

NHS Ayrshire & Arran



Meeting:	Ayrshire and Arran NHS Board
Meeting date:	Monday 30 March 2020
Title:	Acceptance and Declaration of Gifts and Hospitality and Declarations of Interests
Responsible Director:	John Burns, Chief Executive
Report Author:	Shona McCulloch, Head of Corporate Governance

1. Purpose

This is presented to the Committee for:

- Decision

This paper relates to:

- Local policy

This aligns to the following NHSScotland quality ambition:

- Person Centred

2. Report summary

2.1 Situation

In Autumn 2017 the Board's internal auditor PricewaterhouseCoopers carried out an internal audit of Board processes in regard to "UK Bribery Act - Gifts Gratuities and Hospitality". The internal audit report was published and submitted to Audit Committee on 22 November 2017.

The report found four medium and two low risk findings which required the Board to deliver an improved corporate gifts and hospitality guideline to address the risks identified.

This paper presents the final draft guideline and seeks Board Members' approval prior to publication and dissemination.

2.2 Background

Current guidance on reporting and declaring Gifts and Hospitality for Board Members and Staff is included in the [Code of Corporate Governance, Section B Members Code of Conduct and Section C Standards of Business Conduct for NHS Staff](#).

The process in place to manage Board Members Registers of Interests and Gifts and Hospitality is well established and robust with targeted reminders. The process for

managing Staff Registers has been to issue reminders annually through a Chief Executive note to remind staff of their personal responsibilities.

Monitoring of progress against actions from this internal audit has been through the Integrated Governance Committee with operational input from Corporate Management Team as required.

Integrated Governance Committee supported the proposed approach to deliver a guideline for the declaration of Gifts and Hospitality which also included a guideline for staff on the Declaration of Interests and have been routinely updated on progress. At the meeting on 25 November 2019 Integrated Governance Committee supported the draft guideline presented and acknowledged the need for operational input via Corporate Management Team to take this to a final draft.

2.3 Assessment

The assessment taken to deliver a Guideline which would respond to the actions from the internal audit report was provided to the Integrated Governance Committee meeting on 25 November 2019. Following that meeting a paper was submitted to CMT on 17 December to discuss operational requirements. Directors considered and supported a proposal for each Directorate to be responsible to manage its own Staff Register. CMT also considered whether specific groups should be identified in the approach to implementing the guideline.

Feedback from Directors has been incorporated into the final draft guideline attached at Appendix 1. This includes Named Persons to manage staff registers, Authorisers for declaration forms and Targeted Groups.

It is important to note that the guideline is not a “new” procedure and the responsibilities for staff remain unchanged. The responsibilities are stated in the Standards of Business Conduct for Staff. This guidance aims to increase awareness and provide clear instruction for staff on what to register and how to do this.

The Guideline addresses the internal audit actions.

Once approved the Guideline will form part of the Code of Corporate Governance in support of both Sections B and C. The guideline will be disseminated separately across the organisation to ensure as wide a communication as possible to advise staff of the new guideline and process. Training will be provided to Directorate Named Persons by the Head of Corporate Governance to ensure the process is understood and can be delivered.

2.3.1 Quality/patient care

Ensuring a robust process for declaring and registering gifts, hospitality and interests will ensure the quality of our governance practice and support our staff.

2.3.2 Workforce

Workforce implications have been assessed with Directors to ensure that the requirements of the new procedure can be delivered with current workforce. The guideline will support our staff in understanding their responsibilities regarding Standards of Business Conduct and declaring and registration of gifts, hospitality and interests.

2.3.3 Financial

There is no financial impact from this guideline.

2.3.4 Risk assessment/management

Delivery of a guideline will address the risks identified from the Internal Audit Report.

2.3.5 Equality and diversity, including health inequalities

An impact assessment has not been completed because this guideline does not negatively impact on any protected characteristics.

2.3.6 Other impacts

- Best value: Vision and Leadership, Effective Partnerships, Governance and accountability, Use of resources, Performance management - A robust, supported procedure and guidelines will deliver all areas of Best Value and good corporate governance in supporting the internal systems of control.
- Compliance with Corporate Objectives – The guideline evidences good corporate governance and supports the organisation and staff.

2.3.7 Communication, involvement, engagement and consultation

No formal engagement required. In producing the guideline the Head of Corporate Governance engaged with colleagues at other Health Boards across Scotland to identify best practice and engaged with Corporate Management Team to ensure operational delivery.

2.3.8 Route to the meeting

The guideline and the approach being taken to deliver this has been previously considered by the following groups. The groups have either supported the content, or their feedback has informed the development of the content presented in this report.

- Integrated Governance Committee, 28 May 2018, 26 November 2018, 28 May 2019, 25 November 2019 and 29 January 2020
- Corporate Management Team, 17 December 2019 and virtual meeting 21 January 2020.
- Audit Committee, 18 March 2020 recommended for approval

2.4 Recommendation

For decision – Board Members are asked to approve the final draft of the guideline and that this will be included in the organisation's Code of Corporate Governance.

3. List of appendices

The following appendices are included with this report:

- Appendix 1 - Supporting guidance for Standards of Business Conduct for NHS Staff. Acceptance and Declaration of Gifts and Hospitality and Declarations of Interests

Supporting guidance for Standards of Business Conduct for NHS Staff

Acceptance and Declaration of Gifts and Hospitality and Declarations of Interests

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0.01	18/05/19	First draft	Head of Corporate Governance
0.02	15/11/19	Second draft, re-drafted introduction	Head of Corporate Governance
0.03	11/12/19	Re-draft to finalise guidance and steps, and feedback from v0.02	Head of Corporate Governance
0.04	15/01/2020	Final draft, inclusion of operational sign off levels and targeted groups. Inclusion of guidance for Named Persons regarding managing Registers, Updated example registers and forms, frequency of reminders to staff, targeted returns and annual governance report to Head of Corporate Governance.	Head of Corporate Governance
0.05	07/02/2020	Update to Appendix 6	Head of Corporate Governance

Approvals: this document was formally approved by:

Name & Title / Group:	Date:	Version:
NHS Board (as part of Code of Corporate Governance)		

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1.0 Introduction

This guidance supports the Standards of Business Conduct for NHS Staff.

