



# **STANDARDS OF BUSINESS CONDUCT & CONFLICTS OF INTEREST**

**South Central Ambulance Service NHS Foundation Trust**  
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## FINANCE POLICY NO. 1 STANDARDS OF BUSINESS CONDUCT

This document should be made available to all staff employed by the South Central Ambulance Service NHS Foundation Trust. It sets out the guidance for all staff on the subject of acceptance of gifts and hospitality. Guidance and advice on the application of this procedure should be obtained from the Finance Department.

This document is supplemental and subordinate to the South Central Ambulance Service NHS Foundation Trust Standing Orders and Standing Financial Instructions and does not supersede the governance provided by them either in part or in whole.

### 1. INTRODUCTION

The Trust must on all occasions be impartial and honest in the conduct of its business. This policy lays down guidelines which aim to ensure that the highest standards apply in the interests of patients and in the use of public funds.

In accordance with the Trust's own required standards of behaviour, all Trust employees must remain impartial and honest. As part of this, 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 NHS duties.

The policy sets out some guiding principles covering declarations of interest and the acceptance of gifts and hospitality, including references to interests in contracts. It does not provide for every eventuality and, therefore, employees should not hesitate to seek advice from their line manager, the Company Secretary or the Director of Finance.

### 2. PURPOSE

The purpose of this policy is to provide guidance to employees on the action that can or should be taken in the event that they are offered gifts and the need to declare any relevant interest in an organisation involved in Healthcare provision.

### 3. THE LAW

The Bribery Act 2010, introduces the offences of offering and/or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

To demonstrate the organisation has sufficient and adequate procedures in place and to demonstrate openness and transparency, all staff are required to comply with the requirements of the Standards of Business Conduct Policy. For a more detailed explanation please refer to the Anti Bribery Policy. Should members of staff wish to report any concerns or suspicions they should contact the Trust's Local Counter Fraud Specialist.

**Under the Bribery Act 2010, it is a criminal offence to:**

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so, and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

#### 4. PUBLIC SERVICE VALUES

High standards of corporate and personal conduct, based on the recognition that patients come first, have been a requirement throughout the NHS since its inception. The three fundamental public service values are:

- **Accountability:** Everything done by those who work in the Trust must be able to stand the tests of parliamentary scrutiny, public judgments on propriety and professional codes of conduct.
- **Probity:** Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, employees, suppliers and customers.
- **Openness:** The Trust's actions should be sufficiently public and transparent to promote confidence between the Trust and its patients, our employees and the public.

In addition, all those who work for or are in contract with the Trust should abide by the seven principles of public life promulgated by the Nolan Committee when undertaking their duties, the seven principles are:

- **Selflessness:** 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:** should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
- **Objectivity:** should, in carrying out public business, (including making public appointments, awarding contracts, or recommending individuals for rewards and benefits), make choices on merit
- **Accountability:** are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
- **Openness:** 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 demands
- **Honesty:** 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:** should promote and support these principles by leadership and example

## 5. GUIDING PRINCIPLES

NHS staff are expected to:

- Ensure that the interest of patients remains 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.

It is the responsibility of 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.

## 6. SCOPE

The policy applies to all employees of the Trust regardless of position (including Nonexecutive Directors), those who are seconded to the Trust, contract or agency staff and any other individuals working on Trust premises.

## 7. RESPONSIBILITIES

### 7.1 Director of Finance

The Director of Finance is responsible for ensuring that appropriate policies are in place in relation to standards of business conduct.

### 7.2 Company Secretary

The Company Secretary is responsible for advising employees on the contents of this policy.

### 7.3 Managers

Managers are responsible for ensuring their staff are aware of, and adhere to, this policy.

### 7.4 Staff

All employees, regardless of position held, are responsible for following this policy.

### 7.5 Local Counter Fraud Specialist (LCFS)

The LCFS is responsible for the investigation of any suspicions of Fraud or Bribery. Any suspicions of Fraud or Bribery should be reported immediately to the LCFS, Director of Finance or the Company Secretary.

## 8. NHS CONSTITUTION

The Trust is committed to:

- The achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and
- Ensuring they are taken account of in the production of its Policies, Procedures

and Guidelines.

This Policy supports the NHS Constitution in the NHS pledge to engage with staff in decisions that affect them and the services they provide, individually, through representative organisations and through local partnership working arrangements. All staff will be empowered to put forward ways to deliver better and safer services for patients and their families.

## 9. GIFTS AND HOSPITALITY

The Trust's general approach in relation to gifts and hospitality is to apply guidance issued by NHS Improvement/England (e.g., *Managing Conflicts of Interest in the NHS*).

