

Gifts, Hospitality, Sponsorship and Declaration of Interest Policy

V6.0

January 2021

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"> • 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 	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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

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Data Protection Act 2018 (General Data Protection Regulation – GDPR) Legislation

The Trust has a duty under the DPA18 to ensure that there is a valid legal basis to process personal and sensitive data. The legal basis for processing must be identified and documented before the processing begins. In many cases we may need consent; this must be explicit, informed and documented. We cannot rely on opt out, it must be opt in.

DPA18 is applicable to all staff; this includes those working as contractors and providers of services.

For more information about your obligations under the DPA18 please see the *Information Use Framework Policy* or contact the Information Governance Team
rch-tr.infogov@nhs.net

1. Introduction

1.1. Royal Cornwall Hospitals 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.

1.2. 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.

1.3. 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.

1.4. This version supersedes any previous versions of this document.

2. Purpose of this Policy/Procedure

2.1. This policy will help our staff manage conflicts of interest risks including how to address issues around gifts, hospitality and sponsorship 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

2.2. This policy should be considered alongside these other organisational policies:

- Values and Behaviours Framework
- Procurement Policy
- Additional Employment Policy

3. Scope

The policy applies to:

- All salaried employees, including consultants
- All prospective employees – who are part-way through recruitment
- The Board of Directors
- Contractors and sub-contractors
- Agency staff; and
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation)

4. Definitions / Glossary

4.1. 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."

4.2. 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

4.3. 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. Ownership and Responsibilities

5.1. *Role of Company Secretary*

- The Company Secretary is responsible for the implementation of this policy.
- Receiving and reviewing all completed declarations or interests and gifts and hospitality forms and providing advice on such matters.
- Holding a register of declared interests and gifts, hospitality and sponsorship register, and providing appropriate reports on the register.
- Providing advice and support on any issues arising from the implementation of this policy.

5.2. *Role of Line Managers / Service Associate Directors and other Senior Managers*

- Ensuring staff are aware of and compliant with this Policy, and providing support and guidance to staff.
- Evaluating any request for hospitality or commercial sponsorship, providing advice and making decisions as to whether these can be accepted.

5.3. *Role of Executive Directors*

- Monitoring whether potential suppliers are making inappropriate offers to the Trust's staff; and acting promptly should such approaches be made.

5.4. *Role of the Audit and Risk Assurance Committee*

- The Audit and Risk Assurance Committee is responsible for:
- Monitoring compliance of the Policy and approving updates to policy in accordance with Standing Orders and Standing Financial Instructions.

- Receive annual reports on interest declarations of gifts, hospitality, sponsorship and conflicting interests.

5.5. ***Role of Individual Staff***

All staff members are responsible for:

- Ensuring that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their duties at work.
- Ensuring that they are not placed in a position which creates a sense of obligation, or where their actions could be constituted as giving or receiving an incentive or bribe. In particular, staff should:
 - Declare and record financial or personal interests in any organisation with which they have dealings.
 - Refuse gifts, benefits, hospitality or sponsorship of any kind which might reasonably be seen to compromise their personal judgement or integrity or constitute an incentive or bribe.
 - Declare and register gifts, benefits or sponsorship of any kind with their line manager, Associate Director or a member of the Executive Team.

6. **Standards and Practice**

6.1. ***Interests***

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; and
- **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.

6.1.1. ***Staff***

In the organisation 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

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.

- 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 organisation)

6.1.2. 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 (excluding Associate Non-Executive Directors) who have decision making roles which involve the spending of taxpayers' money
- Those at Agenda for Change band 8d and above
- Staff in the Procurement Team that have a level of influence with suppliers and make procurement related decisions
- All staff listed as having delegated financial authorities per the Scheme of Reservation and Delegation
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services;

6.1.3. Identification, declaration and review of interests

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

- On appointment with the organisation.
- When staff move to a new role or their responsibilities change significantly.
- At the beginning of a new project/piece of work.
- As soon as circumstances change and new interests arise (for instance, in a meeting when interests staff hold are relevant to the matters in discussion).

Staff should declare their interests on the Employee Staff Record (ESR) module 'Conflicts of Interests'. This can be found under the 'My Personal Information' section of ESR. Guidance on what details to provide for different types of declaration are given in this policy.

