

Final Draft

STANDARDS OF
BUSINESS CONDUCT

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INTRODUCTION

1. In 1994 the Government established the Nolan Committee to enquire into standards of behaviour in UK public life and to make recommendations that could be applied generally across the entire public sector to help reassure the public about the behaviour of those charged with responsibility for running our public services. The Committee produced seven principles of public life and recommended that all public bodies draw up codes of conduct that incorporate these principles. The seven principles are set out at Appendix 1.
2. All HPSS staff who commit resources directly or indirectly must apply these seven principles. They must be impartial and honest in their conduct of business and all employees must remain beyond suspicion. It is an offence under the Prevention of Corruption Act 1906 and 1916 for any 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. Circular HSS (GEN 1)1/95 details the principles for codes of conduct and accountability in situations where there is potential conflict between the private interests of HPSS staff and their HPSS duties and requires the establishment of a local code of conduct.
3. The purpose of this code is to ensure that all Trust employees are aware of their obligations and to protect them from situations where they may be faced with a real or apparent conflict of interest.

GENERAL PRINCIPLES GOVERNING STAFF CONDUCT

4. Trust employees are expected to:-
 - ensure that the interests of service users 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.

5. It is also the responsibility of all staff to ensure that they do not:
- abuse their official position for personal gain or to the benefit of their family or friends:
 - undertake outside employment that could compromise their Trust duties:
 - seek to advantage or further their private business or interests in the course of their official duties;
 - Staff must protect themselves and the Trust from any allegations of impropriety by seeking advice from their line manager, or from the appropriate contact point, whenever there is any doubt as to the interpretation of this Code

SCOPE

6. The Standards of Business Conduct outlined in this document are applicable to every Trust employee and therefore it is imperative that all staff are informed of its contents.

MANAGERS' RESPONSIBILITIES

7. Managers must adhere to this guidance and ensure that their staff are aware of and comply with this Code. To achieve this, all managers should record their receipt and understanding of the Code. They should also ensure that all their staff receive a copy of the leaflet entitled "Standards of Business Conduct – a staff guide" that accompanies this Code.

8. Where an interest, hospitality or relevant outside employment is declared to a manager, he/she must record that declaration in the employee's personal file together with any instructions issued to the member of staff in relation to the declaration. All declarations of interests, hospitality, or relevant outside employment should be notified to the Director of _____. Further guidance on the subject of hospitality is set out at paragraph 14 below.
9. Managers should consider whether outside employment declared by employees is likely to conflict with their Trust work or be detrimental to it. Generally, directorship of, or work with, an identified Trust supplier, or business competing with the Trust would be unacceptable.
10. If a manager is informed of a potential conflict of interest, hospitality or outside employment which has not been declared by a member of their staff, he/she must inform the Director of Finance.

GUIDANCE FOR STAFF

11. Staff should:

- make sure that they fully understand the Standards of Business Conduct set out in the leaflet entitled "Standards of Business Conduct – a staff guide" that accompanies this Code and seek advice from their line manager if they are unsure;
- make sure that they are not in a position where private interests and Trust duties conflict;
- declare to their line manager any relevant interest;
- seek the permission of their line manager prior to taking on outside work if there is any potential conflict of interest;
- obtain permission from their line manager before accepting commercial sponsorship

12. **Staff should not:**

- accept any gifts, inducements or inappropriate hospitality which might place them in a position where there could be a conflict between their private interests and their Trust duties;
- abuse their 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 official information.

CASUAL GIFTS

13. Gifts which could place an individual in a position of conflict, between their private interests and those associated with the execution of their Trust duties, should be politely but firmly declined. Staff may accept gifts of low intrinsic value or small tokens of gratitude (such as diaries or calendars). If in doubt, staff must contact their line manager before acceptance. Managers and staff should refer to the Trust's Gifts & Hospitality Policy for more detailed guidance in this area.

HOSPITALITY

14. Staff may accept modest hospitality, provided that it is normal and reasonable in the circumstances. For example, lunches in the course of working visits may be acceptable, although the hospitality should be similar to the scale of hospitality which the Trust as an employer would be likely to offer. Further details regarding the type and levels of hospitality that are acceptable can be found in the Trust's Policy on Gifts & Hospitality. If in doubt, staff should seek advice from their line manager.

