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POLICY ON STANDARDS OF BUSINESS CONDUCT/ DECLARATION OF INTERESTS

1 GENERAL GUIDELINES

The Trust has adopted as policy the Department of Health's guidance for conducting business in the NHS contained in HSG(93)5.

a. Responsibility of Management

The Trust Board and its members are responsible for ensuring that these guidelines are brought to the attention of all staff and for ensuring that they are effectively implemented. The Chief Executive, Directors and General Managers are also contractually bound to adhere to the Code of Conduct for NHS Managers

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005410?IdcService=GET_FILE&dID=1687&Rendition=Web

b. Responsibility of Staff

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 Trust duties. This primary responsibility applies to all Trust staff, ie those who commit NHS resources directly (eg by the ordering of goods) or those who do so indirectly (eg 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 in a discharge of patients to residential facilities.

Attention is also drawn to the Codes of Conduct for Professional Staff (eg NMC, HPC, GMC) in relation to this issue.

c. Guiding Principle in Conduct of Public Business

The Trust must be seen to be impartial and honest in the conduct of its business, and that its staff are beyond suspicion. It is an offence under the Prevention of Corruption Acts 1906 and 1916 for staff 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 handing of contracts. Staff who breach the provisions of these acts render themselves liable to prosecution and will also be subject to disciplinary procedures, which may lead to their dismissal.

d. Principles of Conduct in the NHS

Trust staff are expected to:

- i ensure that the interests of patients remain paramount at all times
- ii be impartial and honest in the conduct of their official business
- iii 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**:

- i abuse their official position for personal gain or to benefit their family or friends
- ii seek to advantage or further private business or other interests, in the course of their official duties

2 IMPLEMENTING THE PRINCIPLES

2.1 Casual Gifts

Casual gifts offered by contractors or others, eg 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 colleagues, patients or their relatives, may be accepted. In cases of doubt staff should either consult their line manager or politely decline acceptance.

2.2 Hospitality

Modest hospitality provided it is normal and reasonable in the circumstances, eg lunches in the course of working visits, are acceptable, though it should be similar to the scale of hospitality which the Trust as an employer would be likely to offer. Staff should decline all other offers of gifts, hospitality or entertainment. If in doubt they should seek advice from their line manager.

2.3 Declaration of Interests

2.3.1 The Trust must 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 Trust.

2.3.2 All staff should therefore declare such interest, in writing, on the attached proforma to the Director of Human Resources. This should either be done on commencement of employment or on acquisition of the interest, in order that it may be known and in no way promoted to the detriment of either the Trust or its patients. Failure to notify the Trust of an appropriate interest may lead to disciplinary action against the member of staff. The Director of Human Resources will maintain a register of all such interests.

2.3.3 One particular area of potential conflict of interest, which may directly affect patients, is when staff hold a beneficial interest in private care homes or hostels. While it is for staff to declare such interests, the Trust has a responsibility to introduce whatever measures it considers necessary to ensure that its interests and those of patients are adequately safeguarded. The Trust requires doctors who refer a patient to a private care home or hostel in which he or she has an interest to inform the patient of that interest before referral is made.

2.3.4 In determining what needs to be declared, managers and staff should refer to the principles set out in paragraph 2.3.1 above.

2.3.5 The Trust will:

- Ensure that staff are aware of their responsibility to declare relevant interests in:
 - a clause to this effect in written statements of terms and conditions of employment
 - the Induction Checklist
 - departmental induction
 - the Staff Handbook
- Keep registers of all such interests (see paragraph 2.3.2).
- Take disciplinary action if a member of staff 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.

2.3 Preferential Treatment in Private Transactions

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 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 – eg NHS staff benefits schemes).

2.4 Contracts

Fair and open competition between prospective contractors or suppliers for Trust 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 Trust business should be given any advantage over its competitors, such as advance notice of Trust requirements. This applies to all potential contractors, whether or not there is a relationship between them and the Trust, 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 Trust and the ability of the contractors to fulfil them.

No special favour is to be 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 when 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.

All staff who are in contact with supplies and contractors (including external consultants, and in particular those who are authorised to sign purchase orders, or place contracts for goods, material 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 Supplies (Appendix 1).

2.5 Warnings to Potential Contractors

All invitations to potential contractors to tender for Trust business are to include a notice warning tenderers of the consequences of engaging in any corrupt practices involving employees of public bodies.

2.6 Outside Employment

Staff must not be in any way directly or indirectly engaged in any other business or undertaking where this is likely to be in conflict with the interest of the Trust or where this may adversely affect the efficient discharge of their duties.

They must state in writing if they think they may be risking a conflict of interest in this area; the Medical Director and the Director of Human Resources will be responsible for judging whether the interests of patients could be harmed, in line with the principles of paragraph 1.4 above.

