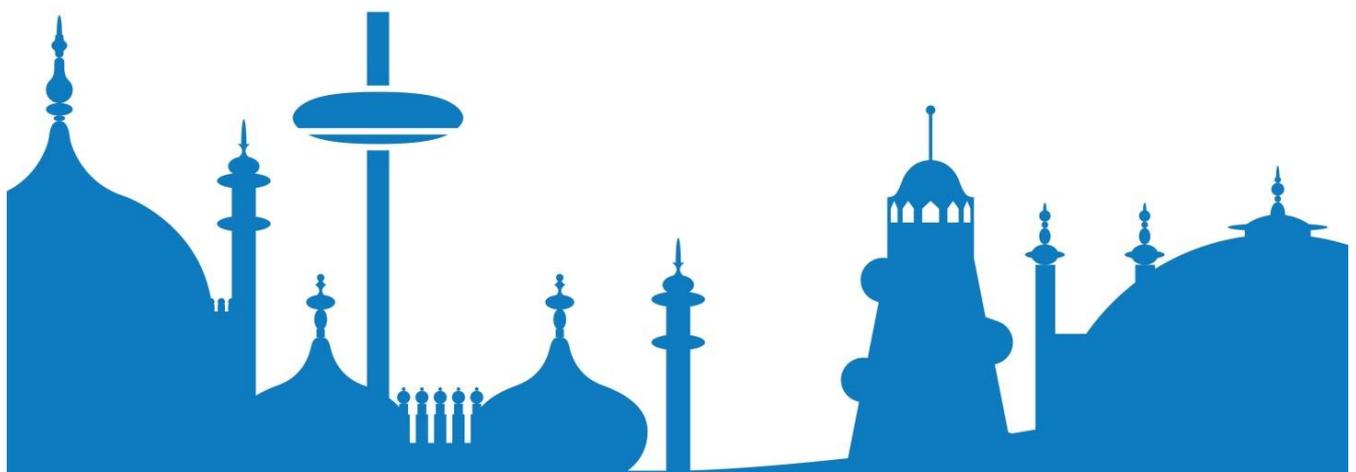


HOSPITALITY, GIFTS AND SPONSORSHIP POLICY

(INCLUDING PARTNERSHIPS WITH THE
PHARMACEUTICAL SECTOR AND CARRYING OUT WORK
FOR OTHER ORGANISATIONS)

Final: 12 December 2017



Better health for our city

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Summary

This document sets out Brighton and Hove's Clinical Commissioning Group's (the CCGs) policy for maintaining high ethical standards in the acceptance of gifts and hospitality. It also applies to offers of sponsorship.

The aim of this Policy is to ensure that the CCG is impartial and honest in the conduct of its business. Having this Policy and adhering to this Policy will protect those to whom it applies from any suspicion of corruption, and protect the reputation of the CCG.

The Policy explains what the CCG expects of organisations that work with the CCG in terms of standards of behavior when conducting business. It also sets out the requirements with which each person that falls within its scope must comply to ensure they are not placed in a position which compromises, or appears to compromise, their integrity or that of the CCG. It cannot cover all situations or circumstances and therefore individuals are required to be thoughtful in their dealings in matters that might compromise their own or the CCGs reputation or ethical standards.

Effective From:

Policy Approval:

Reviewed at the Senior Management Team on 29th November 2017.
Approved by the Audit and Risk Committee on 12th December 2017.

Review Date:

12th December 2018

Responsible Director: Chief Finance Officer

To be read in conjunction with:

- The CCG Constitution, which outlines the Standards of Business conduct and constitutional requirement to manage Conflicts of Interest;
- The Nolan Principles (*The Seven Principles of Public Life*, Committee on Standards in Public Life, 31 May 1995);
- The latest Conflict of Interest national guidance *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017* (NHS England, June 2017) and related guidance;
- National NHS Procurement Regulations and related guidance, which contain further specific information relating to Conflicts of Interest when commissioning/procuring services;
- CCG policies on Conflict of Interest, Freedom of Information, Information Governance, Confidentiality, and Bribery Corruption and Fraud.

Compliance with all CCG policies is a condition of employment. Breach of this Policy may result in disciplinary action.

Policy category		
Relevant to (staff group)	All staff in Brighton and Hove CCG	
Version history		
1	May 2014	Written in line with new guidance
2	November 2015	Reviewed and updated
3	March 2017	Reviewed and updated
4	24 November 2017	Updated to reflect new NHS England guidance and submitted to Senior Management Team for discussion at its meeting on the 29 November 2017
	27 November 2017	Comments received from Counter Fraud Services and incorporated into the Policy
5	29 November 2017	Reviewed at SMT
6	12 December 2017	Reviewed and approved by the Audit and Risk Committee I

Statutory Requirement

All CCGs must maintain one or more registers of interest of: the members of the group, members of its governing body, members of its committees or sub-committees of its governing body, and its Employees. CCGs must publish, and make arrangements to ensure that members of the public have access to these registers on request.

Policy Statement

NHS Brighton and Hove CCG (the “CCG”) will comply with prevailing law, regulations, policies and guidance in relation to the offer or receipt of Gifts and Hospitality. The CCG will follow best practice surrounding gifts, hospitality and working with the pharmaceutical industry to support its clinical priorities, health and wellbeing outcomes and wider CCG objectives such as ensuring that the CCG acts openly and transparently at all times.

