



Standards of Business Conduct Policy

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1 Introduction

- 1.1 The Code of Conduct and Code of Accountability in the NHS (second revision July 2004) sets out the following three public service values which are central to the work of the NHS:
- Accountability - 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 - 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, officers and members and suppliers, and in the use of information acquired in the course of NHS duties.
 - Openness - there should be sufficient transparency about NHS activities to promote confidence between the NHS and its staff, patients and the public.
- 1.2 In addition to the public service values described above, all individuals within the CCG should follow the Seven Principles of Public Life (the Nolan Principles) - see Appendix 1.
- 1.3 All individuals within the CCG are responsible for ensuring that they are not placed in a position which risks conflict between their private interests and their NHS duties. Every individual is responsible for ensuring that they comply with this policy. Some individuals may additionally be required to adhere to a code of conduct of their own professional body.

2 Purpose

- 2.1 This policy provides guidance on what is deemed to be acceptable in terms of receipt of gifts, hospitality and sponsorship and provides a code of conduct that individuals within the CCG are expected to follow.
- 2.2 This policy reflects and builds on the following national guidance:
- HSG(93)5 Standards of Business Conduct for NHS Staff
 - Seven Principles of Public Life
 - The Codes of Conduct and Accountability in the NHS 2004
 - The Code of Conduct for NHS Managers 2002
 - Professional Standards Authority 'Standards for Members of NHS Boards and Clinical Commissioning Group Governing Bodies in England' 2012
- 2.3 This policy should be read in partnership with the CCG's Conflicts of Interest Policy, the Anti-Fraud and Bribery Policy, the Working Time Regulations Policy (in relation to secondary employment) and the Procurement Policy.

3 Scope

- 3.1 This policy applies to:

- **All CCG employees**, including:
 - All full and part time staff;
 - Any staff on sessional or short term contracts;
 - Any students and trainees;
 - Agency staff; and
 - Seconded staff.

In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should declare gifts, hospitality and sponsorship in accordance with this policy, as if they were CCG employees.
- **Members of the governing body:** All members of the CCG's committees, sub-committees/sub-groups, including:
 - Co-opted members;
 - Appointed deputies; and
 - Any members of committees/groups from other organisations.
- **All members of the CCG (i.e. each practice)**

This includes each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act.

Declarations should be made by the following groups:

 - GP partners
 - Any individual directly involved with the business or decision-making of the CCG.

Who are referred to collectively in this policy as 'individuals within the CCG'.

4 Duties

- 4.1 The **Chief Executive** is the organisation's designated 'Accountable Officer' and has overall responsibility for ensuring that the CCG operates efficiently, economically and with probity. The Chief Executive (alongside other members of the Governing Body) has a duty to ensure that the CCG provides a secure environment in which to work, and one in which people are confident to raise concerns which will be listened to and addressed.
- 4.2 The **Chief Finance Officer** is responsible for ensuring this policy is in place. The Chief Finance Officer, in conjunction with the Chief Executive, monitors and ensures compliance with NHS Counter Fraud Authority Standards for Commissioners regarding fraud, bribery and corruption. In addition and in consultation with the Local Counter Fraud Specialist (LCFS), the Chief Finance Officer will decide whether there is sufficient cause to conduct an investigation in relation to bribery, and whether the Police and external audit need to be informed.
- 4.3 The **Head of Corporate Governance and Risk** is responsible for administering this policy and ensuring reporting to the Audit Committee.
- 4.4 All members of the **Governing Body** must act in accordance with this policy and lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures. Governing Body members must abide by the Professional Standards Authority [Standards](#)

- 4.5 **Line Managers** are responsible for assisting employees in complying with this policy by ensuring that this policy and its requirements are brought to the attention of employees for whom they are responsible, and that those employees are aware of its implications for their work.
- 4.6 **All individuals within the CCG** are required to:
- Act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible.
 - Ensure that they read, understand and comply with this policy.
 - Adhere to all relevant regulations, policies and procedures.
 - Raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
 - Ensure that the interests of patients remain 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.
 - Not abuse their official position for personal gain or to benefit their family or friends.
 - Not seek to gain advantage or further private business or other interests, in the course of their official duties.
 - Be aware that it is both a serious criminal offence (under the Bribery Act 2010, the Theft Act 1968 and the Fraud Act 2006) and disciplinary matter to corruptly receive or give any fee, loan, gift, reward or other advantage in return for doing (or not doing) anything or showing favour (or disfavour) to any person or organisation.
 - Understand that failure to follow this policy may damage the CCG and its work and so may be viewed as a disciplinary matter. The organisation's Disciplinary Policy makes it clear that bringing the organisation into disrepute is potentially gross misconduct. As well as the possibility of civil and criminal prosecution, individuals that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

