

Standards of Business Conduct, Conflicts of Interest, Gifts and Hospitality Policy

**(including
Sponsorship and Advertising)**

Reference No:	P_CoG_03
Version:	6
Ratified by:	LCHS Trust Board
Date ratified:	10 March 2020
Name of originator/author:	Head of Corporate Governance
Name of responsible committee/individual:	Finance, Performance and Investment Committee
Date issued:	March 2020
Review date:	March 2022
Target audience:	All staff
Distributed via:	Website

Lincolnshire Community Health Services NHS Trust

Version Control Sheet

Standards of Business Conduct and Conflicts of Interest Policy (Including Hospitality, Gifts, Sponsorship and Advertising)

Version	Section/Para /Annex	Version/Description of Amendments	Date	Author/Amended By
1.0	Adopted from NHSL	Policy Rebranded	December 2011	Bev Wormald
2.0	All	Complete review of policy plus addition of Commercial Sponsorship and Advertising sections	December 2012	Karen Stinson
3.0	All	Full review and update of terminology and inclusion of paragraph re: charitable funds	November 2014	Corporate Assurance Manager
4.0	All	Full review and update	March 2016	Corporate Assurance Manager
5.0	All	Full review and update to include new guidance	May 2017	Corporate Assurance Manager
5.1	Section 11.8	Minor amendment – change to UK data protection legislation	March 2018	Corporate Assurance Manager
6	All	Full review and update	November 2019	Deputy Head of Corporate Governance

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Lincolnshire Community Health Services NHS Trust

Policy Statement

Standards of Business Conduct and Conflicts of Interest Policy (Including Hospitality, Gifts, Sponsorship and Advertising)

Background	All staff have a personal responsibility to make sure that they are not placed in a position which risks, or appears to risk, a conflict between their private interests and their NHS duties or allegations of their official position.
Statement	<p>This policy informs staff and Non-Executive Directors about:</p> <p>The personal requirements they must observe before accepting any hospitality and/or gifts of inducement guidelines to maintain the highest standards of probity and to provide assurance that any relationships entered into leads to clear benefit for the NHS</p> <p>Clear guidelines on the acceptance of advertising and sponsorship, including advertisements displayed in public areas, in patient information or any other forms of literature or other medium bearing the Lincolnshire Community Health Services NHS Trust name or logo.</p>
Responsibilities	Compliance with the policy will be the responsibility of all Board members and staff. The policy is intended to help staff to recognise and accept this responsibility and to ensure a register of acceptances and refusals is maintained.
Training	The Trust maintains a responsibility to raise awareness of the process to all staff and advise staff on access arrangements to view this policy. Should any members of staff have any difficulties in viewing, understanding or complying with this policy due to training issues, they should bring this to the attention of their line manager who will address any specific training needs.
Dissemination	Website
Resource implication	<p>This policy is intended to ensure that staff are:</p> <ul style="list-style-type: none">• Aware of the need to act impartially in all of their work• Protect all staff against the possibility of accusations of corruptive practice• Uphold the established principles of business conduct within the NHS and the public sector• Uphold the reputation of Lincolnshire Community Health Services NHS Trust and its staff in the way it conducts its business• Uphold the principles of openness.

Lincolnshire Community Health Services NHS Trust

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Standards of Business Conduct and Conflicts of Interest Policy (Including Hospitality, Gifts, Sponsorship and Advertising)

1 Policy Summary

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

As a member of staff you should...	As an organisation we will...
<ul style="list-style-type: none"> • 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

2 Introduction

Lincolnshire Community Health Services NHS Trust (LCHS), and the people who work with and for the Trust, 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 a Trust and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of patients.

3 Purpose

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

This policy should be considered alongside these other Trust policies:

- Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions
- Anti-Bribery Policy
- Countering Fraud and Corruption Policy
- Additional Employment Policy
- LCHS Whistleblowing Policy

4 Key terms

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.

5 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.
- **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 Staff

At Lincolnshire Community Health Services 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 staff members employed by the Trust including all executive and non-executive directors.
- 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)

7 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:

Trust Board - The Trust Board has ultimate responsibility for the organisation for the standards of business conduct within the organisation together with the monitoring of all sponsorship and advertising. Oversight of this will be delegated to the Audit Committee who will provide reports to the Trust Board to highlight any issues which may need to have a strategic direction or which may impact on the reputation, values or the established principles of business conduct.