1. Introduction

- 1.1. The CCGs Policy is underpinned by national guidance – *HSG (93) 5 Standards of Business Conduct for NHS Staff* (Department of Health, January 1993); *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017* (NHS England, June 2017) and in statute by the Bribery Act 2010.
- 1.2. The CCG is a public body and as such has a duty to ensure that:
 - All its business dealings are conducted to the highest standards of openness, honesty and probity;
 - The interests of the CCG and patients come first;
 - Public funds are properly safeguarded. In particular, staff should ensure they do not:
 - Abuse their official position for personal gain or to benefit their family or friends;
 - Misuse any financial procedures of the CCG for personal gain;
 - Remove items of CCG property without authorisation;
 - Seek to gain advantage or further private or business interests in the course of their official duties.
- 1.3. Staff are expected to comply with this Policy and ensure they:
 - Abide by the rules regarding the acceptance of gifts, hospitality and sponsorship;
 - Inform the Chief Finance Officer if they suspect they have been offered a gift or hospitality or sponsorship with corrupt intent.
- 1.4. The Bribery Act 2010 does not aim to criminalise reasonable or proportionate hospitality or to prevent activities that benefit the CCG and patients. One of the objectives of this Policy is to ensure that all those to whom it applies are aware of their responsibilities and when doing business they take appropriate action to ensure they do not engage in any corrupt activities that could damage the reputation of the CCG.
- 1.5. This Policy should be read in conjunction with:

- Brighton and Hove CCG Conflict of Interest Policy;
- Brighton and Hove CCG Fraud Bribery and Corruption Policy;
- Brighton and Hove CCG Standing Orders;
- Brighton and Hove CCG Standing Financial Instructions;
- Relevant professional codes of practice;
- HSG (93) 5 Standards of Business Conduct for NHS Staff (Department of Health, January 1993);
- The Nolan Principles (The Seven Principles of Public Life, Committee on Standards in Public Life, 31 May 1995);
- Commercial Sponsorship - Ethical Standards for the NHS (Department of Health, November 2000);
- The Code of Conduct for NHS Boards (Department of Health, July 2004);
- Best practice guidance for joint working between the NHS and the pharmaceutical industry (Department of Health, 2008);
- Standards of Business conduct for NHS Staff (Department of Health, January 1993) and as amended by the Bribery Act 2010;
- The Bribery Act 2010;
- Confidentiality: NHS Code of Practice (Department of Health, November 2003);
- Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017 (NHS England, June 2017).

2. Purpose and Scope

- 2.1. This Policy applies to all Employees of Brighton and Hove CCG. For the purpose of this Policy “Employee” shall mean all staff (be they temporary or permanent), all members of the Governing Body, interim members of staff, anyone working on behalf of the CCG by virtue of a secondment agreement and anyone carrying out the functions of the CCG so as to be responsible to the CCG in the performance of those functions.
- 2.2. GP practice staff should note that the requirements in this Policy on the management of Hospitality, Gifts and Sponsorships continue to apply to GP partners (or where the practice is a company, each director) and individuals in a practice directly involved with the business or decision making of the CCG.
- 2.3. This Policy is intended to establish the appropriate actions to be followed by CCG Employee when:
 - Offered gifts or hospitality in the course of their role;
 - Employees may work for other organisations or on their own account whilst employed by the CCG;
 - Offered sponsorship (please consider this Policy and **Appendix C** “Working with the Pharmaceutical Industry”).
- 2.4. This Policy shall be construed accordingly and will supersede all other relevant policies under previous terms and conditions of employment held by individuals who have transferred into the CCG from other NHS organisations.

3. Duties and Responsibilities

- 3.1. Compliance with this Policy and making suitable timely declarations is the responsibility of all employees of the CCG.

- 3.2. The Register of Gifts Hospitality and Sponsorship will be held by the Head of Corporate Affairs, recording all offers of Gifts Hospitality and Sponsorship whether accepted or refused by staff.
- 3.3. The Chief Finance Officer is Executive Director with responsibility for this Policy. The Chief Finance Officer will review the Register of Gifts and Hospitality on a regular basis, supported by the Head of Corporate Affairs, and will report changes to the register to the Audit and Risk Committee.
- 3.4. The Policy and the Register will be reviewed regularly by the CCGs Internal Auditors.
- 3.5. The Register of Gifts, Hospitality and Sponsorship will be published on the CCGs website in accordance with *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017* (NHS England, June 2017).

