
Policy for standards of business conduct

For use in:	All areas of WSHT
For use by:	All trust staff
For use for:	Guidance on standards of business conduct
Document owner:	Trust Secretary
Status:	Approved

Purpose of document

To provide guidance to Trust Staff on Standards of Business Conduct.

DO:

- Make sure you understand the Trust policy and guidelines on Standards of Business Conduct, and consult your line manager if you are not sure
- Make sure you are not in a position where your private interests and NHS duties may conflict
- Declare to your employer any relevant interests.

IF IN DOUBT – DECLARE IT!

- Adhere to the ethical code of the Institute of Purchasing and Supply if you are involved in any way with the acquisition of goods and services (Appendix 2)
- Seek the Trust's permission before taking on outside work, if there is any question of it adversely affecting your NHS duties (special rules apply to doctors and dentists)
- Obtain the Trust's permission before accepting any commercial sponsorship.

DO NOT:

- Accept any gifts, inducements or inappropriate hospitality
- Abuse your past or present official position to obtain preferential rates for private deals
- Unfairly advantage one competitor over another or show favouritism in awarding contracts
- Misuse or make available official "commercial in confidence" information.

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1. INTRODUCTION

It is a long-established principle that public sector bodies, which include the NHS, must be impartial and honest in the conduct of their business, and that their employees should be beyond suspicion.

The Bribery Act 2010, which repeals existing legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in position sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, Bribery is defined as "Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges". Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give an advantage to another. To demonstrate that the organisation has sufficient and adequate procedures in place and to demonstrate openness and transparency all staff are required to comply with the requirements of this policy for declaring interests (section 4.3). For a more detailed explanation, please see the Anti Bribery Policy. Should members of staff wish to report any concerns or allegations they should contact the Trust Local Counter Fraud Specialist (Mark Kidd at mark.kidd@nhs.net or 07528 970251) or NHS Counter Fraud Authority (<https://cfa.nhs.uk/reportfraud> or

This policy is based on the Department of Health circular HSG(93)5, 'The Code of Conduct for NHS Managers Directions 2002' and the 'Nolan Principles on Conduct in Public Life'. The guidance replaces all former guidelines.

The guidance is based on the requirements set out in the Trust's Standing Orders and Scheme of Delegation.

2. PRINCIPLES OF CONDUCT IN NHS

2.1 All Staff are expected to:

- Ensure that the interest of patients remains paramount at all times.
- Be impartial and honest in the conduct of their official business.
- Use the public funds entrusted to them to the best advantage of the service always ensuring value for money.

It is also the responsibility of staff to ensure that they do not:-

- Abuse their official position for personal gain or to benefit their family or friends.

- Seek to advantage or further private business or other interests, in the course of their official duties.

Practical guidance to support staff in considering how to implement this guidance is provided in Appendix 1.

2.2 Responsibilities of Directors and Managers

- All Directors and Managers must comply with 'The Code of Conduct for NHS Managers Directions 2002' (see Appendix 3).
- All Directors must comply with the 'Nolan Principles on Conduct in Public Life' (see Appendix 4).
- In addition to the requirements set out in this policy Executive Directors, Non-Executive Directors and senior managers reporting directly to Executive Directors must submit details of their interests annually to the Foundation Trust Office. This includes a null return if applicable.

The requirements set out in this policy will be communicated to staff on a regular basis through policy review and dissemination as well as articles contained in the Trust's Green Sheet which is sent to all staff.

3. SCOPE OF POLICY

3.1 Areas covered by this Policy include:

- Acceptance of casual gifts
- Acceptance of hospitality
- Declaring business interest
- Preferential treatment in private transactions
- Favouritism
- Canvassing of, and recommendations by, Directors in relation to appointments
- Relatives of Directors or Officers
- Outside employment and private practice
- Intellectual property right
- Purchasing and contracting for goods and services
- Commercial sponsorship for attendance at courses, conferences and funding of posts
- "Commercial in-confidence"

3.2 In all these areas the guiding principles are to ensure that the interests of patients are put first, and to seek advice from your Line Manager if you are in any doubt about any particular situation.

