

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

Version 2.1

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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/Quality Executive) 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

- 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.

- To ensure the above, this Policy has been Equality Impact Assessed. Details of the assessment are available on the PCT's website or by calling the PCT on (01482) 344700.
- 5.3 Where employees have difficulty expressing themselves because of language or other difficulties help should be sought from their Trade Union or other employee representatives or colleagues.
- 5.4 Consideration should be given to the provision of an interpreter or facilitator if there are understanding or language difficulties (perhaps a friend of the employee, or coemployee).

6 NHS Constitution

- 6.1 The PCT is committed to:
 - the achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and
 - ensuring they are taken account of in the production of its Policies, Procedures and Guidelines.
- This Policy supports the NHS Constitution in its duty "To act in accordance with the express and implied terms of their contract of employment" and "To be honest and truthful in applying for a job and in carrying out that job."

7. Guiding Principles

- 7.1 All PCT staff and Office Holders 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.
- 7.2 Whilst involvement in interviews, broadcasts, etc. is often part of a member of staff's/Office Holder's role and career development, the acceptance of gifts and payments may not be considered appropriate in the eyes of the public.
- 7.3 Staff/Office Holders are, therefore, advised to err on the side of caution and declare such gifts/payments.

8 Codes of Conduct

- 8.1 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.
- 8.2 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.

This guidance should be read in conjunction with those Codes.

Whilst Board Members are not covered by the above Codes, they have signed up to the Code of Conduct for Primary Care Trust Boards (which also relates to the Quality Executive), and are, therefore, expected to comply with this policy. The Board has also determined that other Office Holders (e.g. members of its Committees/Sub Committees) must comply with that code and this policy.

9. Declarations of Gifts/Payments

- 9.1 Staff/Office Holders should in the first instance make their line manager aware of the gift/payment.
- 9.2 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.
- 9.3 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 10 below.
- 9.4 Regardless of whether the gift/payment is refused or accepted, staff/Office Holders 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.

10. Retention of Gifts/Payments

10.1 By the PCT

10.1.1 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 Revenue Exchequer Fund.

10.2 By the Person Concerned

- 10.2.1 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.

<u>NOTE</u>: 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.

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

11 Written Material

In respect of written material such as books and articles, where payments are made and/or royalties received, the Assistant Director of Risk and Assurance **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.

11.2 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.

12 Penalties

12.1 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.

13 Fraud and Corruption

- 13.1 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.*
- 13.2 Alternatively, staff may report any suspicions via the *Confidential Reporting* (Whistleblowing) Policy.

14 Monitoring Compliance with and Effectiveness of this Policy

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

15 Associated Documentation

- 15.1 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

16 Review

- 16.1 This policy will be reviewed within two years from the date of implementation.
- 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 Director of Human Resources and Trade Union Representative(s) where relevant. Such amendments will be recorded in the PPG Register and a new version of the PPG issued.

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Date: August 2006

Approved By: Title: Date:

Chris Long Chief Executive 07 September 2006
Chris Long Chief Executive March 2011

Reviewed by: Title: Date:

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29 June 2011