



Standards of Business Conduct Policy and Guidance: Managing Conflicts of Interests, Gifts, Hospitality and Sponsorship

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<p>This policy should be considered alongside these Trust policies:</p> <ul style="list-style-type: none"> • Freedom to Speak Up Policy • Trust Standing Orders Including Scheme of Powers Delegated and Reserved to the Board and Standing Financial Instructions (SO/SFIs) • Secondary Employment Policy • Travel and Subsistence Policy • Local Anti-Fraud, Bribery and Corruption Policy • Disciplinary Policy and Procedure • Contractor Control Policy • Volunteer Policies • Procurement Policy • Freedom of Information Policy • Information Governance Framework • Data Protection Policy • Fit and Proper Person Policy • Research Governance Policy <p>Other key documents include:</p> <ul style="list-style-type: none"> • Gifts, Hospitality and Sponsorship Declaration Form • Declaration of Interests Form (including secondary employment) • NHS Constitution for England • NHS England Guidance – Managing Conflicts with the NHS (2017) • Code of Conduct for the Board of Directors • Code of Conduct - Incorporating the NHS Code of Conduct for Managers • Freedom of Information Act 2000 • NHS Code of Conduct and Accountability (July 2004) • NHS Code of Governance (2023) • NHSE Fit and Proper Person Test Framework (2023) • ABPI: The Code of Practice for the Pharmaceutical Industry (2019) 				

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Staff Summary

The Standards of Business Conduct Policy and Guidance document outlines the guidelines, standards, and protocols for managing conflicts of interest, gifts, hospitality, and sponsorship within the Yorkshire Ambulance Service NHS Trust. The key points include:
The policy aims to provide clear guidelines for business conduct to ensure integrity and transparency in all dealings.
It introduces consistent principles and rules to help staff manage conflicts of interest effectively.
The policy applies to all employees, volunteers, contractors, and others working within the Trust.
Staff are required to declare any material interests, gifts, or hospitality at the earliest opportunity
The Trust will maintain registers of interests, gifts, hospitality, and sponsorship, which will be reviewed and published annually
The policy outlines specific rules for gifts, hospitality, outside employment, shareholdings, patents, loyalty interests, donations, sponsored events, sponsored research, and sponsored posts
Breaches of the policy will be investigated, and appropriate actions will be taken, including potential disciplinary measures

1.0 Introduction

- 1.1 This policy has been introduced to provide all staff and volunteers with clear guidelines, standards and protocols to follow in respect of their business conduct. The aim of the policy is to support staff and volunteers to understand their responsibilities and provide advice regarding potential conflicts of interest and receipt of gifts and hospitality.
- 1.2 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.
- 1.3 Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution. We are committed to maximising our resources for the benefit of the whole community. As an organisation and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of patients.

2.0 Purpose

- 2.1 This policy will help our staff manage conflicts of interest risks effectively, as it:
 - Introduces consistent principles and rules;
 - Provides simple advice about what to do in common situations; and
 - Supports good judgement about how to approach and manage interests.

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

3.0 Scope

- 3.1 This policy applies in all areas of the Trust. It is aimed at all employees of the Trust, regardless of position held, be they: permanent or temporary and all secondees, agency staff and contracted out staff working within the Trust. It also applies to prospective employees – who are part-way through recruitment; volunteers acting on behalf of the Trust, trainees, apprentices, contractors, subcontractors and those on work experience; members of the Board; and committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation). For the purposes of this policy we refer all applicable persons as 'staff'.
- 3.2 NHS England has published some frequently asked questions for specific staff groups on the issues posed and how the guidance applies to them. Staff may wish to refer to: [NHS England » NHS England takes robust action on conflicts of interest](#)
- 3.3 Decision-Making Staff
- 3.3.1 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 Policy these people are referred to as 'decision making staff'.
- 3.3.2 The Trust has identified groups of people considered to be 'decision-making staff' including:
- The Chairman, Executive and other Directors, Non-Executive Directors, and all those 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 salary band 8d and above

- Administrative and clinical staff who have the power to enter into contracts on behalf of their organisation
- Administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment, and formulary decisions

4.0 Identification, Declaration and Review of Interests

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

4.1.1 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.

