

Ref: FOI/GS/ID 4515

**Please reply to:**  
FOI Administrator  
Trust Management  
Maidstone Hospital  
Hermitage Lane  
Maidstone  
Kent  
ME16 9QQ  
Email: mtw-tr.foiadmin@nhs.net

9 February 2018

### **Freedom of Information Act 2000**

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to the Kent and Medway STP.

*You asked:*

*What were the procedures for the control of conflicts of interest for the entirety of the period of employment of Mr Michael Ridgwell by the Kent and Medway STP? Were any declaration of potential conflicts of interest received from Mr Ridgwell at any point since his appointment?*

Trust response:

Michael Ridgwell originally started working with the STP as an external contractor, through his limited company MGWR Ltd. He subsequently applied for the post of STP Programme Director and, following interview, was appointed to this role as an NHS employee of Maidstone and Tunbridge Wells NHS Trust (in the Trust's capacity as the host of the STP) in April 2017. No conflict of interest has been declared other than in relation to his registered company.

Since Michael has become an NHS employee with Maidstone and Tunbridge Wells NHS Trust no income has been earned by MGWR Ltd either in relation to the STP or in relation to any other work (i.e. it has not undertaken any fee paying or non-fee paying work). In addition, Michael's sole source of income since taking up the role of STP Programme Director has been the salary from the post and he has not worked or received income from any other employer or body other than Maidstone and Tunbridge Wells NHS Trust.

For completeness, please find below a copy of the Trust gifts, hospitality, sponsorship and interests policy and procedure.

MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST

## Gifts, Hospitality, Sponsorship and Interests Policy and Procedure

<b>Requested/ Required by:</b>	Department of Health
<b>Main author:</b>	Trust Secretary <b>Contact details:</b> <a href="mailto:kevinrowan@nhs.net">kevinrowan@nhs.net</a>
<b>Other contributors:</b>	Local Counter Fraud Specialist (LCFS)
<b>Document lead:</b>	Director of Finance
<b>Directorate:</b>	Trust Management
<b>Specialty:</b>	Trust Management
<b>Supersedes:</b>	Standards of Conduct Policy and Procedure [Version 3.0: February 2013][ RWF-OPPPCS-NC-WF32]
<b>Approved by:</b>	Trust Management Executive, 18 <sup>th</sup> November 2015
<b>Ratified by:</b>	Trust Board, 27 <sup>th</sup> January 2016 (having been reviewed by the Policy Ratification Committee, 15 <sup>th</sup> January 2016)
<b>Review date:</b>	January 2019

## Document history

<b>Requirement for document:</b>	The document sets out the expected behaviour and process to be followed to ensure the Trust complies with the principles within, among other things, the Department of Health Circular HSG (93) 5 (Standards of Business Conduct for NHS Staff); and the Bribery Act 2010.
<b>Cross references:</b>	Department of Health Circular HSG (93) 5 (Standards of Business Conduct for NHS Staff)
<b>Associated documents:</b>	<p>This policy / procedure should be read in accordance with the following Trust policies, procedures and guidance.</p> <ul style="list-style-type: none"> <li>• Anti Fraud, Bribery and Corruption Policy and Procedure [RWF-OPPPCS-NC-WF48]</li> <li>• Disciplinary Policy and Procedure [RWF-OPPPCS-NC-WF10]</li> <li>• Medical Devices Policy and Procedure [RWF-OPPPCS-NC-EST2]</li> <li>• Medical Staff Leave (Annual Leave and Public Holidays / Study and Professional Leave) Policy and Procedure [RWF-OPPPCS-NC-WF42]</li> <li>• Medicines Policy and Procedure [RWF-OPPPCSS-C-PHAR1]</li> <li>• Policies and procedures for Charitable funds [RWF-OPPCS-NC-TM47]</li> <li>• Reservation of Powers and Scheme of Delegation [RWF-OPPCS-NC-TM21]</li> <li>• Standing Orders [RWF-OPPCS-NC-TM23]</li> <li>• Standing Financial Instructions [RWF-OPPCS-NC-TM22]</li> </ul> <p>This policy / procedure should be read in accordance with the following external documents:</p> <ul style="list-style-type: none"> <li>• The Blue Guide: Advertising and promotion of medicines in the UK (the Medicines and Healthcare products Regulatory Agency)</li> <li>• Conflicts of interest (Report by the Comptroller and Auditor General, 2015)</li> <li>• Financial and commercial arrangements and conflicts of interest (General Medical Council)</li> <li>• The National Health Service Trusts (Membership and Procedure) Regulations 1990 (and subsequent amendments)</li> </ul>

### Version control:

<b>Issue:</b>	<b>Description of changes:</b>	<b>Date:</b>
1.0	<p>New policy which...</p> <ul style="list-style-type: none"> <li>• replaces the Standards of Conduct Policy and Procedure</li> </ul>	January 2016

	<ul style="list-style-type: none"><li>• clarifies and strengthens the process for monitoring the receipt of gifts, sponsorships and interests</li><li>• introduces an upper limit (over £25) for the acceptance of gifts</li><li>• extends the list of Notifiable Interests</li></ul>	
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Policy statement for

## **Gifts, Hospitality, Sponsorship and Interests Policy**

This policy gives clear direction to all staff (including Non-Executive Directors) on:

- The consideration of offers of gifts, including when declarations are required
- The management of offers of hospitality from external organisations, including when declarations are required
- The management of offers of sponsorship from external organisations, including when declarations are required
- The management, and declaration, of interests, including potential conflicts

# Gifts, Hospitality, Sponsorship and Interests Procedure

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## **1.0 Introduction, scope and underlying principles**

### **1.1 Introduction**

There may be occasions when Trust staff (including Non-Executive Directors) are offered gifts, hospitality or sponsorship.

