



Health Research Authority

HRA Declaration of Interests and Acceptance of Gifts Policy

Author:	Stephen Tebbutt
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1.0 Background to the HRA

1.1 The Health Research Authority (HRA) is a Special Health Authority established on 1 December 2011. Its purpose is to protect and promote the interests of patients and the public in health research. We do this by supporting and promoting a robust and efficient regulatory and governance framework in the UK and providing the National Research Ethics Service (NRES).

1.2 Our vision and ambition is to develop a Health Research Authority:

- driven by our key purpose of protecting and promoting the interests of patients and the public in health research
- underpinned by our leadership in creating a unified health research approval process and promoting consistent, proportionate standards for compliance and inspection
- with our success being acknowledged by key stakeholders, as well as seen through improved approval times, increased numbers of research participants and projects, and greater confidence in health research.

1.3 We will work with all the relevant partners to help create an environment where:

- greater numbers of patients and the public can and do take part in health research, and continue to feel safe when they do
- applying to do research is simpler, and getting a decision is quicker
- researchers find it easier to do high-quality, ethical research
- the NHS appreciates how health research benefits patients and staff
- industry sees the UK as a great place to do health research
- more money from charities and other research funders goes into carrying out research, and less into getting through unnecessary hoops before it starts
- clinical trials get registered and research results get published

2.0 Scope

2.1 This policy applies to all staff, including employed, seconded, contracted or agency employed staff and suppliers, who are engaged directly or indirectly in procurement decisions, the awarding of contracts or recruitment of staff. These staff have an obligation to act in the best interests of the HRA and in accordance with this policy.

2.2 This policy applies to all Board members including Non-Executive and Executive Directors.

2.3 The acceptance of gifts section of the policy, item 11, applies to all staff, including employed, seconded, contracted or agency employed staff.

3.0 Purpose

3.1 This document will provide guidance on the following topics:

3.1.1 Types of conflict of interest which may occur

- 3.1.2 When to declare an interest
 - 3.1.3 What declarations of interest should be recorded
 - 3.1.4 The declaration of interests register
 - 3.1.5 Failure to declare an interest
 - 3.1.6 Board member duties and obligations
 - 3.1.7 Acceptance of gifts
- 3.2 This policy is based upon the guidance and obligations set out in the *HRA standing orders, reservation and delegation of powers and standing financial instructions* document available here:
<https://intranet.hra.nhs.uk/sites/default/files/Finance/HRA%20SOs%20SFIs%20reservation%20of%20powers%20and%20delegations%20V5%20FINAL.pdf>

4.0 Roles and responsibilities

- 4.1 The Chief Executive has overall responsibility for ensuring any declarations of interest are recorded and for ensuring appropriate mechanisms are in place to manage any relevant conflicts of interest.
- 4.2 The HRA Board Secretary and Chief Executive Business Manager is responsible for ensuring the *HRA Declaration of Interest Register* is updated regularly and reviewed on an annual basis. The HRA Board Secretary will remind managers on a yearly basis (at the start of each financial year) to ensure all relevant staff declare any interests.
- 4.3 The Director of Finance is responsible for ensuring staff are made aware of the policy on the acceptance of gifts and other benefits in kind.
- 4.4 All managers are responsible for ensuring their staff who meet the criteria for declaring interests complete the form and return to the Board Secretary on a yearly basis.
- 4.5 It is the responsibility of all HRA staff members to be aware of, and act in accordance with, the seven fundamental public service values as specified in the Nolan report. These are:
 - 4.5.1 Selflessness
 - 4.5.2 Integrity
 - 4.5.3 Objectivity
 - 4.5.4 Accountability
 - 4.5.5 Openness
 - 4.5.6 Honesty
 - 4.5.7 Leadership
- 4.6 The HRA counter fraud policy provides more information regarding the Nolan principles and is available here: <https://intranet.hra.nhs.uk/sites/default/files/Finance/HRA%20Anti-fraud%20theft%20and%20bribery%20policy%20and%20response%20plan%20-%20V4%200%20FINAL.pdf>