It is recognised that SCAS staff offer support to people and patients during significant events in people's lives, and for this work they may sometimes receive gifts as a legitimate expression of gratitude. We are proud that our services are so valued, but situations where the acceptance of gifts could give rise to conflicts of interest should be avoided. Staff 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.

A gift means 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.

The action of all SCAS employees **must not** give rise to, or foster the suspicion that they have been, or may have been, influenced by a gift or consideration to show favour or disadvantage to any person or organisation. SCAS employees **must not** allow their judgement or integrity to be compromised in fact or by reasonable implication.

### **Gifts from suppliers or contractors**

Gifts, or an offer of gifts, from a supplier or contractor doing business (or likely to do business) with SCAS should be politely declined (unless covered by the low intrinsic value/small value exemption below). This should be declared to the Company Secretary ([company.secretary@scas.nhs.uk](mailto:company.secretary@scas.nhs.uk)) for entering onto the Gifts and Hospitality Register.

**Work related** items of low intrinsic value (e.g. less than £10) such as diaries and other items of stationery and equipment may be accepted and must be recorded in the register.

### **Gifts from other sources (e.g., patients, families, service users)**

It is acceptable to receive **small value items (up to a value of £50)**, for example from a patient or relative in appreciation of the treatment and care received, or seasonal items, if it is made clear to the person offering the gift or hospitality that it is accepted on behalf of the team or department (and indeed, is shared with colleagues), or is donated to the SCAS Charity. These should be declared to the Company Secretary ([company.secretary@scas.nhs.uk](mailto:company.secretary@scas.nhs.uk)) for entering onto the Gifts and Hospitality Register. Under no circumstances should cash or vouchers be accepted.

Gifts or offers of hospitality must be refused if there could be any doubt about the propriety of why they are being offered and why they are being accepted.

If in any doubt at all as to whether or not to accept gifts or hospitality, it is better to err on the side of caution and firmly but politely refuse, or immediately seek advice

from your Line Manager, the Company Secretary or the LCFS.

If a gift falls outside of identified 'small value items' and arrives without warning, it must be handed over to the appropriate Director who will decide whether the gift should be returned (or passed on to a charity or good cause) and will ensure that the donor is informed of what has happened.

### **9.1 Cash**

Under no circumstances must staff accept personal gifts of cash. Offers of cash donations should be politely declined.

### **9.2 Hospitality**

Delivery of services across the NHS relies on working with a wide range of partners in different places and, sometimes, outside of 'traditional' working hours. As a result, staff will sometimes appropriately receive hospitality. Staff 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. Hospitality generally means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events etc.

Staff should not 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.

All offers of hospitality should be approached with caution. Modest hospitality, for example, a drink and sandwich during a visit or a working lunch, which is likely to be reciprocal is normal and reasonable and does not require approval of a manager. Offers of hospitality relating to theatre evenings, sporting events, holiday accommodation, or other such hospitality **must** be declined.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public body and accepting hospitality from a private individual or a firm standing to benefit from the goodwill of the Trust. Particular care must be taken when dealing with suppliers, contractors, developers and firms or individuals in a comparable position – either actual or potential. Whilst these may be accepted if modest and reasonable, prior approval must be obtained from the individual's Line Manager.

### **9.3 Register of Gifts and Hospitality**

If, after referring to the above guidance, it is necessary for a member of the Trust to declare an acceptance or refusal of gifts or hospitality, the following steps should be taken to ensure full compliance with this policy:

- Inform your line manager or director
- In cases of doubt ask for guidance on acceptance or refusal of the gift or hospitality. If in doubt, declare
- Complete the form at appendix 2, a copy can also be requested from the Company Secretary, supplying the full details of the gift/hospitality and estimated value.

The completed form should be returned to the Company Secretary who will ensure the information is documented within the Gifts and Hospitality Register.

### **9.4 Commercial Sponsorship**

Sponsorship of NHS events by external parties is valued; the offer to meet some

or part of the costs of running an event can secure its ability to take place, therefore benefitting NHS staff and patients. However, there is potential for conflicts of interest between the organizer and the sponsor, particularly regarding the ability to market commercial products or services.

Any proposal to enter into a commercial sponsorship arrangement must have the prior consideration and approval of the Executive Team, to ensure that it is appropriate. The consideration of the Executive Team will take into account:

- Confirming that the commercial sponsorship arrangement will result in clear benefit for the organisation and the NHS (as judged by a “reasonable person”)
- Ensuring that controls are in place to ensure that dealings with sponsors will not give rise to a breach of patient or individual confidentiality, or data protection rules and legislation
- Being assured that no information will be supplied to the sponsor from which they could gain a commercial advantage, including information that is not readily in the public domain
- Confirming that the Trust will make it clear to the sponsor that the sponsorship does not equate to endorsement of the company and its products

## 9.5 Definitions

**Gifts:** examples of the kinds of gifts which might be made/offered include:

Stationary items such as pens, notepads, calculators, or carrier bags, food or confectionery, particularly chocolates and biscuits, flowers or plants, ornaments, mugs, wines and spirits, articles of clothing, jewellery or watches, tickets for cultural or sporting events, discounted rates for hire or purchase, free publications and cash.

