

West Hertfordshire Hospitals

NHS Trust

Agenda Item 48/11

STANDARDS OF BUSINESS CONDUCT

A guide for NHS Staff

Author's name	David McNeil
Author's job title	Director of Corporate Affairs
Division	Corporate
Department	Corporate
Version number	V2
Ratifying Committee (not the various approving bodies)	Main Board
Ratified date	31 March 2011
Review date	January 2014
Name of manager responsible for review	David McNeil
Job title of manager responsible for review	Director of Corporate Affairs
Email address for this manager	david.mcneil@whht.nhs.uk
Source of evidence (if applicable)	N/A
Level of evidence indicated	N/A
Referenced (Yes/No)	No
Key words (to aid searching)	Business Conduct Gifts & Hospitality
User Group	All Staff

The Trust is committed to promoting an environment that values diversity. All staff are responsible for ensuring that all patients and their carers are treated equally and fairly and not discriminated against on the grounds of race, sex, disability, religion, age, sexual orientation or any other unjustifiable reason in the application of this policy, and recognising the need to work in partnership with and seek guidance from other agencies and services to ensure that special needs are met.

West Hertfordshire Hospitals

NHS Trust

Change History

Version	Date	Author	Reason	Ratification Required?
2	18 February 2011	David McNeil	Update due to Bribery Act 2011	Yes

STANDARDS OF BUSINESS CONDUCT

1. Introduction

Circular HSG(93)5 issued in 1993, set out the standards of business conduct expected of NHS Staff. The circular still applies as there have been a number of other staff and organisational changes since that date, the arrangements for ensuring these standards are known and upheld by all staff have been reviewed. A copy of the circular is available from Director of Corporate Affairs

The responsibilities placed upon each employee are as follows.

2. Guiding principle in the conduct of public business

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 remain beyond suspicion. It is also an offence under the Prevention of Corruption Acts 1906 and 1916 for an employee corruptly to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or corruptly showing favour, or disfavour, in the handling of contracts.

You will need to be aware that a breach of the provisions of these Acts renders you liable to prosecution and may also lead to loss of employment and superannuation rights in the NHS.

The use and management of public funds entrusted to you must be such as to be for the best advantage of West Hertfordshire Hospitals NHS Trust ("the Trust") and be shown to represent best value for money.

3. The Bribery Act

The Bribery Act 2010, which repeals all existing corruption legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place 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 the this Policy. 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 their Local Counter Fraud Specialist.

In accordance with this Policy, staff should declare anything seen as a 'gift' or 'hospitality'.

4. You are required to do the following:

a) Make sure you understand the guidelines on standards of business conduct as set out in this document. Discuss the situation with your Line manager if you are not clear.

b) Ensure you are not placed in a position which risks, or might appear to others to risk, conflict between your private interests and NHS duties. This primary responsibility applies to all NHS staff, but those of you who commit NHS resources directly (e.g. by the ordering of goods or services) must take special care to ensure you understand and apply the requirements as set out in this document.

Examples of situations to be avoided are:

- authorising the discharge of a patient into a nursing home in which you, your family, friend or business acquaintance has a financial interest.
- purchasing, or authorising or persuading another Trust employee to purchase or authorise the purchase of, goods or services from an organisation in which you, your family, friends or business acquaintances have a financial interest.

c) Declare to your manager any relevant financial interests on the form at Annex 2 of this document. **'Nil returns' are required if you have no financial interests to declare.**

The form should be completed either on starting employment or on acquisition of the interest, in order that it may be known to your manager and in no way promoted to the detriment of the Trust. 'Financial interests' include 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 might reasonably become involved in the supply of goods or services to the Trust.

d) If your responsibility extends to signing Purchase Orders or placing contracts for goods or services you 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 Annex 1.

e) If in doubt whether you have a financial interest which should be declared ask yourself:

- Am I, or might I be, in a position where I (or my family/friends/associates) could gain from the connection between my private interests and my employment?
- Do I have access to information that could influence purchasing decisions?
- Could my outside interest be in any way detrimental to the NHS or to the interests of patients or the public?

- Do I have any other reason to think I may be risking a conflict of interest?
- f) You should also:
- Seek your manager's written permission before taking on outside work, if there is any possibility of it adversely affecting your NHS duties or becoming a conflict of interest.
 - Obtain your manager's permission before accepting any commercial sponsorship. (see also last paragraph on page 3)
- g) Notify the Director of Corporate Affairs of any changes to your financial interests as they may occur. A new declaration form should be requested if necessary.
- h) Note that if a conflict of interest is apparent in your work you must ensure that your manager is aware. The Director of Corporate Affairs, together with your Director, will decide what action is required to resolve the position.