4.1.2 Declarations should be made:

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

4.1.3 The declarations of interest(s) forms can be found on the Corporate Governance section of the YAS Intranet.

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

4.1.5 Please see Appendix B for an overview of the procedure for declaring conflicts of interest.

4.2 Proactive Review of Interests

4.2.1 We will prompt senior decision making staff (8d and above) at least annually to review declarations they have made and, as appropriate, update them or make a nil return. The Director of Corporate Services/Company Secretary is responsible for the process and that this is reviewed by the Audit Committee and by the Board, at least annually.

4.2.2 On an annual basis, Non-Executive Directors will be required to review the complete list of their declared interests and related parties.

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

4.2.4 The Director of Corporate Services/Company Secretary will report annually to the Audit Committee in respect of all declarations, including any breaches and responses.

5.0 Records and Publication

5.1 Maintenance and Publication of Records

5.1.1 The Trust will maintain the following registers:

- Corporate Register of Interests (for 'decision making' staff, other staff)

- Register of Interests for the Board of Directors
- Register of Gifts, Hospitality and Sponsorship (Board members, all staff)

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

5.1.3 The Trust will publish the Register of Interests for the Board of Directors at least annually on the Trust's website.

5.1.4 In some cases, it might not be appropriate to publish information about the interests of some decision-making staff, or their personal information might need to be redacted.

5.1.5 If decision-making staff have grounds for believing that publication of their interests should not take place then they should contact the Director of Corporate Services/Company Secretary to explain this. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, harassment or prejudice; information may be withheld or redacted on public registers. However, this would be the exception, and information will not be withheld or redacted because of a personal preference.

5.2 Wider Transparency Initiatives

5.2.1 The Trust fully supports wider transparency initiatives in healthcare, and we encourage staff to engage actively with these.

5.2.2 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. This includes 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

6.0 Management of Interests – General

6.1 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.

6.2 Each case will be different and context-specific, and the Director of Corporate Services/Company Secretary, will always clarify the circumstances and issues with the

individuals involved. Staff should maintain a written audit trail of information considered and actions taken.

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

7.0 Management of Interests – Principles and Rules

- 7.1 This section sets out the principles and rules to be adopted, and what information should be declared.

- 7.2 Appendix C sets out practical guidelines for staff on conflicts of interest, gifts and hospitality and Appendix D illustrates several potential situations that staff might face and the Trust's expectations of how staff should respond to them.

7.3 Gifts

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

7.3.2 Gifts from suppliers or contractors

- Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value.
- Low cost branded promotional aids such as pens or post-it notes may, however, be accepted where they are under the value of £6¹ in total and need not be declared.

7.3.3 Gifts from other sources (e.g. patients, families, service users)

- Gifts of cash and vouchers (including gift cards) to individuals should always be declined. Staff can politely refer the patient/family to the Trust's charitable fund which can accept cash donations.
- Staff should not ask for any gifts.
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the Yorkshire Ambulance Service Charity* not in a personal capacity: these should be declared by staff.
- Modest gifts (excluding gifts of cash and vouchers) accepted under a value of £50 do not need to be declared.
- A commonsense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).
- Multiple gifts from the same source over a 12-month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

7.4 Hospitality

- Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- 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

¹ The £6 value has been selected with reference to existing industry guidance issued by the ABPI: [Code of Practice for the Pharmaceutical Industry 2021](#)

reasonable. If unsure, advice should be sought from the Director of Corporate Services/Company Secretary.

7.5 Meals and Refreshments

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75² - may be accepted and must be declared.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept.
- A commonsense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

7.6 Travel and Accommodation

- Modest offers to pay some or all the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest or are of a type that the organisation itself might not usually offer, need approval by senior staff and should only be accepted in exceptional circumstances. These must be declared. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type. A non-exhaustive list of examples includes:
 - offers of business class or first-class travel and accommodation (including domestic travel)
 - offers of foreign travel and accommodation.