Staff may also hold interests which could, or appear to, conflict with those of the Trust.

It is important that the management of these circumstances adheres to the framework established by this policy, to protect individual employees, and the Trust as a whole, from allegations of fraud and/or corruption; and to reduce the risk of legal challenge of decisions made by the Trust (if a decision-maker has a conflict of interest then the decision is potentially vulnerable and could be overturned on Judicial Review<sup>1</sup>).

It is an offence under the Bribery Act 2010<sup>2</sup> for an employee to corruptly accept any reward or inducement for doing, or refraining from doing, anything, in his or her official capacity, or corruptly showing favour, or disfavour to any organisation or person.

The Trust has a zero tolerance of bribery and corruption. Breaches of this Policy will be investigated according to the Disciplinary Policy and Procedure, and disciplinary action, including dismissal, may be taken.

The relevant declarations should be made to the Trust Secretary, as outlined below.

### **1.2 Scope and exclusions**

The policy applies to all employees and workers including Bank and temporary staff. The policy also applies to the Trust's Non-Executive Directors.

This policy does not cover:

- The provision of hospitality by the Trust; or
- Payment/s to a member of staff that amounts to remuneration for the delivery of a service, e.g. receiving a fee for providing a lecture
- Conflicts of interest relating to the clinical care and treatment of individual patients. Guidance on such conflicts is available from professional bodies (including the General Medical Council)

In addition, the policy does not generally apply to conflicts of interests held by non-staff (i.e. external) personnel undertaking

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<sup>1</sup> Article 6 of the European Convention on Human Rights and Articles 41 and 47 of the EU Charter of Fundamental Rights enshrine the principle that decisions should be made free from actual and apparent bias

<sup>2</sup> The Bribery Act 2010 contains 2 general criminal offences that apply to individuals, covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery). The Act also sets out two further offences which specifically address commercial bribery. One of these (a so-called 'section 7' offence) creates a form of corporate liability for failing to prevent bribery on behalf of a commercial organisation (which includes NHS organisations).

consultancy work for the Trust. However, any potential conflicts of interest should be identified during the decision to engage (by the person engaging that consultant). If the consultant is engaged, all potential conflicts of interest should be explicitly declared in any reports issued by the consultant.

### **1.3 Underlying principles**

Public sector bodies, which include the NHS, must be impartial and honest in the conduct of their business, and their employees should remain beyond suspicion. This is a key tenet of the Nolan Committee's seven principles of public life (see Appendix Nine [[RWF-OWP-APP535](#)]). In keeping with this, the following underlying principles are paramount:

1. Staff must not encourage patients (or their friends or relatives) to give, lend or bequeath money or gifts or make donations that will, or appear to, directly or indirectly be of benefit to them
2. Staff must decline gifts and/or hospitality of any kind which might reasonably be perceived to...
  - a. compromise their personal judgment or integrity
  - b. be an abuse of trust
  - c. exert undue influence
  - d. obtain preferential consideration
  - e. bring their own professional reputation, or the reputation of the Trust, into disrepute
  - f. result in them or the Trust receiving adverse publicity and/or public criticism
3. Staff must ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. Conflicts of interest are not confined to financial interests, and may also include other personal interests

## **2.0 Definitions**

<b>Benefit</b>	Extra money or other non-monetary compensation that is received in addition to salary.
<b>Bequest</b>	A legacy, a thing left by a person in their last Will.
<b>Bribery</b>	The practice by which a person who can take a decision or action on behalf of others by virtue of their authority or position is influenced by paying or offering monetary benefits for influencing them to take an action or decision which they would not have done otherwise.
<b>Business conduct</b>	The standards of behaviour expected when involved in commercial or business activity in the name of the Trust.
<b>Cash</b>	Currency, coins, postal orders, cheques.
<b>Direct cash equivalents</b>	"Stored value" products (such as gift certificates / cards / vouchers) whose value can be guaranteed to match that of the funds (i.e. cash) used to pay for the product.