5 Receipt of Hospitality, Gifts and Commercial Sponsorship

Hospitality

- 5.1 Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of 'traditional' working hours. As a result, individuals within the CCG will sometimes appropriately receive hospitality. Individuals receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.
- 5.2 For the purpose of this policy, hospitality is defined as offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.
- 5.3 Overarching principles:

- Individuals within the CCG should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement;
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event;
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors, these can be accepted if modest and reasonable, but individuals should always obtain senior approval and declare these.

5.4 Meals and refreshments:

- Under a value of £25.00 – may be accepted and need not be declared;
- Of a value between £25.00 - £75.00 – may be accepted and must be declared;
- Over a value of £75.00 – should be refused unless (in exceptional circumstances) senior approval is given. A clear reason must be recorded in the register of gifts and hospitality as to why it was permissible to accept.
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

5.5 Travel and accommodation:

- Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest or are of a type that the CCG itself might not usually offer, need senior approval, should only be accepted in exceptional circumstances, and must be declared. A clear reason must be recorded in the register of gifts and hospitality as to why it was permissible to accept travel and accommodation of this type.
- A non-exhaustive list of examples includes:
 - Offers of business class or first class travel and accommodation (including domestic travel); and
 - Offers of foreign travel and accommodation.

5.5 In cases of doubt, advice should be sought from the Head of Corporate Governance and Risk or the hospitality should be politely declined.

Gifts

5.6 Staff in the NHS offer support during significant events in people's lives. For this work they may sometimes receive gifts as a legitimate expression of gratitude. We should be proud that our services are so valued. But situations where the acceptance of gifts could give rise to conflicts of interest should be avoided. Individuals within the CCG should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way.

5.7 A 'gift' is defined as any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value.

5.8 Overarching principles:

- Individuals within the CCG must not accept gifts that may affect, or be seen to affect, their professional judgement. This overarching principle should apply in all circumstances;
- Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared and recorded in the register of gifts and hospitality.

5.9 Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with the CCG must be declined, whatever their value (subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6.00). The person to whom the gifts were offered must also declare the offer so that it can be recorded on the register of gifts and hospitality.

5.10 Gifts from other sources (e.g. patients, families, service users):

- Individuals must not ask for any gifts;
- Modest gifts of less than £50.00 can be accepted and do not need to be declared;
- Gifts valued at over £50.00 should be treated with caution and only be accepted, with senior approval, on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These must be declared;
- Multiple gifts from the same source over a 12 month period must be treated in the same way as a single gift in respect of the £50.00 threshold.

5.11 In cases of doubt, advice should be sought from the Head of Corporate Governance and Risk or the gift should be politely declined.

5.12 If an individual becomes aware that they are a named beneficiary in the will of a patient they have provided care to, they must contact the Chief Executive or Chief Finance Officer to discuss the ethics of remaining a beneficiary.

Senior approval

5.13 If you wish to accept gifts worth more than £50.00, hospitality worth over £75.00, or offers of travel/accommodation which go beyond modest (see above), this must be approved by the following, who must sign Section 9 of the Gifts and Hospitality declaration form:

| Requesting Individual | Approving Manager |
|---|---|
| Chief Executive Non-Executive Members of Governing Body | CCG Chair |
| Directors CCG Chair | Chief Executive |
| Other Individuals | Relevant Director or Deputy/Associate Director |

Sponsored events

5.14 Sponsorship of NHS events by external providers is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefiting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result there should be proper safeguards in place to prevent conflicts occurring.

