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DECLARATIONS OF INTERESTS, GIFTS, HOSPITALITY AND SPONSORSHIP PROCEDURE

Introduction and Aim

This procedure supports the Public Health Wales Declarations of Interests, Gifts, Hospitality and Sponsorship Policy and provides a detailed framework to ensure that conflict or potential conflict of private interests and public duties of members of staff and Non-Executive Directors does not occur. It outlines the standards of conduct expected of all members of Public Health Wales staff, including Non-Executive Directors, regarding private interests as they relate and interface with public service duties.

Linked Policies, Procedures and Written Control Documents

This policy should be read in conjunction with the following policies:

- [Concerns, Complaints and Claims Handling \(Putting Things Right\) Policy](#)
- [Counter Fraud Policy](#)
- [Declarations of Interests, Gifts, Hospitality and Sponsorship Policy](#)
- [Disciplinary Policy and Procedure](#)
- [Procedure for NHS Staff to Raise Concerns](#)
- [Public Health Wales Standing Orders and Reservation and Delegation of Power](#)

There are other relevant Public Health Wales Human Resource policies that provide for elimination of conflicts of interest in other situations, e.g. guidance governing appointment panels.

Scope

This procedure applies to all members of staff, including secondees, those with honorary contracts, agency workers, Non-Executive Directors, and those working in or with bodies hosted by Public Health Wales.

This procedure extends to any interest in:

- Any business, including a company, public sector organisation, other NHS employer and/or charity/voluntary organisation; or in
- Any activity or pursuit which may compete for an NHS contract to supply either goods or services to the employing authority.

This procedure also covers the declaration of gifts, hospitality, honoraria and sponsorship.

This procedure does not cover research and development projects by commercial companies. All research sponsored by commercial companies, including the pharmaceutical industry, must undergo assessment by Public Health Wales' internal research and development approval process.

Equality and Health Impact Assessment	An Equality and Health Impact Assessment has been undertaken. The assessment is available at http://howis.wales.nhs.uk/sitesplus/888/page/54694
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Author	Eleanor Higgins, Corporate Governance Manager

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Corporate Governance](#).

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments

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1. Introduction

This procedure supports the [Declarations of Interests, Gifts, Hospitality and Sponsorship Policy](#) and provides a detailed framework to ensure that conflict or potential conflict of private interests and public duties of members of staff, including Directors and Executive Directors and Non-Executive Directors does not occur.

It also provides clear instructions on what a member of staff or Non-Executive Directors should do in regard to gifts, hospitality, honoraria and sponsorship.

2. Application of the procedure

Public Health Wales staff, including the members of staff working within hosted bodies, and Non-Executive Directors whether acting on behalf of the organisation or in partnership with another organisation must:

- Be impartial and honest in the conduct of their official business;
- Ensure that the interest of the service user is paramount at all times;
- Use Public Health Wales funds delegated to them to the best advantage of the service, always ensuring value for money;
- Be open and explicit about companies that offer incentives for awarding or renewing a contract for goods and services. These companies must be excluded from consideration during the tendering process of a contract.

In addition, members of staff and Non-Executive Directors are expected to ensure that they do not:

- Abuse their official position for the benefit of themselves, family or friends;
- Seek to gain advantage for a business or other interest during the course of their official business.

Failure to adhere to the procedure set out in this document will result in action being taken in accordance with the procedure set out in [appendix 3](#).

Sections 2.1 to 2.4 provide an overview of the circumstances in which members of staff and Non-Executive Directors should apply this procedure, with links provided for the relevant sections.

2.1. Declaration of interests

Members of staff and Non-Executive Directors are expected to declare any personal, professional or business interest which may conflict with their official duty or may be seen to compromise their personal integrity in any way.

A conflict of interest is:

“A set of circumstances by which a reasonable person would consider that an individual’s ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold.”

A conflict of interest may be:

- Actual - there is a material conflict between one or more interests
- Potential/Perceived – there is the possibility of a material conflict between one or more interests in the future

All members of staff and Non-Executive Directors must also declare any interests held by spouses, civil partners or close family members or persons or bodies with which they are connected.

It is recommended that where there is doubt, a declaration of interest should be made.

Further detail regarding Declaration of Interests is provided in [section 4](#).

2.2. Gifts

A gift is an item of value, given by a third party. Only gifts of material value should be recorded. Those with a nominal value, e.g. seasonal items such as diaries/calendars would not usually need to be recorded.

Further detail regarding gifts is provided in [section 6](#).

2.3. Hospitality

Occasional offers of ‘modest and proportionate’ hospitality i.e. a working buffet lunch which is incidental to a conference/seminar need not be included in the register, but anything in excess of this should be recorded.

Further detail regarding hospitality is provided in [section 7](#).

2.4. Sponsorship

All offers of sponsorship, whether accepted or declined should be entered on to the register.

