



## Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements

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DOCUMENT CHANGE HISTORY		
Initiated by	Date	Author (s)
		Trust Secretary
Version	Date	Comments (i.e. viewed, or reviewed, amended approved by person or committee)
V1.0	December 2009	Standards of Business Conduct, Conflicts of Interest and Secondary Employment Policy approved by SPF
Draft V1.1: Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality and Sponsorship	27 June 2011	Redesign and merger of above referenced documents into Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality and Sponsorship and separation of Secondary Employment Policy.  Revisions incorporate Bribery Act 2010, introduced on 1 July 2011.  First draft issued by Trust Secretary to LCFS, Director of Strategy & Business Development, Senior HR Manager (A Langdon) for HR Policy Group & Chief Accountant (A Kew) for comment.
Draft V1.2: Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements	19 August 2011 & 30 August 2011	Following comments on V1.1, document amended and issued to Executive Management Team and Trust's Solicitors (Capsticks) for comment. Document updated accordingly and aligned with the Anti-Fraud and Bribery Policy



Draft V1.3: Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements	November 2011	Final version submitted to EMT for approval
Final V2.1 Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements	9 July 2015	Final version submitted to EMT for approval
Final V3: Standards of Business Conduct, Conflicts of Interest and Secondary Employment Policy	28 March 2018	Trust Secretary



Recommended at Date	Audit Committee 31 January 2018
Approved at Date	Trust Board 28 March 2018
Review date of approved document	28 March 2021
Equality Analysis	Completed January 2018
Linked procedural documents	<ul style="list-style-type: none"> <li>• Anti-Fraud &amp; Bribery Policy;</li> <li>• Standing Orders;</li> <li>• Standing Financial Instructions;</li> <li>• Scheme of Delegation;</li> <li>• Secondary Employment Policy</li> <li>• Procurement Policy</li> </ul>
Dissemination requirements	All staff directly or indirectly employed or contracted by the Trust including the Board of Directors and Governors (as a NHS Foundation Trust when Authorised) via Trust Intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, governors, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Trust.

All Trust policies can be provided in alternative formats.



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Appendix 3	Declarations – outside employment and clinical private practice (guidance)
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Appendix 5	Declarations – Gifts and Hospitality (guidance)
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Appendix 7	Request for approval of commercial sponsorship, advertising and partnership arrangements (guidance)
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## 1. Policy Summary

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

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

## 2. Introduction

East of England Ambulance Services Trust (the 'Trust'), and the people who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients.

These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely. But there is a risk that conflicts of interest may arise.

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

## 3. Purpose

This policy sets out the standards of business conduct in respect of conflicts of interests, receipt or provision of gifts, hospitality, sponsorship, advertising and partnership arrangements, which must be followed by all staff (as defined in section 6 'Staff') and will help staff manage conflicts of interest risks effectively.

It also expands and complements the principles of best practice applicable to corporate governance in the NHS; in particular, Monitor's 'Code of Governance', the Department of Health's 'Code of Conduct and Code of Accountability in the NHS' and the Nolan 'Seven Principles of Public Life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).

### 3.1 Associated documentation

This policy should be considered alongside the following Trust policies and other guidance that the Trust follows:

- Anti-Fraud & Bribery Policy;
- Standing Orders;
- Standing Financial Instructions;
- Scheme of Delegation;
- Secondary Employment Policy
- Procurement Policy
- 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)
- Department of Health's Commercial Sponsorship – Ethical Standards for the NHS (November 2000).
- The Department of Health's 'Standards for Business Conduct for NHS Staff' (HSG(93)5).
- The Bribery Act 2010
- The Fraud Act 2006
- NHS Code of Practice for Company Representatives (incorporating partnership working with the Pharmaceutical Industry);
- NHS Brand Guidelines should be followed for any sponsorship or selling of advertising space and advice should be sought from the Communications Team.

## 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

### 5.1 Interests fall into the following categories:

- **Financial interests:**
  - Where an individual may get direct financial benefit<sup>1</sup> from the consequences of a decision they are involved in making.
- **Non-financial professional interests:**
  - Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.
- **Non-financial personal interests:**
  - Where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.
- **Indirect interests:**
  - Where an individual has a close association<sup>2</sup> with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

Interests which should be regarded as 'relevant and material' include, but are not limited to:

- a directorship in a private company or PLC (with the exception of dormant companies) that has an actual or potential link to the NHS or possibly seeking to do business with the NHS;
- ownership or part-ownership of a private company, business or consultancy likely or possibly seeking to do business with the NHS;
- a majority or controlling share-holding in an organisation that is 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;

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

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

- 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;
- any other interest which might be perceived as being in conflict with the interests, functions or reputation of the Trust;
- any other paid employment undertaken by Trust employees outside the Trust must be declared (please refer to section 12.5 'Outside Employment').

## 5.2 Advice and training

Requests for advice, training and support for staff on how interests should be managed should be made to the Trust Secretary, who will liaise with the Trust's Counter Fraud Specialist, where required. This includes advice on materiality of an interest.

A set of question and answer guides to help staff understand what they need to do and how this guidance applies to them has been prepared by NHS England, and is available as follows: <https://www.england.nhs.uk/publication/managing-conflicts-of-interest-in-the-nhs-questions-and-answers/>

## 6. Staff

At the 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 as follows:

- All salaried employees working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary)
- All prospective employees – who are part-way through recruitment
- Contractors and sub-contractors
- Consultants
- Interns, trainees and seconded staff
- Home workers
- Casual workers and agency staff
- Agents
- Sponsors
- Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the Trust)
- or any other person associated with the Trust

All such persons should be aware that a Counter Fraud investigation and/or disciplinary action may be taken where there is a breach of this policy.

## 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 the Trust are:

- Executive and Non-Executive directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers' money
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services
- Those at Agenda for Change band 8d and above
- All staff who have the power to enter into contracts on behalf of the Trust
- All staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.
- Budget holders.
- Any staff members listed in the Scheme of Delegate Authority.

## **8. Identification, declaration and review of interests**

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

Trust staff have an ongoing duty to declare any relevant interest as and when they arise by completing the appropriate form:

- i) Declaration of interests form <sup>3</sup>
- ii) Declaration of Gifts and Hospitality form <sup>4</sup>
- iii) Commercial Sponsorship/advertising/partnership approval request form <sup>5</sup>

Once completed, this should be sent to the Trust Secretary.

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 Trust.
- 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).

All Directors will, in addition, be given the opportunity to raise any declarations of interest as part of a Board or Committee meeting.

### **8.2 Proactive review of interests**

The Trust Secretary will prompt decision making staff annually to review declarations they have made and, as appropriate, update them or make a nil return. Please refer to the appendices for procedural guidance.

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<sup>3</sup> See Appendix 4.

<sup>4</sup> See Appendix 6.

<sup>5</sup> See Appendix 8.

All forms noted above are available electronically on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>).

## 9. Records and publication

### 9.1 Maintenance

The Trust's Trust Secretary will maintain the following registers:

- Gifts, Hospitality and Sponsorship Register,
- Declaration of Interests Register for Directors, in accordance with the Trust's Constitution.
- Corporate Declaration of Interest Register (for all other Trust staff).