- 3.3 Failure by an employee to comply with the requirements set out in this policy may result in action being taken in accordance with the relevant organisational conduct procedure. Such action could include termination of employment (where applicable).

4. IMPLEMENTING THE GUIDING PRINCIPLES

4.1 Casual Gifts

Casual gifts offered by contractors or others, e.g. at Christmas time, may not be in any way connected with the performance of duties so as to constitute an offence under the Bribery Act 2010. Such gifts should generally be politely but firmly declined. Articles of low intrinsic value such as diaries or calendars, or small tokens of gratitude from patients or their relatives, need not necessarily be refused. Where gifts are offered or accepted from another body or organisation this should be reported to your Line Manager (for clarity this does not include gifts from patients or relatives). If any gift is offered or accepted that has an estimated value of more than £50 details must be recorded in the Trust's Gifts and Hospitality Register (for clarity this does include gifts from patients or relatives). Modest gifts accepted under a value of £50 do not need to be declared. 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). Multiple gifts from the same source over a 12-month period should be combined when estimating value and treated accordingly.

The Gifts and Hospitality Register is held by the Foundation Trust Office. **To register a gift email foundationtrust@wsh.uk including a description of gift, estimated value, date received, who it was received by and who it was received from.**

If a gift with an estimated value of more than £50 is declined then this must also be register as described above.

4.2 Gifts from actual or potential suppliers

Gifts connected with procurement and/or service supply should be declined. However, where low cost branded promotional aids are offered these may be accepted where they are under the value of £6 in total. In these circumstances, they need not be declared.

The Gifts and Hospitality Register is held by the Foundation Trust Office. **To register a gift email foundationtrust@wsh.uk including a description of gift, estimated value, date received, who it was received by and who it was received from to.**

4.2 Hospitality

Modest hospitality provided it is normal and reasonable in the circumstances, e.g. lunches in the course of working visits, may be acceptable, though it should be similar to the scale of hospitality which the NHS as an employer would be likely to offer. 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. This can only be accepted, if modest and reasonable. Senior approval must be obtained. Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared prior to acceptance to allow for senior management to consider. Offers which go beyond modest (or are of a type that the Trust itself might not usually offer) need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded. Acceptance of hospitality needs to be registered in the Trust's Gifts and Hospitality Register held by the Foundation Trust Office. **To register hospitality email foundationtrust@wsh.uk a description, estimated value, date received/expected, who it was received by and who it was provide by.**

Staff should decline all other offers of gifts, hospitality or entertainment. If in doubt they should seek advice from their line manager. If hospitality is declined, then this must also be register as described above.

4.3 Declaration of interests

The Trust will need to be aware of all cases where a member of staff, or his or her close relative or associate, has a controlling and/or significant financial interest in a business (including a private company, public sector organisation, other NHS employer and/or voluntary organisation), or in any other activity or pursuit, which may compete for a contract to supply either goods or services to the Trust.

All staff should therefore declare such interests to their manager, either on starting employment or on acquisition of the interest, in order that it may be known to and in no way promoted to the detriment of either the Trust or the patients whom it serves. The interest must also be notified to the Trust Secretary who will maintain a register of such interests.

One particular area of potential conflict of interest which may directly affect patients, is when a member of staff holds a self-beneficial interest in private care homes or hostels. While it is for staff to declare such interests to their manager, the Trust has a responsibility to introduce whatever measures it considers necessary to ensure that its interests and those of patients are adequately safeguarded. Advice on professional conduct issued by the General Medical Council recommends that when a doctor refers a patient to a private care home or hostel in which he or she has an interest, the patients must be informed of that interest before referral is made.

