

## Human Resources Policy No. HR52

# Standards of Business Conduct

Additionally refer to:

- HR05 Whistleblowing
- HR07 Maintaining High Standards of Performance for Doctors and Dentists
- HR36 Disciplinary Procedure (or PRH/RSH Disciplinary Policy)
- HR56 Intellectual Property
- HR58 Fraud & Corruption
- SATH Trust Standing Orders
- SATH Standing Financial Instructions

Sponsor: Head of Human Resources in conjunction with Director of Corporate Affairs

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## Contents

	Page Number
Section 1     Introduction	3
Section 2     Scope	3
Section 3     Responsibilities	3
Section 4     Legislation	4
Section 5     Public Service Values	4
Section 6     Standards	5
6.1     Gifts and Hospitality	5
6.2     Declaration of Interests	5
6.3     Preferential treatment in private transactions	6
6.4     Contracts for Services	6
6.5     Favouritism in Awarding Contracts	6
6.6     Secondary employment	6
6.7     Private Practice	7
6.8     Commercial sponsorship for attendance at courses and conferences	7
6.9     Commercial sponsorship when advising on purchases/services	7
6.10    Commercial sponsorship of posts – “Linked Deals”	7
6.11    “Commercial In-Confidence”	8
6.12    Staff Appointments	8
Appendix A    Standards of Business Conduct for NHS Staff	9
Appendix B    Code of Conduct for NHS Managers	15
Appendix C    Patient Appreciation & Gifts/Hospitality Monitoring Form	19

## **1. INTRODUCTION**

- 1.1 This policy has been formulated in order to implement the NHS Guidelines on Standards of Business Conduct for NHS Staff and details local procedures. The policy covers the standards of conduct expected of all Trust employees, particularly where their private interests may conflict with their public duties.
- 1.2 It is the responsibility of managers and 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.

## **2. SCOPE**

- 2.1 This policy applies to all staff (including Bank staff).
- 2.2 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Policy HR01 'Equal Opportunities'. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or by staff who may have an essential skills need in literacy or those whose first language is not English or for persons with little experience of working life.

## **3. RESPONSIBILITIES**

### **3.1 Board Members (Directors and Non-Executive Directors)**

- 3.1.1 The Directors of the Trust are responsible for ensuring there are systems in place to ensure this and all related policies are implemented across the Trust.
- 3.1.2 The Directors of the Trust are expected to conduct themselves in an exemplary manner as regards all matters covered by this policy and to comply with all aspects of it.
- 3.1.3 All Board members are required to comply with the requirements of the Code of Conduct and accountability for NHS Boards.

### **3.2 Managers**

- 3.2.1 Managers of the Trust are responsible for ensuring that these guidelines are brought to the attention of all employees; also that machinery is put in place for ensuring that they are effectively implemented within their areas of responsibility.
- 3.2.2 In addition, all managers are required to comply with all aspects of the policy, including both the NHS's generic Standards of Business Conduct for NHS Staff (see Appendix 1) and the Code of Conduct for NHS Managers (see Appendix 2).

### **3.3 All Staff**

- 3.3.1 All staff are covered by this policy, by all other Trust policies and by NHS's generic Standards of Business Conduct for NHS staff (see Appendix 1).

3.3.2 Employees are expected to act in accordance with the standards laid down by their Professional Organisations and statutory standards where applicable and 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.
- Ensure that they **do not** abuse their official position for personal gain or to benefit their family or friends.
- Ensure that they **do not** seek to advantage or further private business or other interest, in the course of their official duties.
- Comply with all aspects of this policy and other Trust policies
- Consult with their line Manager if in any doubt.

3.3.3 Due to the nature of the Trust's work it is expected that all staff will act with due diligence and utmost honesty at all times. Any matters of concern must be acted upon and reported to a manager or Director as is appropriate. All employees have a duty to act on or report any acts of misconduct, dishonesty, breach of Trust rules or breach of any rules of the relevant professional bodies committed, contemplated or discussed by any other member of employee or by any third party. Any failure to do so, may be regarded as serious or gross misconduct depending on the circumstances. Similarly, where genuine concerns are raised, employees will be protected from any action for defamation. The Trust's Whistleblowing policy set out arrangements under which concerns may be raised.