All declared interests that are material will be promptly transferred to the registers by the Trust Secretary.

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.

### 9.2 Publication

Information disclosed to fulfil the requirements of this policy will only be made public as required by law. All other information will remain confidential within the Trust.

The Trust will:

- Publish the interests declared by decision making staff in the Gifts, Hospitality and Sponsorship Register, Declaration of Interests Register for Directors, and Corporate Declaration of Interest Register (for all other Trust staff).
- Refresh this information annually.
- Make this information available on the Trust's website: [www.eastamb.nhs.uk](http://www.eastamb.nhs.uk)

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

### 9.3 Wider transparency initiatives

East of England Ambulance Service 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 East of England Ambulance Service 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.

Each Director is responsible to the Chief Executive for ensuring that Trust staff for whom they are responsible are aware of the requirement to complete a Declaration of Interests form if this is necessary, and completes such forms where appropriate.

The Chief Executive is responsible for ensuring that Trust staff are aware of their responsibilities in respect of declaring interests.

The Trust requires staff to declare relevant external interests and to exercise considerable caution in situations where a conflict of interest might arise or be perceived as arising.

The Trust's Standing Orders define the Declaration of Interests' requirements for Members of the Board of Directors. Where there is any conflict between the Standing Orders and this guidance, the Standing Orders will prevail.

## 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 and Hospitality Guidance

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

In no circumstances is it acceptable for Trust staff to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a financial or other advantage will be received, or to reward a financial or other advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official (including another NHS member of staff), agent or representative to "facilitate" or expedite a routine procedure (including any clinical or administrative process);
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them or result in any form of preferential treatment in a clinical or administrative setting;

- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Trust in return or result in any form of preferential treatment in a clinical or administrative setting;
- accept cash, personal cheques or equivalent;
- accept alcohol or tobacco;
- accept gifts or hospitality when a tendering or contract letting process involving the offeror is taking place.

If any of the above applies, the gift and/or hospitality should be refused and you should notify your Line Manager and/or the Compliance Officer. For more information, please refer to the Trust's Anti-Fraud and Bribery Policy.

Staff are required to complete the Declaration of Gifts and Hospitality form as required.<sup>6</sup>

#### **11.1.1 Gifts from suppliers or contractors:**

- Gifts from suppliers or contractors doing business (or likely to do business) with the Trust should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6<sup>7</sup> in total, and where the use of such gifts is retained within the work environment. Such gifts should be declared.
- Offers to supply goods or services to individuals in their private capacity at reduced cost must be refused and declared.

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

- Monetary gifts of any value must be refused and a declaration made of the offer and refusal. (Please refer to section 12.9 'Donations').
- Gifts valued at over £25 should not be accepted. These should be declared by staff.
- Multiple gifts where the cumulative value exceeds £25 are declarable.
- Small gifts (of a non-cash nature) from patients, their relatives or friends to reflect their appreciation for the care received (e.g. box of chocolates), may be seen as discourteous to refuse and may be accepted by the employee receiving them but should be reported to their Line Manager. These do not need to be formally declared as set out in this policy. However, gifts of significant value (in excess of £25) should be refused and declared.
- Staff should not ask for any gifts; it is a breach of the Trust's Disciplinary Policy to solicit gifts. It may also be an offence under the Bribery Act 2010. Trust. Staff found to have done so may face disciplinary action and/or criminal prosecution.
- 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).

#### **11.1.3 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)<sup>8</sup>.

<sup>6</sup> See Appendix 6. An electronic form can be found on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>.

<sup>7</sup> The £6 value has been selected with reference to existing industry guidance issued by the ABPI: <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

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## 11.2 Hospitality

Hospitality can refer to a wide range of activities, but for current purposes it can broadly be considered as any event, services or entertainment provided by a third party to Trust staff at the expense of the third party.

- 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.

### 11.2.1 Meals and refreshments:

- Infrequent working breaks and lunches to a value of approximately £5 a head may be accepted and must be declared. (See below).
- Prior approval of invitations to formal dinners and evening events is required and must be declared.
- Offers of a value between £25 and £75<sup>9</sup> may be accepted and must be declared.
- Offers over a value of £75 should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Trusts 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).

### 11.2.2 Working meals

Hospitality of a non-commercial nature such as the provision of light refreshments (tea, coffee and other non-alcoholic drinks) and working meals can be provided, however, Trust staff receiving the hospitality should consider the following issues:

- The meeting should be held in relation to Trust business and attendees should be present in that capacity;
- The hospitality (light refreshment and/or working meal) should be secondary to the purpose of the meeting;
- Attendees at the meeting should not extend beyond those whose roles makes it appropriate to attend the meeting;
- Under no circumstances should alcohol be offered or accepted on Trust premises or during working hours.

### 11.2.3 Travel and accommodation:

- Offers to pay travel, subsistence and related costs for Trust staff to visit premises or attend any event organised by a third party should be refused, unless it can be shown that there is a clear benefit to the Trust;
- Such benefits could include attendance as a speaker or delegate at a conference or academic meeting which enhances the reputation of both the individual and the Trust, or is part of the individual's personal development plan;

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<sup>8</sup> See Appendix 6. An electronic form can be found on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>).

<sup>9</sup> The £75 value has been selected with reference to existing industry guidance issued by the ABPI <http://www.pmcpcpa.org.uk/thecode/Pages/default.aspx>

- The value should be no more than equivalent to that normally provided by the Trust and there is no entitlement to claim further expenses. Any honorarium offered should be payable to the Trust.
- In cases where third parties wish to incur costs for Trust staff to travel overseas, details must be approved in advance by the Chief Executive in conjunction with the Compliance Officer and entered in the Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements Register. Retrospective approval will only be given in exceptional circumstances, and subject to the reason for the delay in application for approval being recorded.

#### 11.2.4 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).

### 11.3 Summary of Acceptability of Gifts and Hospitality

What is and is not acceptable?			
<b>Acceptable*</b>	<table border="1"> <tr> <td style="background-color: #90EE90;"> <b>Non-declarable</b> <ul style="list-style-type: none"> <li>• Low value gifts (e.g. chocolates, biscuits) from patients / relatives / friends of patients #</li> </ul> </td> <td style="background-color: #90EE90;"> <b>Declarable</b> <ul style="list-style-type: none"> <li>• Infrequent working breakfast **</li> <li>• Infrequent working lunch **</li> <li>• Low value promotional gifts such as: diaries/calendars***</li> </ul> </td> </tr> </table>	<b>Non-declarable</b> <ul style="list-style-type: none"> <li>• Low value gifts (e.g. chocolates, biscuits) from patients / relatives / friends of patients #</li> </ul>	<b>Declarable</b> <ul style="list-style-type: none"> <li>• Infrequent working breakfast **</li> <li>• Infrequent working lunch **</li> <li>• Low value promotional gifts such as: diaries/calendars***</li> </ul>
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<b>Potentially Acceptable* (prior approval required) #</b>	<b>Declarable</b> <ul style="list-style-type: none"> <li>• Formal dinners/evenings</li> <li>• Visits to view equipment paid for by outside companies</li> <li>• Other forms of commercial sponsorship including drug company sponsorship</li> <li>• Gifts which would cause offence to return</li> <li>• Gift vouchers</li> <li>• Donations from suppliers and bodies</li> <li>• Attendance at sporting events</li> </ul>		
<b>Unacceptable (and should be refused)</b>	<b>Declarable</b> <ul style="list-style-type: none"> <li>• Token gifts given at courtesy visit</li> <li>• Cash and equivalent</li> <li>• Gifts to relatives/friends</li> <li>• Beneficiary named in a Will</li> <li>• Holiday accommodation</li> <li>• Gifts offered by suppliers or contractors</li> <li>• Promotional offers i.e. personal discounts/discount vouchers</li> <li>• Other promotional gifts</li> <li>• Alcohol or tobacco</li> </ul>		
<p align="center"><b>Notes</b></p> <p>* Gifts in this category are only acceptable if they comply with relevant sections of the Standards of Business Conduct Policy and the Trust's Anti-Fraud &amp; Bribery Policy</p> <p># If in doubt, seek approval from Trust Secretary or Executive Leadership Board</p> <p>** Value of around £5 per head</p> <p>*** If over £25 or if multiples recorded within 12 month period over £25.</p>			

