

Standards of business conduct policy

Board library reference	Document author	Assured by	Review cycle
P075	Laura McGoldrick	Quality and Standards	3 years

This document is version controlled. The master copy is on Ourspace.

Once printed, this document could become out of date.

Check Ourspace for the latest version.

Contents

1. Introduction	3
2. Purpose or aim	3
3. Scope	3
4. Definitions	3
5. Bribery	3
6. Conflicts of interest	4
7. Requisition and supply	4
7.1 Procedure for purchasing and requisition.....	4
8. Secondary employment	5
8.1 Additional employment	5
8.2 Full-time staff.....	5
8.3 Part-time staff	5
8.4 Bank/locum workers	5
8.5 Consultancy.....	5
9. Procedure for considering external employment	6
10. Variations to terms and conditions of employment	6
11. Gifts, donations, inducements, sponsorship and hospitality	6
12. Practical implementation of this policy	7
13. Roles and responsibilities	7

Standards of business conduct policy

- 14. Training.....7
- 15. Monitoring or audit.....7
- 16. References7
- 17. Associated documents8
- 18. Appendices8

1. Introduction

The Trust needs to ensure honesty, integrity and probity in all matters, as described in the NHS Constitution 2013 and as part of the NHS requirements published in the [NHS Codes of Conduct and Accountability](#).

The Trust requires the professional and social conduct of our staff to reflect the highest standards of personal integrity; and for business affairs of the Trust to be conducted in a moral, honest manner which complies with all legal requirements.

2. Purpose or aim

This policy seeks to ensure that every member of staff:

- understands their responsibilities under the [NHS regulatory framework](#), and
- observes the [NHS Codes of Conduct and Accountability](#)

3. Scope

The policy should be observed by all staff within the Trust and all individuals conducting work on behalf of the Trust, including secondees, volunteers, bank and temporary staff and contractors.

Other special arrangements also apply to medical staff wishing to take on work outside the Trust.

4. Definitions

Bribery as defined in the Bribery Act 2010 is giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. This could include:

- offering, promising or giving a bribe to another person;
- requesting, agreeing to receive or accepting a bribe from another person;
- bribing a public official;
- an organisation failing to prevent bribery.

Conflict of interest – a relationship, or interest from the past or present, including through family and friends, that might be regarded to risk influencing the individual's decisions.

Corruption – abuse of powers, associated with the position of the individual, for personal gain.

Fraud – intentional deception to achieve personal gain, or to damage another individual: Seeking to make a benefit, or causing another to suffer a loss, from making a false representation, from failing to disclose relevant information, or from abusing their position.

Gift – any item of cash or goods, or any services, which is provided for personal benefit at less than its commercial value.

Hospitality – for the purpose this policy, hospitality refers to the provision of meals and accommodation, or entry to entertainment events, at no cost or at a subsidised rate.

5. Bribery

The Trust has a zero-tolerance approach to any attempts at bribery (see 4 above) by, or of, its employees and encourages all employees and associated persons to report any suspected bribery activity to the Trust. Staff may use the Trust's [Whistleblowing Policy](#) to report any concerns about bribery.

6. Conflicts of interest

It is the responsibility of all Trust staff to declare any cases where they or a close relative or associate has a relevant and material interest in a business (including private companies, public sector organisations, other NHS Trusts and voluntary or charitable organisations), or in any other activity or pursuit, including employment, which may seek NHS business or supply goods or services to the Trust.

Interests which should be regarded as relevant and material are:

- Directorships, including Non-Executive Directorships held in private companies or PLCs (with the exception of those of dormant companies);
- Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the NHS;
- Majority or controlling shareholding in organisations likely or possibly seeking to do business with the NHS;
- A position of authority in a charity or voluntary organisation in the field of health and social care;
- Any connection with a voluntary or other organisation contracting for NHS services;
- A connection with research funding/grants that may be received by an individual or their department;
- Employment with any such organisation

The declaration should be made either when starting employment with the Trust or at the point of acquisition of the interest. Staff should use the declaration form at Appendix 1 and must also inform their line manager.

A register of interest declarations will be maintained on behalf of the Board by the Company Secretary.