4. Gifts

- 4.1. Overarching principles from NHS England Statutory Guidance (*Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017* (NHS England, June 2017)) state that:
 - CCG staff should not accept gifts that may affect, or be seen to affect, their professional judgement. This overarching principle should apply in all circumstances;
 - Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer declined must be declared to the Head of Corporate Affairs who has designated responsibility through the Chief Finance Officer for maintaining the Register of Gifts and Hospitality and recorded on the Register.
- 4.2. Members of staff (or family members) must ensure that they do not become involved in any conflict of interest in the course of their duties. Staff must not, either directly or indirectly, accept a gift (including rewards, benefits and hospitality) from any member of the public or any organisation with whom they are brought into contact by reason of their duties other than trivial gifts of a promotional nature such as calendars, diaries, ball point pens and other similar articles.
- 4.3. Personal gifts of a higher value (£25.00 or more) should only be accepted in exceptional circumstances and with the written approval of the Chief Finance Officer. This includes accumulations of gifts from a single individual or company, that total £25.00 or more over a twelve month period. Best practice is to politely refuse such gifts with a courteous explanation of the CCGs Policy, and advise the donor that should they wish to do so they are welcome to make a contribution to the CCGs charitable funds for the general benefit of all staff in the CCG. If unsure of which cost band the gift falls into, assume it falls into the higher band.
- 4.4. All gifts and offers (including accumulations of gifts and offers over a 12 month period) that are worth £25.00 or more, whether accepted or refused (including inducements such as air miles, vouchers etc.) must be notified for inclusion in the CCGs Gifts and Hospitality Register within 15 working days of the gift or offer.

- 4.5. When an offer is made which must be included on the Register of Gifts and Hospitality, Employees should complete the form found at **Appendix A** of this Policy and return it to the Head of Corporate Affairs.
- 4.6. Where an Employee believes that they have been offered a substantial or generous gift in order to secure preferential treatment by the donor, e.g. to ensure the award of a contract to the donor, the gift must be refused and the offer reported immediately to the Chief Finance Officer.
- 4.7. In some circumstances, particularly when dealing with organisations from other countries, gifts may be offered as cultural custom and practice. It may therefore not be appropriate to reject the offer of a gift. In such circumstances advice should be sought from the Chief Finance Officer as soon as possible. In circumstance where it would not be possible refuse a significant gift it may be accepted and appropriately disposed of by way of a charitable donation. This must be recorded in the Register of Gifts and Hospitality.
- 4.8. It is not appropriate to give gifts to individuals or organisations at public expense.

5. Hospitality

- 5.1. Overarching principles from NHS England statutory guidance *Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017* (NHS England, June 2017):
 - CCG staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement;
 - Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event;
 - Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors, these can be accepted if modest and reasonable, but individuals should always obtain senior approval and declare these.
- 5.2. This Policy applies to hospitality provided or offered to the CCGs Employees because of their role in the CCG. Offers could potentially be made by current or potential providers or suppliers of goods or services and could be intended to affect the decision made by Employees.
- 5.3. Hospitality may be an offer of meals, drinks or entertainment beyond the necessary refreshment required in the course of CCG business.
- 5.4. Hospitality should not be considered normal practice in the conduct of business and should generally be refused if offered. For example, if a potential provider offers to buy an Employee lunch so that they may discuss potential services, the offer should be refused.
- 5.5. If an offer of Hospitality is made to an Employee, they must complete the form at **Appendix A** of this Policy and return it to the Head of Corporate Affairs for inclusion on the Register of Gifts and Hospitality.
- 5.6. This Policy does not apply to hospitality provided to those authorised to attend externally organised courses, conferences or seminars paid for by the CCG, providing that the hospitality is included in the overall cost of the attendance fee and available to all the attendees or, if a 'large event', available to the majority of attendees.

- 5.7. It also does not apply to permissible expense incurred whilst on official business.
- 5.8. Hospitality must be secondary to the purpose of any meeting or event, and should only be accepted where there is a genuine link to the CCGs working arrangements and/or a bona fide business purpose can be demonstrated. Some examples include:
- Attending a corporate reception/event to network;
 - A meeting/event hosted by one of the CCGs external partners to develop a sounder working relationship;
 - An industry or society function. (If the function is attended as a registered member of that society there is no requirement to declare);
 - Speaking in a professional capacity at a conference or event.
- 5.9. The level of hospitality offered should be proportionate and not give rise to any inference of impropriety. It must be reasonable and appropriate to both the occasion and to the business conducted by the CCG; the costs involved must not exceed that level which the recipients would normally incur when paying for themselves or that could be reciprocated by the CCG. As with gifts, individuals are expected to use their judgement when they are offered and accept hospitality from external organisations. They must be able to demonstrate that the appropriateness and/or frequency of hospitality can be justified.
- 5.10. The provision of hospitality by the CCG, other than necessary refreshment provided during the course of the CCGs activities, will rarely be appropriate. If an Employee believes it is appropriate to offer hospitality then they should seek the advice of the Chief Finance Officer as soon as possible.