**Hospitality:** covers a wide spectrum and can include:

Free meals, drinks, receptions, meetings sponsored by drug companies, hospitality tents at shows, exhibitions or conferences, music and cultural events, sport or leisure events, particularly golf competitions, use of company facilities, hotel accommodation and holidays

**Commercial Sponsorship:** can be defined as:

Financial support from an external body including funding of a person (whole or part time employee costs), research, staff training, products or services, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, marketing, gifts, hospitality, provision of free services (speakers), buildings or premises.

Please note these lists are not exhaustive.

## 10. DECLARATIONS OF INTERESTS

All Trust employees must ensure that their private and personal interests do not influence their decisions, and that they do not use their positions to obtain personal gain of any sort, either for themselves directly, or their families, friends or associates. Such interests include 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, or 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 employing authority.

Staff are required to declare any actual or potential conflicts on appointment. They also have a responsibility to declare any new conflicts that arise during the course of their employment with SCAS.

Staff must declare any actual or potential conflicts of interest in writing to the Company Secretary for recording in the Trust's Register of Interests. It may be necessary to bring entries in the register to the attention of senior officers and /or Board and it will be made available to the Trust's auditors, if requested. It shall also be regularly scrutinised by the Audit Committee and published in accordance with Freedom of Information Act requirements.

Periodic reminders for staff to declare interests will be sent to staff by the *Company Secretary via the communication managers*.

Members of staff are particularly reminded of the need to declare any relevant interest in an organisation (whether NHS or otherwise) involved in healthcare services (whether provision or otherwise). Advice from professional bodies should also be followed.

The Declarations of Interest form is at appendix 3. The completed form should be returned to the Company Secretary who will ensure the information is documented within the Declarations of Interest register.

#### **10.1 Patents, intellectual property rights**

The Trust encourages innovation and the development of patents and other intellectual property. However, conflicts of interest can arise when staff who hold patents and other intellectual property rights are involved in decision-making and procurement.

Staff should declare patents and other intellectual property rights they hold (either individually or by virtue of their association with a commercial or other organisation). Staff should also seek prior permission before entering into any agreement with bodies regarding product development, research, work on pathways etc. where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.

#### **10.2 Sponsored research**

The Trust encourages research, and without sponsorship of research some beneficial projects might not happen. 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.

Funding sources for research purposes must be transparent, and any proposed research must go through the relevant health research authority or other approvals process. The nature of the services to be provided and the payment for those services must be set out in writing. The research study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.

## **11. TENDERING AND CONTRACTING PROCEDURES**

Staff involved in tendering and purchasing are perhaps more vulnerable than other colleagues to accusations of impropriety. Even the appearance of impropriety can be highly damaging to the staff member and to the Trust. It is vital that all purchasing decisions are made on an objective basis and seen to be so.

The Institute of Purchasing and Supply – Ethical Code is attached at appendix 1.

## **12. OTHER RELATED ISSUES**

There are other issues that affect staff in terms of the principles of good business conduct, which are also addressed in other Trust publications and policies:

### **12.1 Employment**

- Staff involved in making appointments should ensure that these are made on a basis of merit alone and staff should not be involved in an appointment where they are related to an applicant or close personal friend.
- Staff should not be involved in the decision to discipline, promotion or any other employment matter for an employee who is a relative, partner or close friend.
- Candidates making an application for any appointment with the Trust are required to disclose in writing if to their knowledge they are related to any member of the Trust. Failure to disclose may disqualify a candidate and, may result in the Trust terminating the contract.
- Staff are required to declare any outside or secondary employment to their line manager in accordance with the Secondary Employment Policy and to seek advice from their line manager if they suspect a conflict of interest may arise.

### **12.2 Maintaining Confidentiality**

All employees of the Trust have a duty to maintain confidentiality of information at all times. As a public body, the Trust recognises the need for openness. However, this should not be confused with a breach of confidentiality. All employees of the Trust must be aware that a breach of confidentiality is potentially a serious disciplinary offence that could ultimately result in dismissal.

Staff must not disclose anything learned about a patient to anyone not authorised to receive it.

