



## Standards of Business Conduct Policy

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The source of the document will be found in the Trust Quality System (Service-wide access).

### Freedom of Information Act 2000 Access

This document will be available via the NEAS Publication Scheme.

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# NORTH EAST AMBULANCE SERVICE NHS TRUST

## STANDARDS OF BUSINESS CONDUCT POLICY

### 1. Introduction

In promoting and safeguarding the Trust's reputation and standing with local communities, with customers and suppliers, with patients and within the public eye in general, it is Trust policy that the professional and social conduct of staff reflects the highest standards of personal integrity and that the business affairs of the Trust are conducted in a moral, honest manner and in full compliance with all legal requirements.

These guidelines are intended by the Trust to reinforce the guiding principles set out in HSG(93)5, relating to conduct of business in the NHS.

### 2. Purpose

The purpose of this policy is to clearly set out the standards of business conduct which must be followed by all employees of the Trust in order to maintain these standards and to protect Trust employees from any suspicion of fraud or corruption. Failure to comply could leave employees open to allegations of fraud or corruption which could result in disciplinary or criminal action.

The Nolan Committee (now the Committee on Standards in Public Life) set out 'Seven Principles of Public Life' which it believed should apply to all in the public service to clarify where the boundaries of acceptable conduct lie. These are:

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

**Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to 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** 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.

**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 to 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.

These principles are reflected in the NHS Code of Conduct, adopted by the Trust Board, and incorporated in all employee contracts and the Trust's Standing Orders, Scheme of Delegation and Standing Financial Instructions both of which require employees to be committed to the highest standards of corporate and personal conduct in all aspects of their work within the Trust.

### **3. Scope of the Policy**

This policy applies to all Trust employees and Non-Executive Directors. This includes those who commit resources directly (e.g., by the approval of contracts or the ordering of goods) or indirectly (e.g., by the prescribing of medicines).

The policy covers the following areas:

- Declaration of interests
- Other Employment
- Register of Hospitality and Gifts
- Employment of Relatives

### **4. Responsibilities and Duties within the Organisation**

4.1 The Trust is responsible for ensuring that these guidelines are brought to the attention of its employees and that procedures are introduced to ensure that they are effectively implemented.

4.2 It is the responsibility of NEAS employees to ensure that they are not placed in a position which causes conflict between their private interests and their NEAS duties.

4.3 It will be the responsibility of all line managers to ensure that staff fully understand this policy and ensure that they raise the profile of, and comply with the principles as set within it so as to lead by example.

4.4. All staff are expected to:

- Ensure the interests of patients remain paramount at all times
- Be impartial and honest in the conduct of their official business
- Use public funds entrusted to them to the best advantage of the service always ensuring value for money
- Raise any concerns regarding staff business conduct. The Raising Matters of Concern (Whistle-blowing) Policy exists to enable staff to raise concerns.
- Comply with the requirements described within this policy to declare gifts, hospitality and interests

4.5 It is also the responsibility of all staff to ensure they do not:

- Abuse their official position for personal gain or to the benefit of family and friends

- Seek to advantage or further private business or other interests in the course of their official duties

4.6 It is the responsibility of the **Trust Secretary** to maintain the registers of gifts and hospitality and declaration of interests.

## 5. **Guiding Principle in Conduct of Public Business**

It is important that all public sector bodies, which includes the NEAS Trust, must be impartial and honest in the conduct of their business, and that their staff must remain beyond suspicion. It is an offence under the Prevention of Corruption Acts 1906 and 1916 for an employee corruptly to accept any inducement or reward for doing, or refraining from doing anything, in their official capacity, or corruptly showing favour, or disfavour, in the handling of contracts.

Staff should be aware that a breach of the provisions of these Acts renders them liable to prosecution and may lead to a loss of their employment and Superannuation rights in the Trust. Failure to adhere to the Business Conduct Policy may result in the matter being referred to the Trust's Local Counter Fraud Specialist (LCFS) in accordance with the Trust's Fraud Policy and Response Plan for investigation which may result in criminal, civil or disciplinary action.

## 6. **Principles of Conduct in the North East Ambulance Service NHS Trust**

NEAS staff are required to:-

- 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 money entrusted to them to the best advantage of the Trust, always ensuring value for money.

It is also the responsibility of NEAS staff to ensure that they do not:

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

## 7. **Declaration of Interests**

The Trust needs to be aware of all cases where a member of staff, or their close relative or associate, has a controlling or significant and financial interest in a business, or any other activity, which may compete for a contract to supply goods or services to the Trust.

All NEAS staff are required to declare such interests either when they are appointed or on acquisition of the interest, in order that it may be known to the Trust and in no way promoted to the detriment of the Trust or patients serviced by the Trust. **The declaration should be made using the 'Declaration of Interests Form' (AHQ 120).**

A Register of Interests is maintained (AHQ 92) by the Trust Secretary and all declarations must be submitted to him/her on the appropriate form. This register is available for inspection, at any time by contractors or members of the public.

