

Section C

Standards of Business Conduct for NHS Staff

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Contents

	Page
1 Introduction	3
2 Principles of Conduct within NHS Dumfries and Galloway	3
3 Action for Managers	3
4 Private Practice	4
5 Intellectual Property Rights	4
6 Commercial Sponsorship	4
7 Casual Gifts and Hospitality	5
8 Bribery	6
9 Outside Interests and Employment	6
10 Remedies	7
11 Guidance for Staff	7
12 Distribution	7
13 Register of Hospitality and Interests for Staff other than Board Members	8
14 Contact Point for Further Guidance	8
15 Induction of New Employees	8
16 Specific Guidance for Individual Groups of Staff	8
17 Review Process	8

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1 Introduction

All NHS staff who commit NHS resources directly or indirectly 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 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. *MEL (1994) 48* details the principles for codes of conduct and accountability in situations where there is potential conflict between the private interests of NHS staff and their NHS duties and requires the establishment of a local code of conduct.

The purpose of this Code is to ensure that all NHS employees in Dumfries and Galloway are aware of their duties under the MEL and to protect them from situations where they may be placed in a real or apparent conflict of interest

2 Principles of Conduct within NHS Dumfries and Galloway

Employees are expected to:

- ensure that the interest of patients remain paramount at all times;
- be impartial and honest in the conduct of their official business; and
- use the public funds entrusted to them to the best advantage of the service, always ensuring value for money.

It is also the responsibility of 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 NHS duties; or
- seek to advantage or further their private business or interest in the course of their official duties.

Staff must protect themselves and NHS Dumfries and Galloway 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.

3 Actions for Managers

Managers must adhere to this guidance and ensure that their staff are aware of and comply with this Code.

In regard to contract awards, favouritism should not be shown in awarding contracts.

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Where an interest, hospitality or relevant outside employment is declared to a manager, they 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 interest should be notified to the Corporate Business Manager.

Managers should consider whether outside employment declared by employees is likely to conflict with their NHS work or be detrimental to it; generally, directorship of, or work with, an identified NHS supplier.

4 Private Practice

Private practice for medical staff is subject to the conditions contained within the new Consultant's Contract Appendix 8.

Other staff may undertake private practice or work for outside agencies provided they do not do so within the time they are contracted for the NHS and they observe the conditions detailed in this guidance.

5 Intellectual Property Rights

In certain circumstances innovative and research work undertaken by staff gives rise to intellectual property rights which can be to the advantage of both the Board and the member of staff. Any such work should therefore be declared to the Chief Executive before it is undertaken so that these rights can be protected

6 Commercial Sponsorship

Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses is acceptable but only where the employee seeks permission in advance and the employer is satisfied that the acceptance will not compromise purchasing decisions in any way. This includes all costs associated with the event if they are provided by the 'sponsor'. Acceptance of such sponsorship should be declared as in 3 above.

Normally the relevant Head of Department should give permission and in the case of consultant staff this should be discussed with the Medical Director or Associate Medical Director – Acute Services.

On occasions when NHS employers consider it necessary for staff advising on the purchasing of equipment to expect to see such equipment in operation in other parts of the country (or exceptionally overseas) the employer will meet the cost to avoid putting in jeopardy the integrity of subsequent purchasing decisions.

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Companies may, for example, offer to sponsor wholly or partially a post. The employer will not enter into such an arrangement unless it is made abundantly clear to the company concerned that sponsorship will have no effect on the purchasing decision within NHS Dumfries and Galloway.

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.

7 Casual Gifts and Hospitality

Gifts which could place an individual in a position of conflict between their private interests and that required in the execution of their NHS duties should be politely but firmly declined. MEL (1994) 48 states that 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. Gifts declined must also be declared.

Staff may accept modest hospitality provided that it is normal and reasonable in the circumstances, eg 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. If in doubt, staff should seek advice from their line manager. All hospitality accepted by NHS employees must be declared to their line manager and notified as 3 above.