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.

Trust Leadership Team - The Trust Leadership Team will be notified and review all offers of sponsorship and advertising from commercial companies. They will be responsible for the organisation of such proposals, with specific consideration for all advertising relating to commercial organisations which may require discretionary approval. In addition any offers of hospitality or gifts which may exceed £200 will also be notified to the Trust Leadership Team by the Head of Corporate Governance.

Managers - All managers should ensure that all offers of hospitality, gifts, sponsorship and advertising received by their staff are recorded locally and where appropriate notified to the Head of Corporate Governance on the appropriate form. It is stressed that Managers should ensure that no member of staff accepts such an offer without prior approval, in line with the content of this Policy.

Other staff - Trust staff who have the authority to enter into contracts on behalf of the Trust or who are involved in decision making decisions concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment and formulary decisions.

8 Identification, declaration and review of interests

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

All staff should identify and declare material interests at the earliest opportunity (and in any event within 28 days). 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).

Declaration of interest(s) and declaration of gifts and hospitalities forms are available at Appendix 1 and 2 to this policy.

All declaration of interests and offers of hospitality, gifts, sponsorship and advertising must be notified to the Head of Corporate Governance, who will manage and maintain a register of all such proposals. A copy of this register will be submitted, along with details of the monetary value of arrangements entered into, to the Audit Committee on a regular basis for review and audit. The register will also be available for inspection by members of the Trust, staff and public by prior arrangement. In addition, the Head of Corporate Governance will ensure that all requests for sponsorship and advertising are submitted to the Trust Leadership Team for approval.

The Audit Committee have responsibility, on behalf of the Trust Board, to review risks, controls and assurance in relation to proposals outlined within this policy. The Head of Corporate Governance will provide the Audit Committee with a copy of the register held to record declarations of interests and provision of hospitality, gifts, sponsorship and advertising, together with details of the monetary value of arrangements entered into. Audit Committee will provide Trust Board with reports by exception on any issues which require further strategic direction or may impact on the reputation, values or the established principles of business conduct. They will also monitor compliance and effective development and implementation of this policy.

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.

8.2 Proactive review of interests

The Trust will prompt decision making staff to review declarations they have made annually and, as appropriate, update them or make a nil return.

9 Records and publication

9.1 Maintenance

The organisation will maintain a register for recording all declarations of interests and a register for recording all gifts, hospitalities, advertising and sponsorship.

All declared interests (including gifts, hospitalities, advertising and sponsorship, that are material will be promptly transferred to the appropriate register by the Head of Corporate Governance.

9.2 Publication

The Trust will:

- Publish the interests declared by decision making staff in the Declaration of Interests Register and Gifts, Hospitalities, Advertising and Sponsorship Register.
- Refresh this information annually
- Make this information available on the Trust website.

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

9.3 Wider transparency initiatives

Lincolnshire Community Health Services 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:

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

10 Management of interests – general

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

- restricting 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 Lincolnshire Community Health Services 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.

11 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.

11.1 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 Trust should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6³ 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 Lincolnshire Community Health Services NHS Trust through 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.

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

11.1.1 What should be declared

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

11.2 Hospitality

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. This can be accepted, and must be declared, if modest and reasonable. Senior approval must be obtained.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75⁴ - may be accepted and must be declared.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Trust'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 Trust itself might not usually offer, need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the Trust's register(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.

11.2.1 What should be declared

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

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

11.3 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.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the Trust to engage in outside employment.

The Trust 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. A Policy has been developed in order to clarify the Trust's position towards employees undertaking additional employment with other organisations and to confirm the arrangements to be adopted. P_HR_39 Additional Employment Policy sets out the principles to be adhered to.

11.3.1 What should be declared

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

11.4 Shareholdings and other ownership issues

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

11.4.1 What should be declared

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

11.5 Patents

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

11.5.1 What should be declared

- Staff name and their role with the Trust.
- A description of the patent.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy)

11.6 Loyalty interests

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

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

11.6.1 What should be declared

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

11.7 Donations

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

11.7.1 What should be declared

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

11.8 Sponsored events

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

11.8.1 What should be declared

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

11.9 Sponsored research

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

11.9.1 What should be declared

- The Trust will retain written records of sponsorship of research, in line with the above principles and rules.
- Staff should declare:
 - their name and their role with the Trust.
 - 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).

