

## **STANDARDS OF BUSINESS CONDUCT, MANAGING CONFLICTS OF INTEREST AND GIFTS, HOSPITALITY and SPONSORSHIP POLICY**

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**VERSION CONTROL**

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<b>DOCUMENT CHANGE HISTORY</b>		
<b>Version</b>	<b>Date</b>	<b>Comments</b>
1.0	1 July 2022	NHS Somerset Integrated Care Board adopted the policy building on the Somerset CCG policy which was in place for Somerset prior to the establishment of the Somerset Integrated Care Board in July 2022.
2.0	June 2024	<p>The Standards of Business Conduct and Managing Conflicts of Interest Policy, and Gifts and Hospitality Policy, have been reviewed, updated and combined into one overarching policy to simplify and reduce duplication.</p> <p>The Standards of Business Conduct have been expanded upon (section 3 and Appendix B) and generally follow the standards published by NHS England.</p> <p>The sections relating to GP members have been removed.</p> <p>The policy has been reviewed in line with the new Provider Selection Regime.</p> <p>The policy has been updated to reflect the new declarations of interest database, Civica Declare.</p> <p>The Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry has been removed as an appendix and will now operate as a separate policy.</p>

## 1 PURPOSE

- 1.1 Public service values must be at the heart of the NHS. High standards of corporate and personal conduct, based on a recognition that patients come first, have been a requirement throughout the NHS since its inception. Because the NHS is publicly funded, it must be accountable for its services and for the effective and economical use of taxpayers' money.
- 1.2 The policy is written to reflect the arrangements for Conflicts of Interest Management and Standards of Business Conduct, as set out in section 6 of the ICB's Constitution, and to comply with any relevant legislation and guidance.
- 1.3 This policy sets out how the NHS Somerset Integrated Care Board (the ICB) will manage conflicts of interests arising from the operation of its business, and how staff should manage offers of gifts and hospitality.

## 2 SCOPE

- 2.1 The following groups are subject to this policy:
- **Members of the ICB Board plus** all members of the ICB's assurance and decision making committees, Integrated Care System (ICS) committees and groups (those hosted by the ICB Board), sub-committees/sub-groups, including:
    - co-opted members
    - appointed deputies
    - any members of committees/groups from other organisations
  - **All ICB employees**, including:
    - all full and part time staff
    - any staff on sessional or short-term contracts
    - any students and trainees (including apprentices)
  - **Other employees**, including:
    - agency staff
    - seconded staff
    - any self-employed consultants or other individuals working for the ICB under a contract for services must make a declaration of any conflicts of interest or potential conflicts of interest in accordance with this guidance, as if they were ICB employees.

## 3 STANDARDS OF BUSINESS CONDUCT

- 3.1 All employees of the ICB and members of the ICB Board, its committees and sub-committees, must at all times comply with this policy. They should act in

good faith and in the interests of the ICB and should follow the Seven Principles of Public Life<sup>1</sup>, as set out by the Committee on Standards in Public Life (the Nolan Principles). The Nolan Principles are shown at Appendix A and include:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership.

- 3.2 Individuals should also take account of principles set out in key guidance such as the Good Governance Standards of Public Services<sup>2</sup>, the NHS Constitution<sup>3</sup> and Equality Act<sup>4</sup> – all of which are enshrined within the ICB Constitution.
- 3.3 All individuals within the groups as set out in paragraph 2.1 will be made aware of the existence of, and their responsibilities resulting from, this policy.
- 3.4 All individuals within the groups as set out in paragraph 2.1 must also abide by the requirements of Appendix B, Standards of Business Conduct, which refer to:
- Political activities
  - Personal conduct
  - Use of public funds
  - Representing the ICB
  - Endorsement
  - Respect and dignity at work
  - Drugs and alcohol
  - Insider dealing
  - Charitable collections
  - Use of social media and websites
  - Confidentiality
  - Gambling
  - Lending and borrowing
  - Trading on ICB premises
  - Individual voluntary arrangements, County Court Judgements, Bankruptcy/Insolvency
  - Arrest or Conviction.
- 3.5 Any person who comes to know that the ICB has entered into, or proposes to enter into, a contract where the arrangements outlined in the policy have not

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<sup>1</sup> The 7 principles of public life <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>2</sup> The Good Governance Standards for Public Services , 2004, OPM and CIPFA  
[Good Governance Standard for Public Services | CIPFA](#)

<sup>3</sup> The seven key principles of the NHS Constitution  
<http://www.nhs.uk/NHSEngland/thenhs/about/Pages/nhscoreprinciples.aspx>

<sup>4</sup> The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

been followed should notify the Accountable Officer/Chief Executive as soon as possible. If information is knowingly withheld, or false and misleading information is provided, this may constitute fraud. If the Accountable Officer/Chief Executive is made aware of any potentially fraudulent activity, they should bring this to the attention of the Chief Finance Officer to investigate and undertake any necessary action.

3.6 Local counter fraud arrangements are in place to assist in reducing fraud, bribery and corruption. If any person is aware of potential fraud, bribery and corruption, even if it is only suspicion, then this information should be brought to the attention of the Local Counter Fraud Specialist, Chief Finance Officer or NHS Counter Fraud Authority.

3.7 NHS England employees and Commissioning Support Unit (CSU) staff are not permitted to hold the roles of Chair or Non-Executive within the ICB, due to the potential for conflicts of interest to arise. In exceptional circumstances, this can be waived with the formal approval of a committee of the NHS England board.

#### **4 CONFLICT OF INTEREST: DEFINITION**

4.1 A conflict of interest occurs where an individual's ability to exercise judgement, or act in a role is, could be, or is seen to be impaired or otherwise influenced, by their involvement in another role or relationship. In some circumstances, it could be reasonably considered that a conflict exists even when there is no actual conflict. Any perceived conflict of interest must be appropriately managed so that public trust is maintained.

4.2 Conflicts of interest can arise in many situations, environments and forms of commissioning. There may be an increased risk in the commissioning of primary care, the out-of-hours services, and involvement with integrated care organisations, as commissioners may find themselves in a position of being both commissioner and provider of services. Conflicts of interest can arise throughout the whole commissioning cycle, from needs' assessment, to procurement exercises, to contract monitoring.

#### **5 CONFLICTS OF INTEREST GUARDIAN**

5.1 The ICB Audit Committee Chair (Non-Executive Director) will undertake the role of Conflicts of Interest Guardian, supported by the Director of Corporate Affairs.