7.6.1 The Trust's Gifts, Hospitality and Sponsorship Form can be found on the Corporate Governance section of the YAS Intranet. Once the form is submitted, an independent review of the declaration will be undertaken by the Director of Corporate Services/Company Secretary. See Appendix B for details of the information to provide.

7.7 Outside Employment

- Staff should declare any existing outside employment on appointment and any new outside employment when it arises.
- Where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.
- Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval from the organisation to engage in outside employment.

7.7.1 The organisation may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk of a conflict. For example, the Working Time Regulations mandates that staff do not work more than 48 hours per week over a 17-week reference period. Secondary employment could mean that staff exceed this limit, which could cause health and safety issues. In addition, where an individual has secondary employment and is off sick from the Trust, working with the other employer could potentially be a fraudulent act, which would require investigation.

² The £75 value has been selected with reference to existing industry guidance issued by the ABPI [Code of Practice for the Pharmaceutical Industry 2021](#)

7.8 Shareholdings and other ownership issues

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

7.9 Patents

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

7.10 Loyalty Interests

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

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

7.11 Donations

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

- Staff must obtain permission from the organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the organisation's own. Advice should be sought from the Director of Corporate Services/Company Secretary in the first instance.
- Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.
- Staff wishing to donate 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.
- The organisation will maintain records in line with the above principles and rules and relevant obligations under charity law.

7.12 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 organisation's discretion, sponsors or their representatives may attend or take part in the event, but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified.
- Staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Staff arranging sponsored events must declare this to the organisation.
- The organisation will maintain records regarding sponsored events in line with the above principles and rules.

7.13 Commercially Funded and Sponsored Research

- Funding sources for research purposes must be transparent.
- Any proposed research must go through the relevant health research authority or other national or local approvals process.
- There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services. Staff must refer to the YAS Research Governance Policy and contact the Research team for support yas.research@nhs.net.
- 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 commercially funded and/or sponsored research to the organisation.
- The organisation will retain written records of commercially funded and sponsored research, in line with the above principles and policy.

7.14 Sponsored Posts

- External sponsorship of a post requires prior approval from the organisation. Advice should be sought from the Director of Corporate Services/Company Secretary in the first instance.
- 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 can 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.
- The organisation will retain written records of sponsorship of posts, in line with the above principles and rules.
- Staff should declare any other interests arising because of their association with the sponsor, in line with the content in the rest of this policy.

7.15 Clinical private practice

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

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

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

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.⁴
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines: [Non-Divestment Order amended.pdf](#)

7.15.3 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.

³ Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003

⁴ These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the Terms and Conditions – Consultants (England) 2003

8.0 Management of Interests – Advice in Specific Contexts

8.1 Strategic Decision-Making Groups

8.1.1 In common with other NHS bodies Yorkshire Ambulance Service NHS Trust uses a variety of different groups to make key strategic recommendations and decisions about things such as:

- Entering into (or renewing) large scale contracts
- Awarding grants
- Making procurement recommendations and decisions

8.1.2 The Trust has identified relevant decision-making and other governance groups involved in the activities listed above:

- Board of Directors
- Finance and Performance Committee
- Trust Procurement Group
- Medicines Optimisation Group
- Clinical Governance Group

8.1.3 The interests of those who are involved in these groups should be well known so that they can be managed effectively.

8.1.4 These groups should adopt the following principles:

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

8.1.5 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

8.1.6 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.

8.2 Procurement

8.2.1 Procurement shall be managed in an open and transparent manner, compliant with procurement and other relevant law, ensuring that there is no discrimination against or

in favour of any potential provider. Procurement processes shall be conducted in a manner that does not constitute anti-competitive behaviour which is against the interest of patients and the public.