In determining what needs to be declared, Managers and staff will wish to be guided by the principles set out in section 2 above; also the more detailed guidance to staff contained in Appendix 1.

The Register of Interests is held by the Foundation Trust Office. **To register an interest email foundationtrust@wsh.uk including a description of interest and date acquired.**

4.4 Preferential treatment in private transactions

Staff must not seek or accept preferential rates or benefits in kind for private transactions carried out with companies with which they have had, or may have, official dealings on behalf of the Trust. (This does not apply to concessionary agreements negotiated with companies by NHS management, or by recognised staff interests, on behalf of all staff – for example, NHS staff benefit schemes).

4.5 Contracts

Staff who are in contact with suppliers and contractors (including external consultants), and in particular those who are authorised to sign purchase orders, or place contracts for goods, materials or services, are expected to adhere to professional standards of the kind set out in the Ethical Code of the Institute of Purchasing and Supply (IPS), reproduced at Appendix 2.

4.6 Favouritism

Fair and open competition between prospective contractors or suppliers for Trust contracts is a requirement of Trust Standing Orders and of EC Directives on Public Purchasing for Works and Supplies. This means that:

- No private, public or voluntary organisation or company which may bid for Trust business should be given any advantage over its competitors, such as advance notice of Trust requirements. This applies to all potential contractors, whether or not there is a relationship between them and the Trust, such as long-running series of previous contracts.
- Each new contract should be awarded solely on merit, taking into account the requirements of the Trust and the ability of the contractors to fulfil them.

The Trust will ensure that no special favour is shown to current or former employees or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity. Contracts may be awarded to such businesses where they are won in fair competition against other tenders, but scrupulous care must be taken to ensure that the selection process is conducted impartially, and that staff that are known to have a relevant interest play no part in the selection.

4.7 Canvassing of, and recommendations by, Directors in relation to appointments

Canvassing of Directors of the Trust or members of any sub-committee of the Trust directly or indirectly for any appointment under the Trust shall disqualify the candidate for such appointment. The contents of this paragraph shall be included in application forms or otherwise brought to the attention of candidates.

A Director of the Trust shall not solicit for any person any appointment under the Trust or recommend any person for such appointment: but this paragraph of this Policy shall not preclude a Director from giving written testimonial of a candidate's ability, experience or character for submission to the Trust

Informal discussions outside appointments panels or committees, whether solicited or unsolicited, should be declared to the panel or committee.

4.8 Relatives of Directors or Officers

Candidates for any staff appointment shall when making application disclose in writing whether they are related to any Director or the holder of any office under the Trust. Officers are reminded that failure to disclose such a relationship shall be considered to be a breach of the organisation Conduct Policy and staff that are found to have done so could face disciplinary action.

The Directors and every officer of the Trust shall disclose to the Chief Executive any relationship with a candidate of whose candidature that Director or officer is aware. It shall be the duty of the Chief Executive to report to the Trust Board any such disclosure.

On appointment, Directors (and prior to acceptance of an appointment in the case of Executive Directors) should disclose to the Trust whether they are related to any other Director or holder of any office under the Trust.

Where the relationship of an officer or another Director to a Director of the Trust is disclosed, the Standing Order headed 'Exclusion of Chairman and Directors in Proceedings on Account of Pecuniary Interest' (SO7.3) shall apply.

4.9 Outside employment

Staff are advised not to engage in outside employment which may conflict with their Trust work, or be detrimental to it. Staff must immediately inform their Line Manager and record their potential conflict in the Register of Interests (see section 4.3) if they think they may be risking a conflict of interest in this area, the Trust will be responsible for judging whether the interest of patients or the organisation could be harmed, in line with the principles in section 2 above. This requirement forms part of staff terms and conditions of employment.