Managers can review declarations made by their direct reports and add any comments (e.g. approvals; note of a discussion) by clicking on 'Conflict of Interest Declarations' under 'My Team Personal Information'

For any questions, please contact the Company Secretary at rcht.corporategovernance@nhs.net

The Company Secretary will:

- Provide advice, training and support to staff on how interests should be managed, during induction and on an on-going basis;
- Maintain the register(s) of interests
- Audit the policy, process and procedures relating to this guidance on a regular basis, and at least every three years

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

6.1.4. Proactive Review of Interests

All staff will be emailed at least twice a year, reminding them of the need to report any conflicts of interest, and any hospitality and gifts received. Decision making staff will be contacted individually and asked to review existing declarations made, and, as appropriate, update them or make a nil return

6.1.5. Records and Publication

- The organisation will maintain the following registers:
 - The register of interest for the Board of Directors
 - The register of interest for all other staff
- All declared interests that are material will be promptly transferred to the register.
- The register of interests for the Board of Directors is part of the public Board papers and therefore is placed on the Trust's website before every public Board meeting.
- The register of interest for decision-making staff will be presented to the Board on an annual basis as part of a public Board meeting and will, therefore, appear on the Trust's website.
- If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Company Secretary to explain why. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, information may be withheld or redacted on public registers. However, this would be the exception and information will not be withheld or redacted merely because of a personal preference.

6.1.6. Wider Transparency Initiatives

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

6.1.7. Management of Interests – General

- If an interest is declared but there is no risk of a conflict arising then no action is warranted. However, if a material interest is declared then the general management actions that could be applied include:
 - restricting staff involvement in associated discussions and excluding them from decision making
 - removing staff from the whole decision making process
 - removing staff responsibility for an entire area of work
 - removing staff from their role altogether if they are unable to operate effectively in it because the conflict is so significant
- Each case will be different and context-specific, and the organisation 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.
- In the case were a dispute arises about the most appropriate management action should be referred to the Company Secretary in the first instance.

6.1.8. Management of Interests - Outside Employment

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.

- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks, in addition the HR Department should be contacted and the “Additional Employment Policy” consulted and the guidance therein followed.
- 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.

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.
- 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).

6.1.9. Management of Interests - 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).

6.1.10. Management of Interests - 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)

6.1.11. Management of Interests - 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.
- 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).

6.1.12. Management of Interests - Clinical Private Practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises³ including:

³ 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

- 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.⁴
- 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/No-n-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.

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).

6.1.13. Management of Interests – 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.

The interests of those who are involved in these groups should be well known so that they can be managed effectively. For this organisation these groups are: the organisation's Board of Directors; Finance and Performance Committee; Audit & Risk Assurance Committee.

⁴ 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

These groups should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests.
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise.
- Any new interests identified should be added to the organisation's register(s).
- The vice chair (or other non-conflicted member) should chair all or part of the meeting if the chair has an interest that may prejudice their judgement.

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

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

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

6.1.14. Procurement

- Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.
- Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

6.2. Gifts, Hospitality and Sponsorship

- The register of hospitality, gifts and sponsorship received by **all** members of staff will be presented to the Board on an annual basis as part of a public Board meeting and will, therefore, appear on the Trust's website.
- If decision making staff have substantial grounds for believing that

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

6.2.1. Gifts

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

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £65 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 the organisation 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.
- 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).

⁵ The £25 value has been selected with reference to existing industry guidance issued by the ABPI:
<http://www.pmcpcpa.org.uk/thecode/Pages/default.aspx>

6.2.2. 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.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £756 - 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.
- 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).

⁶ The £75 value has been selected with reference to existing industry guidance issued by the ABPI
<http://www.pmcps.org.uk/thecode/Pages/default.aspx>

6.2.3. Donations

- Donations made by suppliers or bodies seeking to do business with the organisation should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.
- Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for the organisation, or is being pursued on behalf of the organisation's own registered charity or other charitable body and is not for their own personal gain.
- Staff must obtain permission from the organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the organisation's own.
- Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.
- Staff wishing to make a donation to a charitable fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring 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.

6.2.4. 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.

6.2.5. 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.
- 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).

6.2.6. 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.

6.3. Dealing with Breaches

There will be situations when interests and declarations regarding hospitality, gifts and sponsorship 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’.