OUTSIDE INTERESTS

15. Outside interests should be declared to the individual's line manager, as should the interests of a spouse/partner or close relative. For these purposes, interests include:
 - Directorships; and
 - Ownership, part-ownership or material shareholdings in companies, businesses or consultancies likely to seek to do business with the Trust.
16. A conflict of interest may arise as a result of an employee accepting appointment to a post outside the Trust, e.g. with a company that does business with, or is in competition with, the Trust. Where there is any doubt, the employee must seek advice from his/her manager before accepting any outside appointment.

PRIVATE PRACTICE OR OTHER EMPLOYMENT

17. Private practice for medical staff is subject to the conditions outlined in the handbook on the management of private practice in health service hospitals (The Red Book) and consultants are subject to the conditions detailed therein.
18. Staff may undertake work outside of their core contract of employment or for outside agencies provided they **do not** do so within the time that they are contracted to carry out their core duties for the Trust and they observe the conditions detailed in this guidance. Such employment should not cause their average weekly hours to exceed the limits as set out in their terms and conditions of service or the Working Time Directive regulations.

TENDERING AND CONTRACT AWARD

19. Preferential treatment should not be shown in awarding contracts and staff should ensure when they are preparing a tender that a warning against corruption is included in all invitations to tender. See Standing Financial Instructions, Section 17 for further guidance.

INTELLECTUAL PROPERTY RIGHTS

20. If an employee invents a new technology, for instance, a device or diagnostic, or otherwise creates intellectual property as part of the normal duties of his/her employment, the patent rights in the invention belong to the Trust (Patents Act 1977). Although legally the employee is not automatically entitled to any royalty or reward derived from such an invention, he/she can expect to be acknowledged as the inventor in any patent application.
21. Any member of staff, who has an innovative concept or invention that may have commercial potential, should contact the Director of _____.

COMMERCIAL SPONSORSHIP

22. Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses is acceptable only where the employee seeks permission in advance and the appropriate Head of Department is satisfied that acceptance will not compromise purchasing decisions in any way.
23. If the circumstance arises where staff advising on the purchase of equipment need to see such equipment in operation in other parts of the country (or exceptionally overseas), the Trust will meet the associated cost to avoid putting in jeopardy the integrity of subsequent purchasing decisions.

24. Under no circumstances should any employee agree to linked deals where sponsorship is linked to the purchase of a particular product or to supply from particular sources. Further guidance is contained in the Trust's Policy on Gifts & Hospitality.

COMMERCIAL INFORMATION

25. Managers are reminded to take care in using internal information particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition. This principle applies whether private competitors or other public sector providers are concerned.

REMEDIES

26. Managers or staff who fail to comply with the guidance detailed in this Code could be subject, following full investigation, to disciplinary action. If, through their actions or omissions, managers or staff are found to be in contravention of either this guidance or indeed their legal responsibilities then the Trust reserves the right to take legal action. Where staff suspect, or are aware of, non-compliance with this Code, they should report any such instances to their line manager, their applicable director or the Director of Finance.

REGISTER OF GIFTS, HOSPITALITY AND INTERESTS

27. A central register of Gifts, Hospitality and Interests will be held by the Chief Executive's office. Annually, the Director of _____ will inform all staff of the requirement to register relevant outside interests and staff will be provided with the relevant form to record such interests. Staff will also be reminded of the requirement to notify their line manager of changes to their interests during the year, along with any gifts or hospitality received.

28. At least annually, the register will be reviewed by an officer appointed by the Director of Finance and the detail confirmed against available supporting information.

CONTACT POINT FOR FURTHER GUIDANCE

29. The Director of _____ will provide advice and guidance on the Standards of Business Conduct and their interpretation.

INDUCTION OF NEW EMPLOYEES

30. As part of their induction, all new staff will be made aware of the Standards of Business Conduct and any implications for their post. The Standards will be incorporated into the Contract of Employment for all new employees.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity - Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.