If clinical staff are approached by any other organisation, or are considering becoming self-employed in any form of 'chambers', the arrangements must be discussed with the appropriate Clinical Director or General Manager. In general such arrangements will not be sanctioned if they are in direct conflict with the Trust's core policies, business activity and decisions. If there is no direct conflict with the Trust's business aims, or indeed it will provide the Trust with additional income such arrangements will usually be authorised and recorded in the individual's job plan or job description. Each request will be dealt with on its individual merits. A final decision will be made by the Chief Executive on advice from the Clinical Director or General Manager, Chief Operating Officer and Medical Director.

At any point the individual or Clinical Director/General Manager may seek advice from the Director of Human Resources or Trust Secretary.

Specific attention is drawn to the requirements set out in section 4.14 in handling commercially confidential information in all of these matters.

4.10 Private practice

Consultants shall comply with Schedule 9 under Terms and Conditions – England 2003 and ‘A Code of Conduct for Private Practice – Recommended Standards of Practice for NHS Consultants’ (Appendix 5)

Other grades may undertake private practice or work for outside agencies, providing they do not do so within the time they are contracted to the NHS, and they observe the conditions in section 4.9 above. Hospital doctors and dentists in training should not undertake locum work outside their contracts where such work would be in breach of their contracted hours.

4.11 Intellectual Property Rights

The Trust’s Intellectual Property policy promotes the use of research results and other knowledge generated within the Trust to benefit a wider community, and if possible to obtain a commercial benefit to the Trust in doing so.

4.12 Contracting for Goods and Services

All staff in contact with suppliers and contractors, who sign (manually or electronically) purchase orders or place contracts for goods and services will adhere to the Trust’s Standing Financial Instructions (SFIs) and to standards of conduct of the kind detailed in the attached Ethical Code of the Institute of Purchasing and Supply (Appendix 2).

In addition such staff will conform with the Trust Standing Orders and EC Directives on Public Purchasing for Works and Supplies. These require that no advantage should be given to any potential contractors nor any special favour to employees, current or former, their close relatives or associates when contracts are awarded to companies run by them or employing them in a senior capacity. Impartiality and fair competition must be paramount at all times.

Potential contractors will be warned of the consequences of any corrupt practices involving NHS employees.

4.13 Commercial sponsorship for attendance at courses, conferences and funding of posts

Offers of commercial sponsorship must not compromise purchasing decisions in any way. If you are in doubt seek advice from your line manager.

Under no circumstances should staff agree to “linked deals” whereby sponsorship is linked to the purchase of particular products or to supply from particular sources.

4.14 “Commercial in-confidence”

Staff should be particularly careful of using, or making public, internal information of a “commercial in confidence” nature, especially where the principles of fair competition may be prejudiced.

5. DOCUMENT CONFIGURATION INFORMATION

Author(s):	Trust Secretary
Other contributors:	Mark Kidd, Liana Nicholson, Debbie Stevenson and Pooja Sharma
Approvals and endorsements:	Senior Leadership Team
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Supersedes:	PP(29)054
Equality Assessed	Yes
Implementation	<p>This document will be widely circulated within the Trust, including all heads of department and Ward Managers and will be made availability on the Trust’s Intranet and Internet sites. Relevant changes will be brought to the attention of staff during circulation.</p> <p>The requirements set out in this policy will be communicated to staff on a regular basis through policy review and dissemination as well as articles contained in the Trust’s Green Sheet which is sent to all staff.</p>
Monitoring: (give brief details how this will be done)	This policy will be monitored and reviewed on an annual basis by the Trust Secretary and reported to the Corporate Risk Committee.
Other relevant policies/documents & references:	Trust Standing Orders and Schemes of Delegation, Fraud and Financial Irregularities Policy PP173, Anti Bribery Policy, and Financial Redress Policy Department of Health circular HSG(93)5 Bribery Act 2010 The Code of Conduct for NHS Managers Directions 2002 Nolan Principles on Conduct in Public Life
Additional Information:	

**SUMMARY OF GUIDANCE FOR STAFF ON THE STANDARDS OF
BUSINESS CONDUCT**

DO:

- Make sure you understand the Trust Policy and Guidelines on Standards of Business Conduct, and consult your line manager if you are not sure.
- Make sure you are not in a position where your private interests and NHS duties may conflict.
- Declare to your employer any relevant interests.