6. Working Lunches

- 6.1. Sandwiches, fruit, and biscuits for example, will only be provided where authorisation is given from the appropriate Executive Director of the CCG, and then should be considered only when a meeting is likely to last over the course of a lunch time (12.00pm – 2.00pm) and/or the circumstances of the meeting dictate that some of those attending are likely to miss their lunch; even then, lunches should not be provided as a matter of course.
- 6.2. Lunches should not be provided at the end of a morning meeting or before the commencement of an afternoon one, for the sole purpose of providing a lunch.
- 6.3. When considered essential, lunches should be limited to a buffet type sandwich meal and the most cost effective provider should be chosen.
- 6.4. Guidance on ensuring best value for money is:
- Make every effort to avoid lunchtime meetings;
 - Inform attendees (via agendas or email notification) that lunch will not be provided for meetings that are scheduled to end by mid-day or to start from 2.00pm onwards;
 - Only provide lunch for meetings between 12.00pm and 2.00pm if the approving Director believes that attendees will not otherwise have a reasonable chance of having lunch. Attendees should be informed as to whether or not lunch will be provided;

- Only provide refreshments on a pro rata basis, i.e. if there are 20 people requested to attend, then you should assume that not all will turn up (unless they have indicated their intent) and therefore should only order for say 15. This will save over ordering and prevent unnecessary waste (less per individual is better than food left over);
 - If the meeting has been cancelled, ensure that all catering requests have also been cancelled.
- 6.5. Hospitality meals (provided in a restaurant or by external caterers) at CCG expense may exceptionally be arranged providing they are sanctioned in advance by either the Chief Accountable Officer or the Chief Finance Officer. Such meals should not be authorised by the originator of the proposed hospitality, e.g. the Chief Accountable Officer would need the approval of the Chief Finance Officer.

7. Legal and Statutory Responsibilities

- 7.1. In particular, the Bribery Act 2010 makes it an offence for a person to offer, promise or give a financial or other advantage to another person in one of these cases set out below.
- 7.2. The Act creates four categories of offence, which address the following:
- Offering, promising or giving a bribe to another person;
 - Requesting, agreeing to receive or accepting a bribe from another person;
 - Bribing a foreign official;
 - A corporate offence of failing to prevent bribery.
- 7.3. Under the new corporate offence, a commercial organisation (including a CCG) is now liable for the activities of associated third parties as well as its own staff, and corporate ignorance offers no protection from prosecution. The only protection is that it 'had in place adequate procedures designed to prevent a person associated with it from undertaking such conduct'.
- 7.4. The Bribery Act 2010 provides that a person is guilty of an offence where:
- They offer, promise or give a financial advantage to another person with the intention of causing that other person to improperly perform, or rewarding that other person for improperly performing, a public or commercial function in any jurisdiction;
 - There is an expectation that the relevant function is carried out in good faith or where the person performing it is in a position of trust.
- 7.5. The Act also creates a specific offence of directly or indirectly offering, promising or giving a bribe to a foreign public official. To commit this offence a person must intend the bribe to influence the actions of the foreign public official.

8. Bribery

- 8.1. It is an offence for a person to request, agree to receive or accept (either directly or through any other party) a financial or other advantage in connection with the improper performance of a relevant function, irrespective of whether the recipient of the bribe is the same as the person who is to perform, or has performed, the relevant function.
- 8.2. A company or partnership, incorporated or operating in the UK, may be guilty of bribery if a person associated with that organisation takes the offending action. A person performing any services for an organisation (for example, as employee or agent) may be associated with that organisation.
- 8.3. Any member of staff suspected of any Bribery related activity will be reported to, and investigated by, the Local Counter Fraud Specialist and may result in a criminal prosecution being commenced. It may also, if deemed appropriate be investigated under the CCG Disciplinary Policy.
- 8.4. On summary conviction, the penalties for these offences can include a fine of up to £5,000 and (in the case of individuals) imprisonment for up to 12 months. On conviction on indictment, these penalties can increase to an unlimited fine and (in the case of individuals) imprisonment for up to 10 years.
- 8.5. All members of staff have a responsibility to report any instances of bribery, or suspected bribery to their line manager, the Head of Corporate Affairs, the Chief Finance Officer, or the Local Counter Fraud Specialist.

9. Sponsorship by Commercial Companies

- 9.1. The use of commercial companies, particularly in the pharmaceutical sector (see **Appendix B** below), is a common practice and reduces NHS expenditure. However those arranging such sponsorship must comply with the guidance contained in the Code of Conduct for NHS Boards (Code of Conduct and the Code of Accountability, Department of Health, 1 April 1994). It should be made clear to the sponsor that their sponsorship of an event or the availability of publicity material about the company or product will not constitute an endorsement by the CCG and that this will be made clear to the public and those attending the event.
- 9.2. All sponsorship with an estimated value of £25.00 or more must be reported on **Appendix A** and forwarded to the Head of Corporate Affairs, ideally at least 15 working days before the sponsorship is to commence. The sponsorship will be recorded in the Gifts and Hospitality Register. This Register will be presented to the Audit and Risk Committee at each meeting.
- 9.3. The Chief Finance Officer will convene a Sponsorship Panel if the proposed sponsorship is significant either in terms of value (equal to or greater than £500.00), or potential level of influence.
- 9.4. The sponsorship panel will consist of the:
 - Chief Finance Officer;
 - Lay Member for Governance;
 - Head of Medicines Management;
 - GP Local Cluster Representative.

9.5 These meetings can either be in person or via email.

10. Sponsorship of Meetings, Events and Publications

10.1. Sponsorship includes financial support and hospitality for educational meetings, management training, and publications, such as disease management guidelines. When sponsorships are offered the following principles must be adhered to:

- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in a clear benefit for the CCG and the NHS;
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;
- At the CCGs 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 any event should always be clearly identified in the interest of transparency;
- CCGs should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event;
- Staff should declare involvement with arranging sponsored events to their CCG;
- Sponsorship must not compromise any purchasing decisions.