All Trust Board members are expected to provide a periodic update of their declaration of potential conflicts of interest, normally on an annual basis. These declarations might be used in Trust publications, such as the Annual Report.

7. Requisition and supply

If you are involved in the purchasing or supply of goods or services to the Trust, you must adhere to the [EU Directives on Public Purchasing](#), to the NHS Code of Conduct and to the Trust's [Standing orders and standing financial instructions](#). It is important to make purchasing decisions on a competitive basis, without showing favouritism to any individual supplier.

7.1 Procedure for purchasing and requisition

Purchasing of supplies and services may only be carried out by a member of staff with the relevant authority. For the requisition of goods or services, the [EU Directives on Public Purchasing](#) must be followed.

If you have responsibility for purchasing, you must declare any external interests with any suppliers to the Company Secretary (or person delegated by the Chief Executive) for entry in the Register of Interests. This may extend to interests of family or friends.

8. Secondary employment

8.1 Additional employment

If you are considering taking on additional employment outside the Trust (whether for another company or for yourself), you must inform your line manager, who will wish to ensure that the extra work would not adversely affect the work of the Trust.

Staff are discouraged from taking on private work that would normally form part of the services we offer (e.g. Trust employees should not take on private counselling work for patients of a GP for whom the Trust provides a counselling service).

The Trust would wish to support staff who are asked to do work for external organisations where they are acting as 'ambassadors' for the Trust. In most cases, such work can be done as part of their role within the Trust, and should be discussed with their line manager to ensure it is appropriate and suitable. However, if you are to receive personal payment for such work, then you will be expected to carry out such work in your own time, i.e. outside normal working hours or during annual leave.

The [Working Time Regulations Policy](#) details the limits and legal position in relation to overall working hours.

8.2 Full-time staff

In general, the Trust would wish to discourage employees with a full-time contract from taking on additional responsibilities. However, the Trust understands that individual circumstances may mean staff have to seek extra employment from time to time. The Trust will wish to ensure that any secondary employment, paid or unpaid, is not detracting from the primary contract of employment with the Trust; for example extra work which may lead to a member of staff being tired. Employees should not take on additional work that prevents them from fulfilling their primary contract.

8.3 Part-time staff

The Trust understands that employees with a part-time contract may wish to take on additional employment. However, it is important that external work commitments do not prevent the employee from fulfilling their contract with the Trust so having an adverse impact on Trust services.

8.4 Bank/locum workers

The Trust accepts that the Trust may not be the primary employment for bank or locum workers. However, bank workers and locum staff are recommended to declare any other contracts of employment with other organisations upon appointment, so that the Trust can ensure compliance with the NHS Code of Conduct. All temporary workers have a responsibility to ensure that they comply with working time legislation.

8.5 Consultancy

Anyone taking on external consultancy responsibilities should declare their interests to the line manager. In the case of Trust directors or senior managers, such interests must be entered in the Register of Directors' and Senior Managers' Interests. These are public documents, with Board Directors' interests being published in the Trust's Annual Report.

9. Procedure for considering external employment

Before taking on external work that may lead to a potential conflict of interest, a Trust employee must:

- Inform the line manager, who will seek to determine whether there would be a conflict of interests
- Confirm in writing to the line manager the name of the external employer and the hours to be worked. This information will be passed to the HR Department and held on the personal file.
- If there is likely to be a conflict of interest, the Trust may require the employee to transfer to a different location to avoid any such conflict.
- Separate guidance applies to medical staff, as outlined in their terms and conditions of employment and in the [Code of Practice for Private Practice](#). For further advice, doctors are advised to contact the Medical Director.

10. Variations to terms and conditions of employment

All Trust employment contracts will operate either within the national NHS framework or within the Trust's own terms and conditions of employment. No variations to contract terms should be made without consulting the HR Department, who are responsible for producing documentation to amend the employment contract. Where a contract term enables a line manager to use discretion, guidance is available from the HR Department on the limits of the discretion (such as with relocation expenses).

11. Gifts, donations, inducements, sponsorship and hospitality

Please refer to the Trust's [Guidance on the Declaration of Gifts and Hospitality](#).

As general guidance, staff should not accept any personal gift, donation, or inducement. However, personal gifts of small value (such as diaries or chocolates), with a value of less than £25 may be acceptable if these are intended as a token of gratitude.