3.3.4 All staff should fully understand that any breach of the Prevention of Corruption Acts, renders the employee liable to prosecution, and may also lead to loss of their **employment and pension rights**.

#### 4. LEGISLATION

4.1 Under the Prevention of Corruption Acts, it is an offence for employees to corruptly accept 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

4.2 Under the Prevention of Corruption 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 the contrary.

## **5. PUBLIC SERVICE VALUES**

5.1.1 To maintain public confidence, as a public sector body, the Trust must be impartial and honest in the conduct of its business and its staff must remain beyond suspicion.

5.1.2 High standards of corporate and personal conduct, based on the recognition that patients come first, have been a requirement throughout the NHS since its inception. The three fundamental public service values are:

Accountability: Everything done by those who work in the Trust must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

Probity: Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, employees, suppliers and customers.

Openness: The Trust's actions should be sufficiently public and transparent to promote confidence between the Trust and its patients, our employees and the public.

5.1.3 These standards are national benchmarks that inform our local policies and procedures. The arrangements made in this policy have been designed to ensure compliance with the national standards.

## **6. STANDARDS**

### **6.1 Gifts and Hospitality**

6.1.1 Gifts offered by contractors or "others" e.g. at Christmas time should be politely but firmly declined. Articles of low intrinsic value (refer to 6.1.2) such as diaries and calendars, or small tokens of gratitude from patients or their relatives need not necessarily be declined, but in all cases employees must advise their line manager of any hospitality/gift that has been received. In cases of doubt, staff should either consult their line manager for authorisation or politely decline acceptance. Under no circumstances should monetary gifts of cash be accepted.

Donations from patients may be accepted provided that the procedure contained in the Charitable Funds user guidance is followed. Such donations should be for the benefit of the Trust or specific Wards or Departments within the Trust. Donations offered on a personal basis to individual members of staff should be politely but firmly declined.

Care should be taken when accepting gifts/hospitality from Contractors on a frequent basis. The value of such gifts will be accumulated over a 12 month rolling period, for the purpose of monitoring.

Department managers will be required to document all gifts/hospitality received by staff (see Appendix 3).

6.1.2 Modest hospitality provided it is normal and reasonable (i.e. not exceeding the threshold - currently £20) may be accepted e.g. lunches in the course of working visits are acceptable, it should however be similar to the scale of hospitality which the NHS as an employer would be likely to offer.

6.1.3 The Corporate Affairs office maintains a record of gifts/hospitality received by staff and of declarations of interest. Any gift with a value exceeding the threshold (currently £20) must be declared by the employee promptly (within 2 weeks of receipt) in writing for inclusion in the register.

6.1.4 Under no circumstances should any gift or hospitality be accepted where it would be in breach of an individual's professional code of conduct.

## **6.2 Declaration of Interests**

6.2.1 It is the responsibility of the employee to inform the Trust if they, or a close relative or associate has a controlling interest and/or significant financial interest in a business (including a private sector company, public sector organisation, or other NHS employer and/or voluntary organisation), or in any other activity or pursuit which may compete for an NHS contract to supply either goods or services to the hospital (e.g. private nursing homes).

6.2.2 In such circumstances the Trust must ensure that its interest and the interest of patients are adequately safeguarded.

6.2.3 A declaration of interest must occur either when the employee commences employment or upon acquisition of the interest.

6.2.4 All declarations will be entered into a central register and held in the Corporate Affairs office.

6.2.5 When a doctor refers a patient to a private nursing home or other establishment/service in which they have a business interest, the patient must be made aware of the interest prior to referral.

## **6.3 Preferential treatment in private transactions**

6.3.1 Employees 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, e.g. NHS staff benefits schemes).

## **6.4 Contracts for Services**

6.4.1 All staff who are in contact with suppliers and purchasers (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 the professional standards of the kind set out in the Ethical Code of the Institute of Purchasing and Supply (IPS).