11.10 Sponsored posts

- External sponsorship of a post requires prior approval from the Trust.
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which the Trust has the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.

- Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

11.10.1 What should be declared

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

11.11 Clinical Private Practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises⁵ including:

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

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

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

Hospital Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other staff to initiate such discussions on their behalf.

11.11.1 What should be declared

- Staff name and their role with the Trust.
- A description of the nature of the private practice (e.g. what, where and when staff practice, 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).

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

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

12. Management of interests – advice in specific contexts

12.1 Strategic decision making groups

In common with other NHS bodies Lincolnshire Community Health Services NHS Trust 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 Trust these groups are:

- Trust Board
- Trust Leadership Team
- Quality and Risk Committee
- Audit Committee
- Finance, Performance and Investment Committee
- People Executive Group
- Medical Devices

These groups should adopt the following principles:

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

12.2 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.

Those involved in procurement exercises for and on behalf of the Trust 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.

13. 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'.

13.1 Identifying and reporting breaches

Staff who are aware about actual breaches of this policy, or who are concerned that there has been, or may be, a breach can report these concerns to any of the following:

- Director of Finance
- Head of Corporate Governance Counter 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. For further information about how concerns should be raised please refer to the Trust Whistleblowing Policy which is available on the Trust website.

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

Following investigation the Trust will:

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

13.2 Taking action in response to breaches

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

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

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

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

Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrong-doing or fault then the Trust can and will

consider the range of possible sanctions that are available, in a manner which is proportionate to the breach. This includes:

- Employment law action against 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.

13.3 Learning and transparency concerning breaches

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

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

14 Review

This policy will be reviewed every two year unless an earlier review is required. This will be led by the Trust Board Secretary.

15 Associated documentation

Freedom of Information Act 2000

ABPI: The Code of Practice for the Pharmaceutical Industry (2014)

ABHI Code of Business Practice

NHS Code of Conduct and Accountability (July 2004)

Bribery Act 2010

Standards of Business Conduct for NHS staff (NHS England and NHS Improvement 2019)

Code of Practice for the Promotion of NHS Funded Services (Department of Health 2008)

Commercial Sponsorship: Ethical Standards for the NHS (Department of Health 2000)

Standards for Members of NHS Boards and Clinical Commissioning bodies in England (Professional Standards Authority 2013)

Ethical Standards for NHS Board Members in England: Interim Report (CHRE, 2011)

LCHS Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions

LCHS Anti-Bribery Policy

LCHS Countering Fraud and Corruption Policy

LCHS Additional Employment Policy

LCHS Whistleblowing Policy

Lincolnshire Community Health Services NHS Trust

DECLARATION OF INTERESTS

The NHS Code of Accountability requires Lincolnshire Community Health Services NHS Trust Board members to declare interests which are relevant to the NHS organisation of which they are a member. Matters which should be declared include:

- directorships, including non-executive directorships held in private companies, or PLCs (with the exception of those of dormant companies).
- ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS.
- majority or controlling shareholdings in organisations likely or possibly seeking to do business with the NHS.
- a position of authority in a charity or voluntary organisation in the field of health and social care.
- any connection with a voluntary or other organisation contracting for NHS services. Research funding/grants that may be received by an individual or their department.
- interest in pooled funds that are under separate management such as Multi-specialty Community Providers (MCPs) or any relevant company included in this fund that has a potential relationship with the Trust must be declared.

Lincolnshire Community Health Services NHS Trust

REGISTER OF INTERESTS

The Chief Executive will ensure that a register of interests is established to record formal declarations of interests of Board members and staff members. In particular the register will include details of all directorships and other relevant and material interests which have been declared.

These details will be kept up to date by means of an annual review of the register in which any changes to interests declared during the preceding twelve months will be incorporated.

The register will be available to the public and the Chief Executive will take reasonable steps to bring the existence of the Register to the attention of the local population and to publicise arrangements for viewing it.