5.2 The Conflicts of Interest Guardian will:

- act as a conduit for members of the public and healthcare professionals to raise any concerns about conflicts of interest
- be a safe point of contact for employees or workers of the ICB to raise any concerns in relation to this policy
- support the rigorous application of conflict of interest principles and policies

- provide independent advice and judgement where there is any doubt about how to apply conflicts of interest policies and principles in an individual situation
- provide advice on minimising the risks of conflicts of interest.

## **6 ARRANGEMENTS FOR DECLARING INTERESTS**

6.1 All individuals within the scope of this policy (paragraph 2.1 refers) must update their declaration of interests as outlined in paragraph 6.6. An example of the Declaration of Interests Form for new starters is attached as Appendix C. Once in post, all staff should maintain their interests on the ICB's electronic register database, Civica Declare. Requests for individuals to update their Declaration of Interests will be made at least annually by the Corporate Governance Team on behalf of the ICB. Where there are no interests to declare, a "nil" return is required.

6.2 Interests can be captured in four different categories:

- Financial interests
- Non-financial professional interests
- Non-financial personal interests
- Indirect interests.

Examples of each type of interest are set out in Appendix D.

6.3 Where they are aware of a potential conflict, individuals should also consider for declaration any relevant and material personal or business interests (paragraph 6.2 refers) of their:

- spouse
- civil partner
- cohabitee
- family member
- partners in professional partnerships (including general practitioners) and
- any other relationship which may influence or may be perceived to influence the judgement of the individual.

6.4 All individuals within the scope of this policy should be proactive in declaring and publishing interests.

6.5 All individuals within the scope of this policy must ensure that they do not abuse their position for personal gain or to the personal benefit of family, friends or their private business interests. Any breach of this procedure, for personal gain or otherwise, may result in disciplinary action. In certain cases, criminal proceedings may result. Additional guidance for staff is attached as Appendix E.

6.6 Declarations of interest should be made as soon as reasonably possible and, in any event, within 28 days after the interest arises. This could include an interest that an individual is pursuing. Declarations should be made:



- on appointment or when a role changes significantly
- at least every 12 months (including any 'nil-returns') through the ICB's reporting process
- at meetings of the ICB Board and its committees and groups.

6.7 Where the ICB is participating in a joint committee alongside other ICBs, any interests which are declared by the committee members should be recorded on the register(s) of interest of each participating ICB.

6.8 In the event that Civica Declare is out of action for any extended period (longer than 28 days), the organisation will return to a paper-based declaration system, as attached at Appendix C.

## **7 MAINTAINING A REGISTER OF INTERESTS**

7.1 The ICB will maintain a central database (Civica Declare) of all recorded interests. The database will be available to provide the ICB Board and each Committee or group with an up-to-date register of interests for ICB staff, committees, etc. The database is available to all staff and those working with the ICB who work for external organisations. The database will be maintained by the Corporate Governance team

7.2 In accordance with statutory guidance, the Director of Corporate Affairs will specifically maintain the following registers of the declared interests of:

- members of the ICB Board (as decision-makers)
- members of the committees or sub-committees of the ICB Board (as decision-makers)
- members of committees which are hosted by the ICB (as decision-makers)
- decision-making employees of the ICB (ie. those at band 8C and above)
- all employees of the ICB

7.3 The Interest registers of the decision-making groups (paragraph 7.2 refers) will be published on the ICB's website at [NHS Somerset ICB](#) and will be updated at least annually.

7.4 If any individual within the scope of this policy has any reason for requesting that their Interests' information be withheld, they should contact the Director of Corporate Affairs. Note: If information is knowingly withheld or false and misleading information is provided, this may constitute fraud. If the Director of Corporate Affairs is made aware of any potentially fraudulent activity, they must bring this to the attention of the Local Counter Fraud Specialist, Chief Finance Officer or NHS Counter Fraud Authority to investigate and undertake any necessary action.

## **8 MANAGING CONFLICTS OF INTERESTS**

8.1 Arrangements for the management of declared conflicts of interests, either written or verbal, will confirm the following:

- if a particular conflict of interest is so relevant and material that an individual should withdraw from a specified activity, on a temporary or permanent basis
- if an individual should not have a vote in the decision-making process
- if an individual should withdraw or be excluded from the meeting discussion
- if any monitoring of the specified activity undertaken by the individual is required, either by a line manager, colleague or other designated person.

8.2 When considering if an interest is relevant and material, the Financial Reporting Standard No 8 (issued by the International Accounting Standards Board) specifies that influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest.

8.3 The ICB will also consider the materiality and impact of any interests when appointing members to the ICB Board or any committee, sub-committee or group. If the interest is related to an area of business significant enough that the individual would be unable to operate effectively and make a full and proper contribution in the proposed role, then that individual should not be appointed to the role.

8.4 If any individual within the scope of this policy is unsure about the relevance or materiality of an interest or potential interest, or whether the interests of another individual connected to them (paragraph 6.3 refers) are relevant, this should be discussed with the Director of Corporate Affairs. If necessary, the Director will obtain advice from the Conflict of Interest Guardian, who will provide an independent view. If there is any doubt, it should be assumed that a potential conflict of interest exists.

### **Managing Conflicts of Interest During a Meeting**

8.5 Where the Chair of any meeting of the Group, including the ICB Board (and its sub-committees), has an interest, previously declared or otherwise, in relation to the scheduled or likely business of the meeting, they must make a declaration and the Deputy or Vice Chair will preside.

8.6 All attendees must declare their interests as a standing agenda item for every ICB Board, committee, sub-committee or group meeting, before the item is considered. Even if an interest has been recorded on the Register, it should still be declared when matters relating to that interest are discussed (Declarations of Interest relating to Items on the Agenda). Such declaration – together with the arrangements agreed for the management of that particular Interest, (refer to paragraph 8.1), as determined by the Chair, Deputy/Vice Chair, Director of Corporate Affairs or the Conflicts of Interest guardian – will be recorded in the minutes.

8.7 The individual concerned must comply with these arrangements, and also update their written declarations on the Civica Declare database within 28 days.