11. Commercial Partnerships

11.1. A commercial partnership is one where material or support is supplied by a third party in addition to, and capable of being integrated with, services routinely provided in public sector health care. All commercial partnership arrangements must comply with the following guidance:

- Brighton and Hove CCG Standing Orders;
- Brighton and Hove CCG Standing Financial Instructions;
- Brighton and Hove CCG Conflict of Interest Policy;
- Relevant professional codes of practice e.g., NMC, GMC etc.;
- HSG (93)5 Standards of Business Conduct for NHS Staff Department of Health, January 1993 (as amended by the Bribery Act 2010);
- The Code of Conduct for NHS Boards (Code of Conduct: Code of Accountability, Department of Health, 1 April 1994);
- The Nolan Principles (The Seven Principles of Public Life, Committee on Standards in Public Life, 31 May 1995);
- Commercial Sponsorship - Ethical Standards for the NHS (Department of Health, November 2000);
- Confidentiality: NHS Code of Practice (Department of Health, November 2003);
- The Bribery Act 2010.

- 11.2. There is additional, specific, guidance on commercial partnerships with the pharmaceutical industry and this can be found in **Appendix B** 'Commercial Partnerships with the Pharmaceutical Sector'
- 11.3. With regards to Commercially Sponsored Research (Clinical Trials) involving NHS Patients, if joint working involves research then the Research Governance lead of the CCG must be contacted. All such research must comply with the CCG Research Governance Policy.

12. Joint Ventures with the Pharmaceutical Industry

- 12.1. Joint ventures with the pharmaceutical sector are a common practice and reduce NHS expenditure. However, national and CCG guidance must be followed.
- 12.2. Any joint venture between the CCG with the pharmaceutical industry must comply with the following Department of Health guidelines and directives:
- Standards of Business conduct for NHS Staff (Department of Health, January 1993) as amended by the Bribery Act 2010;
 - Commercial Sponsorship - Ethical Standards for the NHS Department of Health, November 2000);
 - Confidentiality: NHS Code of Practice (Department of Health, November 2003).
- 12.3. The venture must also comply with:
- The Medicines (Advertising) Regulations 1994 (Regulation 21 "Inducements and hospitality");
 - The Code of Practice for the Pharmaceutical Industry 2015;
 - **Appendix B** of the CCG Hospitality, Gifts and Sponsorship Policy, 'Principles for Working with the Pharmaceutical Industry';
 - All other CCG policies and procedures including the Research Governance Policy;
 - Relevant professional codes of practice.
- 12.4. Both parties must ensure that the best interests of the patients are maintained at all times.

13. Declarations of Interest

- 13.1. In accordance with its policy on the management of conflicts of interest, all staff of Brighton and Hove CCG must declare links with third party individuals and/or organisations where there is a possibility that the link could be construed as a potential or actual conflict of interest. In particular members of staff must declare any link that falls into this category and from which they receive material benefit be it financial, reputational, reward or in kind. This will vary from individual to individual and depend on the job that they undertake on behalf of the CCG. Examples of the types of interest to be declared are set out in Section 3.8 of the CCG Conflicts of Interest Policy 2017 and **Appendix 1** of that Policy.

- 13.2. Given the wide interests of the CCG it is inevitable that many members of staff will have links with third parties that could be seen as potential conflicts of interest. The CCG accepts that such links are reasonable and does not seek to limit or end them. By being aware of the potential for conflict of interest the CCG will be able to manage such situations sensitively and ensure that the best interests of all concerned are protected.
- 13.3. There may be specific situations where a declaration of interest needs to be extended to that of a close member of the family, such as a spouse, parent or child or to a friend or close business or professional associate. 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.
- 13.4. The CCG will establish and maintain a Register of Interests as a formal record of interests declared by all staff including Governing Body members. An extract of this Register will be published on the website for CCG decision makers. A Register of Interests will also be published for GP Member Practices of the CCG.
- 13.5. For further guidance please see the CCGs Policy on the management of conflicts of interest or speak to the Chief Finance Officer.

14. Contraventions of the Policy

- 14.1. Any contravention of this Policy will be subject to investigation by the CCGs Local Counter Fraud Specialist and may result in a criminal investigation/prosecution being commenced. Evidence of knowing contravention may result in the member of staff responsible also facing disciplinary action or dismissal, with loss of all NHS benefits.

15. Approval, Ratification and Review Process

- 15.1. This Policy will be subject to review annually and at any stage at the request of the Audit and Risk Committee or the Governing Body.
- 15.2. All existing members of the CCG will be provided with a copy of this Policy and it will form part of the induction checklist for new members. This Policy will be available to all staff on the CCGs intranet

16. Equality Statement

- 16.1. Brighton and Hove Clinical Commissioning Group aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the Equality Legislation including the Human Rights Act 1998 and promotes equal opportunities for all. This document has been assessed to ensure that no employee receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.
- 16.2. Brighton and Hove CCG embraces the four staff pledges in the NHS Constitution. This Policy is consistent with these pledges

APPENDIX A

NOTIFICATION OF OFFER OF HOSPITALITY, GIFT OR SPONSORSHIP FROM A THIRD PARTY

To be completed for benefits including hospitality, gifts or sponsorship, offered (whether or not received) with a value of more than £25.00, or for several smaller benefits from the same or closely related source in a 12 month period.