It is important that NHS Ayrshire & Arran and its employees maintain strict ethical standards in the conduct of NHS business and are protected from allegations of conflict of interest, acting improperly or breach of impartiality.

The Standards of Business Conduct for NHS Staff states

“All NHS staff who commit NHS resources directly or indirectly must be impartial and honest in their conduct of business and all employees must remain beyond suspicion. It is an offence under the Prevention of Corruption Act 1906 and 1916 for any employee to accept any inducement or reward for doing, or refraining from doing, anything in his or her official capacity, or corruptly showing favour, or disfavour, in the handling of contracts. MEL(1994)48 details the principles for codes of conduct and accountability in situations where there is potential conflict between the private interests of NHS staff and their NHS duties and requires the establishment of a local code of conduct.

The Standards also include responsibilities to comply with the Bribery Act 2010. The Standards of Business Conduct for NHS Staff states

“The Board and all those who work in it have a duty to follow the good practice procedures set out in the Bribery Act, 2010. Specifically the Board operates a zero tolerance policy of bribery. The Bribery Act 2010 has brought further obligations on the Board and its staff.”

Staff should be aware that breach of the provisions of these Acts renders them liable to prosecution and may also lead to a potential disciplinary action and the loss of their employment and superannuation rights in the NHS.

If you are in any doubt at all as to what you can or cannot do, you should seek advice from your Line manager/Head of Department/Director/Head of Corporate Governance.

This guideline should be read in conjunction with the Standards of Business Conduct for NHS Staff (Section C of the NHS Ayrshire & Arran Code of Corporate Governance) and the Code of Conduct for NHS Ayrshire & Arran Board Members (Section B of the Code of Corporate Governance).

2.0 Purpose

This purpose of this document is to provide guidance and instruction on acceptance of gifts and/or hospitality and declaration of interests to ensure that all NHS employees in Ayrshire and Arran are aware of their duties under the MEL and comply with the Standards of Business Conduct for NHS Staff to declare and register gifts and hospitality and any registerable interests. It also provides guidance on maintaining Registers and submission for annual review by Audit committee.

3.0 Scope

This guideline is applicable to all employees of NHS Ayrshire & Arran, including holders of honorary contracts, to independent contractors when they are working on behalf of NHS Ayrshire & Arran, to Non-executive Directors of the NHS Board and to NHS Ayrshire & Arran employees working within the Health and Social Care Partnerships.

4.0 Definition of Terms

Gifts	Any goods or services of value that you are offered.
Hospitality	Generally defined as attendance at a social or leisure event or conference (or an occasion which could be perceived as such an event) where the attendance is being funded by a third party.
A registerable Interest	Any personal interest which may have a bearing on, or might reasonably be deemed by others to have a bearing on a staff member's impartiality in any matter relevant to his/her duties.
The Standards	Standards of Business Conduct for NHS Staff
Register	A register which records any declared interest or gift and hospitality offered and declined or accepted for staff and board members.
Undertaking	A body corporate or partnership; or an unincorporated association carrying on a trade or business with or without a view to a profit.

5.0 Roles & Responsibilities

Chief Executive is responsible as Accountable Officer to ensure a register of gifts and hospitality and register of interests is maintained.

Directors are responsible to ensure that a Register of gifts and hospitality and interests is maintained for staff within their department and that there is a "named person" who maintains the Directorate register. Directors will provide an annual assurance statement to the Chief Executive that the Standards of Business Conduct for NHS Staff is being applied in their Directorate and a Register maintained. This will be included in the Annual Governance Assurance letter provided to the Chief Executive. The Director will provide a copy of the Registers annually to the Head of Corporate Governance for submission to Audit Committee.

Directorate Named Person will maintain the Directorate's register of gifts and hospitality and interests. The Directorate's point of contact for the Head of Corporate Governance.

Director of Finance is responsible for the monitoring and scrutiny of the register and will be vigilant for perceived conflicts of interest.

Audit Committee will review the register annually and will make this available to internal and external auditors.

Head of Corporate Governance is responsible for establishment of a process to deliver the Register(s) and that this is communicated to the organisation. The Head of Corporate Governance is responsible for establishment and publication of a Board Members

Register. The Head of Corporate Governance will ensure the Board Members register and Staff Registers are submitted to Audit Committee annually for review.

Managers must adhere to this guidance and ensure that their staff are aware of and comply with The Standards. Managers must approve gifts and hospitality using forms provided within this guideline (see Appendix 9 for authorisers).

All employees of NHS Ayrshire & Arran have a personal responsibility to declare any gifts and/or hospitality offered or accepted and declare any interests in compliance with The Standards and these Guidelines. It is the responsibility of staff to ensure that they do not place themselves in a position which risks or appears to risk conflict between their private interests or behaviour and the correct performance of their NHS duties. This primary responsibility applies to all NHS staff and Board Members.

Executive and Non-Executive Members of the NHS Ayrshire & Arran Board have a personal responsibility to comply with the Members' Code of Conduct and complete a personal Register of Interests and Gifts and Hospitality on appointment to the Board and to notify any changes to the Head of Corporate Governance.

Directors of the Board have a personal responsibility to comply with The Standards and complete a personal Register of Interests and Gifts and Hospitality on becoming a Director of NHS Ayrshire & Arran and to notify any changes to the Head of Corporate Governance.

6.0 Gifts and hospitality

6.1 Acceptance of Gifts

Employees of NHS Ayrshire & Arran must not accept gifts which may be, or be capable of being, construed as being able to influence a purchasing decision or cast doubt on the integrity of such decisions.

Gifts which could place an individual in a position of conflict between their private interests and their NHS duties must be politely but firmly declined.

Casual gifts offered by contractors or others must also be politely declined except where they are deemed to be of low intrinsic value (below £15). MEL(1994)48 notes that staff may accept such gifts of low intrinsic value, such as diaries or calendars or small tokens of gratitude from patients or their relatives. Gifts offered but declined must also be declared if the value is deemed to be above £15.

