



Human Fertilisation & Embryology Authority

Registering Staff Interests, Gifts and Hospitality

In this policy:

- ▶ 1 Introduction
- ▶ 2 Scope
- ▶ 3 Responsibility
- ▶ 4 Principles
- ▶ 5 Declaration of Interests
- ▶ 6 Register of Interests
 - Members of Staff
 - Authority Members
- ▶ 7 Involvement in the Preparation or Discussion of Items for Members' Consideration
- ▶ 8 Accepting Gifts and Hospitality
- ▶ 9 Failure to Record Interests, Gifts and Offers of Hospitality

1. Introduction

- 1.1. As a public body, the HFEA is required to demonstrate that it has well defined and transparent arrangements for handling conflicts of interest, whether real or perceived. The aim of this policy is to enable the Authority to demonstrate both to the public at large and others in the Assisted Reproductive Technology (ART) field that its processes and decisions are objective and consistent, and to protect staff from unfair accusations of concealed interests.
- 1.2. All employees of the HFEA should be aware of the Bribery Act 2010. This act creates specific offences of bribing, and being bribed, which apply to any function of a public nature; any activity performed in the course of a person's employment; and any activity performed by or on behalf of a body of persons.
- 1.3. All employees must ensure that they do not solicit or accept any financial or other advantage which results in the improper performance of their duties as an HFEA employee
- 1.4. This policy provides guidelines for the management of the registering of staff interests, and the accepting of gifts, taking into account the terms of the 1990 Human Fertilisation & Embryology Act (as amended) and the guidance to public bodies.

2. Scope

- 2.1. The scope of this policy extends to all HFEA employees, both permanent and fixed term. Authority Members should refer to the Guidance for Members (and Committee Members) Concerning Conflicts of Interest, which was agreed by the Authority on 21st January 2009.
- 2.2. This Register will not be routinely published by the HFEA however, information contained in the register may be disclosed pursuant to any request for disclosure made under the Freedom of Information Act 2000.

3. Responsibility

- 3.1. The HR department is responsible for ensuring that all staff have access to this policy, and for ensuring that managers understand their own role and responsibilities with regard to the registering of staff interests and gifts.
- 3.2. Managers are responsible for ensuring that employees understand their obligations with regard to the registering of staff interests and gifts.

4. Principles

- 4.1. It is acknowledged that in their role as employees of the Authority that individuals may be exposed to a number of potential conflicts of interests.
- 4.2. These can be divided into:
 - Direct pecuniary interest - the most clear cut situation where common law requires that executives with a direct pecuniary interest should not participate in the discussion or determination of matters.
 - Indirect pecuniary interest - again, common law requires that members of staff should consider whether participation in the preparation of items for discussion or discussion of a matter would suggest a real danger of bias. This should be interpreted in the sense that a member of staff might unfairly influence the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, members of staff should assess whether they, a close family member, a person living in the same household as the Authority member, or a firm, business or organisation with which the member of staff is connected are likely to be affected more than the generality of those affected by the decision in question. (A 'close family member' is regarded here as personal partners, parents, children brothers, sisters and personal partners of any of these.)
 - Professional / personal interests - These are more subjective but it is just as important that they are declared. This would include involvement with a charitable trust or professional organisation within ART or related clinical or scientific fields. Professional and personal interests are taken to include those not only of the individual member, but also interests of close family as defined above. It would also be necessary to make a declaration when asked to participate in preparing documents about specific issues for

HFEA members to discuss, if a member of staff has a close personal friend or previous association. This would include possible personal conflicts where the member of staff, his/her partner or a family member or close friend is having (or has received) IVF or other treatment at a clinic under consideration.

- 4.3. If in doubt, individuals are advised to declare the potential interest or at least consult the Chief Executive or relevant Director as soon as they are asked to participate in the preparation of an item for HFEA or sub-Committee consideration. Anyone who is unclear about whether a particular interest, or offer of a gift/hospitality constitutes a conflict of interest, and should therefore be recorded, should discuss this with their line manager or Head of Human Resources in the first instance. The guiding principle is when in doubt, it is better to ask for a record to be made, than not.

5. Declaration of Interests

- 5.1. Staff should declare if they, their partners, family members or a close friend have financial, professional or personal interests in:-

- organisations licensed by the HFEA or other organisations involved in IVF (drug companies, etc);
- Companies or individuals providing services for or bidding for contracts with the HFEA.

- 5.2. These apply equally to interests which lie outside the field of ART.

6. Register of Interests

- 6.1. The HR Department maintains a Register of Staff Interests, recording all members of staff financial and relevant professional interests, as defined above, which could be perceived as having the potential to influence judgement.
- 6.2. The HR Department periodically asks members of staff to update their details of personal and professional interests and will annually e-mail round a form for completion and return (see appendix A). Any additional interests arising during the year should be e-mailed to HR for inclusion in the Register of Interests.
- 6.3. Line Managers will also confirm professional or personal external interests at annual PDP meetings

7. Involvement in the Preparation or Discussion of Items for Members' Consideration

- 7.1. Where a member of staff has an interest to declare on an item for consideration, this should be addressed prior to any work being undertaken. This should be discussed with their line manager.
- 7.2. If an employee has registered an interest and been allowed to continue to work on an issue, the employee should still declare the interest at any meeting where the matter is discussed and mention it in any papers that they write on the issue.
- 7.3. Where there is a declaration of direct or indirect pecuniary interest in an issue before the meeting, the member of staff should not normally participate in the preparation of papers or discussion on that issue and should normally withdraw from the meeting. This is to avoid the perception that the continued presence of someone who had declared an interest might influence the judgement of the others present. It would not normally be necessary where the declared interest is professional or personal.
- 7.4. The HFEA acknowledges that members of staff may be appointed specifically for the expertise they have gained through their membership of or employment by other organisations and, in that case, such interests need not normally debar them for participating in discussions on particular issues. Nevertheless, registration of such issues may be helpful in ensuring transparency and public confidence. Also, given the complexities of the issues facing the HFEA, it may well help the Authority come to a decision to have those members of staff with a declared interest contribute to the discussion.
- 7.5. It will be a matter for the line manager to decide after discussion with the Chief Executive if necessary, whether to ask a member of staff to withdraw from further involvement in the preparation or discussion of the issue.

8. Accepting Gifts and Hospitality

- 8.1. Accepting gifts, hospitality or other benefits from a third party may be perceived as compromising a member of staff's personal judgment or integrity if the gift is given due to the individual's role within the HFEA.
- 8.2. Members of staff must be cautious about accepting any gifts received in the course of their work. All offers of gifts and those received must be entered in the Register held by the HR Department as soon as possible. Any perishable gifts should be shared with colleagues within the office and not taken home.

- 8.3. All other gifts, valued in excess of £20 must be handed to the HR Department. These will then be distributed to or raffled for charity.
- 8.4. Modest hospitality, provided it is normal and reasonable in the circumstances, may be accepted. Normal and reasonable hospitality is defined as lunches/dinners in the course of working visits. Advice must be taken from the relevant Director or Chief Executive before any invitations to attend other social events may be accepted.

9. Failure to Record Interests, Gifts and Offers of Hospitality

- 9.1. Any failure of a staff member to declare interests, (either pecuniary or personal and professional), or gifts, may be seen as a disciplinary offence, and may result in dismissal.

Seven Principles of Public Life as set out by the Nolan Committee

The Committee believes that 'Seven Principles of Public Life' should apply to all in the public service. These are:

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

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8