Further detail regarding sponsorship is provided in [section 8](#).

3. Roles and responsibilities

3.1. Chief Executive

The Chief Executive is the 'Accountable Officer' with overall responsibility for ensuring that the Trust operates efficiently, economically and with probity. The Chief Executive will ensure a policy framework is set and that arrangements are in place to support the delivery of that framework.

3.2. Deputy Chief Executive and Executive Director of Operations and Finance

The Deputy Chief Executive and Executive Director of Operations and Finance is responsible for ensuring appropriate monitoring arrangements are established to ensure that purchasing decisions are not being influenced by a sponsorship agreement. More information regarding procurement can be found at [appendix 1](#).

3.3. Board Secretary and Head of Corporate Governance

For the purposes of this procedure, the Board Secretary and Head of Corporate Governance will be referred to as the *Board Secretary*.

The Board Secretary has delegated responsibility for ensuring that the Trust is provided with competent advice and support regarding the contents and application of the Declarations of Interest, Gifts, Hospitality and Sponsorship policy and this procedure.

A detailed explanation of the role and responsibilities of the Board Secretary can be found at [appendix 2](#).

3.4. Executive Directors, Members of the Executive Team and Managing/Lead Director of hosted bodies

Executive Directors, Members of the Executive Team and Managing/Lead Directors of hosted bodies must ensure that:

- Members of staff are aware of the requirements contained within this procedure and regular reminders are issued.
- They lead by example and ensure that they personally declare any relevant interest or the offer of Gifts, Hospitality, Honoraria or Sponsorship.
- They approve (or not) the acceptance of gifts, hospitality, honoraria and sponsorship that have been offered within their Directorate **prior** to the event.
- Acceptance of any gifts, hospitality, honoraria or sponsorship complies with the standards of conduct outlined in this procedure.
- They review the contents of the Registers of Declarations of Interest and Gifts, Hospitality, Honoraria and Sponsorship to

assist with the verification of the accuracy of the information contained within it, when alerted to do so by the Board Secretary.

- During periods of annual leave and prolonged absence, they delegate their responsibilities to their nominated deputy.

Where this document refers to the 'Executive Team' or 'Executive Directors' this will also extend to the Managing/Lead Director of hosted bodies, e.g. Director of the NHS Wales Health Collaborative, for members of staff working in that area.

3.5. Line / Departmental Managers

Line / Departmental Managers will:

- Ensure that this procedure is brought to the attention of members of staff for whom they are responsible, and that members of staff are aware of its implications for their work.
- Ensure that members of staff are aware of the requirement to follow and comply with the procedure.
- Support their members of staff in the application of the procedure, seeking advice from the Board Secretary or Corporate Governance Team as and when required.

3.6. Hosted bodies

Bodies hosted by Public Health Wales will be required to maintain and hold their own registers of interest, gifts, hospitality, honoraria and sponsorship.

These registers must be provided annually to the Board Secretary and must also be made available to the Board Secretary and the procurement department to view whenever necessary.

Any interests declared by Director of the Hosted Body must be recorded on the register held by the hosted body.

4. Declaration of interest

Although not exhaustive, interests which are regarded as relevant and must be declared include:

- Directorships, including Non Executive Directorships held in private companies or public limited companies (PLCs), with the exception of dormant companies;
- Ownership or part-ownership, £5000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is less;
- A personal or departmental interest in any part of the pharmaceutical industry that could influence or be perceived to

have an influence on decision making or on the provision of advice to members of the team;

- Sponsorship or funding from a known NHS supplier or associated company/subsidiary;
- A position of authority in a charity or voluntary body in the field of health and social care;
- Any other connection with a voluntary, statutory, charitable or private body that could create a potential opportunity for conflicting interests (Involvement with professional bodies or trade unions would not normally need to be declared, but individuals should consider whether specific involvement may result in a potential conflict of interest).
- Employment by any other body (secondary employment) where there could be a perceived or actual conflict with NHS duties. This includes the undertaking of private practice.

A judgement may have to be made in individual circumstances regarding the appropriateness for a declaration to be made when, for example, there is a specific contractual situation, a set of circumstances, or series of specific circumstances or a close connection.

Advice should be sought from the Board Secretary on this issue as such an interest may be deemed to be a potential conflict to the business of Public Health Wales.

4.1 Declaring interests

The onus regarding declaration will reside with the individual member of staff or Non-Executive Director.

4.1.1 Non-Executive Directors and Directors

Non-Executive Directors and Directors must declare any personal or business interests they may have which may affect, or be perceived to affect, the conduct of their role. A Declaration of Interest Form must be completed either declaring the interest they may have or stating that they do not have any interests.

The Declaration of Interest Form must be completed either during the induction for their role in Public Health Wales, whenever a new declarable interest arises or when prompted to review their current declaration.