Staff must never ask for gifts and hospitality. Where it is difficult to decide whether a gift should be accepted or not, advice should be sought from your Line Manager/Head of Department/Director or the Head of Corporate Governance. Appendix 9 provides Directorate authorisers for Declaration Forms as contacts for advice.

A “quick guide” to acceptance of Gifts is provided at section 6.6.

6.2 Monetary Gifts

The acceptance of cash or cash equivalents, including gift vouchers of any value is not acceptable under any circumstances. If you are offered a cash gift or gift vouchers, these must be politely but firmly declined. Where there is an offer to clinical or ward staff, those offering the gift should be directed towards the ward/area endowment fund.

6.3 Acceptable Hospitality

Hospitality is generally defined as attendance at a social or leisure event or conference (or an occasion which could be perceived as such an event) where the attendance is being funded by a third party. The Standards provides that modest hospitality is an accepted courtesy of a business relationship. The recipient should not allow themselves to reach a position whereby he or she might be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than NHS Ayrshire & Arran would be likely to provide in return.

Staff may accept modest hospitality provided it is normal and reasonable under the circumstances, for example lunches in the course of working visits may be acceptable if of a similar scale to that which NHS Ayrshire & Arran would offer in return. The acceptable limit for a meal is £25. Staff should decline all other offers of hospitality.

Where it is difficult to decide whether hospitality offered should be accepted or not, advice should be sought from your Line Manager/Head of Department/Director or the Head of Corporate Governance. Appendix 9 provides Directorate authorisers for Declaration Forms as contacts for advice.

6.4 Unacceptable Hospitality

Any hospitality which does not fill the above criteria will be unacceptable. The only exception is where the hospitality has been approved in writing, in advance, by the Chief Executive or appropriate Director. Such hospitality must be declared using the appropriate Declaration Form. Any significant hospitality offered to NHS Ayrshire & Arran employees and declined must also be recorded in the register.

6.5 Commercial Sponsorship

As a general principle, all offers received from commercial third parties must be refused. Attendance at relevant commercially sponsored conferences and courses is acceptable but only where acceptance will not and cannot be seen as compromising purchasing or other decision in any way. Receipt of such sponsorship must be declared using the form at Appendix 5 (or Appendix 4 for Joint Pharmaceutical Working).

Employees must pay particular attention to the circumstances in which hospitality is offered; the provision of hospitality by an individual or organisation during a tendering process or where a contract is shortly to end, or where performance of the contract is in question or in any other circumstances where acceptance might compromise the position of the employee or of NHS Ayrshire & Arran, is not acceptable.

6.6 Quick Guide to Gifts and Hospitality

Gift/hospitality	Acceptable*	Advance approval Required	Declarable
Low value promotional gifts such as Diaries/Calendars under £15	Yes (so long as it does not create a sense of obligation)	No	No
Promotional gifts greater than £15	No – to be declined*	Should be declined	Yes
Biscuits, chocolates, flowers from patients or relatives/friends of patients	Yes (so long as it does not create a sense of obligation)	No	Only if considered greater than £15 in value
Token gifts given at a courtesy visit/VIP visit	Yes (so long as it does not create a sense of obligation)	No	Only if considered greater than £15 in value
Casual gifts offered by contractors/potential suppliers under £15	Yes (so long as it does not create a sense of obligation)	Yes	Yes
Gifts/equipment offered by contractors/potential suppliers over £15, including concert/sporting event tickets	No – to be declined*	Should be declined	Yes
Invitations to sporting or cultural events	No – to be declined*	Should be declined	Yes
Holiday accommodation	No – to be declined*	Should be declined	Yes
Hospitality offered as part of attendance at a course/conference	Yes - should not be significantly greater than NHS Ayrshire & Arran would be likely to provide in return.	No	If considered greater than £25 in value
Infrequent working breakfast	Yes (so long as it does not create a sense of obligation)	No	If considered greater than £25 in value
Infrequent working lunch	Yes (so long as it does not create a sense of obligation)	No	If considered greater than £25 in value

Gift/hospitality	Acceptable*	Advance approval Required	Declarable
Other forms of commercial sponsorship including drug company sponsorship for example to attend a conference, study leave	In some situations	Yes	Yes

* Where staff are concerned that declining a gift will cause offence, seek advice from your line manager on how best to handle receipt of the gift, for example, submitting to a team endowment fund or raffle. Under such circumstances the fear of causing offence should not create a conflict of interest for the recipient. Cash gifts or equivalents must never be accepted as gifts.

Any Gift or Hospitality which is declarable under this guideline, must be registered using the form at Appendix 4 or Appendix 5 within one month. This form must be signed by your Directorate Authoriser for Declaration Forms. See Appendix 9.

6.7 Pharmaceutical Company Contributions

From June 2016, pharmaceutical companies have been required to publish details of payments they make (in cash or 'in kind') to individual healthcare professionals for services they provide. These services include sponsorship, consultancy and associated fees relating to their participation in events such as 'Pharmaceutical Advisory Boards'. Information will be available through a publicly searchable database on the Association of British Pharmaceutical Industry (ABPI) website.

NHS Ayrshire & Arran has an obligation to record all payments, donations, grants or benefits in kind received from Pharmaceutical companies on the Board's Gifts and Hospitality Register and to compare the payments with the information published on the ABPI website.

NHS Ayrshire & Arran has a Code of Practice for Medicines Governance. Section 23a, b and c of the Code of Practice for Medicines Governance provides policy and guidance on Joint Working with the Pharmaceutical Industry and declaration of gifts and hospitality and interests.

Any Gifts and Hospitality offered or accepted which is linked to Joint Working with the Pharmaceutical Industry must be declared in line with the Code of Practice for Medicines Governance policy and guidance (Section 23).

Any and all staff who are offered Gifts and Hospitality outwith the Joint Working guidelines MUST follow the guidance at section 6.6 and a declaration made where appropriate.