6.4.2 All contracts must be awarded via the Trust's Standing Orders and Standing Financial instructions.

## **6.5 Openness in Awarding Contracts**

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

6.5.2 A private, public or voluntary organisation or company bidding for NHS business should not be given any advantage over its competitors, such as advance notice of NHS requirements.

This applies to all potential contractors even if they have held a 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.

- 6.5.3 There must be no favouritism shown to any current or previous employees, close relatives or associates in awarding contracts to businesses run by them or employing them. Contracts can be awarded to such a business if won in fair competition against other tenders and if the interested party plays no part in the selection process. Tendering and contracting should follow agreed Trust procedure.

## **6.6 Secondary Employment**

- 6.6.1 Employees who hold or intend to hold any other paid or unpaid appointments outside the Trust, must discuss this with their manager. Reasonable requests will not be refused, but where such consent is given then the other employment must in no way diminish the contribution the employee is able to make to the Trust. The total weekly average hours of work should not normally exceed the limit under the Trust's Working Time Policy. Where the manager assesses there to be a conflict of interests or where the Trust's confidentiality requirements are jeopardised, the employee will be required to give up the other employment; their employment with the Trust may be terminated should they refuse to do so.

## **6.7 Private Practice**

- 6.7.1 Consultants (and associate specialists) employed by the Trust under the terms and conditions of Service of Hospital Medical and Dental Staff are permitted to carry out private practice in NHS hospitals subject to the conditions outlined in the handbook "A Guide to the Management of Private Practice in the NHS". Consultants who have Trust contracts are also subject to the terms applying to private practice.
- 6.7.2 Other Medical and Dental employees may undertake private 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 paragraph 6.7.1 above. All hospital doctors are entitled to fees for other work outside their NHS contractual duties under "Category 2" (paragraph 37 of the TCS of Medical and Dental Staff) e.g. examinations and reports for life insurance purposes.
- 6.7.3 Doctors and Dentists in training should not undertake locum work outside their contracts where such work would be in breach of their contracted hours.

## **6.8 Commercial sponsorship for attendance at courses and conferences**

- 6.8.1 Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses is acceptable (this can include travel, subsistence costs) but only where the employees seeks permission **in advance** from the Head of Service or Divisional Manager and the Trust is satisfied that acceptance will not compromise purchasing decisions in any way.

## **6.9 Commercial sponsorship when advising on purchases/services**

- 6.9.1 On occasions when the Trust considers it necessary for staff advising on the purchase of equipment to inspect such equipment in operation in other parts of the country (or exceptionally, overseas) or when it is necessary to inspect a service, staff should seek **prior** permission from the Head of Service or Divisional Manager. Staff should be aware that excessive hospitality is unacceptable.

## **6.10 Commercial Sponsorship of Posts – “Linked Deals”**

- 6.10.1 Where other organisations wholly or partially sponsor a hospital post, it should be made abundantly clear to the organisation concerned, that the sponsorship deal will have no effect on purchasing decisions within the Trust. Where such sponsorship is accepted, monitoring arrangements will be established to ensure that purchasing decisions are not being influenced by the sponsorship agreement. Prior approval from a Board Director is required.
- 6.10.2 In all such cases the pay rate for the post will be determined by the Trust’s normal criteria i.e. by the Agenda for Change Job Matching/Evaluation process or by reference to the Medical and dental terms and conditions of employment, not by the funding offered. Additionally, where the funding is time limited, the post should be established and offered on a fixed term basis.

## **6.11 “Commercial In-Confidence”**

- 6.11.1 Staff must not misuse or make available official “commercial in-confidence” information, particularly if its disclosure would prejudice the principles of a purchasing system based on fair competition. This principle applies whether private competition or other NHS providers are concerned and whether or not disclosure is prompted by the expectation of personal gain.
- 6.11.2 This also applies to any Staff representatives who obtain such information as part of the consultation process in such matters.