Non-Executive Directors and Directors must also declare any interests held by spouses, civil partners or close family members or persons or bodies with which they are connected.

The [Declaration of Interest form](#) must be submitted to the Board Secretary.

Further information can be found in the Public Health Wales [Standing Orders](#) or from the Board Secretary.

4.1.2 Members of staff who are considered to be Tier 3 or above within the organisation

Members of staff who are considered to be tier 3 or above within the organisation must declare any personal or business interests they may have which may affect, or be perceived to affect, the conduct of their role. This includes any interests that may influence, or be perceived to influence, their judgement in the course of conducting their business. A Declaration of Interest Form must be completed either declaring the interest they may have or stating that they do not have any interests.

The Declaration of Interest Form must be completed either during the induction for their role in Public Health Wales, whenever a new declarable interest arises or when prompted to review their current declaration.

All members of staff and Non-Executive Directors must also declare any interests held by spouses, civil partners or close family members or persons or bodies with which they are connected.

The [Declaration of Interest form](#) must be submitted to the Board Secretary.

Further information can be found in the Public Health Wales [Standing Orders](#) or from the Board Secretary.

4.1.3 Members of staff who are level 1 or level 2 budget holders or who have responsibility for obtaining quotations, tendering or contracting for goods and services

Members of staff who are level 1 or level 2 budget holders or who have responsibility for obtaining quotations, tendering or contracting for goods and services must declare any personal or business interests they may have which may affect, or be perceived to affect, the conduct of their role. This includes any interests that may influence, or be perceived to influence, their judgement in the course of conducting their business. A Declaration of Interest Form must be completed either declaring the interest they may have or stating that they do not have any interests.

The Declaration of Interest Form must be completed either during the induction for their role in Public Health Wales, whenever a new declarable interest arises or when prompted to review their current declaration.

All members of staff and Non-Executive Directors must also declare any interests held by spouses, civil partners or close family members or persons or bodies with which they are connected.

The [Declaration of Interest form](#) must be submitted to the Board Secretary.

Further information can be found in the Public Health Wales [Standing Orders](#) or from the Board Secretary.

4.1.4 All other members of staff

All other members of staff must declare any personal or business interests they may have which may affect, or be perceived to affect, the conduct of their role. This includes any interests that may influence, or be perceived to influence, their judgement in the course of conducting their business.

Members of staff should discuss any interests they may have with their line manager during their induction. If an interest is declared staff must complete a declaration. All members of staff must complete a declaration when a new declarable interest arises or when they prompted to review their current declaration.

The [Declaration of Interest form](#) must be submitted to the Board Secretary.

4.1.5 Declarations during Board, committee meetings or other decision making processes

There may also be a need to declare interests which may have implications during any decision making processes. For example, during an official meeting, members of staff and Non-Executive Directors must declare any interests which may impact on the decision making process. At the beginning of every Board or committee meeting the Chair will confirm that there are no declarations of interest to be made.

Further information can be found in the Public Health Wales [Standing Orders](#) or from the Board Secretary.

4.2 Secondary employment and any other interest

If a member of staff wishes to engage in any outside employment which may affect their contractual obligation, members of staff must

discuss this with their manager in the first instance. Agreement to such employment will not be unreasonably refused. Members of staff may also seek advice from their HR Business Partner.

4.3 Clinical private practice

Clinical staff should declare all private practice on appointment, and/or any new private practice when it arises¹ including:

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

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

- Seek prior approval of their organisation before taking up private practice.
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.²
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines:

https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf

5. Gifts, hospitality, honoraria and sponsorship

In line with the Prevention of Corruption Acts, 1906 and 1916, and Bribery Act 2010, members of staff and Non-Executive Directors should refuse gifts, hospitality, honoraria, sponsorship or benefits from a third party which may compromise or may be seen to compromise their professional position. This may in certain circumstances also include a gift, hospitality, honoraria or sponsorship offered to a spouse, civil partner or close family member.

A breach of the provisions of these Acts may render members of staff liable not only to dismissal but to prosecution under the Acts.

¹ Hospital Consultants are already required to provide their employer with this information by virtue of Para.3 Sch. 9 of the Terms and Conditions – Consultants (England) 2003: https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf

² These provisions already apply to Hospital Consultants by virtue of Paras.5 and 20, Sch. 9 of the

Terms and Conditions – Consultants (England) 2003: https://www.bma.org.uk/-/media/files/pdfs/practical_advice_at_work/contracts/consultanttermsandconditions.pdf

Any concerns or suspicions must also be reported to the Local Counter Fraud Specialist (please refer to the [Counter Fraud Policy](#)). More information on what action will be taken if members of staff fail to adhere to this procedure is provided in [appendix 3](#).