#### 11.4 Outside Employment

- Staff should declare any existing outside employment on appointment and request permission for any new outside employment when it arises.
- Trust employees are required to complete a Declaration of Interests form.<sup>10</sup>
- Trust employees must not engage in outside employment which may conflict with their NHS work, or be detrimental to it.
- Trust employees are required to notify their Director and the Human Resources Department if they think that they may be risking a conflict of interest in this area prior to accepting any offer of outside employment.
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.

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. Employees should refer to the Trust's Secondary Employment Policy for further details.

##### 11.4.1 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).

#### 11.5 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.

##### 11.5.1 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).

#### 11.6 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.

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<sup>10</sup> See Appendix 6. An electronic form can be found on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>.

- 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.

#### **11.6.1 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)

#### **11.7 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 Trust does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

#### **11.7.1 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).

#### **11.8 Bequests from patients, their relatives or friends**

- Although it is not unlawful to accept a bequest or for an employee to continue to provide treatment to a patient in the knowledge that the patient has made them a bequest to the employee in their Will, Trust staff may be at risk of breaching their professional/employment obligations in accepting the bequest and may commit an offence contrary to the Fraud Act 2006 and/or Bribery Act 2010 if the acceptance of the bequest results in or may result in the improper performance of a relevant function by any member of the Trust's staff (e.g. improper performance could include preferential treatment of the patient or the purposeful expediting of aspects of the patient's care).
- Where a member of Trust staff knows that a patient is intending to or has included them as a beneficiary in their Will, they should notify their Line Manager and the Compliance Officer/Trust Secretary immediately.
- The Finance Department will then write to the patient explaining the difficulties in allowing Trust staff to continue to provide services to the patient in the knowledge that he/she has made them a bequest. The Trust would wish to maintain a good relationship with the patient who is expressing his/her appreciation of the service that he/she is receiving. However, the Trust may

be required to write formally to the benefactor to explain that the member of the Trust's staff has informed the Trust that he/she has been named as beneficiary in his Will and that while the individual is grateful, they must comply with the Trust's Standing Orders, Standing Financial Instructions and relevant Policies (and the member of staff's professional duties, if appropriate).

- It would be reasonable to suggest that, should the patient wish, he/she could make a donation to a charity connected with the Trust, if he would like to provide a gift in gratitude for a particular individual's services. (See section below: 11.9 'Donations' below).
- Trust staff should review the Trust's Anti-Fraud & Bribery Policy for more information in this respect.

## **11.9 Donations**

- Cash or cheques may be donated to the Trust's Charitable Trust Fund if the donor makes the cash/cheque directly available to the Finance Directorate.
- Donations, when received, should be made to a specific charitable fund (never to an individual), and cheques should be made payable to 'East of England Ambulance Service NHS Trust'. A receipt should be issued.
- Such donations are not declarable on the 'Gifts, Hospitality and Sponsorship' forms. However, if such a donation is received by a staff member, they should notify their Line Manager and the Compliance Officer/Trust Secretary immediately who will ensure that the charitable donation complies with the Trust's Anti-Fraud & Bribery Policy. Further advice and guidance in relation to Charitable Funds can be obtained from the Head of Financial Services.
- 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.
- 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.

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

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

## **11.10 Sponsorship, advertising or partnership arrangements**

Commercial sponsorship is defined as funding from an external source, including funding of all or part of the costs of a member of staff, NHS research, training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (speakers), buildings or premises.

As a general rule, sponsorship, advertising or partnership arrangements involving the Trust should be at a corporate rather than individual level.

Staff should completed the Commercial Sponsorship/advertising/partnership approval request form <sup>11</sup>, as required.

### **11.10.1 Points to Address when Considering Sponsorship, Advertising or Partnership Arrangements**

The public will make assumptions about who benefits most from these transactions, and about whether the Trust is choosing to endorse the activity or values of the sponsor, advertiser or partner. For these reasons the following should be considered:

- The Trust may enter into commercial sponsorship arrangements. However, they should avoid entering into arrangements with organisations perceived to be in conflict with health (e.g. tobacco companies, alcohol; gambling; junk food);
- The Trust needs to ensure that they are not put under any undue obligation to a sponsor (or that they become open to the accusation), that core business functions are not affected and that they remain impartial;
- A written contract relating to the sponsorship, advertising or partnership arrangement should be put in place;
- The sponsor's support should be seen as adding significant benefit to an existing health promotion message or campaign;
- There should be no overt commercial advantage to the sponsor in terms of the direct sale of products or brands as a result of their association with the Trust. Their involvement should be seen as secondary to the aims of the Trust;
- The risks of being overly dependent on funding for a project include the possibility that the sponsor withdraws support. Consideration must be given to how the project would be funded if this happened;
- The Trust should weigh up the time taken to manage the sponsorship against the potential benefits;
- The Trust should consider how the sponsorship benefits the health of the local population especially in terms of quality of healthcare delivered on evidence based clinical practice;
- The Trust should consider how the sponsorship links to the Trust's objectives;
- Trust should consider how the sponsorship links with other local and national strategic priorities;
- The operation of any partnership must be in accordance with the financial and other standing orders of the Trust.
- In general, it will not be appropriate for the Trust to pay to sponsor an activity. If this is to be considered the following needs to be taken into account:
  - Whether it is justifiable to divert money from core business needs;
  - Negotiation of the rights and benefits of the partnership that are the most useful to the Trust;
  - Ensuring that the price of the sponsorship/advertising is appropriate;
  - Maximise the use of the Trust's rights to get the most benefits;
  - Other sponsors, in case they conflict with NHS aims and objectives.

Selling advertising space (e.g. on back of Trust documentation, on plasma screens or in other Trust-owned spaces) is a straightforward transaction. However, the public will make assumptions about the transaction and so consideration should be given to the following:

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<sup>11</sup> See Appendix 8. An electronic form can be found on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>.

- Who will see the advertising, and what message does it communicate about the relationship of the NHS/the Trust to the advertiser?
- Who will audiences think benefits most?
- Have the costs (time, resources, etc.) of selling advertising space been compared to the benefits?
- Are the benefits sufficient to justify the risks?
- Does the Trust risk losing control of the process by working with a third-party?
- A written contract should be put in place and the Trust should consider the exclusion of certain types of advertiser (e.g. tobacco, 'no win, no fee' solicitors, etc.).