2.7 Private Practice

Consultants on the old (prior to 2003) contract and associate specialists employed under the terms and conditions of service of hospital medical and dental staff are permitted to carry out private practice subject to the conditions outlined in the handbook "A Guide to the Management of Private Practice in the NHS". Consultants on both old and new contracts are required to keep the Trust informed of changes which affect their contractual and job plan arrangements.

Consultants who transferred onto the new national contract 2003 are bound by the Code of Conduct on Private Practice.

2.8 Rewards for Initiative (Intellectual Property)

The Trust management procedures for intellectual property (IP) have been approved by the Trust Board and are available on request. Trust procedures are consistent with the Management Framework for IP of the Department of Health.

The Trust policy is to encourage and enable employees to participate in the generation and exploitation of IP as part of its commitment to delivering the best possible patient care. Sometimes an improvement to patient care can only come about by the protection of the IP and exploiting it commercially rather than by immediate widespread dissemination. The policy is to maintain a balance between the legitimate needs of the Trust to protect its interests, and the provision of a creative environment for employees to work where innovation and excellence are rewarded. The Trust has therefore agreed that:

- (a) income generated by successful exploitation of its IP and received by the Trust will be shared with the inventor(s) on an agreed sharing basis.
- (b) the Trust will assign to its employee the copyright in any article produced by the employee intended for publication in an academic or professional journal and with no commercial value, in which event it

will waive any claim to financial benefit arising from the publication unless specifically agreed otherwise.

The Trust will however retain a world wide, irrevocable, free licence to use the publication for its own non-commercial purposes, including research and training.

In this context, an inventor is defined as the person without whose intellectual contribution the development would not have taken place.

2.9 Ownership of Intellectual Property

From time to time during the normal course of employment you as an employee may generate IP which may have value in the delivery of better patient care. This IP can be in the form of inventions, discoveries, surgical techniques or methods, developments, processes, schemes, formulae, specifications, or any other improvements which may give rise to certain rights such as patents, trade marks, service marks, design rights, copyright, know-how, trade or business names and other similar rights (all of the foregoing rights being referred to as 'Intellectual Property Rights').

Where such IP is created in the course of your employment or normal duties then under UK law it will generally belong to the Trust, unless agreed otherwise in writing between you and the Trust. In relation to inventions potentially subject to patent protection this applies only if the duties of your employment would normally have been expected to give rise to inventions or if the nature of your responsibilities and duties are such that you are under a special responsibility to further the interests of the Trust. It is a condition of your employment to protect and maintain the confidentiality of any IP rights, of commercial value and not to exploit any IP rights without the specific approval of the Research and Development Committee. In addition you are also required to give the Trust all reasonable assistance required by the Trust in order to give full effect to this clause.

Consultant medical staff shall be free, without prior consent of the Trust to publish books, articles, etc and to deliver any lecture or speak, whether on matters arising out of his/her NHS service or not. It would be normal practice for the results of the work to be shared with the Trust prior to publication, and any conflict of interest declared.

2.10 Commercial Sponsorship for Attendance at Courses and Conferences

A pharmaceutical company, for example, may offer to sponsor, wholly or partially, a post in the Trust.

The Trust will not enter into such an arrangement, unless it has been made abundantly clear to the company concerned that the sponsorship 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, in fact, being influenced by the sponsorship agreement.

Under no circumstances should representatives of the Trust agree to 'linked deals' whereby sponsorship is linked to the purchase of particular products, or to supply for particular sources.

Further guidance on issues relating to the pharmaceutical industry is attached in Appendix 2.

2.11 **'Commercial In Confidence'**

Staff should be particularly careful of using, or making public, internal information of a 'commercial in confidence' nature, particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition. This principle applies whether private competitors or other NHS providers are concerned and whether or not disclosure is prompted by the expectation of personal gain.

The Trust wishes to avoid adopting a too restrictive view on this matter. Excessive secrecy should be unnecessary on matters that are not strictly commercial. For example, the term 'commercial in confidence' should not be taken to include information about service delivery and activity levels, which should be publicly available. Nor should it inhibit the free exchange of data for medical audit purposes, for example, subject to the normal rules governing patient confidentiality and data protection. In all circumstances the overriding consideration must be the best interest of the patients.

2.12 **Research Conduct**

Research activity within the Trust will provide benefits to patients, staff and the organisation if it is planned and conducted in compliance with all relevant legislation, ethical codes, codes of practice, and NHS guidance.

The Department of Health published the Research Governance Framework for Health and Social Care in June 2001. The purpose of the framework is to:

- safeguard the public
- ensure ethical and scientific quality of research, and
- promote good practice.

The framework sets out the standards and monitoring arrangements for all research undertaken in the NHS. It defines the responsibilities of researchers, principal investigators, funding bodies and organisations which host research or employ researchers. It sets out required standards for research and includes standards from existing legislation and regulations, Department of Health, recognised international and national authorities, and professional organisations.

