

Northampton General Hospital

NHS Trust

STANDARDS OF BUSINESS CONDUCT FOR TRUST STAFF

1. Introduction

The Trust believes it is the responsibility of all staff 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. This policy is based on the Department of Health Circular HSG (93)5 and should be read in conjunction with the Trust's Standing Orders, which take precedence over this document, and Standing Financial Instructions. A copy of HSG(93)5 is available from the Human Resources Department.

The aim of this guidance is to protect staff from being placed in a position where work may conflict with external business and removed any possible allegation of favouritism.

2. Scope

This policy applies to **all** employees and officers of the Trust, including permanent, temporary and bank staff, and also the self-employed, contractors and agency staff working within the Trust. The areas covered by this policy include:

- acceptance of hospitality
- acceptance of casual gifts
- declaring business interests
- outside employment and private practice
- intellectual property rights
- purchasing and contracting for goods and services

The Trust expects all staff to:

- ensure that the interests 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

The Trusts expects all staff not to:

- abuse their official position for personal gain, or to their benefit and that of their family and friends
- seek to further their private business interests in the course of their official duties

3. Public Sector Values

The Trust endorses the Public Sector Values included in the report from the Corporate Governance Task force:

- Accountability

Means that everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

- **Probity**
Means that there should be an absolute standard of honesty in dealing with the assets of the NHS. Integrity should be the hallmark of all personal conduct in decisions affecting patients, staff and suppliers, and in the use of information acquired in the course of NHS duties
- **Openness**
Means that there should be sufficient transparency about NHS activities to promote confidence between the Trust and its staff, its patients and the public.

4. **Acceptance of Gifts and Hospitality**

If in any doubt – staff must ask their manager. In general, whilst articles of low monetary value, such as calendars and diaries, may be accepted, the offer of gifts from contractors or others should be politely and firmly declined. It should be explained to the person that the receipt of gifts is not permissible under the contract of employment.

NB Small gifts, subject to declaration to and approval by the Chief Executive, may be accepted. Breach of these guidelines may render individuals liable to prosecution and/or loss of employment and superannuation rights in the NHS.

Modest hospitality, provided it is normal and reasonable in the circumstances, may be acceptable (e.g. lunches in the course of working visits), though it should be similar to the scale of hospitality which the Trust, as an employer, would also be likely to offer. Staff should normally decline all other offers of gifts, hospitality, entertainment, or consideration of any kind. Subject to the provisions of paragraph 5 below, whenever a member of staff is offered, or accepts, a gift or hospitality from **any person in their official capacity**, this must be reported to the relevant Director who will, in turn, advise the Director of Finance. The Chief Executive will **retain** details of offers made, gifts and hospitality received and hospitality provided by Trust employees. **The Register of Interests and Declaration of Business Interests will be held by the Head of Corporate Affairs.**

Alternatively, prior to the event, if it is possible, anticipated, expected or known that hospitality (which may include gifts or entertainment) is of a higher scale than the Trust, as an employer, would be likely to offer, the staff member or staff members who would receive such hospitality must inform an appropriate manager **in writing** of a possible conflict of interests. The onus is upon the staff member or staff members who receive an invitation for hospitality to ascertain the purpose and scale of such hospitality. This will then be reported to the relevant Director who, following advice from the Director of Finance, will decide upon the appropriateness for receipt of such hospitality under the circumstances described. The staff member or staff members will then be informed of the decision.

5. **Acceptance of Gifts from Patients and Relatives**

Patients or relatives who wish to make a donation should be encouraged in the first instance to make such a gift to the charitable funds of the Trust. However, there are times when patients or relatives

wish to give some token of their gratitude to staff, which may be difficult to refuse or may even cause offence. The key principles to follow should be:

- gifts of cash or vouchers (of any value) must always be declined
- gifts to the value of £10 or less can be accepted
- gifts that have a value of more than £10 should be declined tactfully, but firmly.
- All gifts must be declared

It is recognised that in some circumstances gifts may be left in spite of the refusal to accept them, in which case, the member of staff must report receipt of the gift to his/her line manager.

6. Wills

In the event that a member of staff is **made aware of the fact** that a patient or client intends to include in their will a bequest to them, of money or property, the member of staff should discourage such action. The issue should be raised through his/her line manager and in turn, to the relevant Director.

7. Declaring Business Interests

All staff will be required to complete a declaration of interests form on starting employment (see Appendix 2) and will be required to make a declaration if subsequently a conflict of interest arises. The Trust is required to be aware of all cases where members of staff, or someone closely associated to them have a financial interest. This applies whether directly or indirectly in any business, voluntary or charitable body, or any other activities, which may compete for a contract to supply goods or services to the Trust.

A register of interests will be maintained to record formally declarations of interest, including relevant and material interests. This shall be reviewed annually.

An example would be where a member of staff is responsible for the discharge of patients to a private nursing home in which he/she or their immediate family has an interest. The appropriate course of action for the member of staff is to withdraw completely from any further involvement in the issue. The reason for the withdrawal must be declared to the line manager.

8. Private Practice

There are special conditions relating to Hospital Medical and Dental Staff as specified in the relevant terms and conditions and national circulars.