Every member of staff and Board Member has a personal responsibility to volunteer information regarding offers of gifts, hospitality, honoraria and sponsorship, including those offers that have been refused/declined. Members of staff should seek approval from their Executive Director, prior to accepting any gifts, hospitality or sponsorship. These details must be recorded on a [Gifts, Hospitality, Honoraria and Sponsorship Form](#) and submitted to the Board Secretary for inclusion on the register.

5.1 Determining whether to accept gifts, hospitality, honoraria and sponsorship

It is not possible to make explicit a situation in which gifts, hospitality or sponsorship may be considered acceptable. Each offer should be considered independently. In determining whether any offer of a gift, hospitality or sponsorship should be accepted, an individual should consider the following **guiding principles**:

- **Openness:** It has been openly offered and the offer will not be construed as any form of inducement and will not put the individual under any obligation to those offering it;
- **Legitimate interest:** Regard should be paid to the reason for the contact on both sides and whether it is a contact that is likely to benefit Public Health Wales i.e. further the aims of the organisation;
- **Relationship:** Consideration should be given as to whether Public Health Wales is likely to enter into a contractual relationship with the organisation/individual making the offer;
- **Value:** Gifts and benefits of a trivial or inexpensive seasonal nature, e.g. diaries/calendars, are more likely to be acceptable and can be distinguished from more substantial offers. Similarly, hospitality in the form of a working lunch would not be treated in the same way as more expensive social functions, travel or accommodation;
- **Frequency:** Acceptance of frequent or regular invitations particularly from the same source would breach the required standards of conduct;
- **Reputation:** If the body concerned is known to be under investigation by, or has been publicly criticised by, a public

body, regulators or inspectors, acceptance of a gift or hospitality might be seen as supporting the body or affecting in some way the investigation or negotiations. As such it should always be declined.

6. Gifts

A gift is an item of personal value, given by a third party e.g. a service user or a supplier. The definition includes prizes in draws and raffles at sponsored events/conferences.

It is an offence to accept any money, gift or consideration as an inducement or reward from a person or organisation holding or seeking to hold a contract with Public Health Wales. Such gifts should be refused and if they have already been received they should be returned clearly advising why they cannot be accepted.

The appropriate Director and the Board Secretary should be advised immediately.

The following sections provide further guidance on occasions where gifts may be offered to members of staff. This is not an exhaustive list and if members of staff are offered a gift which does not fall into one of the following categories they should seek advice from the Board Secretary.

6.1 Gifts from suppliers or contractors:

Low cost branded promotional aids may be accepted where they are under the value of a common industry standard of £6³ in total, and need not be declared. Any gifts from suppliers or contractors doing business or likely to do business with the organisation above this value should be declined under all circumstances.

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

Gifts of cash should always be declined. The principles below should be followed:

- Members of staff should not ask for gifts
- Gifts valued at over £25 should be treated with caution. These should be declared by members of staff and added to a staff raffle which is raising funds for a recognised charitable organisation.
- Modest gifts accepted under a value of £25 do not need to be declared

³ The £6 value has been selected with reference to existing industry guidance issued by the ABPI.

- A common sense approach should be applied to the valuing of gifts (using an actual amount if known, or an estimate that a reasonable person would make as to its value)
- Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £25 where the cumulative value exceeds £25.

6.3 Gifts from Dignitaries/Overseas Organisations

There may be occasions when visits are made by dignitaries or overseas organisations who consider it “culturally custom and practice” to exchange gifts. In such cases, members of staff should seek advice from the Board Secretary and declare these gifts on a Gifts, Hospitality, Honoraria and Sponsorship Form. A decision will then be jointly made as to the most appropriate way to manage the gift. This will depend on the nature of the “gift culture” and may include decisions to “keep and display in public”, “donate to an internal user group”, “auction for charity” etc.

6.4 Gifts from members of staff

This procedure excludes gifts between members for staff, for example birthday presents or leaving gifts.

7. Hospitality

Hospitality is where there is an offer of food, drinks, accommodation, entertainment or entry into an event or function by a third party, regardless of whether provided during or outside normal working hours e.g. attendance at an industry awards ceremony.

Members of staff and Non-Executive Directors should refuse hospitality which may compromise or may be seen to compromise their professional judgement or integrity, or which seeks to exert influence to obtain a preferential consideration.

7.1 Acceptable hospitality:

Members of staff and Non-Executive Directors may accept the occasional offer of hospitality, provided that it is ‘modest and proportionate’ and similar in scale to that offered by the NHS. For example, acceptance of food and non-alcoholic refreshments during the working day, provided that it is compatible with the guiding principles outlined in [paragraph 5.1](#), will generally be deemed acceptable and need not be declared.