## **Exclusion Arrangements**

- 8.8 Where arrangements have been confirmed for the exclusion of individuals from the decision-making process, either by requesting that individuals withdraw from the meeting, or that they should abstain from voting, the meeting must ensure these are followed.
- 8.9 Where more than 50% of the members of a meeting are required to withdraw from a meeting or part of it, owing to the arrangements agreed for the management of conflicts of interests, the Chair (or Vice-Chair) will determine if the discussion can proceed.
- 8.9.1 In making this decision the Chair (or Vice-Chair) will consider if the meeting is quorate, in accordance with the number and balance of membership set out in the committee's Terms of Reference.
- 8.10 Alternative arrangements in such circumstances to progress the item of business may include:
- requiring another of the ICB's committees or sub-committees (as appropriate) which must be quorate, to progress the item of business  
  
or, if this is not possible
  - inviting on a temporary basis one or more of the following to make up the quorum:
    - i) a member of the Somerset Integrated Care Partnership (ICP)
    - ii) a member of a Board of another ICB

## **9 TRANSPARENCY IN DESIGNING AND PROCURING SERVICES**

- 9.1 The ICB recognises the benefits to be gained from engagement with relevant providers, when considering the design of service specifications. However, the *Procurement Guide for Commissioners of NHS-Funded Services*<sup>5</sup> highlights that conflicts of interests can occur if a commissioner engages selectively with only certain providers (be they incumbent or potential new providers) in developing a service specification for a contract for which they may later bid in a competitive process.
- 9.2 The same difficulty could arise in developing a specification for a service that is to be commissioned using the Any Qualified Provider route, such as where there is not a competitive procurement but patients can instead choose from any qualified provider that wishes to provide the service which meet NHS standards and prices.
- 9.3 The ICB will seek, as far as possible, to specify the outcomes they wish to see delivered through a new service, rather than the way in which these outcomes

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<sup>5</sup> [Procurement Guide for Commissioners of NHS-funded Services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Procurement-Guide-for-Commissioners-of-NHS-funded-Services.pdf)

are to be achieved. As well as supporting innovation, this helps prevent bias toward particular providers in the specification of services.

- 9.4 To ensure that some providers do not have an unfair advantage, a small clinical group to support service design with a soft market testing exercise to share the specification with providers should be undertaken to ensure transparency.
- 9.5 Engagement will follow the three main principles of procurement law, namely equal treatment, non-discrimination and transparency. This includes ensuring that the same information is given to all.
- 9.6 The ICB may also widely advertise the fact that a service design/re-design exercise is taking place (such as on NHS Supply2Health or on its own website) and invite comments from any potential providers and other interested parties. A record must be kept of all interactions.
- 9.7 If appropriate, the ICB will engage the advice of an independent clinical adviser on the design of the service.

#### **Contractors and People Who Provide Services to the ICB**

- 9.8 Anyone seeking information in relation to a procurement, participating in a procurement, or otherwise engaging with the ICB in relation to the potential provision of services or facilities to the ICB, will be required to make a declaration of any relevant conflict / potential conflict of interest. Where an organisation declares a conflict, the commissioning manager(s) must decide how best to deal with it to ensure that no participant is treated differently to any other. Commissioning managers must retain an internal audit trail of how the conflict or perceived conflict was dealt with.
- 9.9 Anyone contracted to provide services or facilities directly to the ICB will be subject to the same provisions of this policy in relation to managing conflicts of interests. This requirement will be set out in their contract for services.

#### **Procurement - Evaluation of Bids Returned**

- 9.10 At the commencement of each evaluation procurement process, members of the evaluation panel will be required to complete a Conflict of Interest and Confidentiality form before any information is sent to or discussed in their presence.
- 9.11 At the commencement of each evaluation meeting, all evaluators will be asked if their Conflicts of Interest status has changed. The minutes of the meeting should confirm the status and any changes must also be recorded.
- 9.12 The procurement team will maintain a record of these completed forms, and also of the meeting minutes with documented actions (where appropriate), which will be available for scrutiny as required/necessary.

- 9.13 Where a committee member has declared a relevant and material interest or position exists in the context of the specification for, or award of, a contract, the individual will be expected to act in accordance with the arrangements for the management of conflicts of interests outlined within this policy and may be excluded from the decision-making process in relation to the specification or award.

### **Register of Procurement Decisions**

- 9.14 The ICB will maintain a register of procurement decisions taken including:
- the details of the decision
  - who was involved in making the decision (ie. ICB Board or committee members and others with decision-making responsibility)
  - a summary of any conflicts of interest in relation to the decision and how this was managed.
- 9.15 The register should be updated whenever a procurement decision is taken. The register will be published on the ICB's website, [NHS Somerset ICB](#) and will be included within the ICB's Annual Report.

### **Transparency – Award and Publication of Contracts**

- 9.16 The ICB will ensure that details of all contracts, including their value, are published on its website once the contracts are agreed. Where the ICB decides to commission services through Any Qualified Provider, it will publish the type of services they are commissioning and the agreed price for each service. In both instances, such details will be set out in the ICB's Annual Report.

### **Contract Monitoring and Policy Breaches**

- 9.17 Once a contract has been awarded, the service provider will be subject to overview via regular contract review and monitoring meetings. The structure and format of the monitoring will be determined by the respective commissioning manager. All contract monitoring meetings must be minuted and include the management of conflicts of interests and declarations as set out in this policy.
- 9.18 Where the ICB has delegated contract monitoring to another organisation e.g through joint procurements, the arrangements as described in paragraph 9.17 will still apply. It is for the relevant ICB commissioning manager to ensure that this is in place.
- 9.19 Where a breach of the policy regarding declarations is identified in relation to a contract which has already been entered into by the ICB, the relevant Commissioning Manager must undertake a risk assessment of the impact of the breach following the risk management approach of the ICB. The risk assessment will be shared with the Director of Corporate Affairs and Conflicts of Interest Guardian to determine the mitigating action to be taken, and report as necessary to the Audit Committee.

## **Role of the Commissioning Support Unit (CSU)**

- 9.20 The ICB will ensure, when commissioning any procurement or contract management support services from a CSU, that it has received assurance of their business processes.
- 9.21 Where the ICB is undertaking a procurement, support from a CSU may be utilised to prepare and present information on bids, including an assessment of whether providers meet pre-qualifying criteria and an assessment of which provider provides best value for money. This will further demonstrate that the ICB is acting fairly and transparently in relation to the procurement of services.
- 9.22 Any support obtained from a CSU will not constitute the delegation of any commissioning decisions to them by the ICB, and as such, the ICB will:
- sign off the specification and evaluation criteria
  - sign off decisions about which providers to invite to tender
  - make final decisions on the selection of the provider.