Researchers are required to meet their responsibilities as defined in the framework. It can be accessed in the Library, the R&D Office, and on the Department of Health Internet site (www.doh.gov.uk/research). These responsibilities include, but are not limited to:

- Developing proposals that are ethical and seeking research ethics committee approval
- Conducting research to the agreed protocol and in accordance with all appropriate legal and professional requirements and guidance e.g. on consent, financial transactions and data protection
- Ensuring participant welfare while in the study, and

- Feeding back results of research to participants.

3 REGISTERS OF INTEREST

3.1 The Trust will maintain the following registers of interest:

3.1.1 Board Members

All Board members are requested to comply with the Code of Conduct for NHS Managers.

The Chief Executive will maintain a register of Trust Board members' interests. The register will include details of all directorships and other relevant and material interests which have been declared by both executive and non-executive Board members. The register will be available for public inspection on request.

3.1.2 All Staff

The Director of Human Resources will hold a register of interests and declarations for all staff. The register will hold details of:

- Staff who have an interest in any other activity or pursuit which may compete for an NHS contract to supply goods or services to the Trust, and
- Staff who risk a conflict of interest by engaging in outside employment
- Declarations of hospitality and sponsorship, eg suppliers
- Any other matters declared by staff in accordance with this policy

3.2 All staff joining the Trust will be informed of this policy and the appropriate documentation completed, if necessary (See Appendix 2). Existing employees will be reminded of the policy through publicity in My News and Team Brief. The policy will appear on the Trust intranet.

3.3 Staff who believe that they may have developed a conflict of interest whilst in the course of their employment should complete the form Appendix 3 and forward it to their manager.

3.4 The manager will agree an appropriate course of action with the employee. In any event, employees will be notified in writing if any activity is considered to generate a conflict of interest, and information will also be given on the course of action to be taken by the employee. A member of staff who is dissatisfied with the outcome of this may appeal against the decision using the Trust's grievance procedure.

THE MID YORKSHIRE HOSPITALS NHS TRUST

**GUIDANCE FOR MEDICAL AND OTHER STAFF WHO DEAL WITH THE
PHARMACEUTICAL INDUSTRY**

	Acceptable	Probably acceptable but needs approval	Unacceptable
Gifts in Kind	Items of low value such as diaries, calculators, pens etc	N/A	Gifts of significant value. Any gifts <u>linked</u> with purchasing agreements or prescribing promises or involvement in direct drug promotion.
Cash/Cheques/ Vouchers	Payment for specific services such as lectures or preparation or written material. Payment for consultation services to the industry (eg promotional material).		Gifts or inducements.
Research	Payment for scientifically valid research approved by ethical and research and development committees where payments are made into properly administered Trust Funds.	Employment of staff on monies from the pharmaceutical industry for the pursuance of such research. In such situations the matter must be discussed with the general manager.	Direct payments to individual doctors for research unless approved by Ethical and Research and Development Committees.
Hospitality	Refreshments during the course of educational meetings to the standards no higher than that <u>usually</u> paid for by the doctor himself/herself.	Sponsoring for travel to national or international meetings or recognised scientific or managerial value, within the parameters of the study leave policy.	Extravagant hospitality or travel unrelated to scientific/career issues. Payment for spouses or partners to attend national/international meetings as 'accompanying persons'.

THE MID YORKSHIRE HOSPITALS NHS TRUST

STANDARDS OF BUSINESS CONDUCT

**DECLARATION OF INTERESTS/REGISTER OF INTERESTS
GUIDELINES FOR STAFF**

The Mid Yorkshire Hospitals NHS Trust, as a public sector body, must be impartial and honest in the conduct of its business and staff must be beyond suspicion.

The Trust expects that every member of staff will maintain high standards of corporate and personal conduct, recognising that patients come first; we are all required to follow a code of conduct which:

- Ensures that interests of patients are paramount
- Requires you to be impartial and honest in any business dealings on behalf of the Trust or as a private individual in business dealings which may affect the Trust
- Requires you to make best use of public funds always ensuring value for money
- Requires you to report any concerns about theft/fraud/suspicious dealings to your manager or someone with appropriate authority

You must not abuse any official position for personal gain or to benefit your family or friends or to further private business interests.

Casual Gifts

Gifts offered by contractors and suppliers should be politely declined. Items of low value, such as diaries or calendars or sweets which are offered as tokens of gratitude from colleagues, patients or their families may be accepted.

Offers of donations to a ward or department should be referred to your line manager.

Hospitality

Working lunches or evening meals on a similar scale to hospitality offered by the Trust may be acceptable, but you should decline all other offers of hospitality or entertainment, if in doubt you should seek advice from your line manager.