IF IN DOUBT – DECLARE IT!

- Adhere to the ethical code of the Institute of Purchasing and Supply if you are involved in any way with the acquisition of goods and services (Appendix 2).
- Seek the Trust's permission before taking on outside work, if there is any question of it adversely affecting your NHS duties (Special rules apply to doctors and dentists).
- Obtain the Trust's permission before accepting any commercial sponsorship.

DO NOT:

- Accept any gifts, inducements or inappropriate hospitality.
- Abuse your past or present official position to obtain preferential rates for private deals.
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- Misuse or make available official "commercial in confidence" information.

INSITUTE OF PURCHASING AND SUPPLY – ETHICAL CODE

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INTRODUCTION

1. The code set out below was approved by the Institute's Council on 16th October 1999 and is binding on CIPS members.

PRECEPTS

2. Members shall always seek to uphold and enhance the standing of the Purchasing and Supply profession and will always act professionally and selflessly by:
 - a. Maintaining the highest possible standard of integrity in all their business relationships both inside and out the organisations in which they are employed.
 - b. Fostering the highest possible standards of profession competence amongst those for whom they are responsible.
 - c. Optimising the use of resources which they influence and for which they are responsible to provide the maximum benefit to their employing organisation.
 - d. Complying both with the letter and the spirit of:
 - (i) The law of the country in which they practise.
 - (ii) Institute guidance on professional practice.
 - (iii) Contractual obligations.
 - e. Rejecting any business practice which might reasonably be deemed improper and never using their authority for personal gain.
 - f. Enhancing the proficiency and stature of the profession by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour.

GUIDANCE

3. In applying these precepts, members should follow the guidance set out below:
 - a. **Declaration of interest.** Any personal interest which may affect or be seen by others to impinge on a member's impartiality in any matter relevant to his or her duties should be declared.
 - b. **Confidentiality and accuracy of information.** The confidentiality of information received in the course of duty should be respected and should never be used for personal gain. Information given in the course of duty should be honest and clear.
 - c. **Competition.** The nature and lengths of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements which might in the long term prevent the effective operations of fair competition should be avoided.
 - d. **Business Gifts.** Business gifts other than items of very small intrinsic value such as business diaries or calendars should not be accepted.
 - e. **Hospitality.** The recipient should not allow him or herself to be influenced or be perceived by others to have been influenced in making a business decision as a consequence of accepting hospitality. The frequency and scale of hospitality accepted should be managed openly and with care and should not be greater than the employer is able to reciprocate.
 - f. **Advice.** When it is not easy to decide between what is and is not acceptable, advice should be sought from the employees supervisor, another senior colleague of the Institute as appropriate.

http://www.nhsemployers.org/~media/Employers/Documents/Recruit/Code_of_conduct_for_NHS_managers_2002.pdf

Or please double-click on the below file.

A large blue circular graphic with a white border, containing the text 'Code of Conduct for NHS Managers'.

Code of Conduct
for
NHS Managers

October 2002

Appendix 4

THE NOLAN COMMITTEE REPORT ON STANDARDS IN PUBLIC LIFE

The Seven Principles of Public Life:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material 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 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.

Appendix 5: Code of conduct for private practice

http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/DH_085195.pdf

Or please double-click on the file below.



A Code of Conduct for Private Practice

Recommended Standards of Practice
for NHS Consultants

January 2004

Appendix 6: Managing Conflicts of interests in the NHS

<https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

Or please double-click on the file below.



Managing Conflicts of Interest in the NHS

Guidance for staff and organisations

Publications Gateway Reference: 06419