<b>Conflict of interest</b>	A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. A conflict can occur in any situation where an individual or organisation can exploit a professional or official role for personal or other benefit. Often the perception of conflict alone is enough to cause concern.
<b>Discount</b>	A reduction in the usual price of something.
<b>Gift</b>	<p>Something that is given to somebody from an individual (i.e. not an organisation), usually in order to provide pleasure or to show gratitude.</p> <p>For ease of reference, "Gift" will be used throughout this document to refer to a "gift", "benefit", and/or "gratuity".</p> <p>"Gifts" also include those left via a patient's bequest.</p>
<b>Gratuity</b>	A small gift, usually given to somebody as a token of thanks.
<b>Hospitality</b>	<p>The business of entertaining existing or potential clients, conference delegates, or other officials. Hospitality is by definition offered on behalf of an organisation and includes a broad spectrum of activities, including:</p> <ul style="list-style-type: none"> <li>▪ Food and/or drink</li> <li>▪ Costs associated with meetings (including meeting room hire)</li> <li>▪ Entertainment</li> <li>▪ Attendance at training events / conferences</li> <li>▪ Hotel and transport costs (including trips abroad)</li> <li>▪ Expense paid trips etc.</li> </ul> <p>In some circumstances the terms "Hospitality" and "Sponsorship" may be used interchangeably. This is not problematic, but for the purposes of distinction, "Hospitality" should be regarded as the item being offered, whilst "Sponsorship" should describe the funding associated with such "Hospitality". In this sense, an employee may be in receipt of funding (i.e. "Sponsorship") to attend a conference (which represents the "Hospitality").</p>
<b>Inducement</b>	A thing that persuades or leads someone to do something.
<b>Lavish or excessive</b>	Hospitality and/or Sponsorship that would not be regarded as normal and reasonable in the circumstances, or would not be similar to the scale of hospitality which the Trust as an employer would be likely to offer.
<b>Lottery tickets</b>	These are "stored value" products whose value cannot be guaranteed to match that of the funds used to pay for the product (i.e. so that the value could exceed the value paid, by potentially significant amounts). This would include tickets for entry into lottery competitions (e.g. the National Lottery, local lotteries, and other nationwide lottery schemes), lottery



'scratchcards' and raffle tickets.

**Non-Executive Director**

A member of the Trust Board who is not an officer of the Trust and is not to be treated as an officer by virtue of regulation 1(3) of the Membership and Procedure Regulations. All non-Executive Directors have voting rights at the Trust Board, but Non-Executive Director posts are public appointments and not jobs and are therefore not subject to the provisions of employment law. For the purposes of this policy, "Non-Executive Director" includes "Associate Non-Executive Directors" (refer to the Trust's Standing Orders for further details).

**Non-Trust premises**

Premises other than those operated by, booked by, and/or funded by, the Trust.

**Notifiable Interest**

Any interest that is held by Trust staff that meets the criteria for inclusion on the Trust's Register of Interests. Specifically the interests that are required to be declared are those which are "relevant and material" i.e.:

- a. Directorships, including Non-Executive Directorships held in private companies or Public Limited Companies (PLCs) (with the exception of those of dormant companies)
- b. Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS
- c. Majority or controlling share holdings in organisations likely or possibly seeking to do business with the NHS
- d. A position of authority in an organisation in the field of health and social care (i.e. separate to any position held at the Trust)
- e. Any connection with an organisation that could be viewed as a direct competitor to the Trust in the field of health and social care
- f. Any connection with a voluntary or other organisation contracting for NHS services (this would include being a minority shareholder in such organisations)
- g. Research funding/grants that may be received by an individual or their department
- h. Interests in pooled funds that are under separate management
- i. Any connection with an organisation, entity or company considering entering into or having entered into a financial arrangement with the Trust, including but not limited to lenders or banks
- j. Appointment to a public office which may result in the individual's association with the Trust being made public. This could include, for example, election to a Parish Council
- k. Political affiliation which may result in the individual's association with the Trust being made public. This could

include, for example, being a spokesperson for a political party

<b>Officer</b>	<p>The influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest.</p> <p>An employee of the Trust or any other person holding a paid appointment or office with the Trust.</p>
<b>Pecuniary interest</b>	<p>Interests relating to or consisting of money. Subject to the exceptions set out in the Trust's Standing Orders, a person shall be treated as having an indirect pecuniary interest in a contract if:</p> <ul style="list-style-type: none"><li>a) he/she, or a nominee of his/her, is a member of a company or other body (not being a public body), with which the contract is made, or to be made or which has a direct pecuniary interest in the same, or</li><li>b) he/she is a partner, associate or employee of any person with whom the contract is made or to be made or who has a direct pecuniary interest in the same</li></ul>
<b>Sponsorship</b>	<p>The provision of funding, or a non-fee service from an external (i.e. non-Trust) source. Sponsorship covers a broad spectrum of activities, such as providing all or part of the costs of employing a member of staff, NHS research, equipment, the provision of non-fee services (speakers, buildings, premises etc.); attendance at training events / conferences; Hotel and transport costs (including trips abroad) etc.</p> <p>In some circumstances the terms "Hospitality" and "Sponsorship" may be used interchangeably. This is not problematic, but for the purposes of distinction, "Hospitality" should be regarded as the item being offered, whilst "Sponsorship" should describe the funding associated with such "Hospitality". In this sense, an employee may be in receipt of funding (i.e. "Sponsorship") to attend a conference (which represents the "Hospitality").</p>
<b>Staff</b>	<p>Persons employed by the Trust, including those employed part-time, full-time, on substantive terms, on temporary terms (including 'interims'). For the purposes of this policy, the term "staff" includes Non-Executive Directors.</p>
<b>Supplier</b>	<p>An organisation that provides, or could provide in the future, a service to the Trust under contract. This includes Pharmaceutical companies.</p>
<b>Trust Board Member</b>	<p>An individual regarded as being a member of the Trust Board. The influence (or potential influence) exerted by the individual is the key determinant, rather than their ability to vote at Board meetings. Trust Board members are those that are expected to be at each Board meeting (and sit at the Board table), and contribute fully to each agenda item. For those currently regarded as Trust Board members,</p>

please refer to the Standing Orders.