Other hospitality that may be accepted but will need to be declared includes instances where:

- There is a genuine need to impart information, or represent the Organisation at Stakeholder Community Events e.g. Local Authority or Charitable Organisations which have an association with Public Health Wales.
- An employee has been invited to receive an award or prize in connection with the work of the organisation or their role within it.
- An employee is invited to a Society or Institute Dinner or Function which is to be funded by a commercial organisation and where there is a genuine benefit to the professional standing of the individual or the organisation.

The following guidance should be followed when considering offers of meals and refreshments:

- Under a value of £15 - may be accepted and need not be declared.
- Of a value between £15 and £50- may be accepted and must be declared.
- Over a value of £50 - should be refused unless (in exceptional circumstances) Executive Director approval is given. A clear reason should be recorded on the organisation's register(s) of interest as to why it was permissible to accept.

These types of hospitality must be authorised by an Executive Director prior to their acceptance and a [Gifts, Hospitality, Sponsorship and Honoraria form](#) must be completed. The hospitality should be proportionate i.e. it should not be of significant value and only the minimum number of members of staff to achieve the purpose of representing the organisation should attend.

A distinction may be drawn between items offered as hospitality and items offered in substitution for fees, for example, for broadcasts, speeches, lectures or other work undertaken. There may be circumstances where the latter may be accepted if they can be used for official purposes. In cases of doubt, members of staff should seek advice from the Board Secretary.

7.2 Travel and accommodation

Members of staff and Non-Executive Directors may receive an offer of payment for their travel and accommodation, for example when invited to speak at an event or attend a meeting.

Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared on a [Gifts, Hospitality, Sponsorship and Honoraria form](#).

Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need authorisation from an Executive Director, and should only be accepted in exceptional circumstances, and must be declared. When completing the declaration, a clear reason should be recorded as to why it was permissible to accept travel and accommodation of this type. Examples include offers of business class or first class travel and accommodation (including domestic travel) or offers of foreign travel and accommodation.

All overseas travel requires approval from the Chief Executive prior to arrangements being made (unless an explicit delegation has been made by the Chief Executive). Please refer to the '[guidance for overseas travel](#)' document. For all members of staff working within hosted bodies, the guidance for overseas travel must be followed and submitted to the Director of the hosted body for approval.

7.3 Unacceptable Hospitality

When receiving an offer of hospitality, members of staff and Non-Executive Directors must consider whether the offer is acceptable. Unacceptable hospitality includes the following examples as a general guidance:

- A holiday or weekend/overnight break;
- Offers of hotel accommodation when this is not associated with an approved sponsored course or conference (see below);
- Use of a company flat or hotel suite;
- Attendance at a function or event restricted to employees which is not for the purpose of training or organisational development;
- Lunch or dinner provided by a private company or their representative which does not form part of a training or development event;
- Entertainment and/or tickets/hospitality at sporting and other corporate entertainment events.

If members of staff are not clear whether an offer falls into one of these categories advice should be sought from their Line Manager, Executive Director or the Board Secretary.

Members of staff should report any case where an offer of hospitality is pressed which might be open to objection. They should also declare on a [Gifts, Hospitality, Sponsorship and Honoraria form](#) any offers of hospitality which are declined as this information is also recorded on the register.

8. Sponsorship

Sponsorship is an offer of funding to an individual, team or to Public Health Wales from an external source, whether in cash, goods, services or benefits.

Members of staff may be offered sponsorship in the form of sponsored research, including publishing, an operational post, training, attendance at a conference, costs associated with meetings, conferences or a working visit. The sponsorship may cover some or all of the costs.

The individual member of staff must seek permission from their Executive Director before accepting any offers. For members of staff working within a hosted body, permission must be sought from the Director of the hosted body. They must also record this on a [Gifts, Hospitality, Sponsorship and Honoraria form](#). If sponsorship is inappropriately offered and/or declined this should also be declared. The member of staff and Executive Director must be satisfied that the offer is compatible with the principles outlined in [paragraph 5.1](#) and will not compromise their position. In cases of doubt, advice from the Board Secretary must be sought.

More detail is provided below regarding the many forms that sponsorship may take. This list is not exhaustive and offers of other benefits, goods or services will need to be considered on a case by case basis.

8.1 Commercial sponsorship for attendance at courses / conferences

Members of staff may accept commercial sponsorship for attendance at relevant conferences and courses, but only where the member of staff has sought permission in advance from their Executive Director / Director of NHS Wales Health Collaborative. The sponsorship should only be extended to the number of members of staff who would normally attend if funded by Public Health Wales. The Executive Director must be satisfied that acceptance will not compromise purchasing decisions in any way.

Where a member of staff is required to take study leave to attend a sponsored conference/event, full details of the sponsorship arrangements should be recorded on a study leave form.

8.2 Commercial sponsorship to attend demonstrations/technical evaluations

Members of staff may be invited to view products or equipment at another location. There may be occasions when it is appropriate as part of a procurement exercise to visit a suppliers' reference site to observe equipment in operation in a medical or laboratory setting. Such sponsorship is not appropriate and the organisation will meet

the costs of such a visit so as to protect the integrity of subsequent purchasing decisions.