The Head of Corporate Governance will liaise with Pharmacy Directorate colleagues to reconcile declarations made in the Pharmacy Register against information provided by Pharmaceutical companies.

6.8 How to Declare Gifts and Hospitality – A step by step guide

- Step 1: If offered a gift or hospitality decide whether to accept or decline based on this guidance.
- Step 2: If you remain unsure discuss with your line manager in the first instance. If further advice is required contact your Head of Department/Director or the Head of Corporate Governance.
- Step 3: Consider if the gift or hospitality is linked to Joint Working with a Pharmaceutical Company or something else. Refer to section 6.7 regarding Pharmaceutical Company contributions.
- Step 4: If you have accepted or declined a gift or hospitality, which is declarable under this guideline, complete the appropriate form.
Appendix 4 for those linked to Joint Working with Pharmaceutical companies or Appendix 5 for all other gifts/hospitality. These forms are also available on the Intranet [\(add link\)](#).
- Step 5: Pass the completed form to your Declaration Form Authoriser for approval. See Appendix 9.
- Step 6: Once approved, pass the form to either the Pharmacy Directorate or your Directorate Named person. See Appendix 9.
- Step 7: The Pharmacy Directorate or Directorate Named Person will update the Register.

Notes:

1. Declarations should be made as soon as is practically possible and no later than one month following receipt.
2. If cash or a cash equivalent has been accepted this must be declared no later than seven days following acceptance. Please note that gifts of cash or cash equivalents must NEVER be accepted.
3. One form should be submitted per employee, for example if a gift is received for three members of staff, a separate form should be completed by each of the three employees and authorised by their Declaration Form Authoriser, before submission to the Pharmacy Directorate or Directorate Named Person to update the Directorate Register.

Appendix 1 provides a flow chart for declaring and recording gifts or hospitality, whether accepted or declined.

7.0 Declaration and register of interests

7.1 When to register an interest

To avoid conflicts of interest and to maintain openness and accountability, employees are required to register all interests that may have any relevance to their duties/responsibilities. These include any financial interest in a business or any other activity or pursuit that may compete for an NHS contract to supply either goods or services to the NHS or in any other way could be perceived to conflict with the interests of the Board.

The test to be applied when considering appropriateness of registration of an interest is to ask whether a member of the public might consider that the interest could potentially affect the individual's responsibilities to the organisation and/or influence their actions. If in doubt the individual should register the interest or seek further guidance from their line manager or their Head of Department/Director or Head of Corporate Governance.

7.2 Interests that it might be registered (see Appendix 3 for more detail):

- Other employments
- Directorships, including Non-Executive Directorships
- Ownership of an interest in private companies, partnerships, businesses or consultancies
- Shareholdings in organisations likely or possibly seeking to do business with the NHS
- Ownership of, or interest in, land or buildings which may be significant or relevant to the work of the Board
- Any position of authority held in another public body, trade union, charity or voluntary body
- Any connection with a voluntary or other body contracting for NHS services
- Any involvement in joint working arrangements with Clinical (or other) Suppliers

This list is not exhaustive and should not preclude the registration of other forms of interest where these may give rise to a potential conflict of interest with the work of NHS Ayrshire & Arran. Any interests of a spouse, partner or civil partner, close relative or associate, or persons living with the individual as part of a family unit, will also require registration if a conflict of interest exists.

7.3 Declaration of Interests in the pharmaceutical industry

NHS Ayrshire & Arran has a Code of Practice for Medicines Governance. Section 23a, b and c of the Code of Practice provides policy and guidance on Joint Working with the Pharmaceutical Industry and declaration of gifts and hospitality and interests (Appendix 5).

Any Interest related to Joint Working with the Pharmaceutical Industry must be declared in line with the Code of Practice for Medicines Governance policy and guidance.

Any and all staff who have an interest, NOT related to the Joint Working guidelines MUST follow the guidance above and a declaration made where appropriate.

The Head of Corporate Governance will liaise with Pharmacy Directorate colleagues to reconcile declarations made in the Pharmacy Register against information provided by Pharmaceutical companies.

7.4 How to declare an interest – a step by step guide

Step 1: Staff member identifies a potential interest or conflict based on this guidance.

Step 2: If you remain unsure discuss with your line manager in the first instance. If further advice is required contact your Head of Department/Director or the Head of Corporate Governance.

Step 3: Consider if the interest is linked to Joint Working with a Pharmaceutical Company. Refer to section 7.3 regarding declaration of Interests in the pharmaceutical industry.

Step 4: If you have an interest or conflict to declare complete the appropriate declaration form. Appendix 4 for those linked to Joint Working with Pharmaceutical companies or Appendix 5 for all other interest/conflicts. These forms are also available on the Intranet [\(add link\)](#).

Step 5: Pass the completed form to your Declaration Form Authoriser for approval (see Appendix 9).

Step 6: Once approved, pass the form to either the Pharmacy Directorate or your Directorate Named person. See Appendix 9.

Step 7: The Pharmacy Directorate or Directorate Named Person will update the Register.

Appendix 2 provides a flow chart for declaring and recording interests.

7.5 Declaring an Interest at Meetings

It is the responsibility of each member of staff to declare any relevant interest to the Chair of any Board Committee or other group at the beginning of any meeting where a potential conflict could arise. Where a conflict is declared the person must leave the meeting for that section of the agenda.

8.0 Board Members/Directors declaration of interests, gifts/hospitality

On appointment to the Board all Non-Executive and Executive Directors will be asked to complete a Register of Interests and Gifts and Hospitality by the Head of Corporate Governance. This is managed through the Board Members induction process.

On recruitment/appointment as a Director of NHS Ayrshire & Arran, the Director will be asked to complete a Register of Interests and Gifts and Hospitality by the Head of Corporate Governance. This is managed through the local induction process.

All Board Members and Directors must comply with this guidance in support of the Code of Conduct for Members of NHS Ayrshire & Arran Board and The Standards of Business Conduct for NHS Staff.