## **6.12 Staff Appointments**

- 6.12.1 If any candidate for an appointment canvasses members of the Trust Board, or any committee of the Trust Board, directly or indirectly, the Trust Board shall disqualify the candidate from being appointed. However, this does not prevent informal discussions taking place between the applicant and manager.
- 6.12.2 Members of the Trust Board or senior management must not solicit for any person any appointment with the Trust or recommend any person for such appointment (this does not preclude them from acting as a referee for such a post).
- 6.12.3 It is the responsibility of any member of staff involved in selection interviews to inform their manager if any relationship exists between themselves and a candidate for an appointment. Trust Board members and senior officers should disclose to the Trust Board any relationship between themselves and a candidate for an appointment of which they are aware.



## STANDARDS OF BUSINESS CONDUCT FOR NHS STAFF Circular hsg(93)5

### Prevention of Corruption Acts 1906 and 1916 - summary of main provisions

#### Acceptance of gifts by way of Inducements or rewards

1. 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.
2. Under the Prevention of Corruption Act 1916, 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 the contrary.

### NHS Management Executive (NHSME) - general guidelines

#### Introduction

1. These guidelines, which are intended by the NHSME to be helpful to all NHS employers (i) and their employees, re-state and reinforce the guiding principles previously set out in Circular HM(62)21 (now cancelled), relating to the conduct of business in the NHS.

#### Responsibility of NHS employers

2. NHS employers are responsible for ensuring that these guidelines are brought to the attention of all employees; also that machinery is put in place for ensuring that they are effectively implemented.

#### Responsibility of NHS staff

3. It is the responsibility of 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 primary responsibility applies to *all NHS Staff*, i.e. those who commit NHS resources directly (e.g. by the ordering of goods) or those who do so indirectly (e.g. by the prescribing of medicines). A further example would be staff who may have an interest in a private nursing home and who are involved with the discharge of patients to residential facilities.

#### Guiding principle in conduct of public business

4. 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 (see PART A). Staff will need to be aware that a breach of the provisions of these Acts renders them liable to prosecution and may also lead to loss of their employment and superannuation rights in the NHS.

#### Principles of conduct in the NHS

5. NHS 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.
6. 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.

## **Implementing the guiding principles**

### **Casual gifts**

7. 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 Prevention of Corruption Acts. Such gifts should nevertheless 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. In cases of doubt staff should either consult their line manager or politely decline acceptance.

### **Hospitality**

8. 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.
9. Staff should decline all other offers of gifts, hospitality or entertainment. If in doubt they should seek advice from their line manager.

### **Declaration of interests**

10. NHS employers need to be aware of all cases where an employee, 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 an NHS contract to supply either goods or services to the employing authority.
11. All NHS staff should therefore declare such interests to their employer, 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 employing authority or the patients whom it serves.
12. One particular area of potential conflict of interest which may directly affect patients, is when NHS staff hold a self-beneficial interest in private care homes or hostels. While it is for staff to declare such interests to their employing authority, the employing authority has a responsibility to introduce whatever measures it considers necessary to ensure that its interests and those of patients are adequately safeguarded. This may for example take the form of a contractual obligation on staff to declare any such interests. 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 patient must be informed of that interest before referral is made.
13. In determining what needs to be declared, employers and employees will wish to be guided by the principles set out in paragraph 5 above; also the more detailed guidance to staff contained in Part D.

14. NHS employers should:
- ensure that staff are aware of their responsibility to declare relevant interests (perhaps by including a clause to this effect in staff contracts)
  - consider keeping registers of all such interests and making them available for inspection by the public.
  - develop a local policy, in consultation with staff and local staff interests, for implementing this guidance. This may include the disciplinary action to be taken if an employee fails to declare a relevant interest, or is found to have abused his or her official position, or knowledge, for the purpose of self-benefit, or that of family or friends.

#### **Preferential treatment in private transactions**

15. Individual 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 their NHS employer. (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 benefits schemes.)

#### **Contracts**

16. All 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 PART E.

#### **Favouritism in awarding contracts**

17. Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of NHS 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 NHS business should be given any advantage over its competitors, such as advance notice of NHS requirements. This applies to all potential contractors, whether or not there is a relationship between them and the NHS employer, such as a long-running series of previous contracts.
  - each new contract should be awarded solely on merit, taking into account the requirements of the NHS and the ability of the contractors to fulfil them.
18. NHS employers should 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 who are known to have a relevant interest play no part in the selection.