8.3 Commercial sponsorship – “linked deals”

Pharmaceutical companies and other suppliers, for example, may offer to sponsor, wholly or partially, a post or equipment for the organisation. The organisation will not enter into such arrangements, unless it has been made abundantly clear to the company concerned that the sponsorship will have no effect on purchasing decisions within the organisation. Where such sponsorship is accepted, the Deputy Chief Executive and Executive Director of Operations and Finance shall ensure appropriate monitoring arrangements are established to ensure that purchasing decisions are not being influenced by the sponsorship agreement. For further information see [appendix 1](#).

Under no circumstances may ‘linked deals’ be agreed, whereby sponsorship is linked to the purchase of particular products or to supply from particular sources. Attendance at a sponsored event may well preclude the individual from participation in an adjudication panel or giving advice on purchasing decisions in the future.

8.4 Sponsorship of events from the pharmaceutical industry or other commercial organisations

The pharmaceutical industry and allied commercial sector representatives may organise meetings in support of specific functions or specialities within the healthcare sector. Under such arrangements they are permitted to fund the hiring of accommodation, meet any reasonable actual costs which may have been incurred and to provide appropriate hospitality. If no hospitality is required, there is no obligation or right to provide it, or indeed any benefit of equivalent value.

An example of hospitality which would not be acceptable under these circumstances is where a company takes the attendees, on the conclusion of a course, for a meal in a restaurant.

The Pharmaceutical industry is expected to adhere to the [ABPI Code of Practice for the Pharmaceutical Industry](#) which clearly specifies what is and what is not acceptable.

Where Public Health Wales receives or invites offers of sponsorship, for events, which are hosted wholly or partly by Public Health Wales, the relevant Executive Director must apply the principles outlined in paragraph 5.1 and consider whether it is appropriate to accept the offer. For all offers, whether accepted or declined, the relevant

Executive Director must complete a [Gifts, Hospitality, Sponsorship and Honoraria form](#) and send to the Board Secretary for recording on the register.

The following guiding principles should apply:

- Sponsorship of events by appropriate external bodies will only be approved if a reasonable person would conclude that the event will result in clear benefit for Public Health Wales and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information should be supplied to the sponsor from whom they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
- At the organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified.
- Members of staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Members of staff arranging sponsored events must declare this to the organisation.

8.5 Offers of honorarium / miscellaneous payments

An honorarium is an ex gratia payment (i.e. one which would not usually be expected to be provided).

Members of staff may be invited to give presentations at conferences, provide responses to surveys or attend professional meetings where a one off honoraria is offered. If this activity is to be undertaken during hours when the employee is contracted to work for the organisation, the payment should be made to Public Health Wales. Individuals may accept payment for activities that they undertake in their own time, subject to the provisions regarding outside employment contained within the various employee contracts and terms of service. (Members of staff should also refer to [section 4.2](#) on secondary employment). Members of staff should note that this may have tax implications for which appropriate declarations will need to be made by the member of staff. The activity should be reported using a [Gifts, Hospitality, Sponsorship](#)

[and Honoraria form](#) and it should be authorised by the appropriate Executive Director.

8.6 Sponsored posts

Sponsored posts are posts that are funded, in whole or in part by organisations external to the NHS. Sponsored posts can offer benefits to the delivery of care, providing expertise, extra capacity and capability that might not otherwise exist if funding was required to be used from the NHS budget. However, safeguards are required to ensure that the deployment of sponsored posts does not cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition.

The following should be considered when sponsored posts are offered:

- External sponsorship of a post requires prior approval from the relevant Executive Director.
- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

The relevant Executive Director should declare any posts sponsored by external organisations on a [Gifts, Hospitality, Sponsorship and Honoraria form](#) and submit it to the Board Secretary for recording on the register.

9. Shareholdings and other ownership issues

Holding shares or other ownership interests can be a common way for members of staff to invest their personal time and money to seek a return on investment. However, conflicts of interest can arise when a member of

staff personally benefit from this investment because of their role within the organisation. For instance, if they are involved in their organisation's procurement of products or services which are offered by a company they have shares in then this could give rise to a conflict of interest. In these cases, the existence of such interests should be well known so that they can be effectively managed. [Appendix 1](#) provides more information on the use of the register in the procurement process.

Members of staff and Non-Executive Directors should declare, as a minimum, ownership or part-ownership, £5,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is less. This should include interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the organisation

There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

10. Patents and intellectual property

Members of staff are reminded that all information generated during the course of their employment with Public Health Wales is the property of Public Health Wales and remains so, irrespective of origin or authorship.