The signed individual register must be returned to the Head of Corporate Governance who will update the Board's Register of Interests and Gifts and Hospitality.

Members and Directors will be asked to review, sign and resubmit their individual register annually in April. This informs the Annual Completed Register of Interests which is submitted to the Audit Committee and Board's auditors for review.

Any changes to an individual register must be notified to the Head of Corporate Governance using the declaration form at Appendix 6. This must be completed within one month of the change.

9.0 Registers of gifts and hospitality and interests

Each Directorate will hold a Staff Register of Gifts and Hospitality and Interests for their Directorate staff.

The Pharmacy Directorate will hold Registers to record all declarations related to Joint Working with the Pharmaceutical Industry. This covers any and all staff who have a declared interest or gift or hospitality related to Joint Working with the Pharmaceutical Industry.

The Head of Corporate Governance will hold a Board Members' Register to record all declarations of interests or gifts or hospitality from Board Members and Board Directors. The register will be open to public scrutiny and is published on the organisation's website.

The Registers are maintained annually and must be finalised in line with the financial year to 31 March. Directorate Registers must be completed and a copy sent to the Head of Corporate Governance in April each year, to be received no later than 30 April. The Head of Corporate Governance must finalise the Board Members' Register in April each year and send a copy to Finance for annual accounts reporting and sharing with the external auditor.

The completed Registers will be submitted to Audit Committee at least annually for independent review. The timescales for submission to Audit Committee will be agreed each year in line with the Audit Committee meeting schedule.

Access to the Staff Registers will be restricted to senior officers and internal and external audit. All Registers may also be subject to Freedom of Information (FOI) requests.

Examples of Registers are shown at Appendices 7 and 8.

10.0 Corporate records management for declaration forms and registers

The Directorate Named Person and Head of Corporate Governance must retain the following Corporate Records in line with national retention periods – this is 6 years after an interest was registered.

- All approved Declaration forms received, so that these can be compared against the Registers held.
- All Individual Staff and Directorate Registers
- All Board Member and Director Registers

11.0 Reminders to staff and targeted groups

11.1 Reminders and frequency

The Named Person for each Directorate should issue a reminder to all Directorate staff quarterly in June, September, December and March each year. This should remind all staff of the need to declare gifts, hospitality and appropriate interests in line with The Standard and this guideline, so that it can be recorded on the Directorate Register.

11.2 Targeted groups

Directors have identified higher risk teams within their Directorates as noted in Appendix 9. Staff within these groups must be issued with an individual register for completion on joining the organisation, this must include Nil returns where this is the case. Staff must be asked to review and sign their individual register on an annual basis.

Directorate Named Persons and the Head of Corporate Governance are responsible to manage this process and will issue individual registers. Targeted reminders will be issued in line with the quarterly reminders to all staff.

Information from the individual Staff and Board Member registers must be included in the composite Directorate Register and Board Members' Register.

12.0 Related Documents

- (a) [NHS Ayrshire & Arran Code of Corporate Governance](#)
- (b) [NHS Circular MEL \(1994\) 48](#): Standards of Business Conduct for NHS Staff
- (c) [NHS Circular MEL \(1994\) 80](#): Supplementary guidance
- (d) [The Bribery Act 2010](#)
- (e) [Management of Employee Conduct Policy](#)
- (f) [Code of Practice of Medicines Governance](#)

13.0 Appendices

[Appendix 1 - Gifts and Hospitality Flow chart](#)

[Appendix 2 - Interests Flow Chart](#)

[Appendix 3 - What is an interest? Guidance of categories and descriptions](#)

[Appendix 4 - Joint Working with Pharmaceuticals – declaring an interest or gift/hospitality](#)

[Appendix 5 - Form for Staff Declaration for Gift/Hospitality or Interest](#)

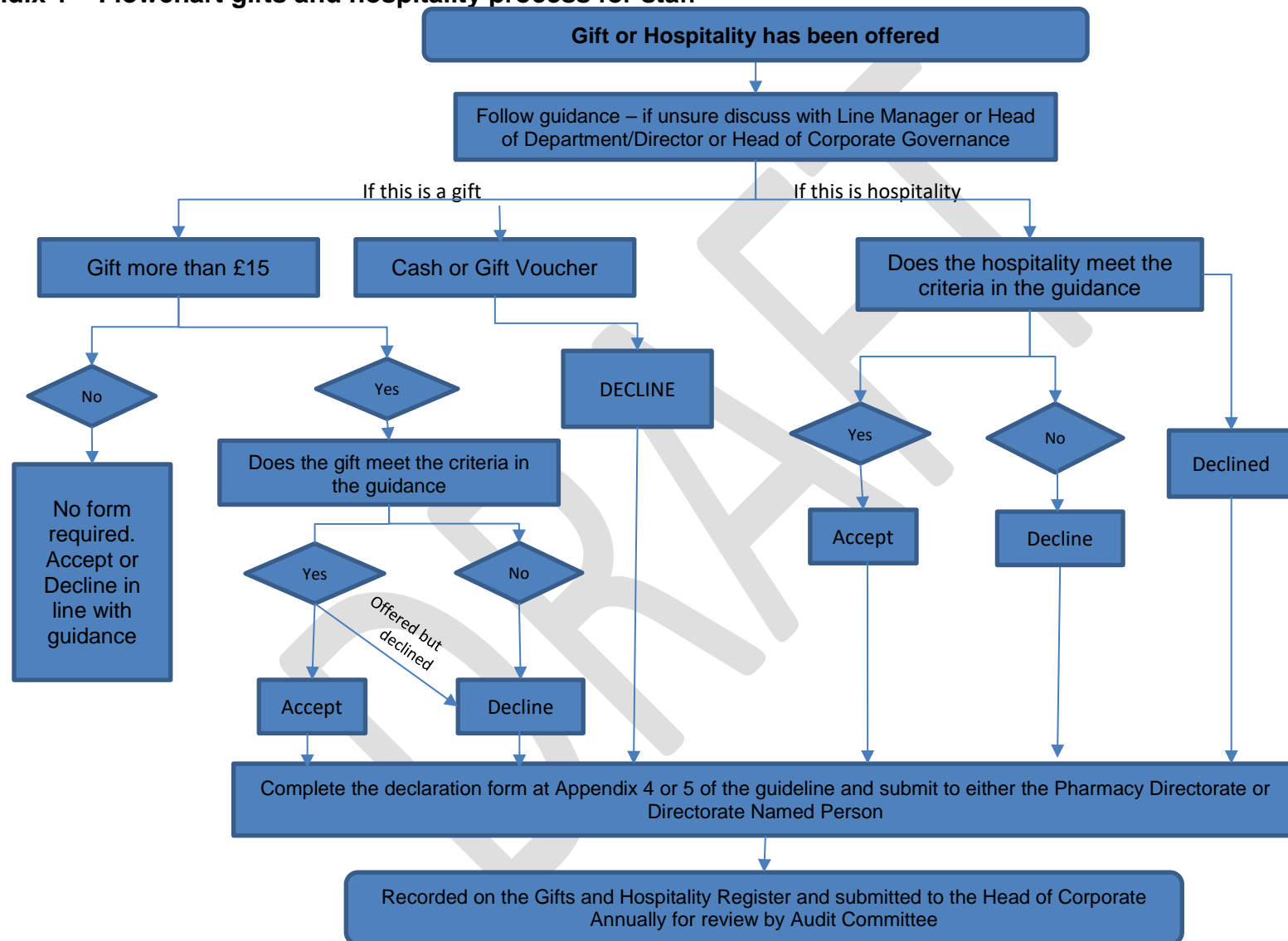
[Appendix 6 - Form for Board Member/Director Declaration for Gift/Hospitality or Interest](#)