Name:

Job Title:

Trust Board Member* / Staff Member*

I wish to declare the following relevant and material interests which might conflict with my duties of employment/office with Lincolnshire Community Health Services:

B) Clinical:

B) Other (please list):

I also undertake to submit a revised declaration in the event of any future / relevant change of circumstances.

Signed: Date:

<p>For office use only:</p> <p>Date of Receipt.....</p> <p>Formally recorded in Register by:</p> <p>(Name of Officer).....</p> <p>on(Date of Entry)</p>
--

Lincolnshire Community Health Services NHS Trust
Personal Benefit Declaration of Gifts and Hospitality

Authorisation must be PRIOR to acceptance.

Name:

Job Title:

Service:

Contact Tel No.:

Details of the Benefit:

Name of organisation or individual providing the benefit:	<input type="text"/>
Nature and Purpose of benefit:	<input type="text"/>
Date of Provision:	<input type="text"/>
Estimated value:	<input type="text"/>
Other Information:	<input type="text"/>
Is the benefactor linked to any Trust Contracts? If so, provide details.	<input type="text"/>

Benefit: Declined Accepted *Tick as appropriate

Authorised By: (Line Manager)

Authorisation: Trust Leadership Team

Signed: (Director)

Declined: Accepted:

Reason for non-authorisation (if appropriate):

Signed: Job Title:

Dated:

Please submit this form to the Head of Corporate Governance, Lincolnshire Community Health Services NHS Trust, Beech House, Witham Park, Waterside South, Lincoln LN5 7JH, for inclusion In the Hospitality, Gifts, Sponsorship and Advertising Register

Lincolnshire Community Health Services NHS Trust

Commercial Sponsorship Approval Request

The following form must be completed by the manager entering into the arrangement. It must be submitted in **ADVANCE** to the Head of Corporate Governance, Beech House, Witham Park, Waterside South, Lincoln LN5 7JH.

Name of Applicant:		
Service:		
Description of event/arrangements for which sponsorship is proposed:		
Date of event:		
Venue for event:		
Estimated number of attendees (if known):		
Total cost of event/Publication:		
Name of sponsors:	Nature of Sponsorship:	Value of sponsorship (£):
Would this event/publication go ahead without sponsorship:		
Other supporting information, including sponsor links with the Trust (Please attach separate sheet if necessary):		

Declaration of Director:	
I believe the above sponsorship arrangements fit within the guidance provided in the Lincolnshire Community Health Services NHS Trust Standards of Business Conduct Policy.	
Signed:	Name:
Job title:	Date:
Signature: Head of Corporate Governance	
Signature: Director of Finance (for significant projects and those with a value of over £5,000)	
Date approval granted:	
Comments (if any)	

Guidance Notes

1. Sponsorship may be used only if they are of benefit to the health community such as for “one- off” events, publications, staffing or education. For example:
 - it is designed to allow reasonable refreshments to be provided at a training event and meet the reasonable expenses of an external speaker.
 - to meet a proportion of the costs of producing publicity material on a subject not directly related to the sponsor’s business.
 - a prize for a health promotion competition.
2. Forms should be submitted in advance.
3. Completed forms will be held and a register will be kept by the Head of Corporate Governance for submission to the Audit Committee twice a year. One purpose of the monitoring will be to ensure that financial support is being shared amongst a variety of partners.
4. The Head of Corporate Governance will inform applicants once approval for the sponsorship is granted or if there are any problems with the proposal.
5. For more substantial or ongoing arrangements, including those where the individual amounts are less than £5,000 but the total commitment may in the future exceed £5,000; the proforma should be accompanied by a detailed proposal for accepting the sponsorship. This should include the “value added” a sponsor would bring, the benefits to the sponsor and an option appraisal of any alternative(s). It should also include reference to the companies that will be invited to tender to be part of the project. Requests should be in the form of a letter to the Head of Corporate Governance who will submit it to the next available meeting of either the Audit Committee or Board, whichever is the sooner. This letter may **not** be submitted retrospectively.

Lincolnshire Community Health Services NHS Trust

Guidance for Seeking Sponsorship from the Commercial Sector

Introduction

1. Most approvals under this policy have concerned funding to pay for the venue, refreshments and speaker fees for meetings organised by The Trust; sponsorship has occasionally been sought for publications. Typically, sponsorship tends to have been offered by the company rather than having been sought by The Trust, has been one-off, and the sums involved have been relatively small. Given the need to maximise the availability of resources for the NHS, and the apparent willingness of pharmaceutical companies to provide ongoing funding for large projects of mutual advantage, this policy provides a process for proactively seeking funding from selected companies, which would apply to all projects where the level of funding requested exceeded £5000.