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

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the CCGs policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and in the case of 'decision making staff' (as defined in the statutory guidance on managing conflicts of interest for CCGs), may be published in registers that the CCG holds.

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

Decision making staff should be aware that the information provided in this form will be added to the CCG’s registers which are held in hardcopy for inspection by the public and published on the CCG’s website. Decision making staff must make any third party whose personal data they are providing in this form aware that the personal data will held in hardcopy for inspection by the public and published on the CCG’s website and must inform the third party that the CCG’s privacy policy is available on the CCG’s website. If you are not sure whether you are a ‘decision making’ member of staff, please speak to your line manager before completing this form.

I confirm that:

I have read and understood the Hospitality, Gifts and Sponsorships Policy. I understand that failure to abide by this Policy will render me liable for disciplinary action, including termination of employment and investigation by the Local Counter Fraud Services that may lead to criminal proceedings being commenced;

The information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable, and in any case no later than 15 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

To be completed by you:		
Signed	Position	Date:
To be completed by your line manager:		
Signed	Position	Date:

Please return this form to:
Head of Corporate Affairs at Brighton and Hove CCG – bhccg.govBodysec@nhs.net

APPENDIX B

PRINCIPLES FOR WORKING WITH THE PHARMACEUTICAL INDUSTRY

1. Scope

- 1.1 This document applies to all directly employed staff and those working on behalf of Brighton and Hove CCG.
- 1.2 It is also recommended as good practice guidance for each of the independent contractor professions.
- 1.3 This document is additional to the guidance contained in the Brighton and Hove CCG Hospitality, Gifts and Sponsorship Policy and does not replace it. All working with the pharmaceutical industry must be compliant with the Hospitality, Gifts and Sponsorship Policy.

2. Document Purpose

- 2.1. This document aims to inform staff of the requirements for engaging with the pharmaceutical industry.

3. Responsibilities

- 3.1. All staff are responsible for ensuring that any engagement with the pharmaceutical industry complies with the latest Code of Practice for the Pharmaceutical Industry, relevant Department of Health directives and does not contravene and Data Protection, Prevention of Corruption and the Bribery Act 2010.

4. Introduction

- 4.1. The ethos of the modern NHS is that partnership working should be actively encouraged where there are mutual benefits for all parties and when there are demonstrable and positive outcomes for patients and NHS organisations.
- 4.2. *'The New NHS: Modern and Dependable'* places an obligation on NHS organisations to work together, and in collaboration with other agencies to improve the health and services to their local population. The Department of Health Guidelines *'Commercial Sponsorship – Ethical Standards for the NHS'* emphasises that NHS bodies, primary care contractors and their staff are accountable for achieving the best possible health care for their populations within the resources available.

- 4.3. The following principles address the offer and acceptance of sponsorship, gifts and hospitality from:
- The pharmaceutical industry;
 - Homecare companies;
 - Manufacturers of nutritional products;
 - Manufacturers/suppliers of stoma and continence products;
 - Other companies whose products are subject to the licensing provisions of the Medicines Act.
- 4.4. The principles apply to all staff in relation to medicines management and should be used in conjunction with the requirements of the NHS organisation's Standing Financial Instructions, and employee's contracts.
- 4.5. Issues relating to sponsorship from other non-pharmaceutical commercial organisations are not covered by this appendix to the Policy.

5. A Code of Practice for Staff

- 5.1. Any joint venture between the NHS organisation¹ and the Pharmaceutical Industry/commercial organisations must comply with The Department of Health guidelines and directives as stated in the main body of the CCG Hospitality, Gifts and Sponsorship Policy.
- 5.2. Prior approval is required before any Sponsorship or Joint Work arrangements proceed. The procedure attached as **Appendix D** should be followed.

6. General Principles for Consideration

- 6.1. It is an offence for CCG Employees to accept any gifts or reward for:
- Doing, or refraining from doing, anything in their official capacity;
 - Showing favour or disfavour to any person in their official capacity.
- 6.2. Staff are expected to:
- Ensure that the interest of the patient remains paramount at all times;
 - Be impartial and honest in the conduct of their official business;
 - Use public funds entrusted to them to the best advantage of the service, ensuring value for money;
 - Ensure that they do not abuse their position for personal gain or to benefit their family or friends;
 - Ensure that they do not seek advantage or further private business or other interests, in the course of their official duties;
 - Identify, declare and resolve where possible any potential conflicts of interest;
 - Make clear the arrangements for monitoring and evaluation of any agreement.
- 6.3. Sponsorship should not compromise purchasing decisions.