It is important that information about staff should be regarded as confidential and not disclosed to anyone who is not authorised to receive it, without prior approval of the employee.

Trust employees may frequently find that, as part of their work, they have access to confidential reports and information concerning the business of the Trust and other NHS organisations. The fact that they do have access to this information places a responsibility on them to honour the trust placed in them by the nature of their employment. In addition, “Commercial in Confidence” information must not be disclosed to any unauthorised person or organisation, since its disclosure would prejudice the principle of a purchasing system based on competition.

## **13. REFERENCES/ASSOCIATED POLICIES AND PROCEDURES**

- NHS England – Managing Conflicts of Interest in the NHS

- The Code of Conduct for NHS Managers [October 2002]
- Code of Conduct for Employee in Respect of Confidentiality
- Counter Fraud Policy
- Anti-Bribery Policy
- Whistleblowing Policy
- Appointing People Policy
- Discipline and Conduct Policy
- Recruitment Policy and Procedure
- Secondary Employment Policy
- Chartered Institute of Purchasing and Supply – Ethical Code

#### **14. BREACHES OF THE POLICY**

Non-compliance with the requirements may be deemed a disciplinary matter and breaches of the policy will be handled in accordance with the Trust's disciplinary procedure. Non-compliance may also constitute a criminal offence for which an investigation will be undertaken in accordance with the Trust's Counter Fraud Policy and NHS Fraud Manual. The NHS Parallel Sanctions Policy will be followed that could result in criminal, disciplinary and/or civil sanctions being pursued.

The Trust encourages staff to speak up about actual or suspected breaches of the policy, including through the Whistleblowing Policy.

#### **15. REVIEW**

The Standards of Business Conduct Policy will be reviewed every three years. Any minor amendments may be made prior to the formal review, details will be monitored and approved by the Company Secretary and will be in line with current best practice, guidance and changes in the law. Any changes will be recorded within the Table of Revisions.

#### **16. DATA PROTECTION**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure the best interests of the trust. The information provided will not be used for any other purpose.

Signing the declaration form will also signify that you consent to your data being processed for the purposes set out in this policy.

#### **17. EQUALITY STATEMENT**

The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marital status, disability, race, nationality, gender, religion, sexual orientation, gender reassignment, ethnic or national origin, beliefs, domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or any other basis not justified by law or relevant to the requirements of the post.

By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is

committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed term contract or any other irrelevant factor.

Where there are barriers to understanding e.g. an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resource Department

## APPENDIX 1: Institute of Purchasing and Supply – Ethical Code

### Introduction

Members of the Institute undertake to work to exceed the expectations of the following code and will regard the Code as the basis of best conduct in the purchasing and supply profession.

Members should seek the commitment of their employer to the Code and seek to achieve wide acceptance of it amongst their fellow employees.

Members should raise any matter of concern of an ethical nature with their immediate supervisor or another senior colleague if appropriate, irrespective of whether it is explicitly addressed in the Code.

### Principles

Members shall always seek to uphold and enhance the standing of the purchasing and supply profession and will always act professionally and selflessly by:

- maintaining the highest possible standard of integrity in all their business relationships both inside and outside the organisations where they work
- rejecting any business practice which might reasonably be deemed improper and never using their authority for personal gain
- enhancing the proficiency and stature of the profession by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour
- fostering the highest possible standards of professional competence amongst those for whom they are responsible
- optimizing the use of resources which they influence and for which they are responsible to provide the maximum benefit to their employing organisation
- complying with both the letter and the spirit of:
  - the law of the country in which they practice
  - Institute guidance on professional practice
  - Contractual obligations

Members should never allow themselves to be deflected from these principles.

### Guidance

In applying these principles, members should follow the guidance set out below:

- *Declaration of interest* – Any personal interest which may affect or be seen to affect a member's impartiality in any matter relevant to his or her duties should be declared.
- *Confidentiality and accuracy of information* – The confidentiality of information received in the course of duty should be respected and should never be used for personal gain. Information given in the course of duty should be honest and clear.
- *Competition* – The nature and length of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements which might in the long term prevent the effective operation of fair competition should be avoided.
- *Business gifts* – Business gifts, other than items of very small intrinsic value should not be accepted.

- *Hospitality* – the recipient should not allow him or herself to be influenced or be perceived by others to have been influenced in making a business decision as a consequence of accepting hospitality. The frequency and scale of hospitality accepted should be managed openly and with care and should not be greater than the member’s employer is able to reciprocate.

### **Decisions and Advice**

When it is not easy to decide between what is and is not acceptable, advice should be sought from the member’s supervisor, another senior colleague or the Institute as appropriate.

This code was approved by the Council of CIPS on 16 October 1999