Other members of staff who also have a private practice or assist in a private practice **must declare their business interests.**

9. Outside Employment

Members of staff should not engage in outside employment that may conflict with their Trust employment or be detrimental to it. If in doubt, staff should seek advice from their line manager. Staff should seek the permission of their line manager or relevant Director before taking on work outside of the Trust. Permission from the appropriate manager should be obtained before accepting any consultancy work or lecturing at seminars/conferences where a fee is paid.

10. Private Use of Equipment and Materials

Members of staff must obtain permission from their line manager prior to any private usage of Trust equipment and materials. This will also include Trust vehicles, computers, telephones and photocopying facilities.

11. Preferential Treatment in Private Transactions

Members of staff should not seek or accept preferential rates or benefits in kind for private transactions with companies with which the Trust has official dealings, which are outside of any negotiated local staff discount scheme.

12. Intellectual Property Rights

Staff should refer to the Trust guidelines on Intellectual Property Rights.

13. Contracting for Goods and Services

All staff who sign purchase orders or place contracts for goods and services are expected to adhere to standards of conduct detailed in the Ethical Code of the Institute of Purchasing and Supply. **All contracts should be won by fair competition and no special favour will be shown to current or former employees or their close relatives or associates in awarding contracts.**

In addition, such staff are expected to conform to all NHS and Trust Standing Orders and Standing Financial Instructions and any EC Directives on Public Purchasing for Works and Supplies. Please refer to your manager for advice and details.

14. Inspection of Equipment

When it is considered necessary for staff to inspect equipment prior to purchase at locations other than those of the Trust, all expenses **must be paid for by the Trust**. Offers from suppliers must be declined on the basis that acceptance could jeopardise the integrity of the purchasing decision.

15. Commercial Sponsorship/Fund-Raising

Staff must obtain permission from the relevant Director before seeking donations of cash, goods or services from the business community as part of fund-raising activities.

Sponsorship of posts is not permitted, unless it is made abundantly clear to the company concerned that it should have no effect on purchasing decisions.

Linked deals, i.e. sponsorship linked to the purchase of particular products, is not permitted.

Staff must obtain permission from the relevant Director before accepting sponsorship.

16. Confidentiality

Staff must not disclose confidential information on the Trust to any unauthorised person and must not use for personal purposes any information acquired in relation to the trust's business. In particular, information about the Trust's patients/clients, and information which may be described as 'commercial in confidence' (such as service contracts, budgets, business plans) must not be divulged or used by staff.

Any member of staff who breaches this duty of confidentiality may be subject to disciplinary action, including possible summary dismissal for gross misconduct.

17. Relationships with Directors (to include senior members of clinical and managerial staff

Candidates for any staff appointment shall, when making an application, disclose in writing whether they are related to any Director or the holder of any office within the Trust. Failure to disclose such a relationship shall disqualify a candidate and, if appointed, render him/her liable to instant dismissal.

On appointment employees (and prior to acceptance of an appointment in the case of Executive Directors) must disclose to the Trust whether they are related to any other director or holder of any office within the Trust.

References

HSG (93)5 – Department of Health
Trust's Standing Orders
Trust's Standing Financial Instructions
Institute of Purchasing and Supply - Ethical Code – 1977
Acknowledgement to Lifespan Healthcare NHS Trust

APPENDIX 1

GUIDANCE 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 any relevant interests
- ask permission before taking on work outside of the Trust if this in any way conflicts with your duties within the Trust
- obtain permission before accepting any commercial sponsorship

IF IN DOUBT – DECLARE IT

DO NOT

- do not accept gifts from patients that exceed the value of £10
- do not accept money or vouchers from patients or relatives
- do not accept gifts or hospitality from contractors or potential contractors
- do not make use of Trust premises or equipment for private work without obtaining permission
- do not misuse or make available 'commercial in confidence' information

APPENDIX 2A

NORTHAMPTON GENERAL HOSPITAL NHS TRUST

Register of Interest

1. Name:
2. Position:
3. Department:
4. Other employment:
5. Relevant interests in business firms, partnerships, limited companies:
6. Relevant membership of voluntary and charitable organisations:
7. Other (including spouse/partner/family member)

I have read the notes for completion and understand my responsibility to supply any information that may give rise to conflict of interest in my employment with the Trust. I have understood the Trust's Policy on Standards of Business Conduct

Signed.....Date.....

APPENDIX 2B

REGISTER OF INTERESTS NOTES FOR COMPLETION

1. Other Employment

Please list any other employers you may have. Please also list any employers of your immediate family (i.e. spouse/partner, sons/daughters)

2. Relevant interest in business firms, partnerships, limited companies

Please list your own interests and those of your immediate family (as defined in 1) in the following:

- Directorships in all limited companies (including non-executive directorships held in private or public limited companies)
- Proprietorship/shareholdings in companies or business firms undertaking business or possibly seeking to do business with the Trust
- Any connection with a voluntary or other organisation contracting for NHS services

Shareholdings need not be disclosed if:

The total nominal value of the share do not exceed £5000 or one hundredth of the total nominal value of the issued share capital of the company (whichever is less), and

if the share capital is of more than one class, the nominal value of share of any one class in which the beneficial interest does not exceed one hundredth of the total issued share capital of that class

3. Relevant membership of voluntary and charitable organisations

Please list any memberships held by yourself and your immediate family (as defined in 1) or charitable or voluntary bodies in the field of health and social care, indicating any positions of responsibility

4. Other

Please detail any other matter relevant to yourself and your immediate family (as defined in 1) which could possibly lead to any conflict of interest.