5.15 For the purpose of this policy, sponsorship is defined as including:

- NHS funding from an external source, including funding of all or part of the costs of a member of staff; and
- NHS research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, hotel and transport costs (including trips abroad), provision of free services (speakers), buildings or premises.

5.16 When sponsorships are offered, the following principles must be adhered to:

- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS.
- Acceptance of commercial sponsorship must not in any way compromise the commissioning decisions of the CCG or be dependent on the purchase or supply of goods or services.
- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or main purpose of an event, meeting, seminar, publication or training event.
- The involvement of a sponsor in an event should always be clearly identified in the interests of transparency.
- The sponsorship agreement must be in writing and must include the following statement: 'The fact of sponsorship does not mean that the CCG endorses [company name]'s products or services.' This should also be made visibly clear on any promotional or other materials relating to the event.
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.

- Ensure there are no potential irregularities that may affect a company's ability to satisfy the conditions of the agreement or impact upon it in any way. This would include checking the company's financial standing and referring to the company's accounts.
- Consider the costs and benefits in relation to alternative options where appropriate. The decision making process must be transparent and defensible.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation. Any disclosure of confidential information must be legally and ethically appropriate. In research purposes, disclosure should not take place without approval of the Local Research Ethics Committee.
- Monitor clinical and financial outcomes and ensure break clauses are built in to enable the CCG to terminate the agreement if it becomes apparent that it is not providing expected value for money / clinical outcomes.

5.17 Any sponsorship that is offered and/or accepted must be declared and approval must be sought from the Chief Executive and Chair prior to accepting sponsorship using the form attached at Appendix 3.

Other forms of sponsorship:

5.18 Organisations external to the CCG or NHS may also sponsor posts or research. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage, or if sponsored posts cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition. There needs to be transparency and any conflicts of interest should be well managed. For further information, please refer to [Managing Conflicts of Interest in the NHS: Guidance for staff and organisations](#).

Speaking at a Meeting / Conference

5.19 Should an individual be asked to speak at an event and there is an offer of payment and delivering it during contracted hours, then there are two choices open to the individual in conjunction with agreement with the line manager:

- The payment should be credited to the CCG and the relevant department within which the individual works, including the Governing Body as a "department" for GP members / Lay Members to be assigned to. Any such payments must also be declared using the form at Appendix 3. If there is no payment but other benefits are offered, such as accommodation, travel expenses, etc. then this must be declared using the form at Appendix 3.
- The individual takes annual leave and the payment is made to them as a private matter between the organisation making the payment and the individual involved with the CCG. However, GPs in particular need to be mindful of the potential conflicts of interest that may still arise between their role within CCG and as a private contractor of services to the NHS. For further information please see the Conflicts of Interest Policy.

Inappropriate Offers of Hospitality/Gifts/Sponsorship

- 5.20 All staff and members must notify the Head of Corporate Governance and Risk of any inappropriate/overly generous offers of hospitality/gifts/sponsorship within 2 weeks of the offer being made. This includes any offers that would constitute a bribe, i.e. offers of a financial or other advantage as an incentive or reward to improperly perform your function or activities. For further information, please see the Anti-Fraud and Bribery Policy. The Head of Corporate Governance and Risk will ensure the Audit Committee is made aware of the inappropriate offer at the next meeting.

6. Outside Employment

In accordance with the CCG's Working Time Regulations Policy, individuals who are directly employed by the CCG must notify their line manager of their intention to undertake secondary employment by completing the Declaration of Secondary Employment form. Any existing outside employment must be declared on appointment, and any new outside employment must be declared when it arises. Amongst other things, the purpose of this is to ensure that the CCG is aware of any potential conflict with their CCG employment. For further information, please see the Conflicts of Interest Policy.

- 6.1 Examples of work which might conflict with the business of the CCG include:
- Employment with another NHS body;
 - Employment with another organisation which might be in a position to supply goods/services to the CCG including paid advisory positions and paid honorariums which relate to bodies likely to do business with the CCG;
 - Directorships e.g. of a GP federation or non-executive roles;
 - Self employment, including private practice, charitable trustee roles, political roles and consultancy work, in a capacity which might conflict with the work of the CCG or which might be in a position to supply goods/services to the CCG.
- 6.2 Permission to engage in secondary employment will be required and the CCG reserves the right to refuse permission where it believes a conflict will arise.