6.3.1. 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 their respective line manager in the first instance
- To ensure that interests and declarations regarding hospitality, gifts and sponsorship are effectively managed staff are encouraged to speak up about actual or suspected breaches. Every individual has a responsibility to do this. In case of doubt the issue should be raised with the Company Secretary or the Local Counter Fraud Specialist.
- The organisation will investigate each reported breach according to its own specific facts and merits, and give relevant parties the opportunity to explain and clarify any relevant circumstances.
- Following investigation the organisation will:
 - Decide if there has been or is potential for a breach and if so 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 organisation should be made aware
 - Take appropriate action as set out in the next section.

6.3.2. 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 (e.g. Local Counter Fraud Specialists), members of the management or executive teams and organisational auditors.

- Breaches could require action in one or more of the following ways:
 - Clarification or strengthening of existing policy, process and procedures.
 - Consideration as to whether HR/employment law/contractual action should be taken against staff or others.
 - Consideration being given to escalation to external parties. This might include referral of matters to external auditors, NHS Protect, the Police, statutory health bodies (such as NHS England, NHS Improvement or the CQC), and/or health professional regulatory bodies.
- Inappropriate or ineffective management of interests can have serious implications for the organisation and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.
- Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish 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:
 - 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).
- Employment law action against staff, which might include
 - Informal action (such as reprimand, or signposting to training and/or guidance).
 - Formal disciplinary action (such as formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion, or dismissal).
- Reporting incidents to the external parties described above for them to consider what further investigations or sanctions might be.
- Contractual action, such as exercise of remedies or sanctions against the body or staff which caused the breach.
- Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation.

6.3.3. Learning and Transparency Concerning Breaches

- Reports on breaches, the impact of these, and action taken will be considered by the Audit and Risk Assurance Committee at least annually.
- 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 organisation's website as appropriate, or made available for inspection by the public upon request.

7. Dissemination and Implementation

7.1. This policy document will be held in the public section of the Documents Library with unrestricted access, replacing the previous version which will be archived in accordance with the Trust Information Lifecycle and Corporate Records Management Policy.

7.2. The policy will be disseminated to Care Group Management Teams and Specialty Governance Leads when it is published. Word versions of the notification forms are available from the Clinical Effectiveness intranet site.

8. Monitoring compliance and effectiveness

Element to be monitored	Compliance with Policy
Lead	Company Secretary
Tool	Review of register using audit and review tool
Frequency	Annually
Reporting arrangements	The Audit and Risk Assurance Committee will receive a copy of the Declaration of Interest Register and the Gifts, Hospitality and Sponsorship Register bi-annually. The Trust Board will receive the Declaration of Board Members Interest at every meeting.
Acting on recommendations and Lead(s)	Recommendations and actions arising from the annual review will be agreed with leads identified and deadlines for completion.
Change in practice and lessons to be shared	Company Secretary

9. Updating and Review

The policy will be reviewed after three years or earlier in view of development which may include legislative changes, national policy instruction or Trust Board decision.

10. Equality and Diversity

10.1. This document complies with the Royal Cornwall Hospitals NHS Trust service Equality and Diversity statement which can be found in the ['Equality, Diversity & Human Rights Policy'](#) or the [Equality and Diversity website](#).

10.2. Equality Impact Assessment

The Initial Equality Impact Assessment Screening Form is at Appendix 2.

Appendix 1. Governance Information

Document Title	Gifts, Hospitality, Sponsorship and Interest Policy V6.0		
This document replaces (exact title of previous version):	Gifts, Hospitality, Sponsorship and Declaration of Interest Policy V5.0		
Date Issued/Approved:	31 January 2020		
Date Valid From:	January 2021		
Date Valid To:	January 2024		
Directorate / Department responsible (author/owner):	Siân Millard, Company Secretary		
Contact details:	01872 256343		
Brief summary of contents	Policy guidance regarding the declaration and recording of gifts, hospitality, sponsorship and staff conflict of interests		
Suggested Keywords:	Gifts, Hospitality, Declaration Of Interest, Conflict of Interest		
Target Audience	RCHT	CFT	KCCG
	✓		
Executive Director responsible for Policy:	Chief Executive		
Approval route for consultation and ratification:	Executive Board Audit and Risk Assurance Committee		
General Manager confirming approval processes	Company Secretary		
Name of Governance Lead confirming approval by specialty and care group management meetings	Siân Millard		
Links to key external standards	Standing Orders, Standing Financial Instructions and Scheme of Delegation and Reservation		
Related Documents:	Links to Further Guidance:		
	NHSE Guidance for Managing Conflicts in the NHS: https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf		
	Q&A for Managers: https://www.england.nhs.uk/wp-content/uploads/2017/09/coi-qa-provider-managers.pdf		
	Q&A for Medical Staff: https://www.england.nhs.uk/wp-		

	content/uploads/2017/09/coi-qa-medical-staff.pdf Q&A for Clinical Staff: https://www.england.nhs.uk/wp-content/uploads/2017/09/coi-qa-clinical-staff.pdf		
Training Need Identified?	No		
Publication Location (refer to Policy on Policies – Approvals and Ratification):	Internet & Intranet	✓	Intranet Only
Document Library Folder/Sub Folder	Chief Executive / Corporate Services		