#### **Warnings to potential contractors**

19. NHS employers will wish to ensure that all invitations to potential contractors to tender for NHS business include a notice warning tenderers of the consequences of engaging in any corrupt practices involving employees of public bodies.

## **Outside employment**

20. NHS employees are advised not to engage in outside employment which may conflict with their NHS work, or be detrimental to it. They are advised to tell their NHS employing authority if they think they may be risking a conflict of interest in this area: the NHS employer will be responsible for judging whether the interests of patients could be harmed, in line with the principles in paragraph 5 above. NHS employers may wish to consider the preparation of local guidelines on this subject.

## **Private practice**

21. Consultants (and associate specialists) employed under the Terms and Conditions of Service of Hospital Medical and Dental Staff are permitted to carry out private practice in NHS hospitals subject to the conditions outlined in the handbook "A Guide to the Management of Private Practice in the NHS". (See also PM(79)11). Consultants who have signed new contracts with Trusts will be subject to the terms applying to private practice in those contracts.
22. Other grades may undertake private practice or work for outside agencies, providing they do not do so within the time they are contracted to [he NHS, and they observe the conditions in paragraph 20 above. All hospital doctors are entitled to fees for other work outside their NHS contractual duties under "Category 2" (paragraph 37 of the TCS of Hospital Medical and Dental staff), e.g. examinations and reports for life insurance purposes. 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. Career grade medical and dental staff employed by NHS Trusts may agree terms and conditions different from the National Terms and Conditions of Service.

## **Rewards for Initiative (please refer to HR56 Intellectual Property policy)**

23. NHS employers should ensure that they are in a position to identify potential intellectual property rights (IPR), as and when they arise, so that they can protect and exploit them properly, and thereby ensure that they receive any rewards or benefits (such as royalties) in respect of work commissioned from third parties, or work carried out by their employees in the course of their NHS duties. Most IPR are protected by statute; e.g. patents are protected under the Patents Act 1977 and copyright (which includes software programmes) under the Copyright Designs and Patents Act 1988. To achieve this, NHS employers should build appropriate specifications and provisions into the contractual arrangements which they enter into *before* the work is commissioned, or begins. They should always seek legal advice if in any doubt in specific cases.
24. With regard to patents and inventions, in certain defined circumstances the Patents Act gives employees a right to obtain some reward for their efforts, and employers should see that this is effected. Other rewards may be given voluntarily to employees who within the course of their employment have produced innovative work of outstanding benefit to the NHS. Similar rewards should be voluntarily applied to other activities such as giving lectures and publishing books and articles.
25. In the case of collaborative research and evaluative exercises with manufacturers, NHS employers should see that they obtain a fair reward for the input they provide. If such an exercise involves additional work for an NHS employee outside that paid for by the NHS employer under his or her contract of employment, arrangements should be made for some share of any rewards or benefits to be passed on to the employee(s) concerned from the collaborating parties. Care should however be taken that involvement in this type of arrangement with a manufacturer does not influence the purchase of other supplies from that manufacturer.

## Short guide for all staff

### Do:

- Make sure you understand the guidelines on standards of business conduct, and consult your line manager if you are not sure;
- Make sure that 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:
  - i. 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?
  - ii. Do I have access to information which could influence purchasing decisions?
  - iii. Could my outside interest be in any way detrimental to the NHS or to patients' interests?
  - iv. Do I have any other reason to think I may be risking a conflict of interests?If still unsure - 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;
- Seek your employer's permission before taking on outside work, if there is any question of it adversely affecting your NHS duties (20). (special guidance applies to doctors);
- Obtain your employer'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

## **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 [or 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 which 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. While 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 business 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.

## **CODE OF CONDUCT FOR NHS MANAGERS - 2002**

### **Introduction**

The Code sets out the core standards of conduct expected of NHS managers. It will serve two purposes:

- to guide NHS managers and employing health bodies in the work they do and the decisions and choices they have to make.
- to reassure the public that these important decisions are being made against a background of professional standards and accountability.