#### **11.11 Sponsored events**

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

##### **11.11.1 What should be declared**

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

#### **11.12 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.

##### **11.12.1 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).

### 11.13 Sponsored posts ‘Linked Deals’

- Third party companies, (for example pharmaceutical companies) may offer to sponsor, wholly or partially some aspect of service provision linked to the supply of goods and services. This could take the form of, for example, sponsorship of an employee’s post within the Trust.
- The Trust will not enter into such arrangements, unless it has been made expressly clear to the company concerned that the sponsorship will have no effect on purchasing or any other administrative or clinical decisions within the Trust and provided that it does not or does not risk having such an impact. Any such proposal must demonstrably pass a ‘value for money’ test using Trust procurement processes.
- Where such sponsorship is accepted, monitoring arrangements will be established and agreed between the Compliance Officer and the Chief Executive to ensure that purchasing decisions are not being influenced by the sponsorship agreement.
- Under no circumstances should any ‘linked deal’ be agreed whereby sponsorship is linked to the purchase of particular products, or to supply from particular sources.
- The Department of Health and the Association of British Pharmaceutical Industries agreed a joint working best practice toolkit. The definition of joint working is:  
‘Situations where for the benefit of patients, organisations pool skills, experience and/or resources for the joint development and implementation of patient centred projects, and share a commitment to successful delivery. Joint working is distinctly different from sponsorship. In sponsorship arrangements pharmaceutical companies simply provide funds for a specific event or work programme.’
- Any joint working agreements must be approved by the Chief Executive and Medical Director and registered with the Trust Secretary.
- External sponsorship of a post requires prior approval from the Trust.
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor’s products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

#### 11.13.1 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.

#### **11.14 Commercial Sponsorship: Pro-bono**

- Any sponsorship, advertising or partnership arrangements resulting in pro-bono work completed by an authorised sponsorship/advertising/partnership agreement should not affect any future tender decisions. Individuals should make the appropriate declaration to identify any potential conflict of interest.
- Pro-bono work completed by an organisation should not affect any future tender decisions. When any pro-bono work is being supplied, this should be subject to review and approval, by the Chief Executive, prior to commencement.

#### **11.15 Commercial Sponsorship: Confidentiality**

- Patient information attracts a legal duty of confidence and is treated as particularly sensitive under Data Protection legislation. Professional codes of conduct also include clear confidentiality requirements. It is extremely important therefore that NHS bodies assure themselves, taking advice when necessary, that sponsorship arrangements are both lawful and meet appropriate ethical standards.
- Where a sponsorship arrangement permitting access to patient information is established to be legally and ethically sound (e.g. where the sponsor is to carry out or support NHS functions, and where patients have explicitly consented), a contract should be drawn up which draws attention to obligations of confidentiality, specifies security standards that should be applied, limits use of the information to purposes specified in the contract and makes it clear that the contract will be terminated if the conditions are not met.

#### **11.16 Commercial Sponsorship: Income Generation**

- Where the major incentive to entering into a sponsorship arrangement is the generation of income rather than other benefits, then the scheme should be properly governed by income generation principles rather than sponsorship arrangements. Such schemes should be managed in accordance with income generation requirements (i.e. they must not interfere with the duties or obligations of the Trust).
- A memorandum trading account should be kept for all income generation schemes by the Director of Finance. For more information on income generation schemes, please see the revised guidance on income generation in the NHS dated February 2006.

#### **11.17 Collaboration with the Pharmaceutical Industry**

- Where collaborative partnerships involve a pharmaceutical company, the proposed arrangements must comply fully with the Medicines (Advertising) Regulations 1994 (Regulation 21 'Inducements and Hospitality' attached at Appendix 10) and the Code of Practice for the Pharmaceutical Industry in the UK3.
- Specific issues relating to fraud or corruption may arise where there are opportunities for the Trust or the individual employee to enter into collaborative arrangements with pharmaceutical companies. Where such opportunities are considered, the following guidelines should be observed:
  - The partnership activity should support the overall objectives, priorities and activities of the Trust and show tangible benefits to individual patient management; and
  - Any proposed arrangement with pharmaceutical companies must be considered and approved by the Trust's Chief Executive.
  - Any proposed arrangements must comply with the Trust's Anti-Fraud and Bribery Policy.

**11.18 Sponsorship Commercial Third Parties – Refuse or Accept?**

- Purchasing decisions, including those concerning pharmaceuticals and appliances, should always be taken on the basis of best clinical practice and value for money. Such decisions should take into account their impact on other parts of the healthcare system, for example ongoing cost in primary care.
- Agency/Industry representatives organising meetings are permitted to provide appropriate sponsorship and/or meet any reasonable, actual costs which may be incurred subject to ensuring that such sponsorship and payment of costs complies with the Trust's Anti- Fraud and Bribery Policy. The following issues must be considered before accepting such sponsorship:
  - Any sponsored hospitality must be secondary to the purpose of the meeting;
  - The level of sponsored hospitality offered must be appropriate to the occasion;
  - The costs involved must not exceed that level which the recipients would normally adopt when paying for themselves or that which could be reciprocated by the Trust;
  - Sponsored hospitality should not be extended beyond those whose role makes it appropriate for them to attend the meeting;
  - Any meeting sponsored must be disclosed in papers relating to the meeting and any published proceeding;
  - Offers to pay travel, subsistence and related costs for Trust staff to visit premises or attend any event organised by a third party should be refused, unless it can be shown that there is a clear benefit to the Trust;
  - Such benefits could include attendance as a speaker or delegate at a conference or academic meeting which enhances the reputation of both the individual and the Trust, or is part of the individual's personal development plan;
  - The value should be no more than equivalent to that normally provided by the Trust and there is no entitlement to claim further expenses. Any honorarium offered should be payable to the Trust.
- In cases where third parties wish to incur costs for Trust staff to travel overseas, details must be approved in advance by the Chief Executive in conjunction with the Compliance Officer and entered in the Gifts, Hospitality and Sponsorship Register. Retrospective approval will only be given in exceptional circumstances, and subject to the reason for the delay in application for approval being recorded.

**11.18.1 Declaration**

- Each Director is responsible to the Chief Executive for ensuring that staff complete the appropriate declaration in accordance with the Trust's Scheme of Delegation.
- Trust staff must make an application to the Chief Executive, in writing and in advance of accepting or making any approach for sponsorship, advertising or partnership arrangements on the 'Sponsorship, Advertising and Partnership Arrangements' form<sup>12</sup>.
- Authorisation of sponsorship, advertising or partnership arrangement deals may only be approved by:
  - i) **General sponsorship / advertising / partnership arrangements (including Charitable Fund Sponsorship):** the Chief Executive in liaison with the Medical Director and Compliance Officer
  - ii) **Research and Development sponsorship:** Clinical Development and Effectiveness Group in liaison with the Medical Director/Chief Executive.
- In accordance with the Scheme of Delegation financial limits, the Chief Executive, if necessary, will refer relevant matters to the appropriate committee for approval.