**Trust premises** Premises operated by, booked by, and/or funded by, the Trust.

### 3.0 Duties

#### **All employees (and Non-Executive Directors):**

- To be impartial and honest in the conduct of their official business
- To ensure they do not use their official position for personal gain or advantage, whether directly or indirectly (i.e. through any private business or other interests)
- To consider, when gifts are offered, whether they can be received without contravening this policy
- To seek appropriate advice and guidance before accepting any gifts that they may be offered (if in any doubt)
- To politely decline any personal offers of cash, regardless of value, and to formally declare such offers (by completing the “Gifts, Hospitality and Sponsorship Form” – See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet)
- To ensure that any personal offers of non-cash gifts over £25 are politely declined, and formally declared (by completing the “Gifts, Hospitality and Sponsorship Form” – See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet)
- To declare any “Notifiable Interest”, using the “Declaration of Officers’ Interests Form” (See Appendix Five, and also on the Trust’s Intranet)
- To carefully consider the implications of accepting any offers of Hospitality that takes place on Non-Trust premises
- To formally declare any offers of Hospitality to take place on Non-Trust premises (by completing the “Gifts, Hospitality and Sponsorship Form” – See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet)
- To carefully consider the implication of accepting offers of Sponsorship
- To ensure that any offers of Sponsorship are formally declared (by completing the “Gifts, Hospitality and Sponsorship Form” – See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet)
- To declare any “Notifiable Interest” that they hold
- To ensure that they remove themselves from any decision-making process that is, or could be perceived to be, related to any “Notifiable Interest” that they hold
- To report any instances of bribery, or suspected bribery, to their line manager

**N.B.** Any member of staff who believes that any colleague/s may have been offered gifts, hospitality or sponsorship that is eligible to be declared; or hold notifiable interests, but which has not been declared, should raise their concerns with the Trust Secretary in the first instance (for advice).

#### **Line managers:**

- To ensure their staff are aware of this policy and when they need to make a declaration of the offer of a Gift, Hospitality, Sponsorship, or the existence of a “Notifiable Interest”
- To be aware of the “Notifiable Interests” held by their staff
- To investigate any breaches of this policy
- To respond to any reports of bribery, or suspected bribery in accordance with the Trust’s Anti Fraud, Bribery and Corruption Policy and Procedure

**General Managers:**

- To consider and authorise any offers to fund entire posts via external Sponsorship.

**Medical Education Department:**

- To provide the Trust Secretary with details of any requests for study leave made in accordance with the Trust’s Medical Staff Leave Policy and Procedure where it has been confirmed that external funding/sponsorship has been provided.

**Trust-employed organisers of on-site Hospitality funded via external Sponsorship:**

- To consider whether on-site Hospitality could, in the judgement of any reasonable person, be considered lavish or excessive; and if so, declare any lavish or excessive on-site Hospitality using the Trust’s “Gifts, Hospitality and Sponsorship Form” (See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet)

**Consultants requesting addition of new medicines to the Trust’s Formulary:**

- To formally declare any interests they may have in the new medicine, using the “Request form for the addition of a new drug to the Trust formulary” (available from the Trust’s Pharmacy Department)

**Staff requesting the introduction of new medical devices:**

- To adhere to the Trust’s procurement processes (further details can be obtained from the Procurement Department)
- To ensure compliance with the Trust’s Medical Devices Policy and Procedure

**All Trust Board members (in addition to the duties for ‘All employees’):**

- To abide by the Code of Conduct for NHS Boards (see Appendix Ten [[RWF-OWP-APP536](#)])

**Trust Secretary:**

- To maintain the “Register of Gifts, Hospitality and Sponsorship”, and provide appropriate reports on the register
- To maintain the “Register of Board Members’ Interests”, and provide appropriate reports on the register
- To maintain the “Register of Officers’ Interests”, and provide appropriate reports on the register

- To provide reports on declarations made to the Audit and Governance Committee (for Gifts, Hospitality and Sponsorship) and Trust Board (for Interests)
- To issue a twice-yearly reminder to staff regarding the need to make the declarations referred to in this policy (see below)
- To coordinate the processes for the annual staff declarations required by this Policy
- To review details of any requests for study leave made in accordance with the Trust's Medical Staff Leave Policy and Procedure where it has been confirmed that external Sponsorship has been provided, to ensure that a declaration of such Sponsorship has been made
- To consider any requests for exceptional circumstances, in accordance with this policy

#### **4.0 Training / competency requirements**

This policy and procedure is considered to be a reference document. Staff need to be aware of its existence, but should consult its content as and when required. For this reason, it is not considered that formal training is needed. However, the Trust Secretary is available to respond to any queries regarding the policy.

The policy will be made available on the Trust's intranet. In addition, the Trust Secretary will arrange for an 'all users' email to be issued on two occasions during the year:

1. In early December (ahead of Christmas, at which there is likely to be an increase in the offer of Gifts and Hospitality); and
2. At the start of each financial year (in April)

The email will remind staff of the existence of the policy, and of the need to make appropriate declarations.