Version Control Table

Date	Version No	Summary of Changes	Changes Made by (Name and Job Title)
January 2012	V1.0	Initial version	Corporate Service Team
November 2013	V2.0	No changes recorded	Corporate Service Team
August 2016	V3.0	No changes recorded	Corporate Service Team
June 2018	V4.0	No changes recorded	Corporate Service Team
31 January 2020	V5.0	Updated April 2019 policy to ensure compliance with Policy on Policy	Lynsey Neave
November 2020	V6.0	Updated with clarification on decision-making staff and introduction of ESR module on 'conflicts of Interests' as the means by which the Trust will collect and publish interests for staff	Siân Millard, Company Secretary

All or part of this document can be released under the Freedom of Information Act 2000

This document is to be retained for 10 years from the date of expiry.
This document is only valid on the day of printing

Controlled Document

This document has been created following the Royal Cornwall Hospitals NHS Trust Policy for the Development and Management of Knowledge, Procedural and Web Documents (The Policy on Policies). It should not be altered in any way without the express permission of the author or their Line Manager.

Appendix 2. Equality Impact Assessment

Section 1: Equality Impact Assessment Form						
Name of the strategy / policy / proposal / service function to be assessed Gifts, Hospitality, Sponsorship and Interest Policy V6.0						
Directorate and service area: Corporate			Is this a new or existing Policy? Existing			
Name of individual/group completing EIA Company Secretary			Contact details: 01872 256343			
1. Policy Aim Who is the strategy / policy / proposal / service function aimed at?		To highlight to all staff their potential exposure to breach of the Trust's governance regulations, caused by offer of gifts and hospitality and through conflicts of interest.				
2. Policy Objectives		To educate all employees of the Trust to avoid actions that might compromise their compliance with the Trust's regulations.				
3. Policy Intended Outcomes		Improved understanding of risk of exposure to conflict of interest.				
4. How will you measure the outcome?		Through notification and management of potential conflicts and offers of gifts and hospitality				
5. Who is intended to benefit from the policy?		All staff, through reduction of the risk of making inappropriate decisions. The Trust, through reduced exposure to potentially inappropriate decisions.				
6a). Who did you consult with?		Workforce	Patients	Local groups	External organisations	Other
		X				
b). Please list any groups who have been consulted about this procedure.		Please record specific names of groups: Operational Board Audit and Risk Assurance Committee				
c). What was the outcome of the consultation?		Agreed				

7. The Impact				
Please complete the following table. If you are unsure/don't know if there is a negative impact you need to repeat the consultation step.				
Are there concerns that the policy could have a positive/negative impact on:				
Protected Characteristic	Yes	No	Unsure	Rationale for Assessment / Existing Evidence
Age		X		
Sex (male, female non-binary, asexual etc.)		X		
Gender reassignment		X		
Race/ethnic communities /groups		X		
Disability (learning disability, physical disability, sensory impairment, mental health problems and some long term health conditions)		X		
Religion/ other beliefs		X		
Marriage and civil partnership		X		
Pregnancy and maternity		X		
Sexual orientation (bisexual, gay, heterosexual, lesbian)		X		
<p>If all characteristics are ticked 'no', and this is not a major working or service change, you can end the assessment here as long as you have a robust rationale in place.</p> <p>I am confident that section 2 of this EIA does not need completing as there are no highlighted risks of negative impact occurring because of this policy.</p>				
Name of person confirming result of initial impact assessment:			Siân Millard, Company Secretary	
<p>If you have ticked 'yes' to any characteristic above OR this is a major working or service change, you will need to complete section 2 of the EIA form available here:</p> <p>Section 2. Full Equality Analysis</p> <p>For guidance please refer to the Equality Impact Assessments Policy (available from the document library) or contact the Human Rights, Equality and Inclusion Lead debby.lewis@nhs.net</p>				