5.0 Types of conflict of interest which may occur

- 5.1 A conflict of interest is a situation that has the potential to undermine the impartiality of a person due to the possibility of a clash between a person's self-interest and professional or public interest.
- 5.2 Conflicts may arise when the interests of staff are incompatible or in competition with the interests of the authority. Such situations present a risk that those staff in a position of responsibility, may make decisions based on these external influences, rather than the best interests of the organisation.
- 5.3 The most common types of conflicts of interest are as follows:
 - 5.3.1 **Direct financial interest**
 - 5.3.1.1 The most easily recognisable form of conflict of interest arises when a staff member in a position of responsibility obtains a direct financial benefit over and above their agreed remuneration and terms of service package.
 - 5.3.1.2 Financial interest could refer to anything of non-trivial monetary value, including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties or intellectual property rights.
 - 5.3.2 **Indirect financial interest**
 - 5.3.2.1 This may arise when a close relative of a staff member obtains a financial benefit. Staff members will benefit indirectly if their financial affairs are bound with those of the relative in question through the legal concept of 'joint purse', as would be the case if the relative were the spouse, partner, or directly connected in some other way
 - 5.3.3 **Non-financial gain**
 - 5.3.3.1 These occur where staff members receive no financial benefit, but are influenced by external factors.
 - 5.3.3.2 Non-financial interest could refer to any non-financial benefit or advantage including, but not limited to the enhancement of an individual's career, education or professional reputation, or access to privileged information or facilities.
 - 5.3.4 **Conflicts of loyalty**
 - 5.3.4.1 Staff may have competing loyalties between the organisation to which they owe a primary duty and some other person or entity.
 - 5.3.4.2 Conflicts of loyalty may present problems in the form of inhibiting free discussion, risking the impression that the organisation has acted improperly and resulting in decision or actions that are not in the best interest of the organisation.

6.0 When to declare an interest

- 6.1 All staff, including employed, seconded, contracted or agency employed staff and suppliers, who are engaged directly or indirectly in procurement decisions, the awarding of contracts or recruitment of

staff, have an obligation to act in the best interests of the HRA and in accordance with this policy. All staff with these responsibilities should declare any relevant interests.

- 6.2 Staff, as defined above, should be asked to declare any relevant interests upon joining the HRA and this will be detailed on the declaration of interest register. Any new conflicts of interest should be reported to the HRA Board Secretary who holds the declarations of interest register as soon as they arise.
- 6.3 Any conflicts of interest should be declared at the beginning of any meeting at which an issue, relating to the conflict, is to be discussed. The Chair of the meeting is responsible for ensuring a request for declarations is made and appropriate action followed. The appropriate action may be for the staff member to not participate in the discussion, however the Chair will decide and a proportionate approach should be taken to consider the importance of the issue being discussed or recommendation being made. This will help to ensure transparency and avoid any accusations of impropriety.

7.0 What declarations of interests should be recorded

- 7.1 Interests to be recorded include:

7.1.1 Interests in a Business

- 7.1.1.1 If a member of staff engaged in the procurement process or the awarding of contracts, or a close relative, has a controlling or significant financial interest in a business (including a private company, partnership, voluntary organisation, public sector organisation or other statutory organisation), or any other activity or pursuit which may compete for a contract to supply either goods or services to the HRA, then this interest must be declared upon commencement of employment with the HRA or as soon as that interest is acquired.

7.1.2 Outside Employment

- 7.1.2.1 Members and staff should not in general be engaged in outside employment or consultancy that may conflict with their NHS work, or be detrimental to it, particularly if they are involved in procurement or the process of awarding contracts. If staff have any concerns they should be discussed with their line manager and registered as a conflict of interest. Board members should discuss their external interests with the Chair and record them where appropriate.

7.1.3 Commercial Sponsorship

- 7.1.3.1 Commercial sponsorship of Board members and staff to attend courses or conferences and sponsorship of HRA posts or other work by a commercial organisation may be acceptable, but only where permission is received in advance and if given, the sponsorship declared in the register of interests.

7.1.4 General Guidance

- 7.1.4.1 A declaration should be made if any of the points below are relevant to any members of staff of the HRA who commit NHS resources:

- They are, or might be, in a position where they personally or their family/friends could gain from the connection between their private interests and employment with the HRA;
- They have access to information that might influence purchasing decisions;
- Their outside interests may, in any way, be detrimental to the HRA or to the interests of patients;
- Someone could mistakenly believe that they have accepted an inducement or bribe;
- They will receive preferential rates or advantages as a consequence of their actions in the HRA;
- Their actions could be perceived to be favouring one competitor over another;
- In providing information to an organisation they are disadvantaging another organisation and the information is “commercial in confidence”;
- They have any other reasons to think that they may be risking a conflict of interest.