In determining what needs to be declared all NEAS staff should:-

- make sure they understand these guidelines on Standards of Business Conduct, and consult the Trust Secretary if further clarification is required;
- make sure they are not in a position where their private interests and NEAS duties conflict;
- declare to the Trust any relevant interests. If in doubt they should ask themselves the following questions:-
  - (a) am I, or might I be, in a position where I or my family or associates gain from the connection between my private interests and my employment with the Trust?
  - (b) do I have access to information which could influence purchasing decisions?
  - (c) could my outside interest be in any way detrimental to the Trust or to patients interests?
  - (d) do I have any other reason to think I may be risking a conflict of interest?

If staff are still unsure after asking themselves the above questions they should make a declaration.

Staff who have concerns regarding conflict of interest or ethical misconduct, either in respect of themselves or colleagues, should raise it in the first instance with their manager. Alternatively, they can discuss the matter with the Trust's Local Counter Fraud Specialist (on 0191 569 9665) or contact the national NHS Fraud and Corruption Reporting Line (on 0800 028 4060). All calls are treated in the strictest confidence. The staff member can raise it as an issue using the Raising Matters of Concern (Whistle-blowing) policy (issued to all Trust locations) which is available via the Trust intranet.

## **8. Other Employment**

It is a condition of employment that NEAS staff do not undertake any other employment, paid or unpaid, which conflicts with the requirements of the NEAS post. In the event of staff wishing to take up any employment, they must seek prior, written, authority from their Executive Director. When written approval is given to a member of staff to undertake other employment, the relevant Director will ensure that this is recorded in the Register of Other Employment held by the HR Manager.

Staff should be aware that undertaking other employment whilst claiming sick pay from the Trust may lead to a referral being made to the Trust's Local Counter Fraud Specialist for investigation. This may lead to disciplinary action (including dismissal) and/or criminal prosecution. The employee would also have to repay any sick pay.

## 9. **Register of Hospitality and Gifts**

The Trust has a Policy on Gifts and Hospitality and this has been issued to **all** Trust locations. Staff should read that document in conjunction with this policy.

**Monetary Gifts from Contractors or suppliers** should be firmly refused and must be brought to the attention of the Trust Secretary immediately.

**Monetary Gifts from Patients** or their relatives/carers should be politely but firmly declined. There may be some circumstances however, where a monetary gift is offered, either to an individual or a group of staff, that should be declared and paid into Trust Funds to go towards benefiting the service generally.

**Casual gifts from Contractors and suppliers**, such as articles of low intrinsic value may be accepted (e.g., calendars, diaries, pens) however these must not be in any way connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Act.

Accepting **Casual gifts from Patients** can compromise the professional nature of the staff/patient relationship. In the event that a patient (or former patient) offers a gift to a staff member, they should be thanked but the gift should be politely declined.

Modest hospitality e.g., lunch in the course of a working visit to a supplier etc., may be accepted. Where such hospitality is accepted, it should be declared using the relevant forms (see below).

**Hospitality from patients** however, must not be accepted.

The Trust's Register of Gifts and Hospitality (received or/and offered) is maintained by the Trust Secretary (based at Ambulance Headquarters). Any gift or hospitality that is accepted, having a value of £50.00 approximately or over, should be declared by the person receiving it.

Details should be submitted to the Trust Secretary using forms AHQ 95 and AHQ 113, on a monthly basis, via the member of staff's Line Manager. Regular small gifts from the same source that added together would exceed £50.00 should be declared.

**IN ALL CASES, ACCEPTANCE OF OR PROVISIONS OF GIFTS AND HOSPITALITY MUST BE AUTHORISED AT DIRECTOR LEVEL.**

## 10. **Employment of Relatives**

For the purposes of this Policy, the term relation/relative/relationship applies to blood (or adoptive) relations e.g., husband, wife, parent, child, brother, sister, aunt etc., AND ALSO to people who are living together as partners, regardless of gender of sexuality.

- 10.1 The Trust permits the employment of relatives.
- 10.2 Potential members of staff must declare any current or previous relationship to employees of the Trust, as the employment of relatives may constitute a conflict of interest and must be declared. Failure to declare leading to a conflict of interest may result in disciplinary action.
- 10.3 It may not be acceptable for staff members in relationships to work within the same department and in each case, advice must be sought from the Human Resources (HR) Department.
- 10.4 It may not be acceptable for members of staff in relationships to act as supervisor or manager, whether in a direct or indirect sense, to one another and in each case, advice must be sought from the HR Dept.
- 10.5 An employee must not shortlist, interview, appoint, promote, review performance or terminate employment of a person related to them.
- 10.6 Staff members entering into a relationship which may be considered to lead to a conflict of interest must make their line manager aware of this as soon as possible. The member will be required to act in the best interests of the patients and of their Department, if such a declaration is received. The longer serving party will be given the preference of remaining in the department or choosing to seek an alternative post.

## **11. Commercial Sponsorship**

Commercial Sponsorship must be subject to rigorous scrutiny by the Chief Executive and will be acceptable only where it does not put in jeopardy the integrity of subsequent purchasing or contracting decisions.