### **Code of Conduct for NHS Managers**

As an NHS manager, I will observe the following principles:

- make the care and safety of patients my first concern and act to protect them from risk;
- respect the public, patients, relatives, carers, NHS staff and partners in other agencies;
- be honest and act with integrity;
- accept responsibility for my own work and the proper performance of the people I manage;
- show my commitment to working as a team member by working with all my colleagues in the NHS and the wider community;
- take responsibility for my own learning and development.

This means in particular that:

1. I will:

- respect patient confidentiality;
- use the resources available to me in an effective, efficient and timely manner having proper regard to the best interests of the public and patients;
- be guided by the interests of the patients while ensuring a safe working environment;
- act to protect patients from risk by putting into practice appropriate support and disciplinary procedures for staff; and
- seek to ensure that anyone with a genuine concern is treated reasonably and fairly.

2. I will respect and treat with dignity and fairness, the public, patients, relatives, carers, NHS staff and partners in other agencies. In my capacity as a senior manager within the NHS I will seek to ensure that no one is unlawfully discriminated against because of their religion, belief, race, colour, gender, marital status, disability, sexual orientation, age, social and economic status or national origin. I will also seek to ensure that:

- the public are properly informed and are able to influence services;
- patients are involved in and informed about their own care, their experience is valued, and they are involved in decisions;
- relatives and carers are, with the informed consent of patients, involved in the care of patients;
- partners in other agencies are invited to make their contribution to improving health and health services; and

- NHS staff are:
  - valued as colleagues;
  - properly informed about the management of the NHS;
  - given appropriate opportunities to take part in decision making.
  - given all reasonable protection from harassment and bullying;
  - provided with a safe working environment;
  - helped to maintain and improve their knowledge and skills and achieve their potential; and
  - helped to achieve a reasonable balance between their working and personal lives.

3. I will be honest and will act with integrity and probity at all times. I will not make, permit or knowingly allow to be made, any untrue or misleading statement relating to my own duties or the functions of my employer.

I will seek to ensure that:

- the best interests of the public and patients/clients are upheld in decision-making and that decisions are not improperly influenced by gifts or inducements;
- NHS resources are protected from fraud and corruption and that any incident of this kind is reported to the NHS Counter Fraud Services;
- judgements about colleagues (including appraisals and references) are consistent, fair and unbiased and are properly founded; and
- open and learning organisations are created in which concerns about people breaking the Code can be raised without fear.

4. I will accept responsibility for my own work and the proper performance of the people I manage. I will seek to ensure that those I manage accept that they are responsible for their actions to:

- the public and their representatives by providing a reasonable and reasoned explanation of the use of resources and performance;
- patients, relatives and carers by answering questions and complaints in an open, honest and well researched way and in a manner which provides a full explanation of what has happened, and of what will be done to deal with any poor performance and, where appropriate giving an apology; and
- NHS staff and partners in other agencies by explaining and justifying decisions on the use of resources and give due and proper consideration to suggestions for improving performance, the use of resources and service delivery.

I will support and assist the Accountable Officer of my organisation in his or her responsibility to answer to Parliament, Ministers and the Department of Health in terms of fully and faithfully declaring and explaining the use of resources and the performance of the local NHS in putting national policy into practice and delivering targets.

For the avoidance of doubt, nothing in paragraphs two to four of this Code requires or authorises an NHS manager to whom this Code applies to:

- make, commit or knowingly allow to be made any unlawful disclosure;
- make, permit or knowingly allow to be made any disclosure in breach of his or her duties and obligations to his or her employer, save as permitted by law.

If there is any conflict between the above duties and obligations and this Code, the former shall prevail.



5. I will show my commitment to working as a team by working to create an environment in which:
  - teams of frontline staff are able to work together in the best interests of patients;
  - leadership is encouraged and developed at all levels and in all staff groups; and
  - the NHS plays its full part in community development.
6. I will take responsibility for my own learning and development. I will seek to:
  - take full advantage of the opportunities provided;
  - keep up to date with best practice; and
  - share my learning and development with others.