Process

2. All proposals would be required to follow the procedure identified below:
 - identification of projects potentially suitable for external sponsorship.
 - executive directors agree which projects are suitable and select suitable companies to approach (normally, a minimum of three companies to be approached for any one project).
 - direct approach to selected companies asking them to provide sponsorship for the proposed project. Total funding could be sought from one company, or partial funding from a number of companies.
 - on a case-by-case basis, approval sought from the Board, in the public session, to the proposal, prior to final signing with the company(ies) concerned.
 - monitoring of all projects approved under this process by the Audit Committee at its formal meeting.

Principles

3. All proposals would be required to conform to the following principles:
 - compliance with the organisations corporate governance manual, particularly the hospitality and commercial sponsorship policy.
 - compliance with the code of conduct of the Association of the British Pharmaceutical Industry.
 - projects must not result in personal financial gain or benefit for a Trust employee.
 - projects must not favour the products of one company over any other, unless there is clear and well documented impartial evidence of superior efficacy, and/or financial benefits to the health community.
 - clear legal advice will be taken in respect of any contractual terms offered by a potential sponsor in all cases The Trust will ensure that the use of the organisation name and intellectual material by a potential sponsor is explicitly forbidden (unless clearly agreed by the Board).

Lincolnshire Community Health Services NHS Trust

Commercial Sponsorship Agreement

To:.....

Of (Name of Company):.....

Details of event:.....

Thank you for agreeing to sponsor the above event due to be held on (date):

At (venue):.....

Terms and conditions of sponsorship

Sponsorship is accepted on the understanding that:

- 1. The course organiser retains overall control of the event outlined above.
2. The sponsor does not have a right to formally present teaching or research materials.
3. The sponsor does not use Lincolnshire Community Health Services NHS Trust or the staff of LCHS to promote products outside the meeting.
4. Any stand the sponsor uses to promote products is to be outside the main meeting room where practical.
5. The sponsor will remove all promotional materials and vacate the main meeting room prior to the main meeting commenced.

Details of sponsorship (e.g. room hire, food, speakers, including responsibility for payment To suppliers and other financial details):

.....
.....
.....

Please confirm that the terms detailed above are accepted

Signed: Print Name:

Position held:

Company:.....

Meeting organiser should retain a copy of this form and a copy to be supplied to Sponsor

NHSLA Monitoring Template

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
Review of risks, controls and assurance of policy	Annual review at Audit Committee	Audit Committee	Annually	Audit Committee	Audit Committee	Trust Board
Review of register for hospitality, gifts, sponsorship and advertising	Review of register	Head of Corporate Governance and Audit Committee	Quarterly	Head of Corporate Governance and Audit Committee	Head of Corporate Governance and Audit Committee	Head of Corporate Governance and Audit Committee
Acceptance of offers of gifts, hospitality, sponsorship and advertising	Review of each individual proposal	Trust Leadership Team	As each request is received	Trust Leadership Team	Recipient of request	Trust Leadership Team

Equality Analysis**Name of Policy/Procedure/Function***

P_CoG_03 – Standards of Business Conduct and Conflicts of Interest Policy (including hospitality, gifts, sponsorship and advertising)

Equality Analysis Carried out by:

Karen Stinson

Date:

November 2019

Equality & Human rights Lead:

Rachel Higgins

Director\General Manager:

Maz Fosh

*In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	This policy sets out the processes to be followed following any offers of hospitality, gifts, sponsorship and advertising. It provides staff with a clear and robust procedure to ensure that the organisation is not placed at risk and complies fully with the relevant standards of business.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	This policy applies to all employees of Lincolnshire Community Health Services, including Non-Executive Directors, contracted third parties, students/trainees, secondees and other staff on placements.		
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details	No		
D.	Will/Does the implementation of the policy\service result in different impacts for protected?			
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
	If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2			
The above named policy has been considered and does not require a full equality analysis				
Equality Analysis Carried out by:		Karen Stinson		
Date:		November 2019		