## 5.0 Procedure

### 5.1 Procedures relating to offers of Gifts, Hospitality and related matters

#### 5.1.1 Gifts

- a. Staff must not, under any circumstances, accept gifts of cash offered to them personally, regardless of the value involved. If such gifts are offered, staff should ask those making the offer if they would instead like to make a donation to the appropriate charitable fund. For advice on this, staff should contact the Financial Services Department (or refer to the Policies and procedures for Charitable funds)
- b. If gifts of cash are made via non-personal means (e.g. via the post), efforts should be made (by the person to whom the gift was offered) to contact the person making the gift, to politely explain that the cash cannot be accepted, and either make arrangements for the money to be returned (ideally in person, or if this is not possible, via recorded postal delivery), or to seek the consent for the money to be donated to the Maidstone and Tunbridge Wells NHS Trust Charitable Fund. If efforts to contact the person are unsuccessful, the money should be donated to the Maidstone and Tunbridge Wells NHS Trust Charitable Fund
- c. Any offers of cash (regardless of value) should be declared to the Trust by the intended recipient, via completion of the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)] and also on the Trust's Intranet)
- d. It is acceptable for offers of gifts of cash to Wards/Departments to be regarded as a donation to the relevant designated charitable fund. For advice on this, staff should contact the Financial Services Department (or refer to the Policies and procedures for Charitable funds)
- e. Staff may accept non-cash gifts offered to them personally, provided they are not (nor appear to be) valued at above £25. Generally, such offers do not need to be declared (though certain exceptions apply – see h. and i. below)
- f. All offers of non-cash gifts above the value of £25 must be politely declined, and declared to the Trust, via completion of the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). This Form should be submitted within 10 working days of the offer. It is the offer that is being declared
- g. If staff are genuinely unaware of the value of any offers of gifts, they should make a reasonable assessment, and seek the advice of their line manager. The Trust Secretary is also able to advise in the event of any uncertainty
- h. If several gifts below the value of £25 are offered from the same (or related) sources within a 12-month period, the offer of such gifts should be politely declined at the point that the £25 threshold is exceeded. At that point, the offer should also be declared, via the "Gifts, Hospitality and Sponsorship Form"

(see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's intranet). This step has been included to protect staff from appearing to be taking advantage of the £25 threshold, by accepting several gifts that are below this amount individually, but which over a period of time, may equate to a greater amount

- i. If gifts below the £25 threshold are offered to different staff members (individually) from the same source, at the same time, and the collective value of such gifts exceeds the £25 threshold, such staff members are free to accept the offer, but a single declaration should be made, via the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet) that covers the collective value of the offers and the intended recipients. The Manager of the Staff is responsible for ensuring the declaration is made
- j. If an offer of a non-cash gift/s above the value of £25 is made to a Ward/Department as a whole i.e. with the intention of the gift being received by more than one individual, the decision whether to accept the gift should be made by the Ward Manager/Head of Department. The decision should take into account whether the Gift is lavish or excessive, and also whether the acceptance accords with the underlying principles in section 1.3. The £25 threshold for individual gift acceptance should also be used to inform the decision. In any case, the offer should be declared by the Ward Manager/Head of Department, via completion of the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet)
- k. Offers of "direct cash equivalents" can be accepted, providing the value does not exceed £25. If the value is £25 or below, the offer can be accepted, and does not need to be declared. If the value is above £25, the offer should be politely declined, and declared by the intended recipient, via completion of the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's intranet)
- l. Offers of Lottery tickets should be politely declined, and declared by the intended recipient, via completion of the "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). If such offers are made via non-personal means (e.g. via the post), efforts should be made to contact the person making the offer, to politely explain that the gift cannot be accepted, and make arrangements for the tickets to be returned (ideally in person, or if this is not possible, via recorded postal delivery). If efforts to contact the person are unsuccessful, the lottery tickets should be provided to the Trust Finance Department. Any winnings arising from the tickets will be donated to the Maidstone and Tunbridge Wells NHS Trust Charitable Fund. N.B. To guard against accusations of fraud,

the Finance Department will photograph the ticket/s on receipt (to record the serial numbers), and for lottery scratchcards, two members of the Department will undertake to 'scratch' the cards in each other's presence.

### **5.1.2 Hospitality**

- a. As a general principle, staff should not accept any offers of individual items from a supplier. Staff may however accept Gratuities (small gifts) without formal declaration. Such Gratuities may include items such as calendars, diaries, pens and other stationery
- b. If suppliers offer hospitality on Non-Trust premises and staff have a legitimate reason to attend in a professional capacity, such hospitality can be accepted, provided the acceptance accords with the underlying principles listed in section 1.3. Recipients of such offers should make it clear that such acceptance would not influence any future decision regarding the continued or future engagement of the supplier. Recipients of such offers must also complete and submit the Trust's "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). This form should be submitted within 10 working days of the receipt of such Hospitality
- c. Hospitality provided via Sponsorship on Trust premises does not need to be routinely declared, as, in general, such Hospitality would not be considered lavish or excessive. However, if such Hospitality could, in the judgement of any reasonable person, be considered lavish or excessive, the organiser of such Hospitality must make a declaration, using the "Trust's Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). This Form should be submitted within 10 working days of the receipt of such hospitality
- d. The acceptance of any goods or services offered from Suppliers on a trial basis, for no payment, should be declared, via the "Trust's Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). Acceptance of such goods or services must not lead to the circumvention of, or prejudice to, the proper completion of the Trust's procurement processes
- e. Visits to supplier's premises involving overnight accommodation and travel, as part of a product research or evaluation should generally be at the Trust's expense