7. Gifts, Hospitality and Sponsorship Register

- 7.1 The following must be declared as soon as reasonably practicable using the form at Appendix 3:
- All offers of gifts from suppliers and contractors, other than low cost branded promotional items under the value of £6.00;
 - All offers of gifts from other sources (e.g. patients, families, service users) with a value of more than £50.00;
 - Hospitality with a value of more than £25.00; and
 - All offers and/or acceptances of sponsorship.
- 7.2 Where gifts and hospitality have been offered and declined, they must be declared and recorded if the amount would have been subject to such a declaration.

- 7.3 All completed hospitality/gift/sponsorship forms must be submitted to the Head of Corporate Governance and Risk for incorporating into the central register.
- 7.4 The Gifts and Hospitality Register will be published on the CCG website on a quarterly basis.
- 7.5 A record of all gifts and hospitality will remain on the register for a minimum of 6 months after the date of offer. The CCG will retain a private record of historic interests for a minimum of 6 years after the date on which it was offered.

8. Publication of registers

- 8.1 In order to demonstrate openness the Gift and Hospitality register will be made available on the CCG's website. Also, the register is reviewed by the Audit Committee on a quarterly basis.
- 8.2 Although all individuals must declare gifts, hospitality and sponsorship, the CCG will only publish those declared by decision makers. Decision makers are defined as follows:
- All governing body members;
 - Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services such as working groups involved in service redesign or stakeholder engagement that will affect future provision of services;
 - Members of the Primary Care Commissioning Committee (PCCC);
 - Members of other committees of the CCG e.g., audit committee, remuneration committee etc.;
 - Members of new care models joint provider / commissioner groups / committees;
 - Members of procurement (sub-)committees;
 - Individuals on Agenda for Change band 8d and above;
 - Management, administrative and clinical staff who have the power to enter into contracts on behalf of the CCG;
 - Management, administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions; and
 - Management, administrative and clinical staff responsible for processing payments in behalf of the CCG.
- 8.3 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register. Where an individual believes that substantial damage or distress may be caused, to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing. Decisions not to publish information

must be made by the Conflicts of Interest Guardian for the CCG, who should seek appropriate legal advice where required, and the CCG will retain a confidential un-redacted version of the register.

- 8.4 All decision making staff will be made aware, in advance of publication, that the register(s) will be kept, how the information on the register(s) may be used or shared and that the register(s) will be published. This will be done by the provision of a fair processing notice that details the identity of the data controller, the purposes for which the registers are held and published, how the information on the register(s) may be used or shared and contact details for the data protection officer. This information will also be provided to individuals identified in the register(s) because they are in a relationship with the person making the declaration.
- 8.5 All individuals who are not decision makers but who are still required to make a declaration of interest(s) or a declaration of gifts or hospitality will be made aware that the register(s) will be kept and how the information on the register(s) may be used or shared. This will be done by the provision of a separate fair processing notice that details the identity of the data controller, the purposes for which the register(s) are held, how the information on the register(s) may be used or shared and contact details for the data protection officer. This information will also be provided to individuals identified in the register(s) because they are in a relationship with the person making the declaration.

9. Contracts for Goods and Services

- 9.1 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 [Code of Conduct](#) of the Chartered Institute of Purchasing and Supply (CIPS).
- 9.2 Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of NHS Standing Orders and of EU Directives on Public Purchasing for Works and Supplies. This means that:
- No private, public or voluntary organisation 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 CCG, 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.
- 9.3 Individuals 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 individuals who are known to have a relevant interest play no part in the selection. Such interests must also be declared in accordance with the Conflicts of Interest Policy.

- 9.4 Individuals 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 CCG. This does not apply to officers' and members' benefit schemes offered by the NHS or trade unions.
- 9.5 Every invitation to tender to a prospective bidder for CCG business must require each bidder to give a written undertaking not to engage in collusive tendering or other restrictive practice, and not to engage in canvassing the CCG, its employees or officers concerning the contract opportunity tendered.

