

Policy on the Receipt of Gifts and Payments for Interviews, Broadcasts, Talks, Lectures and Written Work.

Version 1.1

Important: This document can only be considered valid when viewed on the PCT's intranet/U: Drive. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

Name and Title of Author:	Carol Gardner Associate Director of Corporate Affairs
Name of Responsible Committee/Individual:	The Board
Equality and Diversity Impact Assessment	08 January 2009
Implementation Date:	01 February 2009
Review Date:	01 February 2011
Target Audience:	All Staff

Contents

Section	Page
1. Introduction	3
2. Purpose	3
3. Scope	3
4. Responsibilities	3
4.1 The Associate Director of Corporate Affairs	3
4.2 Managers	3
4.3 Staff/Office Holders	3
5. Equality and Diversity	3
6. Guiding Principles	4
7. Codes of Conduct	4
8. Declarations of Gifts/Payments	4
9. Retention of Gifts/Payments	5
9.1 By the PCT	5
9.2 By the Person Concerned	5
10. Written Material	5
11. Penalties	6
12. Fraud and Corruption	6
13. Monitoring Compliance with and Effectiveness of this Policy	6
14. Associated Documentation	6
15. Review	6

1. Introduction

- 1.1 During the course of their work, PCT staff and Office Holders (e.g. Members of the Board/PEC) may receive gifts and/or payment for interviews, broadcasts, talks, lectures and written work, i.e. articles and books.
- 1.2 In order to protect staff/Office Holders from claims that interviews, etc. were carried out for personal gain, this policy has been prepared to outline the procedure for declaring offers or receipt of gifts/payments.

2. Purpose

- 2.1 The purpose of this document is to provide guidance to staff and Office Holders on the action that should be taken in the event that they are offered gifts and/or payments.

3. Scope

- 3.1 This policy applies to all employees of the PCT, any staff who are seconded to the PCT, contract and agency staff and any other individual working on PCT premises.
- 3.2 It also applies to Office Holders, e.g. members of the Board and its Committees/Sub Committees.

4. Responsibilities

4.1 The Associate Director of Corporate Affairs

- 4.1.1 The Associate Director of Corporate Affairs is responsible for advising staff/Office Holders on the contents of this policy.

4.2 Managers

- 4.2.1 All Managers are responsible for ensuring their staff are aware of, and adhere to, this policy.

4.3 Staff/Office Holders

- 4.3.1 All staff and Office Holders are responsible for following this policy.

5. Equality and Diversity

- 5.1 The PCT is committed to:
 - eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines, and
 - designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

- 5.2 To ensure the above, this Policy has been Equality Impact Assessed.
- 5.3 Details of the assessment are available on the PCT's website or by calling the PCT on (01482) 344700.

6. Guiding Principles

- 6.1 All PCT staff and Office Holder's should be conscious of the law regarding the offer/acceptance of Gifts and Hospitality (see separate policy) and the need to ensure that their actions do not give rise to, or foster the suspicion that they have been, or may be, influenced by a gift or consideration to show favour or disadvantage to any person or organisation.
- 6.2 Whilst involvement in interviews, broadcasts, etc. is often part of a member of staff's/Office Holders role and career development, the acceptance of gifts and payments may not be considered appropriate in the eyes of the public.
- 6.3 Staff/Office Holders are, therefore, advised to err on the side of caution and declare such gifts/payments.

7. Codes of Conduct

- 7.1 All NHS staff are covered by at least one Code of Conduct which specifies the need for them to be honest and trustworthy and to act with integrity.
- 7.2 Such codes include: -
- The Standards of Business Conduct for NHS Staff;
 - Professional Codes such as the Nursing and Midwifery Council's Code of Professional Conduct, and
 - The Code of Conduct for NHS Managers
- 7.3 This guidance should be read in conjunction with those Codes.
- 7.4 Whilst Board Members are not covered by the above Codes, they have signed up to the Code of Conduct for Primary Care Boards (which also relates to the Executive Committee), and are, therefore, expected to comply with this policy. The Board has also determined that other Office Holders (e.g. members of Locality Boards and its Committees/Sub Committees) must comply with this code and this policy.