Gifts must not be accepted if there is a risk of any misinterpretation by the public (for example, where there is a tender for work being made), or where there is a frequent occurrence of gifts being made; or where there is any possibility that the gift might be considered to be agreeing to receive or accepting a bribe from another person.

Any hospitality offered to a Trust employee as part of a working visit is acceptable as long as it reflects the levels of hospitality that the Trust would offer in similar circumstances, or where the Trust is being visibly represented.

Hospitality should be authorised by an appropriate manager and be recorded on the gifts and hospitality register held at Trust headquarters. Donations should be made to the Trust and will be paid into Trust Charitable funds. The Audit Committee via the Charitable Funds Committee monitors the use of such funds. Please refer to the Trust's [Charitable Funds](#).

No inducements are acceptable under any circumstances. See 4 and 5 above in relation to the Bribery Act 2010.

When an organisation wishes to sponsor a Trust activity, whether by invitation, tender, negotiation or voluntarily, the procedure and rules that relate to Gifts and Hospitality, will apply.

Where the Trust may wish to sponsor an event or service as a commercial organisation, no employee of the Trust or any relative or close friend must benefit from sponsorship in a direct way without there being full declaration to their line manager of interest. This should be recorded in the register of interests.

12. Practical implementation of this policy

All employees will be informed of their responsibilities for business conduct. Further information is available on Ourspace and will be included in a staff handbook.

Further advice is available from:

- Director of Resources
- Medical Director
- Company Secretary
- Head of HR
- Professional Bodies

13. Roles and responsibilities

The **Audit Committee** is responsible for monitoring the Trust compliance with the NHS Codes of Conduct.

The **Company Secretary** (or a person delegated by the Chief Executive) is responsible for maintaining the Register of Interests, Register of Gifts/ Sponsorship.

The **Head of HR** is responsible for ensuring that employment contracts are drawn up in line with national or, where relevant, Trust terms and conditions of employment.

Line Managers must ensure that employees are made aware of the requirements of the [NHS Codes of Conduct](#).

All Trust Employees have the responsibility to ensure that they take note of the requirements of the Codes of Conduct. Any member of staff found to be ignoring the Codes of Conduct may be subject to disciplinary action under the Trust's [Disciplinary Policy and Procedure](#). In some instances, this could lead to investigation by [NHS Protect](#).

14. Training

Information and advice is available via Ourspace

15. Monitoring or audit

It is the responsibility of the Trust's Audit Committee to monitor this Policy.

16. References

This policy has been drawn up with reference to current UK and European employment legislation and relevant national terms and conditions.

17. Associated documents

- [Standards of Business Conduct for NHS Staff](#)
- [NHS Constitution](#)
- [Disciplinary Policy and Procedure](#)
- [EU Directives on Public Purchasing](#)
- [Standing Orders and Standing Financial Instructions](#)
- [Avon and Wiltshire Mental Health Partnership NHS Trust Charitable Fund](#)
- [Working Time Regulations Policy](#)
- [Whistleblowing Policy](#)
- [Code of Practice for Private Practice](#)
- [Counter Fraud Policy](#)

18. Appendices

Appendix 1 - [Declaration of Interests Form](#)

Appendix 2 – [Receipt of Gifts and/or Hospitality Declaration Form](#)

Version History				
Version	Date	Revision description	Editor	Status
1.0	28/02/2003	Version approved by the Board on 2003-02-28	LN	Approved
2.0	25/07/2007	Redraft by Deputy HR Director. Approved by the Board 2007-07-25	AM	Approved
2.1	02/11/2010	Q&HCG approved extension in review date to 01 June 2011	TW	Approved
3.0	10/05/2010	Approved at Quality & Healthcare Governance Committee	TW	Approved
3.1	05/07/2011	Amendments in relation to Bribery Act were agreed at QHCG on 5 July 2011 with no change in review date	TW	Approved
3.2	19/01/2016	Review date extended to 30 June 2016, as approved by Quality and Standards Committee	HD	Approved
3.3	8 April 2019	Extended to end October 2019	MP	APPROVED
3.4	14 October 2019	Extended to end December 2019 pending review	JD – Deputy HR Director	Approved