## **Implementing the Code**

1. The Code should be seen in a wider context that NHS managers must follow the 'Nolan Principles on Conduct in Public Life', the 'Corporate Governance Codes of Conduct and Accountability', the 'Standards of Business Conduct', the 'Code of Practice on Openness in the NHS' and standards of good employment practice.
2. In addition many NHS managers come from professional backgrounds and must follow the code of conduct of their own professions as well as this Code. In order to maintain consistent standards, NHS bodies need to consider suitable measures to ensure that managers who are not their employees but who
  - (i) manage their staff or services; *or*
  - (ii) manage units which are primarily providing services to their patientsalso observe the Code.
3. It is important to respect both the rights and responsibilities of managers. To help managers to carry out the requirements of the Code, employers must provide reasonable learning and development opportunities and seek to establish and maintain an organisational culture that values the role of managers. NHS managers have the right to be:
  - treated with respect and not be unlawfully discriminated against for any reason;
  - given clear, achievable targets;
  - judged consistently and fairly through appraisal;
  - given reasonable assistance to maintain and improve their knowledge and skills and achieve their potential through learning and development; and
  - reasonably protected from harassment and bullying and helped to achieve a reasonable balance between their working and personal lives.

## **Breaching the Code**

4. Alleged breaches of the Code of Conduct should be promptly considered and fairly and reasonably investigated. Individuals must be held to account for their own performance, responsibilities and conduct where employers form a reasonable and genuinely held judgement that the allegations have foundation. Investigators should consider whether there are wider system failures and organisational issues that have contributed to the problems. Activity, the purpose of which is to learn from and prevent breaches of the Code, needs to look at their wider causes.
5. Local employers should decide whether to investigate alleged breaches informally or under the terms of local disciplinary procedures. It is essential however that both forms of investigation should be, and be seen to be, reasonable, fair and impartial. If Chief Executives or Directors are to be investigated, the employing authority should use individuals who are employed elsewhere to conduct the investigation. The NHS Confederation, the Institute of Healthcare Management and the Healthcare Financial

Management Association are among the organisations who maintain lists of people who are willing to undertake such a role.

### **Application of Code**

6. This Code codifies and articulates certain important contractual obligations that apply to everyone holding management positions. These include Chief Executives and Directors who as part of their duties are personally accountable for achieving high quality patient care. The Department of Health will in the next few months issue a proposed new framework of pay and contractual arrangements for the most senior NHS managers. Under this framework the job evaluation scheme being developed as part of the 'Agenda for Change' negotiations is likely to be used as the basis for identifying which other managerial posts (in addition to Chief Executives and Directors) should be automatically covered by the Code. The new framework will also specify compliance with the Code as one of the core contractual provisions that should apply to all senior managers.
7. For all posts at Chief Executive/Director level and all other posts identified as in paragraph 6 above, acting consistently with the Code of Conduct for NHS Managers Directions 2002, employers should:
  - \_ include the Code in new employment contracts;
  - \_ incorporate the Code into the employment contracts of existing postholders at the earliest practicable opportunity.

### **Action**

8. Employers are asked to:
  - (i) incorporate the Code into the employment contracts of Chief Executives and Directors at the earliest practicable opportunity *and* include the Code in the employment contracts of new appointments to that group;
  - (ii) identify any other senior managerial posts, i.e. with levels of responsibility and accountability similar to those of Director-level posts, to which they consider the Code should apply. (The new framework for pay and contractual arrangements will help more tightly define this group in due course.)
  - (iii) investigate alleged breaches of the Code by those to whom the Code applies promptly and reasonably as at paragraphs four to five;
  - (iv) provide a supportive environment to managers (see paragraph three above).

**Effective date: 9 October 2002**

**HOSPITAL SITE:** \_\_\_\_\_

**WARD/DEPARTMENT** \_\_\_\_\_ **MONTH/YEAR** \_\_\_\_\_

[illegible]

Patient Services Officer, Princess Royal Hospital

**Please note that any gift/hospitality (patient donations excluded) with a value exceeding the threshold (as defined in HR52 Standards of Business Conduct Policy), must be declared by the employee in writing, within 2 weeks of receipt to the Corporate Affairs office.**