[Appendix 7 - Example of Directorate/Board register](#)

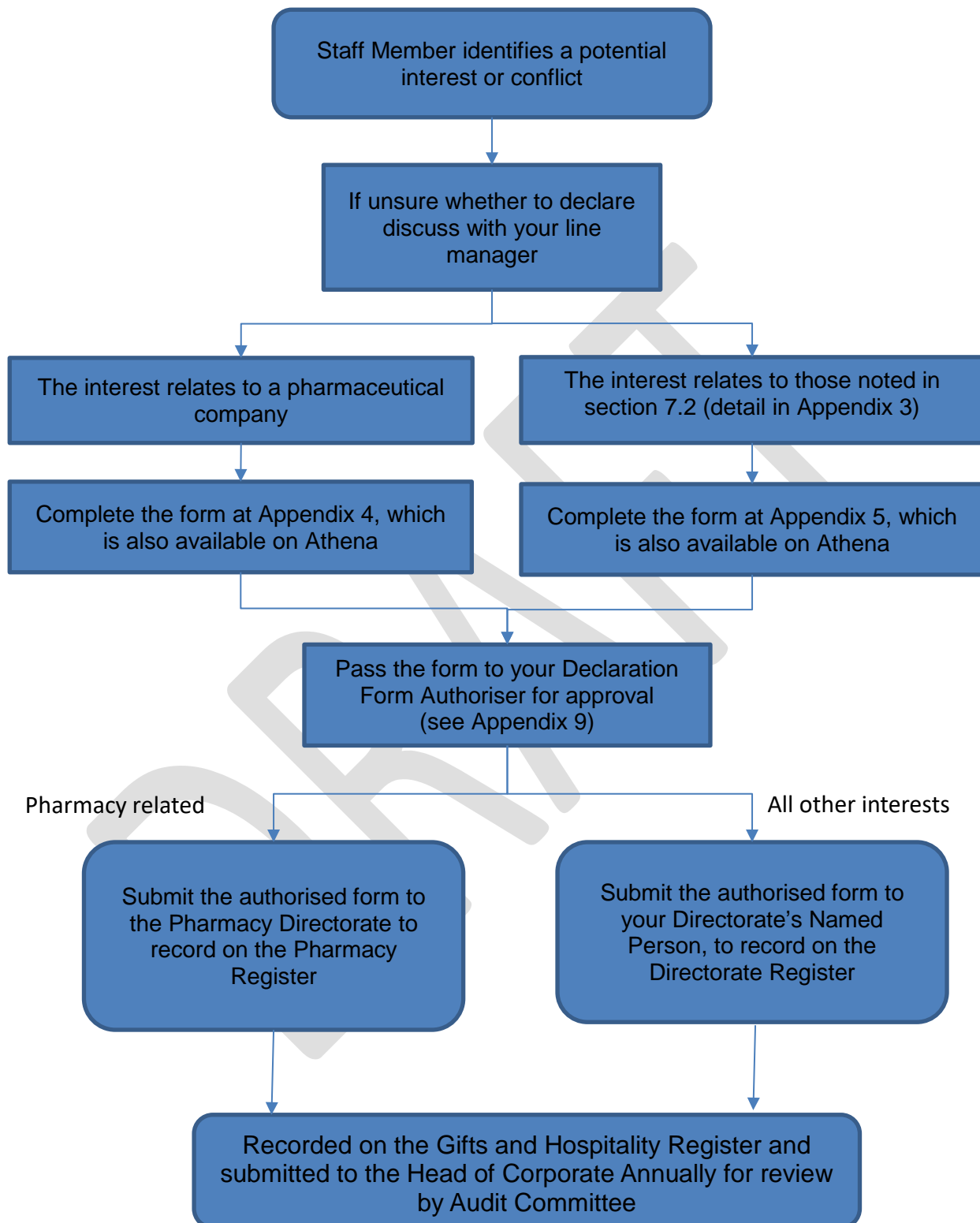
[Appendix 8 - Example of Individual register](#)

[Appendix 9 - Directorate Authoriser, Named Person and Targeted Groups](#)

