

G16 STANDARDS OF BUSINESS CONDUCT - QUESTIONS & ANSWERS

Outside Employment (page 12 of Trust Policy)

Any outside employment should be declared via Appendix 1A, including but not exclusive to:

- Directorships (including non-executive directorships held in private companies or PLC's)
- Non-Executive roles
- Self-employment
- Consultancy work
- Charitable Trustee roles
- Political roles
- Roles with not-for-profit organisations
- Paid advisory positions
- Paid honorariums relating to bodies likely to do business with the Trust

1. Since I joined the Trust, I have set up my own company to do some consultancy work. This isn't directly related to my day job...do I still have to declare it?

You should declare any outside employment and other similar engagements, as above, as it arises, and in some cases you might be required to seek prior approval. There are instances i.e. within employment law, which the Trust needs to know about, even if it doesn't give rise to the risk of conflict of interest.

Acceptance of Additional Fees (page 13 of Trust Policy)

Fees to be remitted to the Trust for the following:

- For work undertaken during Trust contracted hours (and any costs incurred by the Trust in enabling this work to be done e.g. photocopying must be reimbursed)
- For any work in relation to the consultants contractual or consequential services
- For duties which are included in the job plan, including any additional programmed activities agreed with Trust
- From other organisations for work carried out during the consultants programmed activities (unless the work involves minimal disruption and the Trust agrees that the work can be done in NHS time without collecting the fee)
- For domiciliary consultations carried out during the consultants programmed activities
- For lectures and teaching during the course of consultant's clinical duties and during the consultants programmed activities.

Fees to be paid to the individual, if carried out during periods of annual leave or in individuals own time:

- For publishing books, articles, etc. and delivering any lectures, whether on matters arising out of hospital service or not (for staff covered by Medical and Dental Whitley Council Rules. If the individual wishes the fee can be donated to research or departmental Trust funds)

2. I am an academic and have received an invitation to lecture at a conference. Do I need to declare this?

Yes you do – regardless of who has organised the conference (e.g. a patient advocacy charitable organisation as opposed to a medical devices manufacturer).

3. If I am paid for the lecture but I donate my fee to a registered charity, do I still need to declare it?

If you receive payment for the lecture which you then donate to charity, you should still declare this to your organisation and take personal responsibility for making sure that any tax liabilities relating to the donation are properly discharged and accounted for. Fees should be remitted as above.

Shareholding and Other Ownership Interests (page 14 of Trust Policy)

Types of shareholding and other ownership interests requiring declaration via Appendix 1A

- Any publicly listed, private or not-for-profit company, business, partnership or consultancy, which is doing, or might be reasonably expected to do, business with the Trust

4. I hold a small shareholding in a large medical devices company. I don't have any controlling interest...do I still need to declare this?

If the medical devices company might reasonably be expected to do business with the Trust then yes, you should make a declaration whatever the size of your shareholding. It doesn't matter whether you have a controlling interest or not.

5. I have purchased an annuity. I don't manage the fund but I know that it is predominantly invested in the biomedical sciences industry. Do I need to declare this?

No, you don't need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

Loyalty Interests (page 15 of Trust Policy)

Types of loyalty interests requiring declaration via Appendix 1A, where staff:

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

6. I work for more than one NHS organisation. How should I manage my declarations?

You will need to declare your interests openly with each organisation, and for the Trust use Appendix 1A.

7. In my role in the Trust I work in the *A.N.Other* service. Every Saturday afternoon I volunteer in my local charity shop. The charity raises money for *A.N.Other* research. Do I need to declare this as a loyalty interest?

You don't need to declare this because you are not in a position of authority within the charity. However, if you take on a position of authority in the charity, such as sitting on their board, you would need to declare this as a loyalty interest as it could be seen to influence decisions you take at work.

8. My department is recruiting two new members of staff, and a close friend of mine might apply. Do I need to declare this?

Yes, if you know there is a reasonable chance of them applying. You need to make this known so that the Trust can decide on the right level of involvement for you in the recruitment and/or management process.

9. My husband works for a company which supplies surgical equipment to the hospital that I work for. Do I need to declare this?

If your husband has decision making responsibilities in the company, then yes. If you're not sure, speak to the Corporate Governance Department. If in doubt, declare.