<sup>12</sup> See Appendix 3. An electronic form can be found on the Trust website: <http://east24/Support-services/Finance/declaration-of-interest.htm>.

- Any proposals supported by the above authorised persons will be notified to the Executive Management Team for onward reporting to the Audit Committee.

### 11.19 Clinical private practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises<sup>13</sup> including:

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

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

- Seek prior approval of the Trust before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.<sup>14</sup>
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines:

[https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment\\_Order\\_amended.pdf](https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf)

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

#### 11.19.1 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 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).

## 12. Management of interests – advice in specific contexts

### 12.1 Strategic decision making groups

In common with other NHS bodies, East of England Ambulance Service 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 the Trust, these groups are: Trust Board, Sub-Committees and ELB.

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<sup>13</sup> Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

<sup>14</sup> These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the Terms and Conditions – Consultants (England) 2003: [https://www.bma.org.uk/-/media/files/pdfs/practical\\_advice\\_at\\_work/contracts/consultanttermsandconditions.pdf](https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf)

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. Advice is available from the Head of Procurement.

## 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, should report these concerns to their Line Manager, the Trust Secretary, or 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 can be found in the Trust's 'Freedom to speak up raising concerns (whistleblowing) policy for the NHS'.

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 organisation should be made aware
- Take appropriate action as set out in the next section.

### **13.2 Taking action in response to breaches**

Action taken in response to breaches of this policy will be in accordance with the disciplinary procedures of the Trust and could involve organisational leads for staff support (e.g. Human Resources), fraud (e.g. 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 Trust and staff. There will be occasions where it is necessary to consider the imposition of sanctions for breaches.

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

- Employment law action against 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 Trust Board, Audit Committee and ELB as appropriate.

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

#### **14. Review**

- This policy will be reviewed every 3 years unless an earlier review is required. This will be led by the Trust Secretary.
- Auditing policy, process and procedures relating to this guidance at least every three years.
- Reviewing current policies and bringing them in line with this guidance will be undertaken by relevant policy authors.



## 15. Appendices: guidance and forms

Appendix 1	Declaration of interests – Corporate (guidance)
Appendix 2	Declaration of interests – Directors (guidance)
Appendix 3	Declarations – outside employment and clinical private practice (guidance)
Appendix 4	Declaration of interests form
Appendix 5	Declarations – Gifts and Hospitality (guidance)
Appendix 6	Declaration of Gifts and Hospitality form
Appendix 7	Request for approval of commercial sponsorship, advertising and partnership arrangements (guidance)
Appendix 8	Commercial sponsorship, advertising and partnership arrangement approval request: application guidance & request form
Appendix 9	Bequests and donations (guidance)
Appendix 10	Extract from the Medicines (Advertising) Regulations 1994 (amended 2005)
Appendix 11	Equality Analysis



**GUIDANCE**  
**Declaration of interests – Corporate**

Appendix 1



<b>Who needs to declare?</b>	<ul style="list-style-type: none"> <li>• All staff and volunteers of the Trust (whether permanent, fixed-term or temporary)</li> </ul>
<b>When to declare?</b>	<ul style="list-style-type: none"> <li>• When starting a job at the Trust</li> <li>• When moving to a new role or when your responsibilities change</li> <li>• At the beginning of a new project/piece of work</li> <li>• As and when circumstances change</li> </ul> <p>• Declarations need to be made as soon as possible (and within 28 days of arising)</p> <p>• You will also be reminded annually of your responsibility to declare interests</p>
<b>What to declare?</b>	<ul style="list-style-type: none"> <li>• If you (or a close family member) are a director, owner or majority/controlling shareholder of a company that has an actual or potential link or is seeking to do business to the NHS</li> <li>• Any other paid employment that you may have outside of the Trust</li> <li>• If you (or a close family member) are working in a position of authority for a health and social care charity or voluntary organisation</li> <li>• Any connection you (or a close family member) has to an organisation or company contracting for the NHS</li> <li>• If you or your team receive any research funding or grants</li> <li>• Any other interest you (or a close family member) have that might be seen as being in conflict interests, functions or reputation of the Trust</li> </ul>
<b>How to declare?</b>	<ul style="list-style-type: none"> <li>• Please complete the attached 'Declaration of interest' form</li> </ul>
<b>Who to declare to?</b>	<ul style="list-style-type: none"> <li>• Please notify your line manager</li> <li>• Forward a completed 'Declaration of Interest' form to the Trust Secretary to the following address:</li> </ul> <p>East of England Ambulance Service NHS Trust Headquarters,                  Whiting Way,                  Off Back Lane,                  Melbourn,                  Cambridgeshire SG8 6EN</p>





**GUIDANCE**

**Declaration of interests – Directors**

Appendix 2

**Who needs to declare?**

- All Executive, Non-Executive, and Associate Non-Executive Directors of the Trust (whether permanent, fixed-term or temporary)

**When to declare?**

- When starting a job at the Trust
- When moving to a new role or when your responsibilities change
- At the beginning of a new project/piece of work
- As and when circumstances change

- Declarations need to be made as soon as possible (and within 28 days of arising)

- There will be an the opportunity to raise declarations of interest as part of a Board or Committee meeting
- You will also be requested, on an annual basis, to complete a Declarations of Interest form

**What to declare?**

- If you (or a close family member) are a director, owner or majority/controlling shareholder of a company that has an actual or potential link or is seeking to do business to the NHS
- Any other Board Director positions that you may have outside of the Trust
- Any other paid employment that you may have outside of the Trust
- If you (or a close family member) are working in a position of authority for a health and social care charity or voluntary organisation
- Any connection you (or a close family member) has to an organisation or company contracting for the NHS
- If you receive any research funding or grants
- Any other interest you (or a close family member) have that might be seen as being in conflict interests, functions or reputation of the Trust

**Who to declare to?**

- If making a declaration out of meeting, please notify the Chair of the Trust Board and the Trust Secretary

**GUIDANCE**

**Declarations – Outside Employment & Clinical Private Practice**

Appendix 3



**Outside Employment**

**Who needs to declare?**

**Clinical Private Practice**

- All staff (whether permanent, fixed-term or temporary)

- Clinical staff

**When to declare?**

- On appointment
- Thereafter, you will be required to seek **approval** of any new outside employment

- As the need arises

**What to declare?**

- The nature of the employment in addition to your role at the Trust, including who it is with, a description of duties, time commitment

- All private practice on appointment and/or any new private practice

**How to declare?**

- Please complete a 'Declaration of interest' form overleaf

**Who to declare to?**

- You are required to request approval from your Director and the Human Resources Department before accepting any offer of outside employment

You 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

- Forward a completed 'Declaration of Interest' form to the Trust Secretary to the following address:  
 East of England Ambulance Service NHS Trust Headquarters,  
 Whiting Way,  
 Off Back Lane,  
 Melbourn,  
 Cambridgeshire SG8 6EN



**GUIDANCE**

**Declarations – Outside Employment & Clinical Private Practice**

Appendix 3



**Outside Employment**

**Who needs to declare?**

**Clinical Private Practice**

- All staff (whether permanent, fixed-term or temporary)

- Clinical staff

**When to declare?**

- On appointment
- Thereafter, you will be required to seek **approval** of any new outside employment