- 8.2.2 Those involved in procurement exercises for and on behalf of the organisation shall 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 protect the integrity of the process. The highest risk part of the process is the evaluation of tenders. All evaluators are required to declare any conflicts of interest with named bidders before they are given access to view the bids.
- 8.2.3 The Trust has a Procurement Policy and Procurement Manual within which we operate.
- 8.2.4 Relevant individuals or teams who are available to offer advice include the Head of Procurement and Logistics, his/her Deputy or any member of the procurement team: Procurement@yas.nhs.uk

9.0 Dealing with Breaches

- 9.1 There will be situations when interests have not been 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.
- 9.2 Identifying and reporting breaches
- 9.2.1 Staff who are aware of actual breaches of this policy, or who are concerned that there has been, or may be, a breach, should report these concerns to:
- their local manager
 - Director of Corporate Services/Company Secretary via yas.corporategovernance@nhs.net
 - Local counter fraud team or, if they prefer to
 - the NHS Fraud and Corruption Reporting Line: [Report NHS Fraud | Home | NHSCFA](#)
- 9.2.2 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 staff should refer to the Trust's Freedom to Speak Up Policy.
- 9.2.3 The organisation will investigate each reported breach according to its own specific facts and merits and give relevant parties the opportunity to explain and clarify any relevant circumstances.
- 9.2.4 Following investigation the organisation 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.

9.3 Taking Action in Response to Breaches

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

9.3.2 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 given to escalation to external parties. This might include referral of matters to external auditors, NHS Counter Fraud Authority, the Police, statutory health bodies (such as NHS England or the Care Quality Commission), and/or health professional regulatory bodies.

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

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

- 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

9.4 Learning and Transparency Concerning Breaches

9.4.1 Reports on breaches, the impact of these, and action taken will be considered by the Audit and Risk Committee, as appropriate, on at least an annual basis.

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

10.0 Training Expectations

10.1 Although no formal training is proposed, all staff will be encouraged to read and understand the whole Policy. The Trust will also issue quarterly reminders about the main messages in the Policy, or about specific elements of the Policy.

- 10.2 Line managers have a responsibility to ensure all staff, including new starters and those on temporary/bank contracts, volunteers and third-party contractors working at local level are fully appraised of their responsibilities under this Policy.

11.0 Implementation Plan

- 11.1 The latest approved version of this document will be posted on the Trust Intranet site for all members of staff to view. New members of staff will be signposted to how to find and access this guidance during Trust Induction.
- 11.2 Implementation is immediate on approval.

12.0 Monitoring Compliance with this Policy

- 12.1 As a minimum, reviews of compliance with this policy this will comprise of an:
- Annual review of the Register of Interests for the Board of Directors, the Corporate Register of Interests and the Register of Gifts, Hospitality and Sponsorship, and a reasonableness check on the completeness of record keeping.
 - The results of this review will be reported to the Audit Committee at least on an annual basis. Delivery of actions required to address any weaknesses identified through these reviews will be monitored by the Audit Committee.
 - The Register of Interests for the Board of Directors, the Corporate Register of Interests and the Register for recording Gifts, Hospitality and Sponsorship will be approved at least annually by the Trust Board.

13.0 Definitions

Term	Description
Hospitality and gifts	For the purposes of this policy is defined as the receipt of entertainment (including meals and drinks), gifts or cash (or equivalent, i.e. cheques, vouchers, gift cards, lottery tickets or betting slips) for personal use or benefit which has no direct benefit to patient care or the business of the Trust. This policy covers general hospitality (e.g. when a Trust employee is bought a meal or a snack either during or outside normal working hours) and management hospitality (the entertainment and hospitality of Directors and employees).
Commercial Sponsorship	Defined as NHS funding from an external source, including funding of all or part of the costs of a member of staff, NHS research, staff, training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (speakers), equipment, buildings or premises.
Conflict of interest	<p>'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'.</p> <p>A conflict of interest may be:</p> <ul style="list-style-type: none">• 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

Term	Description
Financial interests	Where an individual may get direct financial benefit 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 ⁵ 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.
Secondary employment	This includes: <ul style="list-style-type: none"> • any paid employment outside the Trust • self-employment • bank/locum agency work outside of the Trust • voluntary work (whether paid or not)
Corruption	Accepting any gifts or consideration as an inducement or reward for: doing, or refraining from doing, anything in their official capacity; or showing favour or disfavour to any person in their official capacity.
Bribery	Promising or giving a financial or other advantage to another person and intending the advantage to induce a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity. The scope of the Bribery Act 2010 extends to bribery taking place overseas, conniving or turning a blind eye to bribery; and failure to take reasonable steps to prevent bribery.