Conflicts of interest can arise when a member of staff, who hold patents and other intellectual property rights, are involved in decision making and procurement. In addition, where product development involves use of time, equipment or resources from their organisation, then this too could create risks of conflicts of interest, and it is important that the organisation is aware of this and it can be managed appropriately.

Members of staff are responsible for:

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

outlined in this policy should be considered and applied to mitigate risks.

Members of staff are also reminded of their responsibilities to ensure the correct use of copyrighted information.

Further information regarding intellectual property can be found in the [Public Health Wales Intellectual Property Rights Policy](#).

11. Endorsement of attendance at events run by third parties by a member of staff

Members of staff and Non-Executive Directors may, on occasion, be asked to provide an endorsement of an event, conference or training course that they have attended which was organised by a third party. Caution should be exercised in these circumstances as it may not be appropriate to cite an individual member of staff. It is also important to consider any potential future conflict for example, where the third party may be in the process of re-tendering for the work or be seeking commercial gain from the endorsement.

12. Charitable fundraising in the workplace

This procedure does not extend to charitable fundraising in the workplace.

13. Research and development

All Research and Development sponsored by commercial companies, including those sponsored by the Pharmaceutical Industry must be approved by the appropriate mechanisms. It will be governed by specific policies and procedures. The Policy, Research and Development Directorate should be contacted in these circumstances and will also be able to offer advice and support in this area.

14. Contracts

Public Health Wales is required in accordance with its Standing Orders to include in every written contract a clause entitling the organisation to cancel the contract and recover any losses if any form of inducement is offered by the contractor or by his/her employees, whether with or without his/her knowledge. Any such offer of an inducement or gift should accordingly be reported by the person to whom it is made to the Board Secretary.

15. Publication of register

The Register of Interests and the Register of Gifts, Hospitality, Honoraria and Sponsorship will be published on the Public Health Wales [website](#). An updated version will be added to the website quarterly. When making a declaration, staff are able to make representations that information on their interests should not be published. This will allow for, in exceptional circumstances, an individual's name and/or other information to be redacted from any publically available registers where the public disclosure of information could give rise to a real risk of harm or is prohibited by law.

An interest will remain on the public register for a minimum of 6 months and no more than 12 months after the Board Secretary has been informed that the interest has expired. A record of historic interests will be retained by the Trust for a minimum of 6 years after the date on which it expired.

16. Training

There is no requirement for members of Public Health Wales staff to attend a training course on this policy.

17. Communication to members of staff

This policy will be circulated to members of staff via Public Health Wales Staff News and will be available for staff on the policies web page. A reminder to all staff, along with a link to the policy will be circulated on a yearly basis to inform staff of the need to declare any interests and report offers of gifts, hospitality, honoraria and sponsorship.

Managers also have a responsibility to bring this policy to the attention of their staff. New members of staff will be made aware of this policy as part of the induction process.

18. Monitoring and auditing

The Board Secretary is responsible for the monitoring and auditing of this policy. The Board Secretary will arrange for the Declarations of Interest Register and an overview of the gifts, hospitality, honoraria and sponsorship activities within Public Health Wales to be presented to the Audit and Corporate Governance Committee at the end of each financial year.

The Audit and Corporate Governance Committee will review and report to the Board upon the adequacy of the arrangements for declaring, registering and handling interests at least annually.

19. Information governance implications

The register of interests for members of staff and Non-Executive Directors will be available for public scrutiny and will be published on the Public Health Wales [website](#), in accordance with the Data Protection Act. Any personal identifiable information of spouses, civil partners or close family members will be redacted prior to publication. The information held on file will be protected as rigorously as other staff information and will be treated confidentially.

Principle 4 of the Data Protection Act requires information to be accurate, complete and up-to-date. There must be a robust, regular mechanism in place to ensure this, just as there is for Non-Executive Directors. This includes deletion of records appropriately when a staff member leaves the employ of Public Health Wales.

Members of staff should be aware that any such register may be the subject of a Freedom of Information request. This will be dealt with in accordance with the Act, policy and appropriate guidelines.

Appendix 1: Use of registers for Declarations of Interest and Gifts, Hospitality, Honoraria and Sponsorship in the procurement process

The procurement department will scrutinise the Registers for Declarations of Interest and Gifts, Hospitality, Honoraria and Sponsorship to ensure that there is no opportunity for conflict of interest.

The Board Secretary will arrange for the Procurement Manager to have access to the most up-to-date register in order to check declarations, which have the potential to conflict with the awarding of contracts.

It is the responsibility of individual members of staff to declare any interests which may impact on any part of the procurement process. During any tendering process, a [Contract Interests Declaration Form](#) will be issued for contracts above £10,000. This information will be made available to all members of staff involved in the tendering process at the earliest opportunity.

Completed forms must be forwarded to the Procurement Manager and kept on the contract file for auditing purposes.