- As the need arises

**What to declare?**

- The nature of the employment in addition to your role at the Trust, including who it is with, a description of duties, time commitment

- All private practice on appointment and/or any new private practice

**How to declare?**

- Please complete a 'Declaration of interest' form overleaf

**Who to declare to?**

- You are required to request approval from your Director and the Human Resources Department before accepting any offer of outside employment

You 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

- Forward a completed 'Declaration of Interest' form to the Trust Secretary to the following address:  
 East of England Ambulance Service NHS Trust Headquarters,  
 Whiting Way,  
 Off Back Lane,  
 Melbourn,  
 Cambridgeshire SG8 6EN



# DECLARATION OF INTERESTS FORM

## Appendix 4



Name of Individual Making Declaration	
Job Title	
Department	
Employee Number	

Area where conflicting interest may exist	✓	Details	Effective date of interest
<b>DIRECTORSHIP</b> List public or private appointments, employment or consultancies, company directorships in private or limited companies.			
<b>INTERESTS IN COMPANIES AND SECURITIES</b> List substantial interest in ownership of private companies, business or consultancies that undertake or may be seeking to undertake business with the NHS.			
<b>SECONDARY EMPLOYMENT</b> List public or private employment including consultancies and self-employment. Please also include employment or voluntary appointments at other NHS employers / organisations. (See also Secondary Employment Policy)			
<b>PERSONAL OR DEPARTMENTAL SPONSORSHIP</b> List a personal or departmental interest in any part of the pharmaceutical industry or sponsorship funding from a known NHS supplier or associated company/subsidiary, e.g. funding research, staff or equipment.			
<b>POSITION IN CHARITY OR VOLUNTARY ORGANISATION</b> List the position and interest, whether or not the charity is relevant to the NHS.			
<b>ANY OTHER INTEREST</b> List any other connection with a voluntary, statutory, charitable or private body that could create a potential opportunity for conflicting interests. This may include land or buildings that you may seek to sell, rent or lease to the NHS.			

I declare that the information I have given on this form is correct and complete and that I will not create a conflict of interest between my NHS employment and an external body/organisation or my personal business interests. I understand that if I knowingly provide false information or fail to disclose relevant information, this may result in disciplinary action and I may be liable to prosecution and/or civil proceedings. I consent to the disclosure of information on this form to review by the Trust's Auditors and understand the form may be reviewed for the purpose of fraud prevention and detection by NHS Counter Fraud Specialists. I agree to submit further notices in order to bring up to date information given in this notice and will declare any interest I acquire after the date of this notice.

Signed	Date
<b>OR I have no interest to declare and I confirm a NIL Declaration</b>	
Signed	Date

Please now forward this form to the Trust Secretary,  
Trust Headquarters, Melbourn Station, Whiting Way, Off Back Lane, Melbourn, Cambridgeshire SG8 6NA

Received by Trust Secretary on:	Signed	Reference

**GUIDANCE**  
**Declarations – Gifts & Hospitality**

Appendix 5



**Who needs to declare?**

- All staff and volunteers of the Trust (whether permanent, fixed-term or temporary)

**When to declare?**

- Declarations should be made as and when the offer of a gift or hospitality is received

- For the purpose of this guidance, hospitality is considered as any event, services or entertainment provided by a third party to Trust staff at the expense of the third party.

**What is and is not acceptable?**

<b>Acceptable*</b>	<b>Non-declarable</b>	<b>Declarable</b>
	<ul style="list-style-type: none"> <li>• Low value gifts (e.g. chocolates, biscuits) from patients / relatives / friends of patients #</li> </ul>	<ul style="list-style-type: none"> <li>• Infrequent working breakfast **</li> <li>• Infrequent working lunch **</li> <li>• Low value promotional gifts such as: diaries/calendars***</li> </ul>
<b>Potentially Acceptable* (prior approval required) #</b>	<b>Declarable</b>	
	<ul style="list-style-type: none"> <li>• Formal dinners/evenings</li> <li>• Visits to view equipment paid for by outside companies</li> <li>• Other forms of commercial sponsorship including drug company sponsorship</li> <li>• Gifts which would cause offence to return</li> <li>• Gift vouchers</li> <li>• Donations from suppliers and bodies</li> <li>• Attendance at sporting events</li> </ul>	
<b>Unacceptable (and should be refused)</b>	<b>Declarable</b>	
	<ul style="list-style-type: none"> <li>• Token gifts given at courtesy visit</li> <li>• Cash and equivalent</li> <li>• Gifts to relatives/friends</li> <li>• Beneficiary named in a Will</li> <li>• Holiday accommodation</li> <li>• Gifts offered by suppliers or contractors</li> <li>• Promotional offers i.e. personal discounts/discount vouchers</li> <li>• Other promotional gifts</li> <li>• Alcohol or tobacco</li> </ul>	

**Notes**

- \* Gifts in this category are only acceptable if they comply with relevant sections of the Standards of Business Conduct Policy and the Trust’s Anti-Fraud & Bribery Policy
- # If in doubt, seek approval from Trust Secretary or Executive Leadership Board
- \*\* Value of around £5 per head
- \*\*\* If over £25 or if multiples recorded within 12 month period over £25.

**GUIDANCE**

**Declarations – Gifts & Hospitality (continued)**

Appendix 5



**How to declare?**

- Please complete a 'Declaration of Gifts and Hospitality' form overleaf

- Please notify your line manager
- Forward the completed 'Declaration of Gifts and Hospitality' form to the Trust Secretary to the following address:

East of England Ambulance Service NHS Trust Headquarters,  
Whiting Way,  
Off Back Lane  
Melbourn,  
Cambridgeshire SG8 6EN



# DECLARATION OF GIFTS & HOSPITALITY FORM



## Appendix 6

Name of Individual Making Declaration	
Job Title	
Department	
Employee Number	

Details of Gift/Hospitality Offered/Received	
Details of the individual/organisation offering the gift or hospitality	
Approximate value of gift or hospitality offered/received	£
Date of offer/receipt	
Reason for retrospective approval (if applicable)	

### Part 1 – EMPLOYEE ACTION/DECLARATION:

The gift or hospitality offered	Was accepted/declined (delete as appropriate)
The gift or hospitality received	Was accepted/returned (delete as appropriate)
I declare that the action outlined above was entirely consistent with the requirements of the Code of Conduct for NHS Managers, Standards of Business Conduct Policy in Respect of Interests in Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements, the Trust's Anti-Bribery Policy and that no business/clinical or administrative decisions have or will be improperly influenced by the offer of/receipt of the gifts/hospitality nor has personal gain been obtained.	
Signed:	Date:
If the declaration is made by email state your name and email address in the signature box above.	