13.1 Further guidance and examples of types of interest is provided at Appendix A.

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

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

⁵ 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.

14.0 Roles and Responsibilities

Role	Key responsibilities
All Staff	<p>Ensuring they are aware of and follow this policy.</p> <ul style="list-style-type: none"> • Make declarations of receipt of hospitality and gifts where required in consultation with their line manager. • Refuse gifts, inducements or hospitality other than items of modest value. • Staff with authority to commit expenditure must declare any relevant and material interests. • Do not use your official position for private gain. • Respect confidentiality of business information. • Act in accordance with the seven Nolan principles on standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. <u>The Seven Principles of Public Life - GOV.UK</u> • Ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties, whether this is direct or indirect. <p>It is the responsibility of the individual to make the appropriate declaration(s).</p>
Managers	<ul style="list-style-type: none"> • Providing advice, training and support for staff on how interests should be managed • All staff, including new starters and those on temporary/bank contracts, volunteers and third-party contractors working at local level are fully appraised of their responsibilities under this Policy • The HR department is informed of any issue brought to the manager's attention which affects a member of staff's employment, e.g. secondary employment.
Chief Executive	<p>As the 'Accounting Officer' is ultimately responsible for ensuring there is an effective system in place for employees to declare hospitality, gifts, sponsorship, outside income and any other interest and will ensure that Trust managers are briefed on this Policy through executive briefings, in addition to regular operational updates.</p>
Director of Corporate Services/ Company Secretary	<ul style="list-style-type: none"> • Ensuring that the Trust maintains a trust-wide corporate register of interests for all staff and a register of gifts, hospitality and sponsorship and that these are reviewed, by the Audit Committee and by the Board, at least annually • Ensuring that the Trust maintains a register of interests for the Board of Directors and that this is reviewed by the Audit Committee and by the Trust Board, at least annually • Communicating a reminder to staff at least quarterly • Ensuring the currency of this policy, on behalf of the Chief Executive.
The Board of Directors	<p>Gaining assurance that adequate arrangements are in place to ensure that all staff are aware of the standards of personal and professional behaviour expected of them, and that all staff have access to this policy.</p>
Executive Directors	<ul style="list-style-type: none"> • Current policies are reviewed and brought in line with this guidance • Staff are reminded periodically of their responsibilities in respect of making the relevant declarations • That forms for the purpose of declaration of interests and for declaration of gifts, hospitality and sponsorship are available via on the YAS intranet • Auditing policy, process and procedures relating to this guidance at least every three years.

15.0 Appendices

15.1 This Policy includes the following Appendices:

Appendix A: Examples of types of interest

Appendix B: Overview of Declarations of Interest Procedure

Appendix C: Practical Guidelines for Staff on Conflicts of Interest, Gifts and Hospitality

Appendix D: Potential Scenarios that staff may face (and how to respond to them) –
Gifts and Hospitality

Appendix A - Examples of types of Interest (non-exhaustive)

Type of Interest	Description
Financial Interest	<p>This is where an individual may get direct financial benefit from the consequences of a decision they are involved in making. This could, for example, include being:</p> <ul style="list-style-type: none"> • A director (including non-executive director) or senior employee in another organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding • A shareholder, partner, or owner of an organisation which is doing, or is likely to do business with an organisation in receipt of NHS funding • Someone in secondary employment • Someone in receipt of secondary income • Someone in receipt of a grant • Someone in receipt of other payments (e.g. honoraria, day allowances, travel or subsistence) • Someone in receipt of sponsored research.
Non-financial professional interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a decision, they are involved in making, such as increasing their professional reputation or status or promoting their professional career. This could include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients • A clinical with a special interest • An active member of a particular specialist body • An advisor for the CQC or National Institution for Health and Care Excellence (NICE) • A research role.
Non-financial personal interests	<p>This is where an individual may benefit personally in ways that are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions that they are involved in making in their professional career. This could include where the individual is:</p> <ul style="list-style-type: none"> • A member of a voluntary sector board or has a position of authority within a voluntary organisation • A member of a lobbying or pressure group with an interest in health and care
Indirect interests	<p>This is where an individual has a close association with an individual who has a financial interest, a non-professional personal interest or a non-financial personal interest who would stand to benefit from a decision they are involved in.</p>
Loyalty interests	<p>As part of their role, officers may need to build strong relationships with colleagues across the NHS and in other sectors. These relationships can be hard to define as they may often fall into the category of indirect interests. They are unlikely to be directed by any formal process or managed via any contractual means, however these 'loyalty' interests can influence decision making.</p>