## **10 GIFTS AND HOSPITALITY**

- 10.1 Gifts and hospitality should not be accepted other than in exceptional circumstances as set out in this policy. The ICB will view instances where this policy is not followed as serious and subsequently may take disciplinary action against individuals, which may result in dismissal. The ICB will refer cases of potential fraud to the Local Counter Fraud Services for investigation and this will be escalated where appropriate.
- 10.2 Staff members of public bodies, including the NHS, are subject to special legislation designed to protect the public interest and public confidence.
- 10.3 This legislation is contained in:
- the Bribery Act 2010
  - the Public Bodies Corrupt Practices Act 1889
  - the Prevention of Corruption Act 1906
  - the Prevention of Corruption Act 1916.
- 10.4 The Bribery Act 2010 revised the legal framework to combat bribery in the public and private sectors. It makes it an offence to receive a financial or other advantage as a reward for an improper act - for example, for the inappropriate award of a contract. A gifts and hospitality policy is a key tool for organisations to demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.
- 10.5 The Bribery Act 2010 came into effect on 1 July 2011 and makes it a criminal offence to give, promise or offer a bribe, and to request, agree to receive or accept a bribe, either at home or abroad. A summary of the key features of the Act can be obtained from the Corporate Governance team. A statement from

the ICB Accountable Officer/Chief Executive setting out the ICB's commitment to supporting the Act can be found at [Anti-Bribery Statement - NHS Somerset](#)

- 10.6 The Act introduces a corporate offence of failing to prevent bribery by the organisation not having adequate preventative procedures in place.

### **Gifts**

- 10.7 Any staff member should treat with extreme caution any offer or gift, favour or hospitality that is made to him/her personally. This includes offers of intangible gifts such as offers to receive indirect services.
- 10.8 Appendix F sets out a list of items which are deemed as potentially acceptable and those which are specifically unacceptable. This list is not exhaustive. If a member of staff has any doubts about the advisability of accepting any gift, hospitality, or sponsorship, this should be discussed with the Director of Corporate Affairs.
- 10.9 The question of what is and what is not acceptable cannot be precisely defined and each case should be taken in context. Acceptance of hospitality should, as a principle, be limited in both frequency and in value. It is appropriate to consider whether either the hospitality or the scale of it would cause embarrassment to either the giver or receiver if it were to become public knowledge.

### **Provision of Hospitality**

- 10.10 The provision of hospitality by employees of the ICB to employees of other organisations should be modest and appropriate in the circumstances.
- 10.11 Provision of hospitality by the ICB to its employees or others would not normally be appropriate except in the case of working breakfasts or lunches during meetings or workshops. Provision of working lunches should be by exception and should only be offered if the duration of the meeting is such that people are unable to purchase their own refreshments.
- 10.12 The use of NHS monies for hospitality and entertainment at conferences and seminars should be carefully considered. The ICB must be able to demonstrate good value in incurring public expenditure.
- 10.13 Regarding meetings, hospitality must be secondary to the purpose of the meeting and the level must be appropriate and in proportion to the event. The costs involved must not exceed the level which the recipients would normally adopt when paying for themselves at such an event or that which could be reciprocated by the NHS.

### **Acceptance of Hospitality from Outside Organisations**

- 10.14 Where individuals have accepted hospitality from another organisation, for example, to fulfil a speaking engagement, the value of this should be no more

than equivalent to that normally provided by the ICB and there is no entitlement to claim further expenses. Any honorarium offered should be payable to the ICB.

- 10.15 Additional detailed guidance on the receipt of gifts and hospitality and sponsorship is provided in Appendix G and this should be referenced by all ICB staff and representatives before responding to any offers or when making declarations.

## **11 COMMERCIAL SPONSORSHIP**

- 11.1 Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefiting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest to occur between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. Therefore, proper safeguards must be in place.
- 11.2 As a general principle, all offers of hospitality received from commercial third parties should be scrutinised with care. Attendance at relevant commercially sponsored conferences and courses is acceptable, but only where acceptance will not, and cannot, be seen as compromising purchasing decisions or other commercial decisions in any way. Sponsorship of ICB events is also acceptable subject to these principles and in accordance with the Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry. Receipt or provision of such sponsorship should be recorded on the Civica Declare database.
- 11.3 Employees should pay particular attention to the circumstances in which hospitality is offered. The provision of hospitality by an individual or organisation is not acceptable:
- during a tendering process or where a contract is shortly to end
  - where performance of the contract is in question
  - in any other circumstances where acceptance might compromise the position of the employee or of the ICB.
- 11.4 There may be circumstances where it is appropriate for support to be provided to projects by pharmaceutical companies. Proposals should be discussed with the relevant Director and approval sought from the Medicines Programme Board. Any pharmaceutical company-supported project must be recorded on Civica Declare and reported to the Audit Committee on a quarterly or exception basis. Also refer to the Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry.
- 11.5 When sponsorships are offered, the following principles must be adhered to:



- sponsorship of ICB events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the ICB 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 which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied
- at the ICB'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 in the interest of transparency
- ICBs 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 should declare any involvement with arranging sponsored events.

#### **Other forms of sponsorship**

- 11.6 Organisations external to the ICB or NHS may also sponsor posts or research. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage, or if sponsored posts cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition. There must be transparency and any conflicts of interest should be managed in accordance with this policy.

## **12 PROCESS FOR DECLARING AND RECORDING OFFERS OF GIFTS, HOSPITALITY OR SPONSORSHIP**

- 12.1 Unless otherwise indicated in Appendix F, all offers of gifts, hospitality or sponsorship should be declared on the Civica Declare database. This applies even if the gift/hospitality/sponsorship was declined and must be signed off by the reviewing officer.
- 12.2 A register of Gifts, Hospitality and Sponsorships, whether accepted or declined, will be reported to the Audit Committee and published on the ICB website at least annually.
- 12.3 In the event that Civica Declare is out of action for any extended period (longer than 28 days), the organisation will return to a paper-based declaration system, as attached at Appendix H.

## **13 PAID EMPLOYMENT – CONSULTANCY WITH OTHER ORGANISATIONS**

- 13.1 This section of the policy does not relate to circumstances where staff may hold more than one position, either within the ICB or with the ICB and another organisation. These rules are covered by various Human Resources policies. However, where a staff member of the ICB undertakes consultancy work, either personally or in the name of the ICB, and receives an offer of financial reward, receipt of this payment must be approved in advance by the Accountable Officer/Chief Executive.
- 13.2 It would normally be considered an infrequent event for any full-time senior manager or director to undertake ad hoc consultancy work and full disclosure must be made in accordance with this policy and via the Civica Declare database.

## **14 REPORTING AND AUDIT**

- 14.1 This policy will be reviewed by the Audit Committee on an annual basis. The Audit Committee and external auditors will receive assurance that a robust process for managing conflicts of interest is in place. This will enable the Audit Committee Chair and Accountable Officer/Chief Executive to provide direct formal attestation to NHS England, if required, that the ICB has complied with any guidance relating to managing conflicts of interest.
- 14.3 The Audit Committee will review the following Registers at least annually:
- Declarations of Interest of decision-makers, ie. ICB Board, members of committees/sub committees, members of committees which are hosted by the ICB, decision making employees (those at band 8C and above)
  - Declarations of Gifts and hospitality
  - Procurement Decisions
- 14.4 The Registers will be included within the ICB's Annual Report to be signed off by External Auditors.
- 14.5 The Audit Committee will review any breaches of this policy.