Where the Procurement Manager has concerns about a declared interest, they must refer to the relevant Director who will need to determine whether a conflict of interest exists. Advice from the Board Secretary should be sought.

Where a conflict has been identified of a significant and serious nature, the Procurement Manager and Board Secretary must be notified. They will need to consider whether it is appropriate for the individual to continue to be included in the procurement process. It is recognised that, in some cases, the individual concerned may be vital to the procurement process i.e. where they are providing specialist advice. In this circumstance, a senior independent colleague should be involved during the process.

A record of all decisions will be retained on the contract file.

Appendix 2: Role of Board Secretary

The Board Secretary will ensure that:

- A Register of Interests is established and maintained as a formal record of interests declared by staff and Non-Executive Directors. The register will include details of directorships, pecuniary (financial) and non-pecuniary interests in organisations that may have dealings with the NHS and membership of professional committees and third sector bodies. Where relevant it will include details of interests of spouses, civil partners or close family members.
- The register of interests will be published in two parts: one for staff and one for Non-Executive Directors. Both will be published on the Public Health Wales internet site, in line with Public Health Wales' publication scheme. All publication of personal data will be in line with data protection legislation.
- An annual review of the Register of Interests will take place, in which Non-Executive Directors and members of the Executive Team will be required to confirm accuracy and completeness with regard to their own interests. It will be available for inspection by the public and auditors. All other staff will be reminded of the need to ensure any interests should be declared and their entries are up to date.
- If a change to registered details arises during the year, the Board Secretary must be notified immediately so that any conflict between private and public interests is avoided.
- Have arrangements in place for the Executive and Non-Executive Director directorships of companies or positions in other organisations likely or possibly seeking to do business with the NHS to be published in the Annual Report.
- Arrangements are in place to prompt specific groups of staff, Executive and Non-Executive Directors to complete the [Declarations of Interest form](#) on initial employment with the Trust and at periodic intervals thereafter.
- A Register of Gifts, Hospitality, Honoraria and Sponsorship whether, accepted or declined, is maintained.
- Appropriate information from the Registers of Declarations of Interests and Gifts, Hospitality, Honoraria and Sponsorship is available on request.

- A regular report detailing the declarations of Interests, Gifts, Hospitality, Honoraria and Sponsorship received and the effectiveness of the arrangements in place is provided to the Audit and Corporate Governance Committee for scrutiny and reported to the Board for information.
- The forms that staff and Non-Executive Directors should complete when making a Declaration of Interest or when advising of Gifts, Hospitality, Honoraria or Sponsorship are available [Trust intranet site](#).
- The Board Secretary on behalf of the Chair and Chief Executive, will ensure the incidence and patterns of offers and receipt of gifts, hospitality, honoraria and sponsorship are kept under review. They will take appropriate action where necessary (see [Appendix 3](#) on *Failure to Adhere*).

Appendix 3: Failure to adhere

Members of staff who are aware of actual failures to adhere to the policy and this procedure, or who are concerned that there has been, or may be, a failure, should report these concerns to the Board Secretary.

To ensure that interests are effectively managed staff are encouraged to speak up about actual or suspected failures. Every individual has a responsibility to do this. For further information about how concerns should be raised staff can contact the Board Secretary or refer to the [Procedure for NHS Staff to Raise a Concern](#).

Disciplinary action may follow if any member of staff or Board Member fails to declare an interest, as defined in the *Declarations of Interest, Gifts, Hospitality and Sponsorship Policy* or this supporting procedure, and then:

- participates in a decision making process where special favour is shown to unfairly award a contract; or
- abuses their official position or knowledge for the purpose of benefit to themselves, their family or friends.

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

In addition to any potential disciplinary action being taken if there is any suspicion that fraud, corruption and/or bribery has been/ or is being committed, then all such cases must be reported at the earliest possible opportunity to the Local Counter Fraud Specialist (LCFS). Further information can be found in the Public Health Wales Counter Fraud Policy. It should be noted that individuals may also be liable to prosecution under the Fraud Act 2006 or the Bribery Act 2010.

This is also extended to include the inappropriate acceptance of any gifts, hospitality, honoraria or sponsorship.

Furthermore, if a member of staff breaches the Standards of Behaviour Framework this could, in certain circumstances, result in notification/reporting to the appropriate professional codes of conducts/registration/memberships i.e. Health Professions Council (HPC), General Medical Council (GMC), Nursing and Midwifery Council (NMC) etc. This could incur registrations being revoked and employees no longer being able to be employed in their current position within the Trust.

Following investigation the organisation will:

- Decide if there has been or is potential for a breach and if so the what the severity of the breach is.
- Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action as set out in the next section.

Reporting instances of failure to adhere to the policy

Reports on breaches, the impact of these, and action taken will be considered by the Audit and Corporate Governance Committee at least annually.

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