10. In my role in the Trust I work in the *A.N.Other* service. I also sit on an independent advisory group which makes recommendations about new scanner development. Do I need to declare this?

Yes you do. This might be seen to influence how the Trust spends taxpayers' money.

Clinical Private Practice (page 15 of Trust Policy)

11. I carry out some private practice in addition to my NHS role. Is this ok?

NHS commitments should always take precedence over private work where there might be a conflict of interest. Otherwise, private practice is fine as long as you declare it to the Trust on appointment or whenever any new private practice arises via completion of Appendix 1A. You will also need the prior approval of the Trust, except for in emergency situations, and you should not initiate discussions about your private professional services with patients,

or ask other staff to initiate such discussions on your behalf. You should not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines.

12. How does the guidance apply to referrals made to private services, in which NHS clinicians may have a financial interest?

If an NHS clinician has a financial interest in a service which is doing, or may potentially do business with the NHS, then they should declare this to the Trust. The clinician must never allow their financial interests to influence, or be seen to influence, decisions they take in their NHS role.

13. I am asked to participate in a waiting list initiative / Choose and Book initiative. If I do some of this work privately, should this be declared?

Yes, any new private practice should be declared as and when it arises.

14. I am an NHS doctor but I also do private medico-legal work – do I need to declare this?

Yes – you should declare this to the Trust as outside employment.

Declaration of Gifts (page 22 of Trust Policy)

Nature of Gift	Acceptable?	Declaration Required?	Counter-signature required?
Cash or gift vouchers of any amount	No	Yes	Yes
Gifts from suppliers or contractors doing business (or likely to do business) with the Trust	No (unless under £6)	No	No
Under £6 from any source	Yes	No	No
Between £6 to £25	Yes*	No	No
Between £25 to £50	Yes*	Yes → Appendix 2A	Yes by line manager to evidence their review
Above £50 **	No (unless accepted on behalf of the Trust i.e. to Charitable Funds)	Yes → Appendix 2A	Yes by line manager to evidence their review
* Please note that gifts above £6 from suppliers or contractors doing business (or likely to do business) with the Trust, are not acceptable. ** If more than one item is received from the same source (over a 12 month period), when the cumulative value exceeds £50, this must be declined and declared via completion of Appendix 2A.			

15. The family of a patient receiving NHS treatment has offered me a £30 gift voucher....what do I do?

Gifts of cash or vouchers to individuals should always be declined, and declared. You could, if appropriate, suggest that they donate the voucher to the Trust's charity, where it will be used to promote the work of the Trust.

16. An NHS patient has offered me a case of wine, which I estimate to be worth £45. I have already accepted a bottle of whiskey from this family earlier this year, which retails at £25...what do I do?'

Because the original gift was valued at less than £50, it was fine to accept this as long as it wouldn't be seen to affect your professional judgement. However, because the cumulative value of multiple gifts from the same family over a 12 month period now exceeds £50, it would not be appropriate to accept the second gift personally. It should be treated with caution and may only be accepted on behalf of the organisation, and should be declared if accepted.

17. One of the Trust's suppliers has offered me a branded pen....what do I do?

Gifts from actual or potential suppliers and contractors should always be declined, but the exception to this is low cost promotional items worth less than £6 – so assuming it isn't a particularly expensive pen it's fine to accept it. If a gift or more than one gift together is worth more than £6, it should always be declined.

Declaration of Hospitality (page 23 of Trust Policy)

Meals and refreshments	Acceptable?	Declaration Required?	Counter-signature required?
Under £25	Yes	No	No
Between £25 to £75	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Over £75	No, unless in exceptional circumstances	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and if not refused, a clear reason provided as to why permissible to accept

Travel	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £300 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Any costs over the above; offers of business class or first class travel; offers of foreign travel	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept

Accommodation (per night)	Acceptable?	Declaration Required?	Counter-signature required?
Under £100 for meetings, conferences etc held in the UK, outside of London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Under £150 for meetings, conferences etc held in London	Yes	Yes → Appendix 2A	Yes by line manager to evidence their review
Any costs over the above; Offers of business class or first class accommodation; offers of foreign accommodation	Yes, if prior approval has been provided by Divisional Operations Director (or equivalent)	Yes → Appendix 2A	Yes by Divisional Operations Director (or equivalent) and a clear reason provided as to why permissible to accept

18. I am attending an event sponsored by a pharmaceutical company and lunch is provided. I estimate the value to be £15. What do I do?