10. Intellectual Property

- 10.1 Any patents, designs, trademarks or copyright resulting from the work (e.g. research) of an individual, carried out as part of their work with the CCG, shall be the Intellectual Property of the CCG.
- 10.2 Approval should be sought from the appropriate line manager prior to entering into an obligation to undertake external work connected with the business of the CCG, e.g. writing articles for publication, speaking at conferences.
- 10.3 Where the undertaking of external work, gaining patent or copyright or the involvement in innovative work, benefits or enhances the CCG's reputation or results in financial gain for the CCG, consideration will be given to rewarding employees subject to any relevant guidance for the management of Intellectual Property in the NHS issued by the Department of Health.

11. Confidentiality

- 11.1 Information concerning the CCG which is not in the public domain must not at any time be divulged to any unauthorised person. Similarly, patient data or personal data concerning staff must not be divulged, in line with the General Data Protection Regulation (GDPR) 2018. This duty of confidence remains after termination of employment and applies to all individuals within the CCG.
- 11.2 Care should be taken that confidentiality is not breached inadvertently by, for instance discussing confidential matters in public places, such as whilst travelling by train, or by leaving portable IT equipment containing confidential information where it might easily be stolen, such as on full view in a parked car. Data should only be distributed using mechanisms with an appropriate level of security.
- 11.3 Individuals must maintain confidentiality of information at all times, both commercial data and personal data, as defined by the GDPR.
- 11.4 Individuals should guard against providing information on the operations of the CCG which might provide a commercial advantage to any organisation (private or NHS) in a position to supply goods or services to the CCG. For particularly sensitive procurements/contracts, individuals may be asked to

sign a non-disclosure agreement, a copy of which can be found at Appendix 4.

- 11.5 Please note that nothing in this policy prevents an individual from raising a concern in line with the CCG's Whistleblowing Policy.

12. The Bribery Act 2010

- 12.1 The Bribery Act 2010 defines bribery 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".

- 12.2 This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Bribery 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 some advantage to another.

- 12.3 The Act also introduces a corporate offence of failing to prevent bribery where the organisation (which includes all NHS bodies) does not have adequate preventative procedures in place.

- 12.4 Should members or staff wish to report any concerns or allegations they have a number of options available to them:

- Report all suspected irregularities to the Chief Finance Officer who is also the contact point for NHS Counter Fraud Authority, the Police and External Audit.
- Contact the Local Counter Fraud Specialist on 01904 725145 / 01423 554548 for any potential fraud related queries.
- Contact the NHS Counter Fraud Authority Fraud and Corruption Reporting Line
 - 0800 028 4060
 - www.reportnhsfraud.nhs.uk
- Contact the Public Concern at Work line on 0207 404 6609
- Follow the CCG's own Whistleblowing Policy guidelines

- 12.5 Failure to disclose or providing falsified information is considered as gross misconduct and may lead to internal disciplinary action and/or include the involvement of the CCG's Local Counter Fraud Specialist in line with the CCG's Anti-Fraud and Bribery Policy.

13. Equality Impact Assessment (EIA)

- 13.1 A full Equality Impact Assessment is not considered to be necessary as this policy will not have a detrimental impact on a particular group.

14. Monitoring Compliance and Effectiveness

- 14.1 Effectiveness is monitored by the Audit Committee through regular reports on declarations made in line with the policy.
- 14.2 Individuals should be aware that a breach of this policy could render them liable to prosecution as well as leading to the termination of their employment or position with the CCG.

15. Associated Documentation

- Managing Conflicts of Interest Policy
- Anti-Fraud and Bribery Policy
- Working Time Regulations Policy
- Procurement Policy
- Whistleblowing Policy

16. References

- HSG(93)5 Standards of Business Conduct for NHS Staff
- Nolan Principles of Public Life
- The Codes of Conduct and Accountability in the NHS 2004
- The Code of Conduct for NHS Managers 2002
- Professional Standards Authority 'Standards for Members of NHS Boards and Clinical Commissioning Group Governing Bodies in England' 2012
- Bribery Act 2010
- Chartered Institute of Purchasing and Supply (CIPS) Code of Conduct

Appendix 1 – The Seven Principles of Public Life (Nolan Principles)

- **Selflessness** - Holders of public office should act solely in terms of the public interest.
- **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** - Holders of public office should be truthful.
- **Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2 - Standards of Business Conduct – Quick Guide

- Make sure you understand the 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 to any relevant interests in line with the Managing Conflicts of Interest Policy. 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 interest?