Declaration of Interest

You must declare any interest you or your family or associates may have in business or organisation, which may compete with the Trust for the delivery of services. This includes non-Trust health care employment or voluntary activity. The Director of Human Resources maintains a register of declared interests.

Preferential Treatment in Private Transactions

You must not seek preferential rates or perks in relation to private business with organisations where you have previously represented the Trust on official business. (This does not apply to nationally or locally negotiated employee benefits, eg discounted insurance).

The Award of Contracts

If you are responsible for agreeing contracts for goods and services you must follow the requirements of the NHS Standing Orders and relevant EC Directives. In particular, you must not enable any organisation to gain advantage over its competitors in seeking Trust contracts or show special favour to current or former staff, or friends or family.

Outside Employment

You must not in any way be directly or indirectly engaged in any other business or undertaking where there could be a conflict of interest with the Trust or where it could affect the efficient discharge of your duties at work.

You must notify your senior manager of any of the following:

- Employment with, or a wish to undertake employment with, another NHS body or private body which might be in direct competition with the Trust for the provision of services.
- Employment with a private body which might be in a position to supply goods/ services to the Trust.
- Self-employed in a capacity which might be in competition with the Trust for the provision of services.
- Self employed in a capacity which might be in a position to supply goods to the Trust.

Private Practice

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 accordance with "A Guide to the Management of Private Practice in the NHS" (for consultants on the pre-2003 contract) and the Code of Conduct for Private Practice for consultants on the new national contract 2003.

Other staff may undertake private practice outside of the time they are contracted to the Trust. If you undertake medical bank or agency work you should not breach your contractual requirements in respect of your hours of work.

Copyright/Patents

If you undertake work on behalf of the Trust or using Trust facilities which is awarded copyright, any patents will remain the property of the Trust. This includes any developments taking place within the Trust outside of normal working hours.

Where such work benefits the Trust consideration may be given to rewards in accordance with local policy.

Intellectual Property

From time to time, through Research and Development projects, in the course of their employment, staff may develop intellectual property which may have value in the delivery of better patient care. Some examples of intellectual property include inventions, discoveries, surgical techniques or methods, formulae and specifications. This list is not exhaustive.

Where such intellectual property is created in the course of employment or normal duties, then under UK law this will belong to the Trust.

Any income generated by the successful exploitation of intellectual property will be shared by the Trust and the inventor on an agreed basis.

Research and Development

Members of staff wishing to undertake research activity must obtain the prior approval of the Trust, via the Research and Development Committee, and also prior favourable opinion from the relevant NHS Research Ethics Committee(s). This includes research undertaken for educational purposes. These approvals are required for any research activity involving:

- Patients and users of the NHS. This includes all potential research participants recruited by virtue of the patient or user's past or present treatment by, or use of, the NHS. It includes NHS patients treated under contracts with private sector institutions
- Individuals identified as potential research participants because of their status as relatives or carers of patients and users of the NHS, as defined above
- Access to data, organs or other bodily material of past and present NHS patients
- Fetal material and IVF involving NHS patients
- The recently dead in NHS premises
- The use of, or potential access to, NHS premises or facilities
- NHS staff - recruited as research participants by virtue of their professional role

Researchers may approach the R&D Office for advice in the first instance on all aspects of research

Sponsorship for Attendance at Courses and Conferences

It will usually be possible for staff to accept sponsorship to attend a course or conference, however they should advise their manager of this well in advance of the course/conference. Staff may be asked to decline the offer of sponsorship if it is felt this would compromise purchasing decisions within the Trust.

Fraud/Theft

If you suspect theft or fraud or other untoward events taking place at work you should:

- Make a note of your concerns and
- Contact the local Counter Fraud Specialist (01274 424760) or Director of Finance. You can also report to the national NHS Fraud and Corruption Reporting Line on 0800 028 40 60 or nhsfraud@cfsms.nhs.uk.

Staff should not be afraid of raising concerns and will not experience any blame or recrimination as a result of making any reasonably held suspicion known.

If staff have any concerns about any of the issues raised in this document, they should contact their manager or Human Resources Manager.

IN STRICT CONFIDENCE

THE MID YORKSHIRE HOSPITALS NHS TRUST

DECLARATION OF INTERESTS – REGISTER OF INTEREST

Full Name _____
Job Title _____
Dept/CSU _____ **Base** _____

I have read and understood the guidelines for staff in relation to Register of Interests/ Standards of Business Conduct and wish to register the following:

Activity/Possible Conflict of Interest/Register of Interests/Development of Intellectual Property

Comments of Manager/Medical Director

Signed _____ **Date** _____

Action Required, if any

Copies: **Director of Human Resources**
 1 copy to be retained in Register of Interests File
 1 copy to be retained in Personal File