**\*\*\*This form should now be submitted to your Line Manager as soon as possible\*\*\***

### Part 2 – LINE MANAGER: (\*Please delete as appropriate)

- I have reviewed this declaration and consider that the initial action taken by the individual is appropriate.\*
- I have reviewed this declaration and consider that the initial action taken by the individual in accepting the offer made is inappropriate and I have advised the individual accordingly that the offer be declined.\*

The advice I have given is as follows:			
Signed:		Date:	
If the declaration is made by e-mail state your name and e-mail address in the signature box above.			
Position:			
Employee Number:			

**\*\*\*Please now forward this form to the Trust Secretary, Trust Headquarters,  
Melbourn Station, Whiting Way, Off Back Lane, Melbourn Cambridgeshire, SG8 6NA\*\*\***

### Part 3 – TRUST SECRETARY (\*Please delete as appropriate)

- I have reviewed this declaration and agree with the action taken by the Line Manager.\*
- I have reviewed this declaration and have advised the Line Manager that in this instance the action taken is not in accordance with Trust Policy.\*

The advice I have given is as follows:	
Signature:	
Date:	
Reference:	

**GUIDANCE**  
**Request for Approval of Commercial Sponsorship,  
 Advertising and Partnership Arrangements**

Appendix 7



<b>Who needs to declare?</b>	<ul style="list-style-type: none"> <li>As a general rule, sponsorship, advertising or partnership arrangements involving the Trust should be at a corporate rather than individual level</li> </ul>
<b>When to declare?</b>	<ul style="list-style-type: none"> <li>As the need arises</li> </ul>
<b>What to declare?</b>	<p>Opportunities in relation to:</p> <ul style="list-style-type: none"> <li>Sponsored events</li> <li>Sponsored research</li> <li>Sponsored posts 'Linked Deals'</li> <li>Commercial Sponsorship: Pro-bono</li> <li>Commercial Sponsorship: Confidentiality</li> <li>Commercial Sponsorship: Income Generation</li> <li>Collaboration with the Pharmaceutical Industry</li> </ul> <ul style="list-style-type: none"> <li>Any financial or non-financial involvement or connection (including membership) that you (or a close family member) has with the organisation</li> </ul>
<b>Application arrangements</b>	<ul style="list-style-type: none"> <li>Trust staff must make an application to the Chief Executive, in writing and in advance of accepting or making any approach for sponsorship, advertising or partnership arrangements on the 'Commercial Sponsorship, Advertising and Partnership Arrangements Application' form (overleaf)</li> </ul>

**Authorisation of sponsorship, advertising or partnership arrangement deals may only be approved by:**

<p><b>i) For general sponsorship / advertising / partnership arrangements (including Charitable Fund Sponsorship):</b></p> <p style="text-align: center;">the Chief Executive in liaison with the Medical Director</p>	<p><b>ii) Research and Development sponsorship:</b></p> <p style="text-align: center;">CQSG in liaison with the Medical Director/Chief Executive</p>
--	--

- On approval, please forward the completed 'Commercial Sponsorship, Advertising and Partnership Arrangements Application' form to the Trust Secretary at following address:  
 East of England Ambulance Service NHS Trust Headquarters,  
 Whiting Way,  
 Off Back Lane  
 Melbourn,  
 Cambridgeshire SG8 6EN



**Commercial Sponsorship, Advertising and Partnership Arrangements Approval Request Application guidance & request form**

Appendix 8



**Making an application**

- All applications for sponsorship/advertising/partnership arrangements must be made in writing to the Chief Executive and the proforma overleaf completed by the employee approached/requesting this for approval
- Any proposals supported by the underlying authorised persons will be notified to the Executive Management Team for onward reporting to the Audit Committee

**What to include?**

All proposals will need to incorporate the following:

- Proposal
- How it links to Trust's objectives
- Benefits to the Trust and the health of the local population
- Resources to be provided by the company
- Personnel involved
- Timescales - duration
- Key issues to be addressed
- Evidence of effectiveness
- Benefits to the Company

**Appraisal of proposal**

Any submissions received will then be considered as follows (in accordance with the Trust's Scheme of Delegation):

Proposals will be appraised on the basis of how they meet the priorities of the Trust. The criteria upon which each proposal will be considered will include, but will not be limited to the following:

- Addressing national and local strategies and service priorities
- Benefit to the local population by improving and maintaining the quality of healthcare provided
- Whether the proposal is compliant with the highest standards of financial, legal and ethical probity
- Whether the proposal would withstand public scrutiny and challenge
- Any political implication

Any sponsorship resulting in pro-bono work completed by an authorised sponsorship agreement should not affect any future tender decisions

Individuals should make the appropriate declaration to identify any potential conflict of interest

**Commercial Sponsorship, Advertising and Partnership Arrangements  
Approval Request Application guidance & request form**

**Appendix 8**

Name of Individual Making Request	
Job Title	
Department	
Employee Number	

**Part 1 – REQUEST**

SPONSORSHIP/ADVERTISING/PARTNERSHIP APPROACH MADE BY:	
Name of Company	
Proposal submission: date received	
Proposal addresses all criteria	YES/NO
Areas not addressed	

SPONSORSHIP/ADVERTISING/PARTNERSHIP APPROACH MADE BY TRUST TO:	
Name of Company(s)	
Proposal submission: date application made	
Proposal addresses all criteria	YES/NO
Areas not addressed	

PLEASE INDICATE TYPE OF SPONSORSHIP THE APPLICATION RELATES TO:			
i) General sponsorship / advertising / partnership arrangements (including Charitable Fund Sponsorship)		ii) Research and Development sponsorship	

I declare that the information detailed in this application is entirely consistent with the requirements of the Code of Conduct for NHS Managers and Standards of Business Conduct Policy in Respect of Interests in Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements, the Trust’s Anti-Bribery Policy and that no business decisions have or will be improperly influenced or personal gain obtained through this sponsorship/advertising/ partnership application. I consent to the disclosure of information on this form to review by the Trust’s Auditors and understand the form may be reviewed for the purpose of fraud prevention and detection by NHS Counter Fraud Specialists.

<b>Signed:</b>		<b>Date:</b>	
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**\*\*\*Please now forward this form and supporting written application to the Chief Executive at Trust Headquarters, Melbourn Station, Whiting Way, Off Back Lane, Melbourn, Cambridgeshire, SG8 6NA\*\*\***

## Part 2 – AUTHORISATION PROCESS

<b>Date received by Chief Executive:</b>	
--	--

**i) GENERAL SPONSORSHIP/ADVERTISING/PARTNERSHIP** (\*Please delete as appropriate)

- We have reviewed this application and consider that the proposal is appropriate\*
- We have reviewed this declaration and consider that the proposal is inappropriate and have advised the individual(s) accordingly that the offer be declined\*(Letter of explanation attached)

<b>Signed:</b>			
<b>Chief Executive</b>		<b>Medical Director:</b>	
<b>Date</b>		<b>Date:</b>	

**ii) Research and Development sponsorship** (\*Please delete as appropriate)

- We have reviewed this application and consider that the proposal is appropriate.\*
- We have reviewed this declaration and consider that the proposal is inappropriate and have advised the individual(s) accordingly that the offer be declined\*

<b>Signed:</b>					
<b>CQSG:</b>		<b>Medical Director:</b>		<b>Chief Executive:</b>	
<b>Date &amp; Minute Reference:</b>		<b>Date:</b>		<b>Date:</b>	

**\*\*\*This form should now be submitted to ELB for formal recording and onward reporting to the Audit Committee, with original documentation to the Trust Secretary for recording in the Register of Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements\*\*\***

## Part 3 – REPORTING AND RECORDING

<b>Date submitted to ELB</b>	
<b>Signed by Trust Secretary:</b>	
<b>Date:</b>	
<b>Reference:</b>	
<b>Date reported to Audit Committee:</b>	

## GUIDANCE Bequests and Donations

Appendix 9



Although it is not unlawful to accept a bequest or for an employee to continue to provide treatment to a patient in the knowledge that the patient has made them a bequest to the employee in their Will, you may be at risk of breaching your professional/employment obligations by accepting, and will be at risk of prosecution under the Bribery Act 2010 if acceptance results in, or may result in, the improper performance of a relevant function by any member of the Trust's staff.