If still unsure - **Declare it!**

- Declare the offer and receipt of gifts and hospitality as soon as possible.
- Report any inappropriate offers of gifts/hospitality/sponsorship to the Head of Corporate Governance within 2 weeks of the offer being made.
- Obtain permission from the Chief Executive and Chair (using the form at Appendix 3) before accepting any sponsorship agreement.
- Adhere to the code of conduct of the Institute of Purchasing and Supply if you are involved in any way with the acquisition of goods and services.
- Inform your line manager if you are intending to take on outside work, including any potential conflicts of interest this may cause.
- Do not abuse your past or present official position to obtain preferential rates for private deals.
- Do not unfairly advantage one competitor over another or show favouritism in awarding contracts.
- Do not misuse or make available official "commercial in confidence" information.

Appendix 3
RECORD OF HOSPITALITY/GIFTS/SPONSORSHIP – DECLARATION FORM

This form should be used to record any offers and/or acceptance of hospitality/gifts, and sponsorship agreements. Both declined and accepted offers should be declared in line with the following rules:

Gifts

| <u>Gifts from suppliers or contractors:</u> | <u>Gifts offered from other sources:</u> |
|--|--|
| <ul style="list-style-type: none"> All gifts of any nature offered by suppliers or contractors linked (currently or prospectively) to the CCG's business should be declined, whatever their value. | <ul style="list-style-type: none"> Gifts of cash and vouchers to individuals should always be declined. |
| <ul style="list-style-type: none"> Subject to this, low cost branded promotional aids may be accepted where they are under the value of £6.00 in total, and need not be declared. | <ul style="list-style-type: none"> Modest gifts of less than £50.00 can be accepted and do not need to be declared. |
| | <ul style="list-style-type: none"> Gifts valued at over £50.00 should be treated with caution and only be accepted, with senior approval, on behalf of an organisation, not in a personal capacity. These must be declared. |
| | <ul style="list-style-type: none"> Multiple gifts from the same source over a 12 month period should be treated in the same way as a single gift in respect of the £50.00 threshold. |

Hospitality

| <u>Hospitality - meals and refreshments:</u> | <u>Hospitality - travel and accommodation:</u> |
|--|--|
| <ul style="list-style-type: none"> Under a value of £25.00 – may be accepted and need not be declared. | <ul style="list-style-type: none"> Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared. |
| <ul style="list-style-type: none"> Of a value between £25.00 - £75.00 – may be accepted and must be declared. | <ul style="list-style-type: none"> Offers which go beyond modest (i.e. first class travel and accommodation and foreign travel and accommodation), or are of a type that the organisation itself might not usually offer, need senior approval, should only be accepted in exceptional circumstances, and must be declared. |
| <ul style="list-style-type: none"> Over a value of £75.00 – should be refused unless (in exceptional circumstances) senior approval is given. These must be declared. | |

Senior approval

- If you wish to accept gifts worth more than £50.00, hospitality worth over £75.00, or offers of travel/accommodation which go beyond modest (see above), this must be approved by the following, who must sign Section 9:

| Requesting Individual | Approving Manager |
|---|---|
| Chief Executive Non-Executive Members of Governing Body | CCG Chair |
| Directors CCG Chair | Chief Executive |
| Other Individuals | Relevant Director or Deputy/Associate Director |

- If you have declined gifts worth more than £50 or Hospitality worth over £25.00 respectively, this must be declared.
- If you wish to enter into a sponsorship agreement, this must be approved by the Chief Executive and Chair, and they must complete section 9 below.

| |
|--|
| Name: |
| Position within the CCG: |
| Are you responsible for contract monitoring, ordering or approval powers? Yes / No (please delete as appropriate) If yes, please specify: |
| Details of Hospitality/Gifts/Sponsorship Offered and/or Accepted |
| 1.Details of the hospitality/gift/sponsorship: |
| 2. Approximate value: |
| 3. Reason why the hospitality/gift/sponsorship is being offered: |
| 4a. Name of organisation/individual offering hospitality or gift/sponsorship: 4b. Name of the organisation representative: 4c. Date of event/gift being offered: |
| 5. Products/services provided by the organisation/individual to NHS Leeds CCG, where applicable: |
| 6. Are the products or services being offered either used or ordered by the individual in the course of their duties? Yes / No (please delete as appropriate) |
| 7. Decision: Declined / Accepted (please delete as appropriate) |

