection should sufficient mitigations not be provided, by the Director of Corporate Affairs/Chief Executive/relevant Director.

The Corporate Governance Team will liaise with the relevant Director to ensure regular active monitoring of the implemented safeguards and mitigations recorded on the Declaration of Interest are being undertaken.

What should be declared?

- Staff name and their role with the organisation.
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- Relevant dates.

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- 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).

7.4 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 organisation.

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.

What should be declared?

- Staff name and their role with the organisation.
- 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).

7.5 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 ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the organisation.
- Staff should seek prior permission from the organisation before entering into any agreement with bodies regarding product development, research, work on pathways etc, where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.
- Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.

What should be declared?

- Staff name and their role with the organisation.
- 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)

7.6 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, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.

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- 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 their organisation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

What should be declared?

- Staff name and their role with the organisation.
- 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).

7.7 Political Interests

Membership of a political party may present a conflict of interest. The extent of involvement in a political party will be judged on the nature and level of the individual's role. Individuals may be asked for the name of the organisation to which the political involvement relates if it is relevant for considering the declaration.

If individuals are involved in political activity they must not use the Trust's name or make reference to their engagement with the Trust to further their political objectives, nor should individuals engage in any political activity during the course of their employment or on Trust property.

What should be declared?

- Employees name and name of political party
- Nature of the loyalty interest
- Relevant dates
- Other relevant information (eg action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

7.8 Donations

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

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- 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.

What should be declared?

- The organisation will maintain records in line with the above principles and rules and relevant obligations under charity law.

7.9 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 the organisations and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information should be supplied to the sponsor from whom they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
- At the organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified.
- Staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Staff arranging sponsored events must declare this to the organisation.

What should be declared?

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

7.10 Sponsored Research

- Funding sources for research purposes must be transparent.
- Any proposed research must go through the relevant health research authority or other approvals process.
- There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.
- Staff should declare involvement with sponsored research to the organisation.

What should be declared?

- The organisation will retain written records of sponsorship of research, in line with the above principles and rules.

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- Staff should declare:
 - their name and their role with the organisation.
 - Nature of their involvement in the sponsored research.
 - relevant dates.
 - 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).

7.11 Sponsored Posts

- External sponsorship of a post requires prior approval from the organisation.
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

What should be declared?

- The organisation 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.

7.12 Clinical private practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises including:

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

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

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines, which can be found [here](#)

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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.

What should be declared?

- Staff name and their role with the organisation.
- A description of the nature of the private practice (e.g. what, where and when staff practise, sessional activity, etc).
- Relevant dates.
- 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).

9. Management of Interests – Advice in Specific Contexts

9.1 Strategic decision making groups

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

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

It is important that the interests of those involved in these groups are well known to ensure they are 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 organisation's register(s).
- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement.

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

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

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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.

See Annex B – Declarations of Interest Flow chart.

9.2 Procurement

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

The Procurement Team are required to provide declarations of interest prior to any involvement in procurement exercises for and on behalf of the Trust. These records will provide 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.

Prior to the commencement of any procurement exercise, the Register of Interests should be consulted prior to issuing an invitation to tender. Where relevant interests have been identified, and where necessary, precautionary steps should be taken to ensure that the member of staff declaring the relevant interest is isolated from the procurement exercise.

The contents of the register of interests should be used to periodically interrogate the supplier and customer ledgers to ensure that all connected party transactions are identified, considered and completed in an open, transparent and arm's length basis.

10. 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'.

10.1 Identifying and reporting breaches

Staff who are aware of 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 Corporate Affairs and/or make representations to the Trust's nominated Anti-Fraud Specialist.

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. Further information about how concerns should be raised can be found in the Freedom to Speak Up Policy, the Anti-Fraud, Bribery and Corruption Policy and Freedom to Speak Up Policy.

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

Following investigation the organisation will:

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- 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 the staff member and their line manager, as a minimum.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action as set out in the next section.

10.2 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 organisation and could involve organisational leads for staff support (e.g. Human Resources); fraud, bribery and corruption (e.g. Anti-Fraud Specialists); members of the management or executive teams and organisational auditors.