Appendix 1 – Flowchart gifts and hospitality process for staff



Appendix 2 – Flowchart - declaring an interest process for staff



Appendix 3 - What is an interest – categories and descriptors

Category 1 - Remuneration	<p>A description of remuneration received by virtue of being:</p> <ul style="list-style-type: none"> • Employed or self-employed – if self-employed provide the name and details of the nature of the business. • The holder of an office • A director of an undertaking – provide the registered name of the • A partner in a firm – give the name of the partnership and the nature of its business • Undertaking a trade, profession, vocation or and other work • Receiving an allowance in relation to membership of an organisation <p>The amount of remuneration does not require to be registered.</p>
Category 2 - Related Undertakings	Any directorships held which are not themselves remunerated, but where the company (or other undertaking) in question is a subsidiary of NHS Ayrshire & Arran.
Category 3 - Contracts	<p>You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described below) have made a contract with NHS Ayrshire & Arran under which goods or services are to be provided, or works are to be executed; and which has not been fully discharged.</p> <p>You must register a description of the nature and duration, but not the price of, of any such contract.</p>
Category 4 - Houses, Land and Buildings	<p>You have a registerable interest where you have any rights of ownership of other in houses, land and buildings, that may be significant to, of relevance of, or bear upon, the work or operation of NHS Ayrshire & Arran.</p> <p>The test to be applied is to ask whether a member of the public might reasonably consider any interest in houses, land or buildings could potentially affect your responsibilities to NHS Ayrshire & Arran or could influence your actions or decision making.</p>
Category 5 - Shares and Securities	<p>You have a registerable interest where you have an interest in shares comprised in the share capital of a company or other body which may be significant to, of relevance to, or bear upon, the work and operation of NHS Ayrshire & Arran and the nominal value of the shares is:</p> <ol style="list-style-type: none"> greater than 1% of the issued share capital of the company or other body; or greater than £25,000. <p>Where you are required to register the interest, you should provide the registered name of the company in which you hold shares; the amount or value of the shares does not have to be registered.</p>
Category 6 – Gifts and Hospitality	A description of any gifts and hospitality offered and accepted or declined in line with this guideline.

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Category 7 – Non-Financial interest	<p>You have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of NHS Ayrshire & Arran. It is important that relevant interests such as membership or holding office in other other public bodies; clubs, societies and organisations; trades unions; and voluntary organisations are considered.</p> <p>The test to be applied is to ask whether a member of the public might reasonably consider any interest in houses, land or buildings could potentially affect your responsibilities to NHS Ayrshire & Arran or could influence your actions or decision making.</p>
Category 8 - Election Expenses*	<p>A description of, and statement of, any assistance towards election expenses relating to election to the devolved public body.</p> <p>* Board Members only</p>

Appendix 4 - Declaration of Interests in the Pharmaceutical Industry

Guidance on Joint working with the Pharmaceutical Industry and declaration forms are held on AthenA and managed by the Pharmacy Directorate.

NHS Ayrshire & Arran Code of Practice for Medicines Governance
Available on Athena at <http://athena/adtc/Pages/COP.aspx>

- **Section 23(a) – Declaration of Interests in the Pharmaceutical Industry**
 - [Appendix 1 – Form - Register of Interests Form for use by ADTC and its subgroups](#)
- **Section 23(b) – Joint Working with the Pharmaceutical Industry**
 - [Appendix 1 – Model Framework for Joint Working with Clinical Suppliers - Guidance Notes on use of the framework](#)
 - [Appendix 2 – Registration Form](#)
- **Section 23(c) – Policy for Pharmaceutical Representatives**

Appendix 5 – Staff Declaration Form for Gifts/Hospitality or Interests

This form should be completed by the recipient to declare gifts and hospitality accepted or declined and any declarable interest. This should be done within one month of the offer or interest is identified, or as soon as practicable thereafter.

Your details:

Name:	
Designation:	
Department / Directorate:	

Section A – Gifts and hospitality

Date offered:	
Description of Gift/hospitality and reason offered	
Details of organisation making the offer	
Accepted/Declined	
Estimated value	

Section B – Interest

Description of interest eg. 1. Remuneration 2. Related undertakings 3. Contracts 4. Houses, land and buildings 5. Shares and securities 6. Gifts and hospitality (above) 7. Non-financial interests	
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Section C

Recipient Declaration: The Bribery Act 2010 makes it a criminal offence to request, agree to receive or to accept a bribe. In making this declaration you are confirming compliance with the NHS Ayrshire & Arran Standards of Business Conduct for NHS staff and associated guideline.	
Signature of recipient:	
Date:	

Section D – Approval from Declaration Form Authoriser

Name of approver (please print):	
Job Title:	
Signature:	
Date form approved:	

Comments
Additional comments in relation to this declaration should be provided below:

For Internal Use Only

Register of Interests and Gifts and Hospitality updated:	
Name (please print):	
Job Title:	
Signature:	
Date registered:	

Appendix 6 – Board Member/Director update to Register of Interests, Gifts/Hospitality

This form is to advise of changes to individual registers.

In accordance with Sections 4 and 5 of the Code of Conduct for Members of NHS Ayrshire & Arran Board, Board members are required to declare any interests, financial or otherwise, that must be disclosed under the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Members' Code of Conduct sets out the categories of interests which you must register and provides explanatory notes designed to help you decide what is required when registering your interests under any particular category.

Your details:

Name:	
Designation:	

Section A - Gifts/Hospitality:

Date offered:	
Description of Gift/hospitality and reason offered	
Details of organisation making the offer	
Accepted/Declined	

Section B - Interest

Registerable interest	Description of interest	Date started or ceased
1. Remunerated		
Name of organisation Nature of organisation Your role Regularity of work (IF trade/ profession or vocational work) Are allowances received		
2. Related undertaking		
Name of organisation Name of subsidiary, parent company or other undertaking Nature of the business Relationship to the company or other undertaking of which you are a director and receive remuneration.		
3. Contracts		
Name of organisation Description of the contract your firm or undertaking has made with the NHS Duration of the contract		

4. Houses, Land and Buildings		
Details of houses, land and buildings that you own or have a right or other interest in which may be of relevance to the work and operation of NHS Ayrshire & Arran.		
5. Shares and Securities		
Details of interests in shares which constitute a holding in a company or organisation which may be of relevance to the work and operation of NHS Ayrshire & Arran.		
6. Gifts and Hospitality	Yes / No* (see above if Yes)	
7. Non-financial		
Name of organisation Nature of the organisation. Your role within the organisation.		
8. Election expenses		
Description and statement of any assistance received towards election expenses relating to election to a devolved public body		

Section C - Declaration

I understand these interests or gifts and hospitality will be formally recorded in my Register of Interests and Gifts and Hospitality and published in the NHS Ayrshire & Arran Board Member Register of Interests on the external web. Any material change to my circumstances will be notified to the Head of Corporate Governance so that the information held can be updated.