8.0 Declaration of Interest Register

- 8.1 In order to protect its staff, the HRA maintains a register of interests. This register records any matters that might lead to, or be perceived to lead to, a conflict of interest.
- 8.2 The HRA Board Secretary and Chief Executive Business Manager will be responsible for holding and updating the *Declaration of Interest register*.
- 8.3 All current staff, including employed, seconded, contracted or agency employed staff and suppliers who are engaged directly or indirectly in procurement, the awarding of contracts or recruitment of staff will be asked to complete the *Declaration of Interest form* on an annual basis (see appendix 1) and return it to the Board Secretary.
- 8.4 All new staff, including employed, seconded, contracted or agency employed staff and suppliers who are engaged directly or indirectly in procurement, the awarding of contracts or recruitment of staff should be asked upon joining the HRA to complete the *Declaration of Interest form*. The line manager should then scan and email the form to the Board Secretary.
- 8.5 The *Declaration of Interest form* asks staff to set out their interest clearly along with the employee name, post held and division.
- 8.6 The Board Secretary will update the *Declaration of Interest register* upon receipt of a *Declaration of Interest form*. Forms will be stored electronically.

- 8.7 The *Declaration of Interest register* will additionally be reviewed on an annual basis to remove any staff who have left the organisation from the register. Line Managers will be asked to confirm any members of staff who have left the organisation over the past year and the register will be updated accordingly.
- 8.8 *Declaration of Interests forms* for staff who have left the organisation will be kept for two years before being destroyed.
- 8.9 Staff members should declare an interest if they are in any doubt whether it is appropriate or not.

9.0 Failure to declare an interest

- 9.1 Failure to declare an interest under this policy may result in the HRA invoking the Disciplinary Policy and Procedure, and could potentially result in dismissal for gross misconduct. All Board members and staff are therefore advised to familiarise themselves with their responsibilities under the appropriate organisational documents and related policies, all of which are available on the extranet.
- 9.2 The HRA antifraud, theft and bribery policy quotes The Fraud Act 2006 and states that fraud can be committed by failing to disclose information.

10.0 Board member duties and obligations

- 10.1 The Code of Accountability for the NHS requires all Board members to declare any interests which are relevant and material to the HRA.
- 10.2 The formal register of Board members' interests is held by the HRA Board Secretary and is updated before each public Board meeting. This register is then published as part of the public Board papers prior to the next meeting.
- 10.3 Members will be asked to confirm declarations of interest at each Board meeting and at any time that changes take place. This includes any interests in relation to specific items on a Board agenda. Board members should also declare spouses/partners interests.

11.0 Acceptance of gifts and hospitality

- 11.1 Employees should not accept gifts which are, or may be capable of being, construed as being able to influence a particular decision or cast doubt on the integrity of such decisions.
- 11.2 Gifts which could place an individual in a position of conflict between their private interests and their NHS duties should be politely but firmly declined.
- 11.3 Casual gifts offered by researchers or others should also be politely declined except where they are of low intrinsic value. Staff may accept such gifts of low intrinsic value or small tokens of gratitude (such as diaries or calendars).
- 11.4 Advice should be sought from line managers on the appropriateness of receiving specific gifts.
- 11.5 Hospitality offered, which is reasonable and normal in the circumstances, such as a working lunch or dinner, may be accepted. These instances however should be declared as a gift. For instances where an approach may potentially be misconstrued, such as an overnight stay and dinner at a hotel when asked to present at a conference, advice should be taken from the line manager on whether it can be accepted and the offer should be declared.