### Who needs to declare?

- As soon as you are aware that a patient is intending to, or has included you as a beneficiary in their will

### Who to declare to?

- Notify your Line Manager, the Compliance Officer and the Trust Secretary

It is reasonable to suggest that a patient could instead make a donation to a charity connected with the Trust, if they would like to provide a gift in gratitude for a particular individual's services

### What is and is not acceptable?

- Donations, when received, should be made to a specific charitable fund (never to an individual)
- Donations made by suppliers or bodies seeking to do business with the Trust (in exceptional circumstances they may be accepted but should always be declared)
- You must obtain permission from the Trust if in your professional role you intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the Trust's own

### Who needs to declare?

- All staff members as the need arises

### Who to declare to?

- Notify your Line Manager, who will ensure that the charitable donation complies with the Trust's Anti-Bribery Policy
- Further guidance can be obtained from the Head of Financial Services



**Extract from the Medicines (Advertising) Regulations 1994 (as amended 2005)**  
**Appendix 10**

**Inducements and Hospitality**

21

- (1) Subject to paragraphs (2) and (4), where relevant medicinal products are being promoted to persons qualified to prescribe or supply relevant medicinal products, no person shall supply, offer or promise to such persons any gift, pecuniary advantage or benefit in kind, unless it is inexpensive and relevant to the practice of medicine or pharmacy.
- (2) The provisions of paragraph (1) shall not prevent any person offering hospitality (including the payment of travelling or accommodation expenses) at events for purely professional or scientific purposes to persons qualified to prescribe or supply relevant medicinal products, provided that –
  - (a) such hospitality is at a reasonable level,
  - (b) it is subordinate to the main scientific objective of the meeting, and
  - (c) it is offered only to health professionals
- (3) Subject to paragraph (4), no person shall offer hospitality (including the payment of travelling or accommodation expenses) at a meeting or event held for the promotion of relevant medicinal products unless –
  - (a) such hospitality is reasonable in level,
  - (b) it is subordinate to the main purpose of the meeting or event, and
  - (c) the person to whom it is offered is a health professional.
- (4) Nothing in this regulation shall affect measures or trade practices relating to prices, margins or discounts which were in existence on 1st January 1993.
- (5) No person qualified to prescribe or supply relevant medicinal products shall solicit or accept any gift, pecuniary advantage, benefit in kind, hospitality or sponsorship prohibited by this regulation.



**Appendix 11: Equality Analysis**

<p><b>1. Name of policy/procedures/guidelines being assessed:</b></p>	<p>Title: <b>Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements</b></p>
<p><b>2. Is this a new or existing document?</b></p>	<p>New <input type="checkbox"/> Existing <input checked="" type="checkbox"/></p> <p><b>Version being assessed (if existing):</b> Version 3</p> <p><b>Last review date of document:</b> 28 March 2018</p>
<p><b>3. What is the purpose of the document? (copy the purpose from the relevant document)</b></p>	<p>(a) What is it trying to achieve and why?</p> <p>To provide guidance and ensure internal controls are in place for Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements, and to comply with the Standing Orders and Standing Financial Instructions</p> <p>(b) Who is intended to benefit and how?</p> <p>Staff, by ensuring that they are aware of requirements in relation to the Policy, and the Trust, by ensuring that internal controls are in place and that it complies with the Standing Orders and Standing Financial Instructions.</p>



<p><b>4. Tick the boxes below to assess the potential for differential impact (negative or positive) on any of the protected characteristics?</b></p> <p>✓ Tick box for positive impact</p> <p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender reassignment</p> <p><input type="checkbox"/> Marriage and civil partnership</p> <p><input type="checkbox"/> Pregnancy and maternity</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Religion or belief (including lack of belief)</p> <p><input type="checkbox"/> Sex</p> <p><input type="checkbox"/> Sexual orientation</p>	<p><input checked="" type="checkbox"/> Cross box for negative impact</p> <p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender reassignment</p> <p><input type="checkbox"/> Marriage and civil partnership</p> <p><input type="checkbox"/> Pregnancy and maternity</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Religion or belief (including lack of belief)</p> <p><input type="checkbox"/> Sex</p> <p><input type="checkbox"/> Sexual orientation</p>
<p><b>5. Is there the possibility of discriminating unlawfully, directly or indirectly, against people from any protected characteristic?</b></p> <p>Types of Discrimination:</p> <ul style="list-style-type: none"> <li>- Direct</li> <li>- Indirect</li> <li>- Associative</li> <li>- Perceptive</li> <li>- Harassment</li> <li>- Third party harassment</li> <li>- Victimisation</li> <li>- Institutional</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>If yes, please state the reason:</p>
<p><b>6. Could there be an effect on relations between certain groups?</b></p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>If yes, please state the reason:</p>
<p><b>7. Does the policy explicitly involve, or focus on a particular equalities group, i.e. because they have particular needs?</b></p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>If yes, please state reason:</p>

**8. PLEASE INDICATE BELOW ANY AMENDMENTS OR CHANGES TO THE POLICY/PROCEDURE:**

The Policy was updated in line with the NHS model policy.

If the answers are 'no' to questions 5, 6, 7 then there is no need to proceed to a Full Equality Analysis. Summary Form should be completed and submitted to the relevant committee(s).

**If 'yes' then a Full Equality Analysis** of the document will be required. (*link to be added*)

**9. Executive Summary Record Sheet****Initial Screening – Equality Analysis (Stage 1)**

Document reference:	Document Title: <b>Standards of Business Conduct Policy in Respect of Interests, Gifts, Hospitality, Sponsorship, Advertising and Partnership Arrangements</b>
---------------------	--

Assessment date: 31 January 2018	Document type: Policy
----------------------------------	-----------------------

Responsible director: Chief Executive	Lead manager: Trust Secretary
---------------------------------------	-------------------------------

Conclusion of Equality Analysis:  
No negative impact has been identified within this Policy. However, it can be made available in other formats should individuals require.

Name of committee/board this document has been presented to: Trust Board Public meeting  
Chair: Trust Board: Sarah Boulton  
Date of meeting: 28 March 2018

**APPROVED: YES  NO**

**If the documents have not been approved, then please indicate below the next steps agreed:**

Signature of Chair:	Date:
---------------------	-------

**The initial Equality Analysis screening form (stage 1) should be stored with the master document and a final approved electronic copy must be sent to:**

**Equality, Diversity and Inclusion Manager**  
Hammond Road  
Elms Industrial Estate  
Bedford MK41 0RG  
Landline: 01234 243200 mobile: 07957626985  
**Email: [Navrita.Atwal@eastamb.nhs.uk](mailto:Navrita.Atwal@eastamb.nhs.uk)**