## **15 POLICY BREACHES**

- 15.1 Staff should consult the ICB's Freedom to Speak Up Policy when wishing to raise any suspected breaches of this Policy. The Freedom to Speak Up Policy sets out the principles and procedure that the ICB will follow.
- 15.2 With regard to managing conflicts of interest, any concerns should be raised initially with immediate line managers or the Director of Corporate Affairs. Concerns can be raised verbally or in writing. Breaches can relate to new or existing contracts.
- 15.3 If these channels have been followed and staff members still have concerns, or feel that the matter is so serious that they cannot discuss it with any of the

above, staff should contact the Conflict of Interest Guardian. The ICB's Freedom to Speak Up Policy also sets out other sources of support open to staff.

- 15.4 If staff have concerns about fraud, bribery or corruption, they should contact the Local Counter Fraud Specialist or the NHS Fraud and Corruption Reporting Line (0800 028 4060), or online at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk). Further information can be obtained from the ICB's Local Counter Fraud Specialist.
- 15.5 Any incidents will be investigated confidentially in accordance with the ICB's Freedom to Speak Up Policy and, where significant impact and thresholds are triggered, reported on to NHS England by the Director of Corporate Affairs. Following each investigation under this policy, any actions identified should be included in an action plan which will be monitored regularly through the Audit Committee.
- 15.6 The ICB will publish on its website, adhering to confidentiality, any breaches that are identified, describing the actions that have been taken in respect of the concern and any feedback on the outcome. The ICB Director of Communications and Engagement will be responsible for managing any external media interest that may arise.
- 15.7 Failure to comply with this policy could have severe implications for the ICB and the individuals concerned, and could result in legal challenge, disciplinary action or referrals to professional bodies where applicable.

## **16 TRAINING AND SUPPORTING DOCUMENTS**

- 16.1 All ICB staff, Board and Committee members must undertake annually the mandatory Managing Conflicts of Interest online training which is provided by NHS England via the Electronic Staff Record (ESR).
- 16.2 All new staff will receive information about declaring interests and gifts and hospitality as part of the induction process. Guidance is available for all staff via the Civica Declare database and is supported by the annual mandatory training. Reminders will be issued to staff to update their declarations via the electronic database and staff bulletins.
- 16.3 This policy should be read in conjunction with the:
- NHS Somerset ICB Constitution
  - Anti-Fraud, Bribery and Corruption Policy
  - Fraud Response Plan
  - Freedom to Speak Up Policy (ie. Whistleblowing)
  - Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry
  - Code of conduct for NHS Managers 2002
  - Professional Standards Authority (PSA Guidance: Standards for Members of NHS Boards and CCG Governing bodies in England (2012) – sections 2 and 6

## FIRST REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (1995) THE NOLAN PRINCIPLES

The 'Nolan Principles' set out the ways in which holders of public office should behave in discharging their duties. The seven principles are:

- 1     **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 2     **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 3     **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 4     **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 5     **Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- 6     **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 7     **Leadership** – Holders of public office should promote and support these principles by leadership and example.

## STANDARDS OF BUSINESS CONDUCT

### 1 POLITICAL ACTIVITIES

- 1.1 NHS Somerset ICB staff are free to be a member of a political party and/or undertake political activity outside of work hours. However, any political activity should not identify an individual as an officer of NHS Somerset ICB, and staff must not use or share any information or resources they have access to in their role for political purposes.
- 1.2 Conferences or functions run by a party-political organisation, or by a third party at a party-political conference or function, must not be attended in an ICB capacity.
- 1.3 This does not preclude staff from undertaking civic duties such as being a Councillor at a local authority. Staff must comply with the Special Leave Policy when undertaking such duties within their normal working hours. All staff must declare any engagement in civic duties on appointment, and when any new such role arises. Declarations should be made as Outside Employment on Civica Declare.
- 1.4 All staff must take additional care during the period running up to any national or local election, known as the pre-election period, and must comply with any instruction issued in this regard. Information concerning pre-election obligations and policy is on the gov.uk website.

### 2 PERSONAL CONDUCT

#### Corporate Responsibility

- 2.1 All staff must reflect the corporate decision or view of the ICB in the discharge of their role, even if this conflicts with their personal views. Staff may comment on such matters as they wish as individuals in non-work-related contexts but should avoid giving the impression that their personal view represents the view of ICB where they differ. This also applies if the ICB is yet to decide or otherwise express a view on an issue.
- 2.2 Although staff may have different points of view to their colleagues, these cannot be expressed in a way which discriminates, victimises or harasses others. Any action which discriminates against someone because of who they are, including those with protected characteristics, should not be tolerated and will be dealt with. This covers all forms of discrimination, racism, and hate-related incidents, such as antisemitism, Islamophobia, homophobia and transphobia, and any behaviours that are perceived as harmful or threatening towards colleagues.

#### Use of Public Funds

- 2.3 All Staff must always ensure they are securing the best possible use of funding provided to the ICB for the purpose of delivering its statutory duties and

objectives. This applies both to the use of funds directly by the organisation and funds used by the wider NHS as a result of NHS England activities or decisions.

- 2.4 The use of commercial services for meetings and conferences should be avoided wherever possible. Where it is not possible to accommodate a meeting within the ICB's estate, every effort should be made to secure a venue within the wider NHS or public sector estate.
- 2.5 Staff should take steps to avoid travel and overnight accommodation wherever possible. Where travel and/or accommodation is essential, efforts should be made to secure the lowest possible cost, including by using public transport and booking as far in advance as possible.
- 2.6 Attendance at conferences related to the NHS, including those where the ICB is involved, particularly where this incurs travel, accommodation and/or entrance costs, must be limited to essential staff only. Staff should seek permission from their relevant line manager/Director before committing to attend. ICB funds should not be used to pay for any supplementary recreational events associated with conferences, such as dinners or drinks receptions.
- 2.7 Staff may not use ICB funding, directly or indirectly, for the purposes of the recognition, reward or recreation of teams or individuals. This includes, but is not limited to, entry to awards programmes or attendance at awards ceremonies, team meals or other team activities, and paid promotional materials (other than for agreed campaigns – contact the Communications and Engagement team.)