Appendix B - Overview of Declaration of Interest Procedure (including gifts and hospitality)

Any interest may be deemed to be a potential conflict to the business of the Trust. Trust Board Members, managers and any other member of staff (including volunteers and third-party contractors) should therefore declare such interests either when they take up a position with the Trust or as soon as the interest is acquired.

Where there is any doubt, a declaration of interest should be made to your line manager for a decision on whether the declaration should be made formally. If in doubt, contact the Head of Corporate Governance.

Declaration of Interest forms can be found on the Corporate Governance section of the YAS Intranet.

Specific Information to be included when completing the declaration forms:

Gifts

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

Hospitality

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

Outside Employment

- Staff name and their role with the organisation.
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

Shareholdings and Other Ownership Issues

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

Patents

- Staff name and their role with the organisation.
- A description of the patent.
- Relevant dates.

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

Loyalty Interests

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

Sponsored Research

- Staff name and their role with the organisation.
- Nature of their involvement in the sponsored research.
- Relevant dates.
- Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

Clinical Private Practice

- Staff name and their role with the organisation.
- A description of the nature of the private practice (e.g. what, where and when staff practise, sessional activity, etc).
- Relevant dates
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

The signed responses will be recorded in the form of a register and kept by the Head of Corporate Governance. If a change arises during the year, the Head of Corporate Governance should be notified immediately in order that it may not pose a detriment to either the Trust or its patients in the form of undue influence over a contract tendering procedure etc.

Interests which are regarded as relevant and material are:

- Directorships, including Non-Executive directorships held in private companies, public limited companies or limited liability partnerships;
- Ownership or part ownership (generally 10% or more and, depending on value, as little as 1% share) of private companies, businesses or consultancies which seek to do business with the Trust, or may in the future seek to do business with the Trust, or where it is known to be in a merger, acquisition, or takeover situation with a private company, business, or consultancy
- Shareholdings and ownership interests in any publicly listed, private or not might reasonably be expected to do business with the Trust
- A position of authority in another NHS organisation, commercial, charity, voluntary, professional, statutory or other body which could be seen to influence your role within the Trust
- A position on an advisory group or other paid or unpaid decision-making forum that could influence how the organisation spends taxpayers money
- A personal or departmental interest in any part of the pharmaceutical industry that could be perceived as an influence on their decision making or on the advice to members of YAS staff
- Are or could be involved in the recruitment or management of close family members and relatives, close friends and associates and business partners

- A position of influence that exists in the context of the specification for, or award of, a contract
- Any connection with a private, public, voluntary or other organisation contracting for NHS services
- Any other commercial interest relating to any relevant decision to be taken by the Trust.

Recording of interest at Board, Committee or other meetings

During any Trust Board or formal Board Committee meeting, Board Members or any other member(s) who make a declaration of interest of any agenda item should have that declaration recorded in the minutes of the meeting (see 6.1, SO/SFIs etc). During any other meeting involving Trust staff members, those in attendance should make any relevant declaration either at the outset of the meeting, or during proceedings, and these should be recorded in the minutes or notes of the meeting.

Failure to adhere to standards of conduct

Any case where a Trust employee fails to declare an interest as defined above or participates in a decision-making process where special favour is shown to unfairly award a contract or abuse their official position or knowledge for the purpose of benefit to themselves, family or friends, will be referred to the Counter Fraud Department for investigation. If proven it will result in appropriate disciplinary action for gross misconduct. Criminal proceedings may also be taken.

Advice

Staff should seek advice on the application of this policy from their line manager or Executive Director who will, when necessary, request that they complete a declaration of interests form. Further clarification can be obtained from the Head of Corporate Governance, if required.