Provided you have used a common sense approach to estimate the value, there is a legitimate business reason for attending, and the hospitality will not affect, or be seen to affect, your professional judgment, this lunch can be attended. However if the company offering the lunch is an actual or potential supplier or contractor then senior approval would be required and the hospitality should be declared.

19. I am attending an event sponsored by a medical devices manufacturer and they have offered to pay for my travel and accommodation...can I accept?

You can accept modest offers to pay for travel and accommodation but you must declare them if you accept. You would need senior approval before accepting any offer of first class domestic travel and accommodation or foreign travel and accommodation, or other unusually generous offer. You would also need senior approval if the company offering to pay for the travel and accommodation is an actual or potential supplier or contractor. Any payment of conference and course fees do not count towards the travel and accommodation limit – these are classed as sponsorship (see below).

Declaration of Sponsorship (page 24 of Trust Policy)

Types of sponsorship requiring declaration via Appendix 2A:

- Events (including meeting rooms and refreshments, provision of free services i.e. speakers)
- Conference and course fees

20. Can I still receive funding from industry for clinical or medical education?

Yes – but you will need to declare any funding received under the principles and rules within the policy as set out above.

21. I am required to attend training on new technical equipment which is only provided in overseas training centres. The company providing the equipment have offered to pay for the training, how does the guidance apply?

The training on the equipment will result in clear benefit for the Trust and the NHS. Attendance at the training should be declared as sponsorship on Appendix 2A.

22. I am arranging an educational event and have been offered sponsorship by a local university and a pharmaceutical company. How do I apply the guidance in both cases?

If the event will result in clear benefit for the Trust and the NHS, sponsorship can be accepted if it is declared to the Trust, and the same rules apply for both sponsors. There must be no breach of patient or individual confidentiality or data protection rules, and no information should be shared which is not already in the public domain or from which the sponsor might gain a commercial advantage. You will also need to be transparent about the sponsor's support and make it clear on all event materials that sponsorship does not equate to endorsement of the company or its products.

23. I am arranging a specialty-specific event for clinicians in my area. A pharmaceutical company has offered support for funding the event in exchange for a presentation slot. Can I accept this?

Sponsors or their representatives can 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. You should also consider the requirements concerning confidentiality, commercial advantage and transparency, as set out above.

24. My area of specialty lacks funding due to small patient population sizes. Industry can have an important role in providing investment, resources and skills to facilitate change. If I'm organising a meeting, can I still invite a sponsor to speak at an event in a manner that is appropriate to the context of the event or wider project at hand?

Sponsors or their representatives can 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. You should also consider the requirements concerning confidentiality, commercial advantage and transparency, as set out above.

Types of sponsorship requiring declaration via Appendix 2B:

- Sponsored Posts

25. I have the opportunity to establish an additional post in my team through external sponsorship. This additional capacity would really benefit the team. Can I still do this?

Yes you can, so long as you have formal prior approval from the Trust. You need to:

- Get formal written confirmation from the sponsor that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits - and you should audit this for the duration of the sponsorship.
- Ensure any supplier Sponsorship Arrangements are arranged via the Supplies and Procurement Team
- Involve Human Resources to ensure employment related liabilities are fully dealt with properly
- Make sure that the sponsor does not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored post. For example, make sure that all relevant companies are invited to open days; do not undertake any mailings on behalf of the sponsoring company.
- Have a written agreement in place detailing the circumstances under which your organisation can exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Avoid establishing rolling sponsorship of the post unless you have put checkpoints in place to review and confirm whether the arrangements are still appropriate.

vii. Make sure that the sponsored post holder does not promote or favour the sponsor's specific products, and that they provide information about alternative products and suppliers as well as the sponsor's.

26. An employee in my team is on a sponsored post – I expect all members of staff in my team to shape the duties (both clinical and non-clinical) of their post. Does this put me/them in breach of the guidance?

No, as long as this does not mean that the sponsor themselves has any undue influence over the duties of the post or preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored post. As the manager, you must carefully review the activities being undertaken by the individual and be prepared to step in (as set out in local policy) if conflict arises and terminate the sponsorship if the conflict cannot be managed.