- 6.4. Deals whereby sponsorship is linked to the purchase of particular products, or to supply from a particular source, are not allowed, unless agreed as a result of a transparent arrangement, including a tender process where necessary.
- 6.5. All patient identifiable data must be removed from any data shared with a third party, in accordance with the Data protection Act and Caldicott principles.
- 6.6. It is good practice to seek advice from the medicines management team of any initiatives/sponsorship involving the pharmaceutical industry.
- 6.7. Industry representatives are not permitted unsupervised access to any patient care areas.
- 6.8. It should be made clear that acceptance of sponsorship does not imply endorsement of any product or company.
- 6.9. When organising any sponsorship, staff should always consider approaching a number of potential sponsors so that the organisation is not seen to be favouring one particular company or product.
- 6.10. No one organisation will be given preferential treatment or competitive advantage.
- 6.11. Any offer of sponsorship which contravenes this Policy, the ABPI code of practice or other relevant guidance listed in this Policy should be reported to the Chief Finance Officer.
- 6.12. Staff must not agree to any arrangements whereby personnel from external companies can gain unauthorised access to patient or staff records; in all cases a confidentiality agreement must be signed between the external company and the NHS organisation. If a non-NHS employee is working on behalf of an NHS organisation they should have an honorary contract and a CRB check.
- 6.13. If the CCG becomes aware of any unapproved sponsorship, swift and appropriate action will be taken to bring the situation within the requirements of the Policy.

7. Partnership Working with the Pharmaceutical Industry

- 7.1. All projects, initiatives, schemes, sponsorship must have corporate agreement before they may start, in accordance with local governance rules.
- 7.2. Each project should have a designated lead, from within the NHS organisation, which will be responsible for overseeing the project and representing the organisation's interests for the duration.

- 7.3. The Chief Finance Officer (or person in the CCG with overall responsibility) will periodically report to the Governing Body on commercial sponsorship; the designated lead for each project is expected to support this process as required.
- 7.4. The CCG will consider the implications for all key stakeholders of any proposed project prior to commissioning the project.
- 7.5. Sponsorship will not be accepted for projects that have the prime objective of increasing the usage of a specific product.
- 7.6. Projects will be agreed on a project-by-project basis, rather than part of an on-going relationship.
- 7.7. Any data generated by the project or initiative will remain the property of the NHS organisation.
- 7.8. All ventures must meet the following requirements:
- Open and transparent working relationships between the CCG and commercial company;
 - The objectives of collaboration are clearly stated by each party and are defensible;
 - Represent good value for money;
 - Clearly define the benefits of the initiative for both parties;
 - Demonstrate probity;
 - Support the delivery of local strategic aims (both clinical and financial);
 - Joint initiatives must promote evidence-based medicine and support only those medicines that have an acceptable evidence base;
 - Initiatives must be in line with the CCG disease management guidelines or Policy. Where guidelines or Policy does not exist for a particular disease area or class of medicines, dressings, feeds etc. then these should be developed before the initiative is formally considered;
 - Any resultant service and cost implications arising from the sponsorship (consider short and long term implications, particularly where an initiative is to „pump prime“ a service);
 - Include a strategy for monitoring and evaluating clinical and financial outcomes;
 - An exit strategy if the initiative does not deliver the agreed outcomes within the specified timeframe.

8. Gifts

- 8.1. A record of gifts with a value of £25.00 or more must be made in the CCG Hospitality Register **Appendix A**.

- 8.2. No gifts may be given to a health professional or manager as an inducement to prescribe, supply, administer, recommend, sell or buy any medicine.
- 8.3. The provision of medical and educational goods and services, which will enhance patient care or benefit the NHS while maintaining patient care, is acceptable. Diagnostic/measuring equipment is subject to the relevant quality control checks prior to their use.
- 8.4. Gifts or benefits of any nature, which may be seen to compromise the integrity, personal judgement or to exert influence, must be refused.
- 8.5. Equipment should not be left unless the CCG has agreed in principle to fund it and any consumables that may be required.

9. Hospitality

- 9.1. Hospitality must not be provided to health professionals and managers except in association with scientific and promotional meetings or similar.
 - Meetings must have a clear educational content;
 - Payments must not be made directly to prescribers for the use of meeting rooms, although payment can be made to postgraduate medical centres etc.
- 9.2. Hospitality must be secondary to the purpose of the meeting.
- 9.3. The level of hospitality must be appropriate and not out of proportion to the occasion.
- 9.4. Hospitality costs should not exceed the level which the recipients would normally adopt when paying for it themselves.
- 9.5. Attendance should not extend beyond those whose role makes it appropriate for them to attend.
- 9.6. Meetings which are sponsored by external sources must disclose that fact in the meeting papers and in any published proceedings.
- 9.7. Attendance at social or sporting events is usually considered unacceptable.
- 9.8. Meetings held outside of the UK must have good supporting reasons for being held abroad.

10. Records

- 10.1. All offers of gifts, hospitality or other benefits over £25.00 must be declared (whether accepted or not) by completing **Appendix A** and returning this to the Chief Finance Officer (This would also apply where several small gifts worth a total of over £25,00 are received from the same or closely related source in a 12 month period).
- 10.2. Records will be kept, detailing the nature of the sponsorship.
- 10.3. These records will be available to the public on request and subject to audit and noting by the CCGs Audit and Risk Committee.