Signed: _____ **Date:** _____

Please return completed forms to the Head of Corporate Governance within one month of the change to your individual register.

For Internal Use Only

Register of Interests and Gifts and Hospitality updated:	
Name (please print):	
Job Title:	
Signature:	
Date registered:	

Appendix 7 – Example of Staff Register – Gift or Hospitality or Interest Declared

**NHS Ayrshire & Arran
Register of Interests and Gifts and Hospitality – 1 April ## to 31 March ##**

Directorate: Acute, Corporate Support Services, Public Health etc

Name	Designation	Department	Date	Accepted (Yes/No)	Description of Gift, Hospitality or Interest Declared – include Category
Eg. John Smith	Consultant Anaesthetist	Acute	12/08/2019	NA	2 - Consulting agreement for Training and Education in the field of ?? surgery – add name of company
Eg. Mike Donnat	Estates officer	Estates	07/07/2019	Yes	6 – Evening dinner as guest of W Greig Builders at end of building contract.

Appendix 8 – Example of Individual Register

NHS Ayrshire & Arran Register of Interests and Gifts and Hospitality – 1 April ## to 31 March

Name:

Designation:

1. Remunerated interests

Name of public body, company, charity, voluntary organisation or professional body:	Nature of the organisation	Your role within the organisation	Regularity of the work (IF trade/ profession or vocational work)	Do you receive any allowances in relation to your role? (Yes/No)

2. Related undertakings

Name of public body, company, charity, voluntary organisation or professional body:	Name of subsidiary, parent company or other undertaking	Nature of the business	Relationship to the company or other undertaking of which you are a director and receive remuneration.

3. Contracts

Name of public body, company, charity, voluntary organisation or professional body:	Description of the contract your firm or undertaking has made with the NHS.	Duration of the contract.

4. Houses, land and buildings

Details of houses, land and buildings that you own or have a right or other interest in which may be of relevance to the work and operation of NHS Ayrshire & Arran.

5. Shares and securities

Details of interests in shares which constitute a holding in a company or organisation which may be of relevance to the work and operation of NHS Ayrshire & Arran.

6. Gifts and hospitality

Date Gift or Hospitality Offered	Description of Gift or Hospitality Offered	Organisation Offering Gift or Hospitality

7. Non-Financial interests

Name of public body, company, charity, voluntary organisation or professional body:	Nature of the organisation.	Your role within the organisation.

8. Election expenses

Description and statement of any assistance you have received towards election expenses relating to election to a devolved public body.

Certification: I certify that the above information is correct and accurate to the best of my knowledge and is existing information.

Print Name: _____

Signed: _____

Date: _____

Appendix 9 – Directorate Declaration Authoriser, Named Person for Register, Targeted Groups

Directorate	Declaration Form Authoriser	Named person	Targeted groups
Board Members/Directors	Not applicable	Head of Corporate Governance	Board Members and Directors
Acute	Your service manager from the list below: <ul style="list-style-type: none"> - Site Directors, UHA and UHC - General Manager for Surgery, UHA - General Manager for Medicine, UHA - General Manager for Women, Children's and Diagnostic Services, UHC - General Manager for Medicine, UHC - General Manager for Surgery, UHC - Head of Health Records, Acute Services - Acute Medical Director, Associate Medical Director, UHA, - Associate Medical Director, UHC - Associate Medical Director, Women, Children's and Diagnostic Services - Associate Nurse Director, Acute Services, Associate Nurse Director/Head of Midwifery, Acute Services 	Personal Assistant to Director for Acute Services	Nil
Corporate Support Services	Line Managers	Admin Service Lead / Personal Assistant to Director of Corporate Support Services	Nil
Finance	Assistant Directors of Finance	Executive Assistant to Director of Finance	Nil
Medical Directorate	Medical Director	Office Manager, Medical Director's Team	Directors Heads of Service
Nurse Directorate	Assistant Director Quality Improvement Associate Director Allied Health Professionals Infection Control Manager Nurse Consultant Child Protection	Personal Assistant to Assistant Director Quality Improvement	Nil

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Directorate	Declaration Form Authoriser	Named person	Targeted groups
OHRD	Assistant Director level: Assistant HR Director, Central Employment Services; Assistant HR Director, Development; Assistant HR Director, People Services; Assistant Director, Health, Safety & Risk Management.	Executive Assistant to HR Director	Medical Staffing
Pharmacy	Band 8b pharmacist and above for all pharmacy staff Band 6 technician and above for technical staff, pharmacy support workers and admin & clerical staff.	Team Based Pharmacy Department Secretary UHC Pharmacy Department Secretary UHA Pharmacy Department Secretary Eglinton House	Pharmacy staff and members of ADTC and subgroups Already in place through Pharmacy
Public Health	Director of Public Health	Executive Assistant to Director of Public Health/Head of Admin Services	Nil
Transformation & Sustainability	Director for Transformation and Sustainability)	Transformation and Sustainability Business Manager	Nil
East Ayrshire Health and Social Care Partnership (NHS staff only)	Senior Manager	Secretary to Director of East Ayrshire Health and Social Care Partnership	Primary Care Contracting & Support Team
North Ayrshire Health and Social Care Partnership (NHS staff only)	Senior Manager and Principal Manager/Head of Service	Principal Manager Business Administration	Nil
South Ayrshire Health and Social Care Partnership (NHS staff only)	Awaited		