

# **SUPPORTING GUIDANCE FOR STAFF ON THE REGISTERING OF INTERESTS, GIFTS & HOSPITALITY UNDER THE STANDARDS OF BUSINESS CONDUCT**

<b>CONTENTS</b>		<b>Page</b>
1.	Introduction	2
2.	Scope	2
3.	Definitions	2
4.	Acceptance of Gifts	3
5.	Acceptance of Hospitality	5
6.	Register of Staff Interests	7
7.	Guidelines on Working with the Pharmaceutical Industry	9
	Action Flowcharts:	
	▪ Appendix 1 - Gifts & Hospitality	10
	▪ Appendix 2 – Staff Interests	11

## 1. INTRODUCTION

This guidance supports the application of the [Standards of Business Conduct](#) policy for NHS Fife staff. The purpose of this document is to provide practical instruction on acceptance of gifts and/or hospitality and declaration of staff interests, to ensure that all NHS employees in Fife are aware of their duties to comply with the Standards of Business Conduct.

It is important that NHS Fife and its employees maintain strict ethical standards in the conduct of NHS business and are protected from allegations of conflict of interest, acting improperly or breach of impartiality. Both the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) and the [Bribery Act 2010](#) place various obligations on the Board and its staff, breach of which by staff can lead to potential imprisonment, financial penalties and dismissal from employment.

The Standards of Business Conduct states:

“All NHS staff who commit NHS resources directly or indirectly must be impartial and honest in their conduct of business and, at all times, all employees must remain beyond suspicion. Under the Bribery Act 2010, it is an offence to request, agree to receive or accept a bribe in return for improperly performing a function or activity. NHS Circular [MEL \(1994\) 48](#) details the principles for standards of conduct and accountability in situations where there is potential conflict between the private interests of NHS staff and their NHS duties.”

If you are in any doubt at all as to what you can or cannot do under the Standards, you should seek advice from your Line Manager or respective Executive Director.

This guidance should be read in conjunction with the Standards of Business Conduct for NHS Fife Staff, available on the NHS Fife [website](#). Any queries regarding the Standards themselves or this Guidance can be addressed to [fife.boardadministration@nhs.scot](mailto:fife.boardadministration@nhs.scot).

## 2. SCOPE

This guidance is applicable to all employees of NHS Fife, including holders of honorary contracts, independent contractors when they are working on behalf of NHS Fife and to NHS Fife employees working within the Fife Health and Social Care Partnership.

NHS Fife Board Members and Senior Managers also have additional responsibilities under the [Code of Conduct for Members of Devolved Bodies](#) and a separate register is compiled, maintained and published for [Board members' and Directors' interests](#).

## 3. DEFINITIONS

Gifts	Any item of cash or goods, or any service, which is provided for personal benefit, free of charge, or at less than its commercial value.
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Hospitality	Offers of meals, refreshments, travel, accommodation and other expenses in relation to attendance at meetings, conferences, education and training events, etc.
A registerable Interest	Any personal interest which may have a bearing on, or might reasonably be deemed by others, to have a bearing on a staff member's impartiality in any matter relevant to his/her duties.
The Standards	Standards of Business Conduct for NHS Fife Staff
Register	A register that records any declared interest or gift and hospitality offered and declined or accepted for staff members.

#### 4. ACCEPTANCE OF GIFTS

Staff in the NHS offer support during significant events in people's lives. For this work they may sometimes receive gifts as a legitimate expression of gratitude. We should be proud that our services are so valued. But situations where the acceptance of gifts could give rise to conflicts of interest should be avoided. Staff and organisations should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way.

Employees of NHS Fife must not accept gifts which may be, or be capable of being, construed as being able to influence a purchasing decision or cast doubt on the integrity of such decisions. Gifts which could place an individual in a position of conflict between their private interests and their NHS duties must be politely but firmly declined.

The acceptance of cash or cash equivalents, including gift vouchers of any value, is not acceptable under any circumstances. If you are offered a cash gift or gift vouchers, these must be politely but firmly declined. Where there is a monetary offer to clinical or ward staff, those offering the gift should be directed towards the Board's Endowment Fund, [Fife Health Charity](#), where financial donations can be received.

Casual gifts offered by contractors or others must also be politely declined, except where they are deemed to be of low intrinsic value (below £6<sup>1</sup>). [MEL \(1994\) 48](#) notes that staff may accept such gifts of low intrinsic value, such as diaries or calendars or small tokens of gratitude from patients or their relatives. Gifts offered but declined must also be declared if the value is deemed to be above £25.

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).

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<sup>1</sup> The £6 value has been selected with reference to existing industry guidance issued by the Association of the British Pharmaceutical Industry: [Clause 10 Events / Meetings and Hospitality \(pmcpa.org.uk\)](#)

Staff must never ask for gifts. Where it is difficult to decide whether a gift should be accepted or not, advice should be sought from your Line Manager or respective Executive Director.