11. Samples

- 11.1. Free samples of medicines, dressings, appliances, nutritional products must not be left in any part of the CCG for use on/by patients.
- 11.2. Samples may only be used by staff for training purposes.
- 11.3. Samples of placebo devices e.g. insulin pens, inhaler devices are acceptable for use for demonstration purposes only.
- 11.4. Commercially Sponsored /Research (Clinical Trials) involving NHS Patients.
- 11.5. If joint working involves research then the Head of Medicines Management should be contacted. Please refer to the Brighton and Hove CCG Research Policy for details.

12. Procurement

- 12.1. Procurement decisions relating particularly to pharmaceuticals and appliances should always be taken on the basis of best clinical practice and value for money.
- 12.2. Such decisions should take into account the potential impact on the whole healthcare system e.g. a product discounted into one sector may result in significantly higher spend across the whole health community.
- 12.3. NHS organisations who are offered significant discounts on medicines/appliances should consult with appropriate stakeholders within the local health community with respect to the potential financial implications.
- 12.4. See **Appendix E** for more details in relation to rebates.

13. Declaration of Interests

- 13.1. All staff must declare links with the pharmaceutical industry or other commercial companies. This information in accordance with CCG Standing Orders and Standing Financial Instructions will be recorded in the register of interests so that declarations can be made when appropriate and conflicts of interest avoided – Contact the Chief Finance Officer for further guidance.
- 13.2. Declarations should include both paid and unpaid work, as well as work undertaken outside the employment of the NHS organisation.
- 13.3. Examples of interests to be declared include:
 - Substantial shareholdings;
 - Consultancy work;
 - Speaking at meetings;
- 13.4. See section 13 of main Policy for further details.

14. Declaration of interests at meetings and participation by members

- 14.1. Declaration of interests should be a standing item at the start of any formal meeting.
- 14.2. Participation (speaking and voting) in a meeting where you have a potential conflict of interest should be at the discretion of the Chair.

APPENDIX C

Working with the Pharmaceutical Industry: Definitions

Commercial sponsorship - is the act of obtaining funding or resources for NHS activities from an external source and includes:

- Funding for research, staff training, pharmaceuticals, equipment;
- Costs associated with meetings;
- Printing of publications e.g. guidelines, patient information leaflets etc.;
- Gifts;
- Hospitality including meals associated with working visits, venues for training etc.;
- Personal hotel and transport costs (including trips abroad);
- Provision of free services such as training events, use of buildings, premises or facilities.

Commercial partnership - is where a third party supplies materials and/or support that is capable of being integrated with services routinely provided by the NHS organisation.

Clinical aspects of care, including guidelines / protocol development, should be undertaken at a local level by NHS staff:

- Whilst providing a service under a commercial partnership, the company must agree not to promote or advertise its own products;
- All patient identification should be removed from data before being provided to the nominated company;
- Non-NHS staff carrying out the activity, should be contracted to work within the NHS terms and conditions for confidentiality;
- Data may not be removed by the company or used for any other purpose without the explicit permission from the NHS organisation and never in a format where individual patients, clinicians or practices can be identified;
- Ensure that the partnership agreement can be terminated by either side if the outcome measures are not being achieved.

Personal specific interest - applies if the employee has, at any time, worked on the product under consideration and has personally received payment for that work from the pharmaceutical industry.

The main examples are:

- Consultancy work – any work that attracts regular or occasional payment;
- Shareholdings – where shares are held directly by the individual in a particular pharmaceutical company;
- Speaking at meetings.

Personal non-specific interest – applies if the employee has a current personal interest in the pharmaceutical company concerned and the interest does not relate directly to the product under discussion.

Non-personal specific interest – applies if the employer has at any time worked on the product but the member themselves did not personally receive a payment

The main examples are:

- Fellowships – the holding of a fellowship endowed by the pharmaceutical industry;
- Grants - this may be for a particular post, for the running of a department or commissioning research;
- Consultancy work undertaken in the name of the NHS organisation where payment is made to the employer rather than the individual.

Non-personal non-specific interest – applies if the employer is currently receiving payment from the pharmaceutical company concerned which does not relate specifically to the product under discussion.

APPENDIX D

APPLICATION FOR PROJECT SPONSORSHIP APPROVAL FROM THE PHARMACEUTICAL INDUSTRY

APPLICANT NAME:	ADDRESS:
TEL:	
FAX:	
EMAIL:	

PROJECT DETAILS:

Organiser:
Project name:
Date(s):
Location:
Brief outline and statement of objectives (attach full details if applicable):

SPONSORSHIP DETAILS:

Proposed sponsor:
Contact name:
Contact telephone:
Outline of sponsorship (financial value, what provided, what in return, attach full details if applicable)
Benefits to the project and CCG:
Potential risks:

I confirm that:

I have read and understood the Hospitality, Gifts and Sponsorships Policy. I understand that failure to abide by this Policy will render me liable for disciplinary action, including termination of employment and investigation by the Local Counter Fraud Services that may lead to criminal proceedings being commenced;

The information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable, and in any case no later than 15 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

Signed:	Date:

Please return to:

Chief Finance Officer, Brighton and Hove CCG Headquarters, and report to the Audit and Risk Committee.

This should be received at least 15 working days before commencement of the proposed project.

For CCG use only		
Decision: approved / not approved / referred to panel meeting		
Name	Signature	Date