Appendix C - Practical Guidelines for Staff on Conflicts of Interest, Gifts and Hospitality

<p>DO</p>	<ul style="list-style-type: none"> • Make sure you understand the policy guidelines on standards of business conduct and consult your line manager if you are unsure. • Make sure you are not in a position where your private interest and NHS duties may conflict. • Declare to the Trust - via your line manager - any relevant interests. If in doubt ask yourself: <ul style="list-style-type: none"> ○ Am I, or might I be, in a position where I (or my family/friends) could gain from the connection between my private interests and my employment? ○ Do I have access to information which could influence purchasing decisions? ○ Could my outside interests be in any way detrimental to the NHS or to the patient's interests? ○ Do I have any other reason to think I may be risking a conflict of interest? <p><u>Examples of non-declarable items</u></p> <p>An item(s) with a total value of less than £6, for example:</p> <ul style="list-style-type: none"> • Calendar/diary/similar items of low intrinsic value • Branded pen(s) from suppliers or contractors <p>An item(s) with a total value of less than £50, for example:</p> <ul style="list-style-type: none"> • Bouquet of flowers • A buffet lunch at an external meeting, training course, conference etc. <p><u>Examples of declarable items</u></p> <ul style="list-style-type: none"> • A partner/close relative who manages a nursing home • Shares in a company supplying goods/services to the Trust • Supplier or other company offers paid overnight accommodation/dinner/other hospitality e.g. free tickets to a show, sporting event • An item(s) with a total value of more than £50 <p>Offers of cash/cheques/gift vouchers should always be refused; instead refer the potential donor to YAS Charitable Fund via yas.charity@nhs.net.</p> <p>If still unsure – declare it.</p> <ul style="list-style-type: none"> • Adhere to the ethical code of the Chartered Institute of Purchasing and Supply (CIPS) if you are involved in any way in the acquisition of goods and services • Seek the Trust's permission before commencing outside work (special guidance applies to doctors) • Obtain the Trust's permission before accepting any commercial sponsorship
<p>DO NOT</p>	<ul style="list-style-type: none"> • Accept any inappropriate gifts, inducements or hospitality e.g. alcohol • Abuse your past or present official position to obtain preferential rates for private deals • Unfairly advantage one competitor over another • Show favoritism in awarding contracts • Misuse, make available or benefit from official 'commercial in confidence' information

Appendix D - Potential Scenarios that staff may face (and how to respond to them) – Gifts and Hospitality

The following describes a number of potential situations that staff might face and the Trust's expectations of how staff should respond to them:

You receive an invitation to a prestigious event (sporting, leisure, film, music, theatre, special conference, product launch etc).

In some circumstances you might wish to agree to attend on the proviso that you meet the costs yourself. However, tickets to such events are often 'valued' at significantly higher than the face value on the ticket. In all cases, the invitation must be discussed with your line manager and declared, and attendance must be agreed in advance with the Trust's Head of Corporate Governance.

You are offered an item of equipment, for a trial period, after which it may, or may not, be reclaimed.

In these circumstances you must regard this as an attempt to influence decisions and reject the offer and report it to your line manager. The offer can be passed on to the Head of Procurement and Logistics, so that it can be considered under approved, formal trial procurement arrangements. However, should the item not be reclaimed at the end of the trial period, this must be reported to your line manager and declared.

A local firm (e.g. car repairs, electricians, plumbers), which is used by the Trust, on a regular basis, offers you a special, personal discount for any work that you might want done at home.

This must not be accepted and the offer must be reported to your line manager. If the same discount arrangement is offered to all staff, through an approved NHS staff discount scheme, it can be accepted.

A representative of a medical supplies company, which has regular dealings with the Trust, invites you out for an evening meal at a top local hotel.

This must not be accepted and the offer must be reported to your line manager and declared. NHS organisations would not expect to use such facilities.

Staff must not accept cash, of any value, offered to them personally. Cash includes cheques, gift vouchers and other cash-equivalent tokens, for example:

Using a Trust fuel card to collect points or vouchers for yourself.

Collecting for your own use any type of reward vouchers or points associated with purchases using a Trust purchasing or credit card.