### **5.1.3 Discounts from local or national businesses**

- a. Trust staff are free to accept any discount offered by a local or national business that is available to them because of their employment either within the NHS, or because of their employment by the Trust, providing that a) such discounts are available to all Trust employees, and b) the acceptance of such discounts accords with the underlying principles listed in



section 1.3. The offer and use of such discounts does not need to be declared

- b. The Trust's allowance of the acceptance of discounts should not be used as a way of circumventing the processes in relation to the acceptance of Gifts and Hospitality, outlined above. For example, individual staff members would not be expected to accept a supplier's offer of a 99.9% discount on a large value item. Adherence to the underlying principles stated in section 1.3 of this policy should always be expected

#### **5.1.4 Trade or discount schemes**

- a. Offers of trade or discount schemes, by which personal benefit is obtained from the Trust's purchase of goods or services at a reduced price are should be politely declined and/or returned to the sender
- b. The exceptions to this are benefits negotiated by the Trust for use by its staff (for which the above guidance relating to "Discounts from local or national businesses" applies)

#### **5.1.5 Awards or prizes**

- a. If staff are offered an award or prize from an external agency in connection with their official duties, they will be allowed to accept it in the Trust's name, provided that:
  - o The offer has been made as a result of personal (or team) achievement related to the staff members' expected duties; and
  - o The acceptance accords with the principles listed in section 1.3

#### **5.1.6 Gifts bequeathed in patients' wills**

- a. Staff must not encourage patients to bequeath money or gifts in their Wills
- b. It is however recognised that patients may wish to make such bequeaths, and if undertaken via the correct legal procedures (the Will's executors will determine the legality of the will, and seek to resolve any contested bequeaths), staff would be free to accept these, providing that such acceptance does not conflict with the underlying principles stated in section 1.3 of this policy
- c. Any staff that are aware that they will be the beneficiary of such bequests should declare this (regardless of the value of the bequest), using the Trust's "Gifts, Hospitality and Sponsorship Form" (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet). Such declarations should be made as soon as the Staff member becomes aware of the bequest (this may be before the patient's death)
- d. Such declarations are not required for patients who are related to staff members

#### **5.1.7 Exceptional circumstances**

- a. If any member of staff feels there are exceptional circumstances why an offer prohibited by this policy should be accepted, then full supporting details should be provided on

the “Trust’s Gifts, Hospitality and Sponsorship Form” (see Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust’s Intranet) before acceptance. The completed form should be forwarded to the Trust Secretary, who will discuss the matter with the Director of Finance, and will confirm in writing if approval to accept the offer is to be given

#### **5.1.8 Annual reminder to declare gifts, hospitality and sponsorship**

- a. Staff are expected to declare relevant offers of Gifts, Hospitality and Sponsorship within 10 working days of such offers being made. However, as an aide memoire to staff that have omitted to make relevant declarations within the year, senior managerial and clinical staff will be invited to make an annual declaration of any Gifts, Hospitality and Sponsorship received in-year. This declaration process will be organised by the Trust Secretary
- b. A positive nil-declaration is not required, and it will be assumed that staff that have not submitted an annual declaration by the required deadline do not have any relevant declarations to make
- c. Staff who have omitted to make in-year declarations may be contacted by the Trust Secretary to ascertain the reason/s for such omission. Any issues of concern will be discussed with the Trust’s Director of Finance

Appendix Seven provides examples of issues that may arise, with associated guidance. Appendix Eight [[RWF-OPPM-CORP319](#)] provides some flowcharts to assist in decision-making.

## **5.2 Procedures relating to the declaration of interests**

The Trust needs to be made aware of all cases where an employee, or his or her close relative or associate, has a controlling and/or significant financial interest in a business (including a private company, public sector organisation, other NHS employer and/or voluntary organisation), or in any other activity or pursuit, which may compete for an NHS contract to supply either goods or services to the employing authority.

All Trust staff should therefore declare such interests, on starting employment and/or on acquisition of the interest. The interests that are “Notifiable” and that should be declared are outlined in the ‘definitions’ section above.

A nil declaration is not required by staff, but Trust Board members are required to make a positive declaration on appointment, and annually thereafter, even if no interests are held. The form at Appendix Six [[RWF-OPF-CS-NC-CORP3](#)] should be used for this purpose.

### **5.2.1 Annual reminder to staff declare interests**

- a. Staff are expected to declare relevant interests on appointment, or at the point they arise. However, as an aide memoire to staff that have omitted to make relevant declarations within the year, senior managerial and clinical

staff will be invited to make an annual declaration of any, such interests. This declaration process will be organised by the Trust Secretary

- b. A positive nil-declaration is not required, and it will be assumed that staff that have not submitted an annual declaration by the required deadline do not have any interests to declare
- c. This assumption does not apply to Trust Board members, who are required to complete a declaration even if no interests are held

#### **5.2.2 Annual refresh of Trust Board members' interests**

- a. Trust Board members are also expected to declare relevant interests on appointment, or at the point they arise. However, a formal refresh of Trust Board members' interests will be undertaken annually, at the end of each financial year. This process will be organised by the Trust Secretary
- b. An annual declaration is required even if no interests are held