A “quick guide” to acceptance of Gifts is provided below:

<b>GIFT</b>	<b>Acceptable**</b>	<b>Approval of Line Manager Required</b>	<b>Declarable</b>
Low value promotional gifts such as diaries, calendars, stationery items etc. valued under £6	<b>Yes*</b>	<b>No</b>	<b>No</b>
Token gifts given at a courtesy visit / VIP visit	<b>Yes*</b>	<b>No</b>	<b>Yes</b>
Biscuits, chocolates, flowers etc. from patients / relatives / friends of patients	<b>Yes*</b>	<b>No</b>	<b>Only if considered greater than £25 in value</b>
Gifts to friends / relatives of NHS Fife staff	<b>No – to be declined **</b>	<b>Should be declined</b>	<b>Yes, regardless of value</b>
Casual gifts offered by contractors and/or potential suppliers valued under £25	<b>Yes (so long as it does not create a sense of obligation)</b>	<b>If any doubt, approval should be sought</b>	<b>Yes</b>
Gifts / equipment offered by contractors / potential suppliers valued over £25 (such as concert / sporting event tickets)	<b>No – to be declined**</b>	<b>Should be declined</b>	<b>Yes</b>
Other promotional gifts	<b>In some situations</b>	<b>Yes</b>	<b>Yes</b>
Gifts of cash or gift vouchers (any amount) Persons offering cash should be advised of the existence of the <a href="#">Fife Health Charity</a> as an alternative means of donating.	<b>No – to be declined**</b>	<b>Should be declined</b>	<b>Yes, regardless of value</b>
* Acceptable only where the gift does not create a sense of obligation or constitute an incentive or bribe.			
** Where it is felt that declining the gift will cause offence, approval should be sought on how best to handle receipt of the gift – for example by submitting it to a team fund and/or raffling the gift etc., with subsequent donation to Fife Health Charity. Under such circumstances, the fear of causing offence should not create a conflict of interest for the recipient.			

## 5. ACCEPTANCE OF HOSPITALITY

Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of 'traditional' working hours. As a result, staff will sometimes appropriately receive hospitality. Staff receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

Hospitality is generally defined as attendance at a social or leisure event or conference (or an occasion which could be perceived as such an event) where the attendance is being funded by a third party. The Standards provides that modest hospitality is an accepted courtesy of a business relationship. The recipient should not allow themselves to reach a position whereby they might be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than NHS Fife would be likely to provide in return.

Staff may accept modest hospitality provided it is normal and reasonable under the circumstances, e.g. a lunch or refreshments provided in the course of a working visit, meeting, conference etc. It is not necessary to report the provision of tea / coffee / biscuits, etc. or to declare modest hospitality received as part of the normal programme of a course or conference.

In reference to meals and refreshments:

- If under a value of £25, may be accepted and does not need to be declared, unless from a pharmaceutical company (in which case the limit is £6).
- If of a value between £25 and £75<sup>2</sup>, may be accepted and must be declared.
- If over a value of £75, should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Register of Interest return as to why it was permissible to accept.

A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

In reference to travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to staff attendance at events may be accepted and must be declared.
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need prior approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the Register of Interest return as to why it was permissible to accept. travel and accommodation of this type. A non-exhaustive list of such examples includes:

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<sup>2</sup> The £75 value has been selected with reference to existing industry guidance issued by the Association of the British Pharmaceutical Industry: [Clause 10 Events / Meetings and Hospitality \(pmcpa.org.uk\)](https://www.pmcpa.org.uk/Clause-10-Events-Meetings-and-Hospitality)

- offers of business class or first-class travel and accommodation (including domestic travel);
- offers of foreign travel and accommodation.

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 must declare these. Employees must pay particular attention to the circumstances in which hospitality is offered. For example, the provision of hospitality by an individual or organisation during a tendering process, where a contract is shortly to end, where performance of the contract is in question or in any other circumstances where acceptance might compromise the position of the employee or of NHS Fife, is not acceptable.

Where it is difficult to decide whether the proposed hospitality should be accepted or not, advice should be sought from your Line Manager or respective Executive Director.

A “quick guide” to acceptance of hospitality is provided below:

<b>HOSPITALITY</b>	<b>Acceptable**</b>	<b>Approval of Line Manager Required</b>	<b>Declarable</b>
Infrequent working breakfast	<b>Yes*</b>	<b>No</b>	<b>Only if considered greater than £25 in value</b>
Infrequent working lunch	<b>Yes*</b>	<b>No</b>	<b>Only if considered greater than £25 in value</b>
Formal dinners / evenings	<b>In some situations</b>	<b>Yes</b>	<b>Yes</b>
Travel & accommodation (if modest in nature)	<b>In some situations</b>	<b>Yes</b>	<b>Yes</b>
Visits to view equipment paid for by outside companies	<b>In some situations</b>	<b>Yes</b>	<b>Yes</b>
Other forms of commercial sponsorship, including drug company sponsorship, for example, to attend a conference, study leave etc.	<b>In some situations</b>	<b>Yes</b>	<b>Yes</b>
Holiday accommodation	<b>No – to be declined**</b>	<b>Should be declined</b>	<b>Yes</b>
Invitations to sporting or entertainment events	<b>No – to be declined***</b>	<b>Should be declined</b>	<b>Yes, regardless of value</b>

\* Acceptable only where the hospitality does not create a sense of obligation or constitute an incentive or bribe.