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

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

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

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

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

10.3 Learning and transparency concerning breaches

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

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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 on the Trust website as appropriate, or made available for inspection by the public upon request.

11. Personal Conduct

11.1 Corporate Responsibility

All officers have a responsibility to respect and promote the corporate or collective decision of the organisation, even though this may conflict with their personal views. There may be instances where individuals are invited to comment on issues where the organisation has not agreed a response, in these circumstances it should be made clear this is a personal view and not the view of the organisation.

When speaking as a member of the organisation, whether to the media, in a public forum or in a private or informal discussion, officers should ensure that they reflect the current policies or view of the organisation. For any public forum or media interview, approval should be sought in advance from:

- In the case of the Board of Directors, from the Chairman and/or Chief Executive or their nominated deputies, and Communications Team;
- All other officers should contact the Communications Team for approval and guidance in these circumstances.

11.2 Use of Social Media

Officers should be aware that social networking websites are public forums and should not assume that their comments will remain private. Officers communicating via social media must comply with the Social Media Policy. Officers must not:

- Conduct themselves in a way that brings the organisation into disrepute;
- Disclose information that is confidential to the organisation, staff or service users.
- Staff should refer to the Trust's Social Media Policy for further guidance.

11.3 Gambling

No officer may bet or gamble when on duty or on the organisation's premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or Grand National, among immediate colleagues within the same offices where no profits are made or the lottery is wholly for purposes that are not for private or commercial gain.

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11.4 Lending and Borrowing

The lending or borrowing of money between officers should be avoided, whether informally as a business, particularly where the amounts are significant.

It is a particularly serious breach of discipline for any officer to use their position to place pressure on someone on a lower payband, a business contact, or a member of the public to loan them money.

11.5 Trading on the organisation's Premises

Trading on Trust official premises is prohibited, whether for personal gain or on behalf of others. This includes but is not limited to:

- Flyers advertising services/products in common areas
- Catalogues in common areas
- Staff must not use their Trust email address to generate income for personal gain or on behalf of others.

Canvassing within the office by, or on behalf of, outside bodies or firms is also prohibited. Trading does not include small tea or refreshment arrangements solely for officers.

12. Review

This policy will be reviewed every three years unless an earlier review is required. This will be led by the Director of Corporate Affairs.

13. Associated Documentation

- Freedom of Information Act (2000)
- Data Protection Act 2018
- NHS England Guidance – Managing Conflicts within the NHS
- The Code of Practice for the Pharmaceutical Industry 2019
- Code of Conduct: Code of Accountability in the NHS 2004
- Anti-Fraud, Bribery & Corruption Policy & Response Plan
- Freedom to Speak Up Policy
- Disciplinary Policy and Procedure
- Social Media Policy

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Appendix 1

Examples of Types of Interest (not exhaustive)

Type of Interest	Description
Financial Interest	This is where an individual may get direct financial benefit from the consequences of a decision they are involved in making. This could, for example, include being: • A director (including non-executive director) or senior employee in another organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding; • A shareholder, partner, or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding; • Someone in secondary employment • Someone in receipt of secondary income • Some in receipt of a grant • Someone in receipt of other payments (eg honoraria, day allowances, travel or subsistence) • Someone in receipt of sponsored research.
Non-financial professional interests	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. This could include situations where the individual is: • An advocate for a particular group of patients; • A clinical with a special interest • An active member of a particular specialist body • An advisor for the CQC or National Institution of Health and Care Excellence • A research role.
Non-financial personal interests	This is where an individual may benefit personally in ways that are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions that are involved in making in their professional career. This could include where the individual is: • A member of a voluntary sector board or has a position of authority within a voluntary organisation • A member of a lobbying or pressure group with an interest in health and care
Indirect interests	This is where an individual has a close association with an individual who has a financial interest, a non-professional personal interest or a non-financial personal interest who would stand to benefit from a decision they are involved in.
Loyalty interests	As part of their role, officers may need to build strong relationships with colleagues across the NHS and in other sectors. These relationships can be hard to define as they may often fall into the category of indirect interests. They are unlikely to be directed by any formal process or managed via any contractual means, however these 'loyalty' interests can influence decision making.

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Appendix 2

Declarations of Interest Flowchart



