

PERSONNEL ISSUES

STANDARDS OF BUSINESS CONDUCT

POLICY NO: 26

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STANDARDS OF BUSINESS FOR STAFF EMPLOYED IN SOUTH DEVON HEALTHCARE NHS TRUST

1. INTRODUCTION

The Health Service Guidelines HSG(93)5 set out the standards of business conduct for NHS staff. Trusts are required to implement a local 'Conflict of Interests Policy' to assist staff in maintaining strict ethical standards.

This guide summarises Appendix B of the Trust's Standing Orders. The latter remains the definitive guidance regarding standards of business conduct. If employees require further guidance they should read Appendix B, (available through the Finance Directorate web pages). If they have any doubt about how to proceed, they should refer the matter to the Treasury Manager.

2. LEGAL FRAMEWORK

Under the Prevention of Corruption Acts 1906 and 1916, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:

- Doing, or refraining from doing, anything in their official capacity; or
- Showing favour or disfavour to any person in their official capacity

Under the 1916 Act, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary. Staff should be aware that breach of the provisions of these Acts would render them liable to prosecution and could lead to loss of employment and superannuation rights in the NHS.

3. GENERAL PRINCIPLES

See Short Guide for Staff Appendix 1.

NHS staff are expected to:

- Ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties
- Ensure that the interest of patients remains paramount at all times
- Be impartial and honest in all their work
- Use the public funds entrusted to them to the best advantage of the service always ensuring value for money.

Staff must 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.

4. IMPLEMENTING THE PRINCIPLES

The following are examples of how the policy should be implemented in areas that Trust staff are regularly involved. A more comprehensive list is available in Appendix B of the Trust's Standing Orders.

i) Casual Gifts

Gifts offered by contractors or others should in general be politely but firmly declined. Articles of low intrinsic value (less than £25) such as diaries, calendars or small tokens of gratitude from patients or their relatives, need not necessarily be refused. In case of doubt, staff should seek advice from their line manager. Any gift over £25 in value, or gifts in total exceeding £100 in a 12 month period from the same source must be declared for inclusion in the Hospitality Register.

ii) Hospitality

Modest hospitality is acceptable in the course of normal business relations. It should not, however, exceed that which staff would normally adopt when paying for themselves, or that which could be provided by the Trust. Such hospitality should be declared for inclusion in the Hospitality Register.

iii) Declaration of Interest

Any potential conflict of interest between NHS duties and private gain must be declared either on commencing employment or when the interest commences. This includes involvement in any business or other activity which may compete for an NHS contract. Staff should ask themselves the following points:

- Could I, my family or friends, benefit from the connection between my private interest and employment?
- Do I have access to information which could influence purchasing decisions?
- Could my outside interest be detrimental to the NHS or to patients' interests?
- Do I have any other reason to think I may be risking a conflict of interest?

If staff are unsure, they should declare

iv) Commercial Sponsorship

Acceptance of commercial sponsorship for Courses and Conferences is acceptable where staff seek permission in advance. Staff and the Trust should be satisfied that this will not compromise purchasing decisions in any way and must be declared for inclusion in the Hospitality Register. Commercial Sponsorship for in-house conferences or courses and for printing and publication of patient information should also be declared.

v) Preferential Treatment in Private Transactions

Staff should 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 (except where schemes are introduced for the benefit of all staff).

vi) Outside Employment

Staff are advised not to engage in outside employment which may conflict with, or be detrimental to their NHS work. If they think a conflict of interest is possible, this should be discussed with their manager. Any outside employment should be done in the staff members' own time.

5. REGISTERS OF DECLARATIONS OF CONFLICTS OF INTEREST AND HOSPITALITY/COMMERCIAL SPONSORSHIP

Declarations of Conflicts of Interest will be made to the Chief Executive by the appropriate form (Appendix 2) and maintained on 'Declarations of Interests Register'.

Declarations of gifts, hospitality and commercial sponsorship should be made using the appropriate form (Appendix 3) and submitted by post or e-mail to the Director of Finance who will maintain 'Hospitality/Commercial Sponsorship Register'.

6. TRAINING

This document will be provided to all staff at commencement of employment. Staff will receive an annual reminder by e-mail of the main points of the policy.

7. CHECKLIST FOR MANAGERS

All Managers must ensure they are conversant with this policy and use the Checklist provided at Appendix 4.

SHORT GUIDE FOR STAFF

Do:

- Make sure you understand the guidelines on standards of business conduct, and consult your line managers 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, ask yourself;
 - > am I, or might I be, in a position where I (or my family/friends) could gain from the connection between my private interests and my employment?
 - > do I have access to information which could influence purchasing decisions?
 - > could my outside interest be in any way detrimental to the NHS or to patients' interests?
 - > do I have any other reason to think I may be risking a conflict of interest?