8. Declaration:

I confirm that the information provided is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

Signed:

Name:

Designation:

Date:

9. Approved: **Yes / No (please delete as appropriate)**

If yes, reason for approval / If no, reason offer declined (Continue overleaf if necessary):

Signed:

Name:

Designation:

Date:

**Please return completed forms to the Corporate Governance Team
leedsccg.corporategovernance@nhs.net for inclusion on the register.**

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and in the case of 'decision making staff' (as defined in the statutory guidance on managing conflicts of interest for CCGs), may be published in registers that the CCG holds.

Decision making staff should be aware that the information provided in this form will be added to the CCG's registers which are held in hardcopy for inspection by the public and published on the CCG's website. Decision making staff must make any third party whose personal data they are providing in this form aware that the personal data will held in hardcopy for inspection by the public and published on the CCG's website and must inform the third party that the CCG's privacy policy is available on the CCG's website. If you are not sure whether you are a 'decision making' member of staff, please speak to your line manager before completing this form.

Appendix 4 - Declaration of Gift/Hospitality/Sponsorship Register Template

| Ref | Name | Position | Details of Gift/Hospitality Offered | From whom it was offered | Details of previous gifts and hospitality offered or accepted by this offeror/supplier | Date of Event/Gift Offered | Estimated Value | Reason for Offer (if known) | Decision (Accepted/ Declined) and reason for acceptance/ declining | Any action taken to mitigate against a conflict | Name of Approver | Date Approved / Declined | Reasons why approved / declined |
|-----|------|----------|-------------------------------------|--------------------------|--|----------------------------|-----------------|-----------------------------|--|---|------------------|--------------------------|---------------------------------|
| | | | | | | | | | | | | | |

Appendix 5 – Non Disclosure Agreement Template

NHS Leeds CCG - express requirement for confidentiality

You have been requested to be involved in [INSERT DETAILS] (the "Project").

NHS Leeds CCG or other parties participating in the Project may provide you with, as part of your role in respect of the Project, access to certain confidential information relating the Project (whether before or after the date of this letter), in writing, by email, orally or by other means (including from or pursuant to discussions with any other party or which is obtained through attendance at meetings related to the Project) and trade secrets including, without limitation, technical data and know-how relating to the Project, including in particular (by way of illustration only and without limitation) [EXAMPLES] and including (but not limited to) information that you may create, develop, receive or obtain in connection with your engagement on the Project, whether or not such information (if in anything other than oral form) is marked confidential (the "Confidential Information").

Accordingly we draw to your attention that as part of your role for NHS Leeds CCG you are required to:

- 1.1. maintain the Confidential Information in the strictest confidence and not divulge any of the Confidential Information to any third party without the prior written permission of NHS Leeds CCG; and
- 1.2. not make use of, reproduce, copy, discuss, disclose or distribute the Confidential Information other than for use as part of your role in the Project.

The above obligations in respect of this Confidential Information are supplemental to any prior representation, understanding and commitment (whether oral or written) between us. The terms of this Letter can only be changed by a written document, agreed upon by both of us and signed by duly authorised persons. These provisions shall be governed and construed by English law.

Yours faithfully

For and on behalf of NHS Leeds CCG

By signing this letter you agree to comply with these terms.

| | |
|--------------------|--|
| Signed: | |
| Date: | |
| Print Name: | |

Appendix 6 - Policy Consultation Process

| | |
|---|--|
| Title of document | Standards of Business Conduct Policy |
| Author | Corporate Governance & Risk Team |
| Revised document | Revised October 2019 |
| Lists of persons involved in the revision of the policy | Laura Parsons - Head of Corporate Governance and Risk Sam Ramsey – Corporate Governance Manager |
| List of persons involved in the consultation process: | As Above Audit Committee |