5. You should not:

- a) Accept any gifts, inducements or inappropriate hospitality (articles of low intrinsic value such as diaries or calendars, often offered by contractors at Christmas, need not necessarily be refused). (Lunches in the course of working visits may be acceptable if they are similar to the scale of hospitality which the NHS as an employer would offer). This includes any offers by outside companies to sponsor or part sponsor educational visits, invitations to speak at conferences or address meetings – these must all be declared.
- b) Abuse your past or present official position to obtain preferential rates for personal gain or to benefit family friends or associates. (Agreements negotiated with companies on a national basis by the NHS and notified in the NHS Club News magazine are exempt from this rule).
- c) Unfairly advantage one competitor over another or show favouritism in awarding work or contracts.
- d) Misuse or make available official "commercial in confidence" information to persons or organisations not reasonably needing access, particularly if its disclosure would prejudice the principle of a purchasing system for the Trust based on fair competition.
- e) Enter into the commercial sponsorship of posts, events or other services unless it is made abundantly clear in writing to the company concerned that the sponsorship will have no effect on purchasing decisions of the Trust. The decision whether to accept such sponsorship must be taken by the Board, recorded, and subsequently recorded in the hospitality register maintained by the Director of Corporate Affairs.

The Director of Finance will be responsible for implementing monitoring arrangements to ensure that purchasing decisions are not, in fact, being influenced by the sponsorship agreement.

Under no circumstances can a 'linked deal' be agreed whereby sponsorship is linked to the purchase of particular products, or to supply from a particular source.

David McNeil
Board Secretary

ANNEX 1

Institute of Purchasing and Supply - Ethical Code

(Reproduced by kind permission of IPS)

Introduction

1. The code set out below was approved by the Institute's Council on 26 February 1977 and is binding on IPS members.

Precepts

2. Members shall never use their authority or office for personal gain and shall seek to uphold and enhance the standing of the Purchasing and Supply profession and the Institute by:

a. maintaining an unimpeachable standard of integrity in all their business relationships both inside and outside the organisations in which they are employed;

b. fostering the highest possible standards of professional competence amongst those for whom they are responsible;

c. optimising the use of resources 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. such guidance on professional practice as may be issued by the Institute from time to time;

iii. contractual obligations;

e. rejecting any business practice which might reasonably be deemed improper.

Guidance

3. In applying these precepts, members should follow the guidance set out below:

a. *Declaration of interest.* Any personal interest that may impinge or might reasonably be deemed 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 true and fair and never designed to mislead.

c. *Competition.* Whilst bearing in mind the advantages to the member's employing organisation of maintaining a continuing relationship with a supplier, any relationship which might, in the long term, prevent the effective operation of fair competition, should be avoided.

d. *Business Gifts.* Business gifts other than items of very small intrinsic value such as diaries or calendars should not be accepted.

e. *Hospitality.* Modest hospitality is an accepted courtesy of a business relationship. However, the recipient should not allow him or herself to reach a position whereby he or she 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 the recipient's employer would be likely to provide in return.

f. When it is not easy to decide between what is and is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the member's superior.

Annex 2

Declaration of Interests

I have read the document, "Standards of Business Conduct for NHS Staff - a guide for employees", and confirm that

1). I, my family, friends or associates **do not** at the present date have: either a controlling and/or significant interest in a business ((including a private company, public sector organisation, other NHS employer and/or voluntary organisation) **or** a business relationship (remunerated or otherwise) or other activity or pursuit in an organisation which could become involved in the supply of goods or services to the Trust .

Please tick here if this statement applies to you

☐

(If circumstances change and I do have a declarable interest I understand it is my responsibility to complete another declaration of interest form).

2). I **do have** an interest to declare as set out below. I agree to notify the Authority of any changes to the interest declared below, by completing another declaration of interest form.

Please tick here if this statement applies to you

☐

Declaration:

a) I, my family, my friend(s) and/or associate(s) have an interest in the following company/organisation;

Name:

.....
.....

Address:

.....
.....
.....
.....

b) Please explain why you think you have an interest to declare. (eg - my spouse/partner is employed by the above mentioned company/organisation. Refer to the employee's guide, page 2 paragraph 3(e) for further clarification).

The interest in the above Company/Organisation is:

.....

c) What position does the person who has the interest in the above company/organisation hold ?

(Director, Partner, Shareholder or Employee):

.....

d) When did this person(s) interest in the above company/organisation begin?

Date:.....

e) As an employee of the Trust do you receive, directly/indirectly from the company/organisation you've mentioned:-

a) Remuneration	Yes	No	Please tick as appropriate
b) Hospitality	Yes	No	Please tick as appropriate
c) Expenses	Yes	No	Please tick as appropriate
d) Other *	Yes	No	Please tick as appropriate

***Please specify**

.....

f) Please complete the following section in block capitals.

Your name:

.....

WHHT Job Title:

.....

Division/Directorate:

.....

Signed:.....

Date:.....

Please ensure that you return this form to the Director of Corporate Affairs

Thank You