27. The guidance says that rolling sponsorship of posts should be avoided unless checkpoints are in place to confirm that arrangements are still appropriate. Do you have any recommendations for how these checkpoints should work and how often they should be scheduled?

- i. Confirm with sponsored postholders on a regular basis that they are not being put under any pressure to recommend specific products or dispensing appliance contractors (with reference to the NHS position on direction of prescriptions)
- ii. Regularly auditing the number of patients using the sponsors' products or dispensing appliance contractor (recognising that trends suggesting bias will be hard to define and may vary) and making sure that patient choice is respected
- iii. Being prepared to terminate the sponsorship should a conflict arise that cannot be managed.

Advisory and Decision Making (page 34 of Trust Policy)

28. I contribute to the advisory board of a pharmaceutical company. How should I declare this?

The rules in the guidance on outside employment will apply. You must declare your role with the pharma company as soon as possible and, in any event, within 28 days from when it arises, to be published on the Trust's register. Approval will depend on your role and duties within the NHS and whether the Trust is satisfied that any conflicts of interest which might arise can be either managed or avoided. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your interest.

29. I am one of a small number of clinicians working in a rare disease area. We are often needed by external organisations, including the pharmaceutical industry, as well as the NHS, to provide expert advice so that correct decisions are made that are most beneficial to patients. Does the guidance mean that I won't be able to sit on procurement panels or advisory committees as a result of such external relationships?

The guidance does not stop you from fulfilling these advisory/decision-making roles. You should make a positive declaration to be published on the Trust's register which should be made as soon as possible when any new material interest arises, and, in any event, within 28 days of the material interest arising. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your other interests so that any actual or potential conflicts of interest can be managed.

30. In my NHS role I work in the diagnostics service. I also sit on an independent advisory group which makes recommendations about new scanner development. Do I need to declare this?

Yes you do. This might be seen to influence how the Trust spends taxpayers' money.

Donations (page 23 and also see Trust Policy F06)

31. Can I make my patients and their families aware of the UHNM Charity, in case they want to donate?

Yes, you can make them aware of the charity, but you should not actively solicit charitable donations unless this is a prescribed or expected part of your duties for the organisation.

32. We have recently tested the market for potential suppliers of equipment. One of the potential suppliers has since offered a donation to the UHNM Charity. Can we accept?

In these circumstances the donation should be treated with caution and not routinely accepted. It can only be accepted if there are exceptional circumstances present. The Associate Director for Procurement and Commercial Services should be informed and if accepted, the reason why it was deemed acceptable should be recorded together with the actual or estimated value.

33. In my private practice, I am happy for some of my patients to make a charitable donation in lieu of paying my professional fee. Is this still permissible?

Yes, so long as you take personal responsibility for making sure that any tax liabilities related to such donations are properly discharged and accounted for.

34. If a member of staff receives a charitable donation in the form of a funeral directors' cheque, how does the guidance apply?

Donations, when received, should be passed to the UHNM charity office, who will issue a receipt indicating which charitable fund has been credited. It is unlawful to make or accept a "charitable" donation to an individual. The Trust is required to maintain records in line with their wider obligations under charity law.

Sponsored Research (page 25 and also see Trust Policy G02)

35. I have successfully applied for funding for a piece of research relating to my clinical area. Do I need to declare this?

Yes, you should declare your source of funding to the Trust. The funding must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service. Your proposed research must go through the relevant approvals process. There must be a written protocol and written contract between you, the Trust, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and any payment for those services.

36. I am involved in research and am about to receive some sponsorship. What is the timeframe for me to declare this?

Declarations of new material interests which have arisen should be made at the earliest opportunity (or in any event within 28 days) via a declaration to the Trust.

37. I am part of a research steering committee for a pharmaceutical company. Does the guidance stop me collaborating with pharma in this way and guiding their research programme?

This depends on your role and duties and whether your line manager is satisfied that any conflicts of interest which may arise can be either managed or avoided. The rules in the guidance on outside employment will apply, so you must declare your role with the pharma company and, depending on your contract of employment, you may need to seek prior approval from the Trust. You should also take personal responsibility for making any decision-making or advisory groups you are part of aware of your interest.