### **Representing the Organisation**

- 2.8 Staff must not provide comment or briefing on issues relating to their work for the ICB to the media, whether on an attributable basis or not, without having explicit approval in advance. Any approach to members of staff from journalists must be referred to the Communications and Engagement team.
- 2.9 Staff must not commit to speak at third party conferences, forums or similar events on behalf of the ICB without explicit approval from the Communications and Engagement team. Where conditionality is attached to approval, or advice and guidance is provided related to it, this should be adhered to. Any fees/payments received must be made payable to NHS Somerset ICB and not to the individual speaker. Wherever feasible, any expenses incurred in attending third party events should be met directly and in full by the organisers.
- 2.10 Where staff are granted approval to speak on behalf of the ICB to the media or in a public forum, they must reflect the current policies and views of the organisation. This applies equally where staff use social media as part of their, as well as in meetings or informal discussions with any third party.
- 2.11 All staff must ensure their comments are well considered, well judged, well informed, made in good faith, in the public interest, without malice and maintain the reputation of, and public confidence in, the NHS and the ICB.

### **Endorsement**

- 2.12 NHS Somerset ICB as an organisation and its staff, in a professional or personal capacity, cannot endorse or be seen to endorse third party goods or services, regardless of whether the third party has provided goods and services to the NHS. As part of this, testimonials, quotes and case studies cannot be provided to suppliers.

### **Respect and Dignity at Work**

- 2.13 The ICB aims to provide a working environment where everyone is respected and can work effectively, confidently and competently.
- 2.14 This means that every member of staff is responsible for their own standards of behaviour, and for challenging inappropriate behaviour by others where observed. The organisation will investigate vigorously any allegation of harassment, bullying, abuse or discrimination, whether it is raised formally or informally.
- 2.15 NHS Somerset ICB commits to taking and enforcing a zero-tolerance approach to any unwanted, inappropriate and/or harmful sexual behaviours within the workplace.

### **Drugs and Alcohol**

- 2.16 Any member of staff thought to be under the influence of drugs and/or alcohol at work and not able to perform their duties in a proper, fit and safe way will be sent home, or if working from home required to take immediate leave. They will not be allowed to return to work until in a competent state to do so.
- 2.17 No member of staff can bring alcohol into or drink it on NHS Somerset ICB premises unless it is for an approved formal occasion. Approval for these events should be sought and received in writing from the Accountable Officer/Chief Executive. Staff should not drink alcohol at all during their contracted hours, on or off NHS premises, without getting permission first.
- 2.18 Support is available for any member of staff who has or thinks they may have an alcohol or drug problem. That could be by discussing the matter confidentially with their line manager or via the Occupational Health service via the Human Resources team.

### **Insider Dealing**

- 2.19 As staff members of the ICB, staff may become privy to confidential commercial information which may relate to government departments, agencies and public bodies as well as to the ICB. Staff must take all necessary precautions to protect any information which may affect the value of shares or other securities of companies the ICB or other government organisations contract with.

- 2.20 Misuse of price-sensitive information, or “Insider Dealing”, arises if:
- the inside information is used in relation to the purchase or dealing of shares; and
  - the dealing takes place on a regulated market or via a broker.
- 2.21 Any suspicion of Insider Dealing will be investigated and could give rise to disciplinary action and referral to NHS Somerset ICB’s Counter Fraud Team for potential criminal investigation.

### **Charitable Collections**

- 2.22 While the ICB supports staff who wish to undertake charitable collections among their immediate colleagues, no reference or implication should be drawn to suggest that NHS Somerset ICB is supporting the charity, and no undue pressure should be applied to any colleagues to make a donation.

### **Use of Social Media and Websites**

- 2.23 Social media and websites are public forums and entries are not private. Therefore, staff must not:
- conduct themselves in a way that brings the NHS or ICB into disrepute
  - disclose information that is confidential to the NHS or the ICB business, staff or patients
  - give the impression that they are a spokesperson for the NHS or the ICB without permission, for example by disclosing their job title on social media and commenting on the NHS or NHS Somerset ICB’s policy or performance.
- 2.24 Staff communicating via social media must comply with NHS Somerset ICB’s Social Media Policy.

### **Confidentiality**

- 2.25 All staff must at all times operate in accordance with the UK General Data Protection Regulation (GDPR), and maintain the confidentiality of information of any type, including but not limited to patient information; personal information relating to staff; and commercial information.
- 2.26 This duty of confidence remains after staff (however employed) leave NHS Somerset ICB.
- 2.27 This does not prevent the disclosure of information where there is a lawful basis for doing so (for example, consent or public interest). Staff should refer to the suite of NHS Somerset ICB’s Information Governance and Corporate Information Technology policies for detailed information.



## **Gambling**

- 2.28 No member of staff may bet or gamble when on duty or on ICB's premises, with the exception of small lottery syndicates or sweepstakes related to common events, for example, the Eurovision song contest, the FIFA Women's World Cup or the Grand National. This should be among immediate colleagues within the same offices where no profits are made by virtue of organising them, or the lottery is wholly for purposes that are not for private or commercial gain (for example, to raise funds to support a charity). Staff should seek advice from their line manager and/or the Human Resources team if they are in doubt as to whether any small lottery syndicates or sweepstakes are permissible.

## **Lending and Borrowing**

- 2.29 The lending or borrowing of money or other goods (excluding low-cost office materials such as pens etc) between staff is not permitted, whether informally or as a business, particularly where the amounts are significant. This is to avoid the creation of any obligation on the part of one staff member to another which may influence their decision-making. Reasonable exceptions may be made to this rule, for example the short-term lending of small amounts of money for a specific purpose such as to buy a sandwich.
- 2.30 It is a particularly serious breach of discipline for any member of staff to use their position to place pressure on or otherwise convince any other individual to give or loan them money or other valuable goods.

## **Trading on Official NHS Somerset ICB premises**

- 2.31 Trading on official premises, by whatever means, is prohibited, whether for personal gain or on behalf of others. This includes placing flyers/catalogues for services/products anywhere in NHS Somerset ICB premises.
- 2.32 Canvassing within the office by, or on behalf of, outside bodies or firms (including non-NHS Somerset ICB interests of staff or their relatives) is also prohibited.

## **Individual Voluntary Arrangements, County Court Judgement (CCJ), Bankruptcy/Insolvency**

- 2.33 Any member of staff who becomes bankrupt, insolvent, has active CCJ, or has made individual voluntary arrangements with creditors must inform their line manager and the Human Resources team as soon as possible. Staff who are bankrupt or insolvent cannot be employed, or otherwise engaged, in posts that involve duties which might provide opportunity for the misappropriation of public funds, or where they would be privy to information that could be exploited for personal financial gain.

**Arrest or Conviction**

- 2.34 A member of staff who is arrested, subject to continuing criminal proceedings, convicted of any criminal offence, or commits a traffic offence that could see them go to prison, or is disqualified from driving where they are registered to drive for business purposes, must immediately inform their line manager and the Human Resources team.