If still unsure – Declare it!

- Adhere to the ethical code on the Institute of Purchasing and Supply if you are involved in any way with the acquisition of goods and services;
- Seek your employer's permission before taking on outside work, if there is any question of it adversely affecting your NHS duties (Special guidance applies to doctors);
- Obtain your employer's permission before accepting any commercial sponsorship;
- Discuss the matter with your Line Manager and the Treasury Manager.

Do not:

- Accept any gifts, inducements or inappropriate hospitality;
- Abuse your past or present official position to obtain preferential rates for private deals;



TO: Chief Executive

FROM: (Name in Capitals)
Job Title:
Work Address:

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DECLARATION OF INTERESTS

I confirm that I have read the letter to staff relating to the above and make the following declarations of interests:-
(Please complete the relevant sections)

A. Declaration of Interest
(i) Type of Business
(ii) Extent of Interest

B. Potential Conflict of Interest (see over)
I declare in good faith the following employment which I believe may constitute a potential conflict of interest.

SIGNED: DATE:

For Office Use Only

TO: FROM:

Comments/Conditions

SIGNED: DATE:

TITLE:

A DELIBERATE FAILURE TO DISCLOSE ANY INTEREST OR EMPLOYMENT KNOWING IT TO BE A SERIOUS CONFLICT OF INTEREST MAY BE REGARDED AS A DISCIPLINARY OFFENCE

STANDARDS OF BUSINESS CONDUCT FOR NHS STAFF

PROTOCOL FOR REVIEWING DECLARATIONS OF INTEREST

1. Forms will be submitted to the Chief Executive.
2. If, in the view of the Chief Executive, there is any matter which has the potential of a conflict of interest the Chief Executive will seek the views of the relevant Director/Divisional General Manager/ or Head of Department.
3. If, as a result of these discussions, there continue to be concerns these will be discussed by the Chief Executive, the relevant Manager, and the member of staff concerned, with a view to ensuring that arrangements are put in hand which avoid the possibility of the member of staff being compromised at any future point.
4. Agreement will not unreasonably be withheld, however, in the event of any disagreement, the matter will be referred to the Director of Human Resources for further opinion.
5. The Chief Executive will be responsible, in the light of advice from this process, for the final decision.
6. Any subsequent appeal process will be through the normal grievance channels.

GUIDELINES

Outside Employment

If you are undertaking any outside employment which is not contracted through your employing Organisation it should be disclosed in section B overleaf. Please explain fully the type of employment, and state whether it is paid/unpaid.

Private Practice

Please provide a full description of the private activity to be undertaken in section B overleaf.

Potential Conflict of Interest

Please consider whether there might be any circumstances in relation to your outside employment and/or private practice when you may be put in a position of having conflicting interests with the Trust and, if so, detail this in Section B.

IHB/BW

August 2006

APPLICATION FOR ACCEPTANCE OF GIFTS, HOSPITALITY, SPONSORSHIP

SECTION A (To be completed by employee)

NAME:

JOB TITLE:

ADDRESS:

.....

TELEPHONE NUMBER: **E-MAIL ADDRESS:**

I wish to seek authorisation for the acceptance of:

Gifts

Hospitality

Sponsorship

Please provide full details, including costs, of the gifts/hospitality/sponsorship.

Signature: Date:

**When completed this form should be sent to: Joe Teape, Director of Finance,
Hengrave House, Torbay Hospital**

SECTION B (To be completed by Director of Finance)

The above named has been granted/refused authorisation for the acceptance of gifts/hospitality/
sponsorship (please delete as appropriate)

Signature: Date:

Name: Job Title:

Copy: Employee's Personal File
Director of Finance

ACTION CHECKLIST FOR NHS MANAGERS

Managers must:

- Ensure that all staff are aware of this guidance;
- Develop a local policy and implement it;
- Show no favouritism in awarding contracts (e.g to businesses run by employees, ex-employees or their friends or relatives);
- Include a warning against corruption in all invitations to tender;
- Consider requests from staff for permission to undertake additional outside employment;
- Apply the terms of PM(79)11 concerning doctors' engagements in private practice;
- Receive rewards or royalties in respect of work carried out by employees in the course of their NHS work, and ensure that such employees receive due rewards;
- Similarly ensure receipt of rewards for collaborative work with manufacturers, and pass on to participating employees;
- Ensure that acceptance of commercial sponsorship will not influence or jeopardise purchasing decisions;
- Refuse "linked deals" whereby sponsorship of staff posts is linked to the purchase of particular products or supply from particular sources;
- Avoid excessive secrecy and abuse of the term "commercial in confidence".

IHB/GG/BW – August 2006

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