\*\* Where it is felt that declining the offer of hospitality will cause offence, approval should be sought on how best to handle the offer. Under such circumstances, the fear of causing offence should not create a conflict of interest for the recipient.

\*\*\* Acceptable only where attendance is to represent Fife NHS Board in an official capacity, for instance at a civic, ceremonial or memorial event, where prior approval has been granted by an Executive Director.

## 6. REGISTER OF STAFF INTERESTS

To avoid conflicts of interest and to maintain openness and accountability, employees are required to register all interests that may have any relevance to their NHS Fife duties and responsibilities. These include any financial interest in a business or any other activity or pursuit that may compete for an NHS contract to supply either goods or services to the NHS, or in any other way could be perceived to conflict with the interests of Fife NHS Board.

This primary responsibility applies to all NHS staff, but is of particular relevance to those who commit NHS resources directly (e.g. by the ordering of goods) or those who do so indirectly (e.g. by the prescribing of medicines). A further example would be staff who may have an interest in a private nursing home and who are involved with the discharge of patients to residential facilities.

### When to register an Interest

**The test to be applied when considering appropriateness of registration of an interest is to ask yourself whether a member of the public acting reasonably might consider the interest you have could potentially affect your responsibilities to the organisation and/or influence your actions.**

If in doubt if you should register an interest, advice should be sought from your Line Manager or respective Executive Director.

### What needs to be declared

Interests that may be appropriate to register include:

- (i) Other employments (note, employment with the NHS Fife Nurse Bank is **not** required to be declared). The amount of any related remuneration also does not need to be disclosed;
- (ii) Directorships, including Non-Executive Directorships, held in private companies or public limited companies (whether remunerated or not);
- (iii) Ownership of, or an interest in, private companies, partnerships, businesses or consultancies that are likely to be relevance to the work of Fife NHS Board;

- (iv) Shareholdings in organisations likely or possibly seeking to do business with the NHS (the value of the shareholdings need not be declared);
- (v) Ownership of, or interest in, land or buildings which may be significant or relevant to the work of Fife NHS Board;
- (vi) Any position of authority held in another public body, trade union, charity or voluntary body;
- (vii) Any connection with a voluntary or other body that has a contract with NHS Fife under which services or goods are to be provided (you must register a description of the nature and duration, but not the price of, of any such contract); and
- (viii) Any involvement in joint working arrangements with Clinical (or other) suppliers.

This list above is not exhaustive and should not preclude the registration of other forms of interest where these may give rise to a potential conflict of interests upon the staff member's employment with Fife NHS Board. You may also have to register the interest of any close family members, who have or are likely to have, transactions or business with the Board.

#### How to declare an interest – a step-by-step guide

Step 1: Staff member identifies a potential interest or conflict based on the relevant guidance.

Step 2: If you remain unsure what needs to be registered, discuss with your Line Manager in the first instance. If further advice is required, contact your relevant Executive Director or the Head of Corporate Governance & Board Secretary.

Step 3: If you have an interest or conflict to declare, complete the appropriate declaration form (available as Appendix 2 of the Policy). This form is also available separately on StaffLink.

Step 4: Pass the completed form to your Line Manager for approval, who will ensure subsequent sign-off by the relevant Executive Director.

Step 5: Once approved and signed off, please pass the completed form to the Corporate Governance Support Officer (via the email address [fife.boardadministration@nhs.scot](mailto:fife.boardadministration@nhs.scot)).

Step 6: The Corporate Governance Support Officer will update the Central Register of Staff Interests, who will also ensure this is published annually and made available to the Board's auditors.

#### Declaring an Interest at meetings

In addition to registering the interest, it is the responsibility of each individual member of staff to declare any relevant interest to the Chair of any Standing Committee / Professional Advisory Committee / decision-making group that they sit on, so that the Chair is aware of any conflict which may arise on any related agenda item. These Declarations of Interest will be recorded in the Minutes of the respective meeting. Where a conflict is declared, the person must not participate in the meeting for that section of the agenda.

## **7. GUIDELINES ON WORKING WITH THE PHARMACEUTICAL INDUSTRY**

On occasions where staff are considering working with the Pharmaceutical Industry, they must comply with the separate NHS Fife Guidance on [Working with the Pharmaceutical Industry](#). Included within this guidance are instructions related to the limited circumstances under which pharmaceutical or clinical samples can be accepted by staff.