**DECLARATION OF INTERESTS FORM – NEW STARTERS**  
**and for all staff in the event of extended down-time of the Civica Declare database**

This form requires completion in accordance with the Standards of Business Conduct and Managing Conflicts of Interest Policy.

Name				
Position within, or relationship with the ICB				
Details of interests held (complete all that are applicable) – <i>refer to Appendix D of the Standards of Business Conduct and Managing Conflicts of Interest Policy</i>				
Type of interest	Description of interest (including for indirect interests, details of the relationship with the person who has the interest)	Date interest relates		Actions to be taken to mitigate risk (to be agreed with line manager or a senior ICB Manager)
		from	to	

*The information submitted will be held by the ICB for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the ICB holds.*

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the ICB as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I **do / do not [delete as applicable]** give my consent for this information to be published on registers that the ICB holds. If consent is NOT given, please give reasons:

**Signed:**

**Date:**

**Approved by:**

**Signed:**  
**(Line Manager or Senior ICB Manager)**

**Position:**

**Date:**

Please return by email to [somicb.declarations@nhs.net](mailto:somicb.declarations@nhs.net)

## TYPES OF INTEREST (extract: national statutory guidance on Managing Conflicts of Interest)

Type	Description
<b>Financial Interests</b>	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> <li>• A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations;</li> <li>• A shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations.</li> <li>• A management consultant for a provider;</li> <li>• In secondary employment (see paragraph 56 to 57 of national guidance);</li> <li>• In receipt of secondary income from a provider;</li> <li>• In receipt of a grant from a provider;</li> <li>• In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider</li> <li>• In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role; and</li> <li>• Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).</li> </ul>
<b>Non-Financial Professional Interests</b>	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:</p> <ul style="list-style-type: none"> <li>• An advocate for a particular group of patients;</li> <li>• A GP with special interests e.g., in dermatology, acupuncture etc.</li> <li>• A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared);</li> <li>• An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE);</li> <li>• A medical researcher.</li> </ul>
<b>Non-Financial Personal Interests</b>	<p>This is 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. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> <li>• A voluntary sector champion for a provider;</li> <li>• A volunteer for a provider;</li> <li>• A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation;</li> <li>• Suffering from a particular condition requiring individually funded treatment;</li> <li>• A member of a lobby or pressure groups with an interest in health.</li> </ul>
<b>Indirect Interests</b>	<p>This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above). For example, this should include:</p> <ul style="list-style-type: none"> <li>• Spouse / partner;</li> <li>• Close relative e.g., parent, grandparent, child, grandchild or sibling;</li> <li>• Close friend;</li> <li>• Business partner.</li> </ul>

## GUIDANCE FOR STAFF WHEN CONSIDERING OBLIGATIONS FOR BUSINESS CONDUCT AND CONFLICTS OF INTEREST

Extract from Professional Standards Authority (PSA) Guidance: Standards for Members of NHS Boards and CCG Governing Bodies [*ICB Boards*] in England (2012) – sections 2 and 6<sup>6</sup>

### Personal Behaviour

I will apply the following values in my work and relationships with others:

- **Responsibility:** I will be fully accountable for my work and the decisions that I make, for the work and decisions of the board, included delegated responsibilities, and for the staff and services for which I am responsible
- **Honesty:** I will act with honesty in all my actions, transactions, communications, behaviours and decision-making, and will resolve any conflicts arising from my personal, professional or financial interests that could influence or be thought to influence my decisions as a board member
- **Openness:** I will be open about the reasoning, reasons and processes underpinning my actions, transactions, communications, behaviours and decision-making and about any conflicts of interest
- **Respect:** I will treat patients and service users, their families and carers, the community, colleagues and staff with dignity and respect at all times
- **Professionalism:** I will take responsibility for ensuring that I have the relevant knowledge and skills to perform as a board member and that I reflect on and identify any gaps in my knowledge and skills, and will participate constructively in appraisal of myself and others. I will adhere to any professional or other codes by which I am bound.
- **Leadership:** I will lead by example in upholding and promoting these Standards, and use them to create a culture in which their values can be adopted by all
- **Integrity:** I will act consistently and fairly by applying these values in all my actions, transactions, communications, behaviours and decision-making, and always raise concerns if I see harmful behaviour or misconduct by others

### Business practices

- Declaring any personal, professional or financial interests and ensuring that they do not interfere with my actions, transactions, communications, behaviours or decision-making, and removing myself from decision-making when they might be perceived to do so.
- Taking responsibility for ensuring that any harmful behaviour, misconduct, or systems weaknesses are addressed and learnt from, and taking action to raise any such concerns that I identify.
- Ensuring that effective complaints and whistleblowing procedures are in place and in use.

<sup>6</sup> <http://www.professionalstandards.org.uk/docs/psa-library/november-2012---standards-for-board-members.pdf?sfvrsn=0>

## GUIDANCE ON THE ACCEPTANCE OF GIFTS, HOSPITALITY AND SPONSORSHIP

Gift/Hospitality	Acceptable	Potentially Acceptable (*)	Unacceptable	Declarable
<b>Gifts from suppliers or contractors:</b>				
Gifts of low value (up to £6), such as promotional items, can be accepted and do not need to be declared.	✓			
All other gifts from suppliers or contractors must be declined and declared. For example, gifts to relatives/friends, holiday accommodation, attendance at sporting events, invitation to cultural events, promotional gifts or offers, personal discounts/ discount vouchers.			✓	✓
<b>Gifts from other sources:</b>				
Gifts under £50 can be accepted from non-suppliers and non-contractors, and do not need to be declared.	✓			
Gifts with a value of over £50 can be accepted on behalf of an organisation, but not in a personal capacity and must be declared.	✓			✓
<b>Hospitality - meals and refreshments:</b>				
Hospitality under £25 can be accepted and does not need to be declared.	✓			
Hospitality between £25 and £75 can be accepted, but must be declared.	✓			✓
If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given.		✓		✓
<b>Supplier offers:</b>				
Visits to view equipment paid for by outside companies		✓		✓
Other forms of commercial sponsorship including pharmaceutical		✓		✓
Offers of medical equipment (for example glucose monitors, respiratory meters and demonstration inhalers as often given out to GPs by pharmaceutical company representatives)		✓		✓

\* Potentially Acceptable but prior approval and declaration required

## RECEIPT OF GIFTS AND HOSPITALITY – GUIDANCE FOR ALL ICB STAFF AND REPRESENTATIVES

### Casual Gifts, including gifts from patients

1. A 'gift' is defined as any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value.
2. All gifts of any nature offered to ICB staff, Board and committee members by suppliers or contractors linked (currently or prospectively) to the ICB's business should be declined, whatever their value. The person to whom the gifts were offered should also declare the offer to the ICB Corporate Governance team so the offer which has been declined can be recorded on the register.
3. Gifts offered from other sources should also be declined if accepting them might give rise to perceptions of bias or favouritism, and a common-sense approach should be adopted as to whether or not this is the case.
4. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e., less than £6) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to staff for work well done. Gifts of this nature do not need to be declared to the Corporate Governance team, nor recorded on the register.
5. Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the ICB) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Governance team and recorded on the register.
6. In cases of doubt advice must be sought from line managers and, in no case must a gift be accepted without prior written approval of the relevant manager if the estimated value of the gift exceeds £6. If a gift which is not a 'small value item' arrives without warning, it must be handed over to the appropriate director who will decide whether the gift should be returned (or passed on to a charity or good cause) and will ensure that the donor is informed of what has happened.