- 11.6 Any gifts received or declined should be notified to the Board Secretary using the *HRA Gift Receipt / Refusal Form* (see Appendix 2) within seven days of receipt / refusal, to be placed on the *HRA Gift register*.
- 11.7 The *HRA Gift Register* will be published on the HRA website and updated by the Board Secretary on a regular basis.
- 11.8 In exceptional circumstances, such as a public presentation, where refusal of a gift which is not of low intrinsic value would be difficult, employees must declare the gift on the HRA Gift form within seven days of receipt.
- 11.9 The acceptance or giving of monetary gifts is not acceptable under any circumstances.
- 11.10 All staff should be aware of the Bribery act when considering the acceptance of a gift:
- 11.11 The Bribery Act 2010 clarifies that bribery is offering an incentive to someone to do something which they would not normally do. It sets out four offences:
 - 11.11.1 Section 1 - Offering, promising or giving a bribe to another person to perform a relevant ‘function or activity’ improperly, or to reward a person for the improper performance of such a function or activity (‘Active’ bribery);
 - 11.11.2 Section 2 - Requesting, agreeing to receive or accepting a bribe to perform a function or activity improperly, irrespective of whether the recipient of the bribe requests or receives it directly or through a third party, and irrespective of whether it is for the recipient’s benefit (‘Passive’ bribery);
 - 11.11.3 Section 7 - Failure of a commercial organisation to prevent bribery (the corporate offence). This is a ‘strict liability’* offence and an individual can be found guilty of ‘attempted’ or ‘actual’ bribery on the organisation’s behalf.
 - * Strict liability offences do not require proof of intention or recklessness – in other words, it is not necessary for the prosecution to show that the company intended to make the bribe in bad faith, or that it was negligent as to whether any bribery activity took place
 - 11.11.4 Section 14 – Offering or receiving a bribe or bribing a foreign official.
- 11.12 You could be guilty of committing an offence under the Bribery Act 2010 by accepting a bribe.
- 11.13 Breaching the Act renders staff liable to disciplinary action, loss of employment and pension rights in the NHS, prosecution, fine and possible imprisonment.
- 11.14 This policy requires all staff to take responsibility to ensure they are not placed in a position which risks, or appears to risk, conflict between their private interests and their duty to the HRA.
- 11.15 The table below illustrates scenarios staff members may experience and the appropriate procedure to follow.

Scenario	Procedure to follow
<i>A staff member receives a bouquet</i>	<i>The gift may be accepted on the basis that it may be difficult to</i>

<i>of flowers or a box of chocolates</i>	<i>return and is of low intrinsic value. The gift should be declared and reported to the Board Secretary who will add to the gift register. A recommendation would be for the flowers to be displayed in a public place or the chocolates shared with the wider office.</i>
<i>A staff member receives a bottle of alcohol</i>	<i>The staff member should politely decline the gift as it could be seen as an attempt to gain an interest. The Board Secretary should be informed and the offer will be added to the gift register.</i>
<i>Money or a gift voucher is offered to a member of staff</i>	<i>This should not be accepted under any circumstance. The Board Secretary should be informed and the offer will be added to the gift register.</i>

12.0 Review

12.1 This document will be reviewed on an annual basis.

Appendix 1



Declaration of Interest Form

Name -----
(Please print your name here and sign at the bottom of this page)

Post held -----

Division -----

As an employee of the Health Research Authority (HRA) you are required to declare any financial or pecuniary interest, direct or indirect, in matters that may affect the HRA’s business. You should ensure you have read the HRA Declaration of Interests and Acceptance of Gifts Policy which gives examples and further information on what circumstances may give rise to a conflict of interest.

Please note this also applies to your partner (ie your partner may work for a company that supplies a service to the HRA) and any interest must be declared by yourself.

Please return this form to the HRA Board Secretary and Chief Executive Business Manager (stephen.tebbutt@nhs.net). Any queries, such as what interests require declaring, should be sent to the above email address.

Please state your interest clearly

If there are none, state ‘none’

Please state any indirect conflicts / interests (e.g. family member involvement etc.)

If there are none, state ‘none’

Signed ----- **Date** -----

Appendix 2



Gift Receipt / Refusal Form

Name -----
(Please print your name here and sign at the bottom of this page)

Post held -----

Division -----

Gift -----

Received / Refused
(Please delete as appropriate)

Please forward this form to the HRA Board Secretary and Chief Executive Business Manager (stephen.tebbutt@nhs.net) within seven days of receiving / refusing the gift.

Any other information?

Signed ----- **Date** -----

Document Control

Change Record

Version Status	Date of Change	Reason for Change
0.1 2012.12.14 DRAFT	2012.12.14	New document
0.2 2013.01.18 DRAFT	2013.01.18	Updated with SR comments prior to review by CMG
1.0 2013.04.05 FINAL	2013.04.05	Updated with CMG comments
1.1 2013.05.03 FINAL	2013.05.03	Updated with EMT comments
1.2 2013.05.30 FINAL	2013.05.30	Updated with Audit Committee comments
1.3 2013.06.17 FINAL	2013.06.17	Updated with further comments from Audit Committee meeting
2.0 2014.05.15 DRAFT	2014.05.15	Tracked changes ahead of CMG review
2.1 2014.05.27 FINAL	2014.05.27	Updated with CMG comments
2.2 2014.11.11 DRAFT	2014.11.11	Updated following QMFS internal audit
2.2 2015.01.18	2014.11.11	Approved by new Board

Reviewers

Name	Position	Version Reviewed

Distribution of Approved Version

Name of person or group	Position	Version Released