It is not necessary to declare hospitality received as part of the normal programme of a course or conference.

For further details on what staff should accept or decline, please click on the following link for the [Gifts and Hospitality Policy](#).

8 Bribery

The Bribery Act 2010 came into force on 1 July 2011 and makes it a criminal offence to take part in active bribery (making a bribe) or passive bribery (receiving a bribe) (definitions below).

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- a) Active Bribery: Section 1 of the Act makes it an offence for a person to offer, give or promise to give a financial or other advantage to another individual in exchange for improperly performing a relevant function or activity.
- b) Passive Bribery: Section 2 of the Act makes it an offence for a person to request, accept or agree to accept a financial or other advantage in exchange for improperly performing a relevant function or activity.

You must be committed to the prevention of bribery and all forms of corruption. NHS Dumfries and Galloway operate a zero tolerance approach to bribery committed by any person it employs and any person who provides services for or on behalf of NHS Dumfries and Galloway.

Any allegation of bribery by a Board Member or employee of NHS Dumfries and Galloway will be investigated in accordance with relevant processes and procedures and may be reported to the authorities as appropriate.

NHS Dumfries and Galloway will always act with integrity, transparency and honesty. You must be committed to the prevention of bribery in recognition of the importance of maintaining the reputation of NHS Dumfries and Galloway and the confidence of the public, partner organisations and other stakeholders.

9 Outside Interests and Employment

Outside interests include directorships, ownership, part ownership or material shareholdings in companies, business or consultancies likely to seek to do business with the NHS. These should be declared to the individual's line manager as should the interests of a spouse / partner or close relative.

It is also possible that a conflict of interest may arise as a result of an employee accepting an outside post, eg with a company that does business with the NHS. Where there is any doubt, the employee must seek advice from their manager before accepting any outside post.

10 Remedies

Managers or staff who fail to comply with the guidance detailed in this Code could be subject, following full investigation, to disciplinary action up to and including dismissal. If through their actions or omissions managers or staff are found to be in contravention of this Code or, indeed, their legal responsibilities

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then NHS Dumfries and Galloway reserves the right to take legal action if necessary.

11 Guidance for Staff

Staff should

- make sure that they understand the details of this policy and consult their line manager if they are unsure;
- make sure that they are not in a position where private interest and NHS duties conflict;
- declare to an appropriate line manager or executive director any relevant interest;
- seek the permission of the appropriate line manager or executive director prior to taking on outside work if there is conflict of interests; and
- obtain permission from their appropriate line manager or executive director before accepting commercial sponsorship.

Staff should not

- accept any gifts, inducements or inappropriate hospitality which will place the individual in a position of conflict between their private interest and that required of their NHS duties;
- unfairly advantage one competitor over another or show favouritism in awarding contracts; or
- misuse or make available official 'commercial – in confidence' information.

12 Distribution

This Code is applicable to every NHS Dumfries and Galloway employee and therefore all staff should be aware of its content.

13 Register of Hospitality and Interests for Staff other than Board Members

The Corporate Business Manager will hold a central register of Gifts and Hospitality for all staff.

The form to registering Gifts and Hospitality is attached to the [Gifts and Hospitality Policy](#), which is available on the intranet for ease of access.

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Access to the register will be restricted to senior officers and internal and external audit. The Register may also be the subject of FOI requests.

At least annually, an officer identified by the Director of Finance will review the register.

14 Contact Point for Further Guidance

A copy of this Code will be posted on the intranet and can be obtained from the Corporate Business Manager who will provide advice and guidance on its interpretation.

A summary leaflet entitled 'Code of Corporate Governance' will be included in the induction pack.

15 Induction of New Employees

All new staff will be made aware of the 'Code of Corporate Governance' at induction and will be provided with a summary leaflet on the key points within the Code of Corporate Governance.

16 Specific Guidance

Additional guidance is available on Joint Working between NHSScotland and the Pharmaceutical Industry (A Common Understanding).

17 Review Process

The Code will be reviewed annually or as requested by the Area Partnership Forum.