### Cash

7. Under no circumstances must personal gifts of cash, even below the £6 limit be accepted.

### Hospitality

8. A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or ICB.



9. Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the ICB might offer in similar circumstances (e.g., tea, coffee, light refreshments at meetings). A common-sense approach should be adopted as to whether hospitality offered is modest or not. Hospitality of this nature does not need to be declared to the Corporate Governance Team, nor recorded on the register, unless it is offered by suppliers or contractors linked (currently or prospectively) to the ICB's business in which case all such offers (whether or not accepted) should be declared and recorded. Where it is difficult to avoid meetings involving hospitality, for example meals taken in a restaurant, individuals might wish to consider paying for your own meal to demonstrate that no benefit was obtained from a third party.
10. Attendance at working lunches or workshop events where food is provided without a charge to ICB is acceptable only where the focus of the event is work-related rather than the hospitality and providing attendees can demonstrate that ICB will obtain some value from attendance. National guidance sets out that:
  - Hospitality under £25 can be accepted and does not need to be declared.
  - Hospitality between £25 and £75 can be accepted but must be declared.
  - If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given. In particular, offers of foreign travel and accommodation.
11. There may be some limited and exceptional circumstances where accepting the types of hospitality referred to in this paragraph may be contemplated. Express prior approval should be sought from a senior member of the ICB (eg. the ICB governance lead or equivalent) before accepting such offers, and the reasons for acceptance should be recorded in the ICBs register of gifts and hospitality.
12. Hospitality of this nature should be declared to the Corporate Affairs Team and recorded on the register, whether accepted or not. In addition, particular caution should be exercised where hospitality is offered by suppliers or contractors linked (currently or prospectively) to the ICB's business. Offers of this nature can be accepted if they are modest and reasonable but advice should always be sought from a senior member of the ICB (eg. the ICB governance lead or equivalent) as there may be particular sensitivities, for example if a contract re-tender is imminent. All offers of hospitality from actual or prospective suppliers or contractors (whether or not accepted) should be declared and recorded.
13. Offers of hospitality such as theatre tickets, sporting events, holiday accommodation or similar offers of hospitality must be declined.
14. There is an important difference between attendance at events in an official capacity and accepting hospitality at events where representation by ICB is not required. Where you are invited to an event as a representative of ICB and consider that the ICB should be represented in an official capacity, attendance is likely to be acceptable but written approval should be sought in advance from a senior manager of the ICB. It is very unlikely that hospitality such as sporting events, holidays or theatre shows would ever fall into this category.

## Sponsorship

15. ICB staff, Board and committee members may be offered commercial sponsorship for courses, conferences, post/project funding, meetings and publications in connection with the activities which they conduct for or on behalf of the ICB. All such offers (whether accepted or declined) must be declared so that they can be included on the ICB's register of interests, and the Corporate Governance Team should provide advice on whether or not it would be appropriate to accept any such offers. If such offers are reasonably justifiable and otherwise in accordance with this statutory guidance then they may be accepted.
16. Notwithstanding the above, acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the ICB or be dependent on the purchase or supply of goods or services. Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event. The ICB should not endorse individual companies or their products. It should be made clear that the fact of sponsorship does not mean that the ICB endorses a company's products or services. During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection legislation. Furthermore, no information should be supplied to a company for their commercial gain unless there is a clear benefit to the NHS. As a general rule, information which is not in the public domain should not normally be supplied.
17. Where an organisation or individual seeks to provide sponsorship to ICB the principles set out in this policy concerning the acceptance of gifts or hospitality apply. Particular care must be taken when contractors or potential contractors are offering sponsorship, to avoid the appearance that providing sponsorship is linked to the awarding of any contract or other advantage. Sponsorship should not be accepted where it could subject ICB to criticism for giving preferential treatment to one supplier above another.
18. Any offers of sponsorship must be approved by the relevant senior manager at NHS Somerset ICB in advance.
19. Specific guidance on pharmaceutical sponsorship is contained with the Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry. Further advice in relation to pharmaceutical sponsorship should be sought from the ICB's Chief Pharmacist.
20. If there is any doubt about whether gifts, hospitality or sponsorship should be accepted, advice should be sought in advance from the Director of Corporate Affairs or the Corporate Governance team.

## Medical Equipment

21. Any offers of medical equipment for primary care should be considered carefully before being accepted so there could be no impression of favourable treatment being applied to a specific provider. Any offers should be recorded on the register using the declaration form. Examples of such offers could be low value equipment such as glucose monitors, respiratory meters and demonstration inhalers, which are often given out to clinicians by pharmaceutical company representatives.

**Training and Education**

22. Pharmaceutical company representatives may from time-to-time support and/or deliver training and education sessions, often involving the provision of hospitality over a lunchtime period. The provision of such support is not prohibited but it is important that this activity and associated hospitality is formally recorded to promote transparency.
23. If a project is being funded by a pharmaceutical company, approval for receiving this support should be sought from the relevant Director and then reported to the Medicines Management Programme Board for formal approval. The project sponsorship must then be recorded on the Civica Declare database for pharmaceutical company- supported projects (sponsorship).

**DECLARATIONS OF GIFTS AND HOSPITALITY FORM****For use by staff in the event of extended (more than 28 days) down-time of the Civica Declare database**

Recipient Name	Job Title	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offeror Name and Nature of Business	Details of Previous Offers or Acceptance by this Offeror/ Supplier	Details of the officer reviewing and approving the declaration made and date	Declined or Accepted?	Reason for Accepting or Declining	Other Comments

The information submitted will be held by the ICB for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the ICB holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the ICB as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

I do / do not (delete as applicable) give my consent for this information to published on registers that the ICB holds. If consent is NOT given, please give reasons:

Signed (Recipient):

Date:

Signed:

(Line Manager or a Senior ICB Manager).

Date:

Please return by email to [somicb.declarations@nhs.net](mailto:somicb.declarations@nhs.net)