Under no circumstances will the Trust agree to 'linked deals' whereby sponsorship is linked to the future purchase of particular products or to supply from particular sources.

## **12. Confidentiality**

Staff should be particularly careful using or making public, internal information of a confidential nature, particularly regarding details covered under the Data Protection Act or other legislation whether or not disclosure is prompted by the expectation of personal gain.

Disclosure of information which counts as "commercial in confidence" and which might prejudice the principle of a purchasing system based on fair competition, may be subject to scrutiny and disciplinary action.

This does not affect the Trust's official grievance or complaints procedures and is not intended to restrict the freedom of employees to speak and write. It complements professional and ethical rules, guidelines and codes of conduct on freedom of speech.

## **13. Referring Concerns to External Agencies**

### **13.1 Members of Parliament**

An employee who has exhausted all the locally established procedures, including reference to the chairman of the Trust and the Trust's Raising Matters of Concern (Whistle-blowing) policy, and who has taken account of advice which may have been given, may wish to consult his or her MP in confidence.

### **13.2 Media**

As a last resort, an employee may contemplate the possibility of disclosing issues of concern to the media. Such action, if entered into unjustifiably, will result in disciplinary action if it unreasonably undermines public confidence in the Trust.

Any employee considering disclosure to the media is advised to first seek further specialist guidance from professional or other representative bodies and to discuss matters further with his or her colleagues and where appropriate, line and professional managers. It is expected that staff concerns can be addressed and dealt with without reference to the media.

An employee considering contacting the media should also, as a first point, contact the Trust Communications Department.

### **13.3 Public Interest Disclosure Act 1998**

Whilst not wanting to discourage disclosures of concerns to external agencies, staff must at all times be aware of the following:

- The meaning of a protected disclosure under section 43A of the Public Interest Disclosure Act 1998;
- The reasons for disclosure that may qualify for protection as set out in section 43B of the Public Interest Disclosure Act 1998; and
- The person/s to whom disclosure is made as set out in section 43C to 43H of the Public Interest Disclosure Act 1998

## **14. Equality Impact Assessment Statement**

The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

## **15. Dissemination and Implementation**

15.1 This policy is disseminated in the following ways:

- All staff have access via the Trust Quality System.
- Staff without computer access should contact their line management for information on how to access policies.
- All staff will be notified of new or revised documents via internal communications systems.

- This document will also be included in the Publication Scheme in support of the Freedom of Information (Fol) Act 2000.

15.2 The policy will be implemented and reinforced through:

- Staff Induction Programme
- Trust Protocols i.e., Standing Orders
- Counterfraud initiatives
- Articles/features in the staff newsletter
- Guidance and access to policies and procedures on the Trust Quality System

## **16. Relationship with other relevant documents**

Other key documents include:

- NHS Staff Code of Conduct
- Hospitality & Gifts Policy
- Raising Matters of Concern (Whistle-blowing) Policy
- Hospitality & Gifts Policy
- Fraud Policy & Response Plan
- Professional Codes of Conduct

## **17. Monitoring, Compliance & Review**

17.1 **Hospitality & Gifts and Declaration of Interests Registers** Both registers will be reviewed annually and monitored through the completion and receipt of the relevant forms (Hospitality/Gifts: AHQ 113 & AHQ 95, Declarations: AHQ 120). To ensure this is most effective, articles alerting staff to the Policy will be published on the intranet and in the bulletin.

17.3 **Other Employment** When written approval is given to a member of staff to undertake other employment, the relevant Director will ensure that this is recorded in the Register of Other Employment held by the HR Manager.

17.4 All registers are available for inspection as a public document.

## **18. Consultation, Approval and Ratification Process**

18.1 The Trust has arrangements in place to consult with staff and trades unions; through the Policy Review Group and Joint Consultative Committee. All Trust policies are considered by these forums, including this policy.

18.2 The final version of this policy shall be agreed by the Audit Committee and approved by the Trust Board.

## **19. Review and Revision Arrangements**

This policy will be reviewed by the Trust Secretary at least annually or when appropriate to reflect changes in legislation or guidance. The Audit Committee will consider the materiality of any revision made and subject to its view, either approve the revised version or recommend it be submitted to the Trust Board for approval.

**20. Standards and Key Performance Indicators**

Efficient implementation and management of this policy will support the Care Quality Commission (CQC) Core Standards (Governance) and also the NHS Litigation Authority (NHSLA) Risk Management Standards.

**21. Document Control (including Archiving Arrangements)**

Register/Library of Procedural Documents – all documents shall be held within the Trust Quality System and will be managed in line with quality standards.

**22. Associated Documents**

The following are related Trust policies and procedures which may prove useful:

- Staff Code of Conduct (QSSD 337)
- Fraud Policy & Response Plan (QSSD 661)
- Raising Matters of Concern (Whistle-blowing) Policy (QDDS 340)

**23. References**

- NHS Code of Conduct for Managers
- NHS Codes of Conduct and Accountability
- Professional Codes of Conduct