8. Declarations of Gifts/Payments

- 8.1 Staff/Office Holders should in the first instance make their line manager aware of the gift/payment.
- 8.2 If the line manager recommends refusal of the gift/payment, then arrangements should be made for it to be returned at the earliest opportunity with an appropriate explanation.
- 8.3 If the line manager recommends acceptance of the gift/payment, they should then determine whether that gift/payment should be retained by the PCT or the person concerned, in accordance with section 9 below.

8.4 Regardless of whether the gift/payment is refused or accepted, staff/Office Holder's are advised to cover themselves by entering the details in the Gifts and Hospitality Register, which is maintained by the Associate Director of Corporate Affairs.

9. Retention of Gifts/Payments

9.1 By the PCT

If the work was carried out on behalf of the PCT, gifts will be used for an identified purpose and payments will be paid into the PCT Revenuer Exchequer Fund.

9.2 By the Person Concerned

NOTE: If a person works for another organisation in addition to the PCT, it will, first of all, need to be determined whether or not this PCT policy is applicable to the relevant interview, etc.

9.2.1 The gift/payment may be kept by the person concerned if: -

- The contribution was made in a personal capacity and this was made explicit in the interview/presentation, etc;
- The contribution was made in a professional capacity and was not carried out in normal working hours;
- The subject was unconnected with normal duties;
- Preparation, etc. was not carried out in normal working hours;
- No PCT resources were used to prepare and deliver the interview, broadcast, etc;
- Membership of the PCT was not an integral part of the interview, broadcast, etc;
- The appropriate line manager had given prior approval for the interview/presentation, where required.

9.2.2 If the line manager is not satisfied that the above conditions applied, then the gift/payment should be retained by the PCT.

10. Written Material

10.1 In respect of written material such as books and articles, where payments are made and/or royalties received, the Medical Director **must** be contacted. Advice will then be sought to determine whether the retention of payments is permissible, depending on the extent to which the intellectual property which the member of staff has invested in the writing of the book/article has stemmed from their status as a member of staff or member of the PCT.

Note: Staff should address this matter at the earliest opportunity and preferably before the book/article is written. The *Policy on Intellectual Property* addresses this in more detail.

10.2 It is acknowledged that some members of staff may be required to write articles for professional and career development purposes. Whilst this is acceptable to the PCT, public concerns may be raised where payment is received and staff are, therefore, encouraged to err on the side of caution and declare accordingly.

11. Penalties

11.1 This policy describes conduct which staff/Office Holders are expected to observe. Failure to do so could render an individual liable to disciplinary proceedings and may lead to criminal proceedings under the Prevention of Corruption Acts.

12. Fraud and Corruption

12.1 If fraud and/or corruption is suspected, the matter must be reported immediately to the PCT's Local Counter Fraud Specialist or the Director of Finance, as per the *Policy and Procedure on Fraud and Corruption and the Trust Response Plan*.

12.2 Alternatively, staff may report any suspicions via the *Confidential Reporting (Whistleblowing) Policy*.

13. Monitoring Compliance with and Effectiveness of this Policy

13.1 The effectiveness of this policy will be monitored via surveys and questionnaires.

14. Associated Documentation

14.1 This policy links to the PCT's:

- Policy on Intellectual Policy
- Policy on Standards of Business Conducts and Conflicts of Interest
- Policy on Commercial Sponsorship
- Policy on Offers/Acceptance of Gifts and Hospitality
- Policy on the Provision of Gifts and Hospitality
- Policy and Procedure on Fraud and Corruption and the Trust Response Plan
- Confidential Reporting (*Whistleblowing*) Policy

15. Review

15.1 This policy will be reviewed within two years from the date of implementation.

15.2 Minor amendments (such as changes in title) may be made prior to the formal review, details of which will be monitored/approved by the Associate Director of Corporate Affairs in consultation with the Equality and Diversity Co-ordinator and HR where relevant. Such amendments will be recorded in the Register and a new version of the PPG issued.

Author: Carol Gardner

Title: Associate Director of Corporate Affairs
Date: August 2006

Approved By: Chris Long
Title: Chief Executive
Date: 07 September 2006

Reviewed by: Carol Gardner
Title: Associate Director of Corporate Affairs
Date: 12 October 2007
Carol Gardner Associate Director of Corporate Affairs 29 November 2008