#### **5.2.3 Declaration of interests in relation to requests for new medicines**

- a. If a consultant wishes for a new medicine to be added to the Trust's formulary, a specific declaration of any interests in the new medicine must be made
- b. This declaration should be made using the "Request form for the addition of a new drug to the Trust formulary", which is available from the Trust's Pharmacy Department. Such interests will be considered by the Drugs and Therapeutics Committee in deciding whether to approve the new medicine
- c. The Drugs and Therapeutics Committee will also ensure that any relevant interests are declared at each meeting of the Committee

#### **5.2.4 Declaration of interests in relation to requests for new medical devices**

- a. Medical devices are expected to be introduced following adherence to the Trust's procurement processes, which includes the declaration of relevant interests. Further details can be obtained from the Procurement Department
- b. All newly delivered medical equipment even those given free of charge must comply with standards for use of new equipment outlined in the Trust's Medical Devices Policy and Procedure

#### **5.2.5 Declaration of interests at the start of meetings**

- a. The Trust Board and its sub-committees will invite those present at its meetings "To declare interests relevant to agenda items" at the start of proceedings
- b. Such declarations should be made verbally, to enable these to be formally recorded in the minutes of the meeting
- c. The Chairman of the meeting should determine whether any declarations made require the individual to be excluded from the Committee's proceedings

Appendix Seven [[RWF-OPG-CORP92](#)] provides examples of issues that may arise, with associated guidance. Appendix Eight [[RWF-OPPM-CORP319](#)] provides some flowcharts to assist in decision-making.

### **5.3 Procedures relating to Sponsorship**

Offers of Sponsorship are acceptable, but only when:

- a. There is an obvious and genuine benefit to a department and/or the Trust as a whole (the benefit can be related to education, training or research and development, for example); and
- b. Impartiality can be assured i.e. there are no genuine or perceived incentives or expectations to prescribe or use more of any particular treatment or product as a result of the Sponsorship; and
- c. There is no indication that the Sponsorship offered differs significantly from that offered to other individuals or organisations

Acceptance of such Sponsorship must not lead to the circumvention of, or prejudice to, the proper completion of the Trust's Procurement processes.

The procedure for declaring Sponsorship is the same as that for Gifts, and all offers must be declared by completing the "Trust's Gifts, Hospitality and Sponsorship Form" (See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet).

#### **5.3.1 Sponsorship of entire posts**

- a. The Trust recognises that it may receive offers for entire posts (i.e. employed positions) to be funded via external organisations. Such offers may be connected to particular research trials, and may be funded by pharmaceutical and/or medical equipment companies. Such offers are acceptable, provided they do not lead to conflict with the underlying principles stated in section 1.3 of the Policy, and provided that impartiality can be assured. Specifically, the following arrangements should be in place:
  - o All such arrangements should be declared, using the "Gifts, Hospitality and Sponsorship Form" (See Appendix Four [[RWF-OPF-CS-NC-CORP2](#)], and also on the Trust's Intranet)
  - o There should be no incentive or expectation to prescribe or use more of any particular treatment or product other than in accordance with the peer-reviewed and mutually agreed protocol for the specific research intended
  - o The Offer to fund the post should be considered and authorised by the General Manager (or equivalent) for the area concerned

Appendix Seven provides examples of issues that may arise, with associated guidance. Appendix Eight provides some flowcharts to assist in decision-making.

## **6.0 Access to the Registers of Interests**

### **6.1 Trust Board Members**

- The Register of Board Members' Interests is available to staff and members of the public, on request from the Trust Secretary
- Trust Board members' declared interests will be published in the Trust's Annual Report. The interests to be published will be those declared at the end of the relevant financial year

## **6.2 Officers**

- The Trust Board will be notified of the interests declared by officers, via an annual report from the Trust Secretary
- Officers are entitled to see the declarations they have made which are recorded in the Register of Officers' Interests
- The content of declarations made by officers may be shared with members of Trust staff that are involved in the award of contracts to suppliers, to ensure that the staff members holding the declared interests are prohibited from being involved in the decision-making process

## **7.0 Monitoring and audit**

The policy will be monitored via the following methods:

- The Trust Secretary will submit a report of "Gifts, Hospitality and Sponsorship declared" to the Audit and Governance Committee (at a frequency determined by the Committee)
- The Trust Secretary will submit a report to the Trust Board once a year of the interests declared by Officers
- The Trust Secretary will submit a report to the Trust Board once a year of the interests declared by Trust Board Members
- The Trust Secretary will review details of any requests for Study Leave made in accordance with the Trust's Medical Staff Leave Policy and Procedure where it has been confirmed that external Sponsorship has been provided, to ensure that a declaration of such Sponsorship has been made

## **APPENDIX ONE**

### **1.0 Implementation and awareness**

The policy will be implemented via the Trust Secretary, and be incorporated into the forward planning of the Audit and Governance Committee and Trust Board.

- Once ratified the author will submit this policy/procedural document to the Clinical Governance Assistant who will activate it on the Trust document management database on the intranet, under "Policies & Q-Pulse".
- A monthly publications table is produced by the Clinical Governance Assistant which is published on the Trust intranet under "Policies"; notification of the posting is included on the intranet "News Feed" and in the Chief Executive's newsletter.
- On reading of the news feed notification all managers should ensure that their staff members are aware of the new publications.
- In addition, the Trust Secretary will make efforts to promote the existence of the policy among all staff (particularly consultants)

## 2.0 Review

The policy will be reviewed every three years, or as and when changes are required (e.g. due to external requirements, including changes in legislation).

## 3.0 Archiving

The Trust intranet retains all superseded files in an archive directory in order to maintain document history.

## APPENDIX TWO

**CONSULTATION ON:** Gifts, hospitality, sponsorship and interests policy and procedure

**Please return comments to:** Kevin Rowan, Trust Secretary (kevinrowan@nhs.net)

**By date:** 30/09/15

Job title:	Date sent dd/mm/yy	Date reply received	Modification suggested? Y/N	Modification made? Y/N
<b>The following staff MUST be included in ALL consultations:</b>				
Local Counter Fraud Specialist	28/08/15			
Clinical Governance Assistant	28/08/15	16/09/15	Y	Y
Chief Pharmacist	28/08/15			
<b>Please list key staff whose reply is compulsory before approval can be granted:</b>				
Chief Executive	27/07/15 & 28/08/15			
Director of Finance	27/07/15 & 28/08/15			
Chief Operating Officer	27/07/15 & 28/08/15			
Director of Workforce and Communications	27/07/15 & 28/08/15			
Deputy Chief Executive	27/07/15 & 28/08/15			
Chief Nurse	27/07/15 & 28/08/15			
Medical Director	27/07/15 & 28/08/15	02/09/15	N	N/A
Director of Infection Prevention and Control	27/07/15 & 28/08/15			
Deputy Director of Finance (Financial Governance)	27/07/15 & 28/08/15			
Head of Financial Services	27/07/15 & 28/08/15			
Director of Medical Education	28/08/15	01/09/15	N	N/A
Chair of Finance Committee	28/08/15	01/09/15	Y	Y

Other Non-Executive Directors	28/08/15			
<b>Please list other staff to be included in the consultation but whose reply is not compulsory:</b>				
Senior Managers	28/08/15			
Consultants	28/08/15			
Joint Consultative Forum				
Audit and Governance Committee	06/08/15			
The following staff have consented to include their name in the policy and appendices:				
Kevin Rowan (Trust Secretary)	28/08/15			
The role of those staff being consulted upon as above is to ensure that they have shared the policy for comments with all staff within their sphere of responsibility who would be able to contribute to the development of the policy.				

## APPENDIX THREE

### Equality Impact Assessment

In line with race, disability and gender equalities legislation, public bodies like MTW are required to assess and consult on how their policies and practices affect different groups, and to monitor any possible negative impact on equality. The completion of the following Equality Impact Assessment grid is therefore mandatory and should be undertaken as part of the policy development and approval process.

<b>Title of policy or practice</b>	Gifts, hospitality, sponsorship and interests policy and procedure
<b>What are the aims of the policy or practice?</b>	To give clear guidance to all Staff on the acceptance of gifts, benefits, gratuities and hospitality; and outlines the circumstances when gifts, gratuities, benefits and/or hospitality may be accepted or must be declined, when a declaration must be made
<b>Identify the data and research used to assist the analysis and assessment</b>	
<b>Analyse and assess the likely impact on equality or potential discrimination with each of the following groups.</b>	<b>Is there an adverse impact or potential discrimination (yes/no). If yes give details.</b>
Males or Females	<b>No</b>
People of different ages	<b>No</b>
People of different ethnic groups	<b>No</b>
People of different religious beliefs	<b>No</b>
People who do not speak English as a first language	<b>No</b>
People who have a physical disability	<b>No</b>
People who have a mental disability	<b>No</b>
Women who are pregnant or on maternity leave	<b>No</b>
Single parent families	<b>No</b>
People with different sexual orientations	<b>No</b>
People with different work patterns (part time, full time, job share, short term contractors, employed, unemployed)	<b>No</b>
People in deprived areas and people from different socio-economic groups	<b>No</b>
Asylum seekers and refugees	<b>No</b>
Prisoners and people confined to closed institutions, community offenders	<b>No</b>
Carers	<b>No</b>
<b>If you identified potential discrimination is it minimal and justifiable and therefore does not require a stage 2 assessment?</b>	
<b>When will you monitor and review your EqIA?</b>	Alongside this policy/procedure when it is reviewed.
<b>Where do you plan to publish the results of your Equality Impact Assessment?</b>	As Appendix Three of this policy/procedure on the Trust approved document management database on the intranet, under 'Trust policies, procedures and leaflets'.



## FURTHER APPENDICES

The following appendices are published as related links to the main policy /procedure on the Trust approved document management database on the intranet (Trust policies, procedures and leaflets):

<b>No.</b>	<b>Title</b>	<b>Unique ID</b>
Appendix Four	Gifts, Hospitality and Sponsorship form	<a href="#">RWF-OPF-CS-NC-CORP2</a>
Appendix Five	Declaration of officers' interests form	<a href="#">RWF-OWP-APP538</a>
Appendix Six	Declaration of Trust Board members' interests form	<a href="#">RWF-OPF-CS-NC-CORP3</a>
Appendix Seven	Examples of issues that may arise, and associated guidance	<a href="#">RWF-OPG-CORP92</a>
Appendix Eight	Flowcharts to assist in decision-making	<a href="#">RWF-OPPM-CORP319</a>
Appendix Nine	The Nolan Committee's seven principles of public life	<a href="#">RWF-OWP-APP535</a>
Appendix Ten	Code of conduct for NHS Boards	<a href="#">RWF-OWP-APP536</a>