



# Section C

## Standards of Business Conduct for NHS Staff

This section is for all staff and all staff are required to adhere to the Standards of Business Conduct for NHS staff.

These Standards of Business Conduct for NHS Staff form part of the NHS Board's standard contract for the employment of all staff.

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### **Item 1: Introduction**

- 1.1 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.
- 1.2 The purpose of this code is to ensure that all NHS employees in Ayrshire and Arran 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.
- 1.3 Supporting Guidance on the Acceptance and Declaration of Gifts and Hospitality and Declaration of Interests, is provided at Section C1 of the Code of Corporate Governance.

### **Item 2: Principles of Conduct within NHS Ayrshire & Arran**

- 2.1 Employees 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; and
  - use the public funds entrusted to them to the best advantage of the service, always ensuring value for money.
- 2.2 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.
- 2.3 Staff must protect themselves and NHS Ayrshire & Arran 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.

### **Item 3: Action for Managers**

- 3.1 Managers must adhere to this guidance and ensure that their staff are aware of and comply with this Code.
- 3.2 In regard to contract awards, favouritism should not be shown in awarding contracts.
- 3.3 Where there is an interest, hospitality or relevant outside employment is declared to a manager, they must record that declaration as directed in the supporting guidance and hold in the employee's personal file together with any instructions issued to the

member of staff in relation to the declaration. The required declaration forms must be approved by the Directorate approved person and provided to the Directorate named person to be recorded as part of the Board's declaration of interests and gifts. Detailed information is provided in the supporting guidance at section C1.

#### **Item 4: Private Practice**

- 4.1 Private practice for medical staff is subject to the conditions contained within the new Consultant's Contract.
- 4.2 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.

#### **Item 5: Intellectual Property Rights**

- 5.1 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.

#### **Item 6: Commercial Sponsorship**

- 6.1 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 3.3 above.
- 6.2 Normally the relevant Head of Department should give permission and in the case of consultant medical and dental staff this should be discussed with the individual's line manager.
- 6.3 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 jeopardy the integrity of subsequent purchasing decisions.
- 6.4 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 Ayrshire & Arran.
- 6.5 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.

## **Item 7: Casual Gifts and Hospitality**

- 7.1 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 provides 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.
- 7.2 Staff may accept modest hospitality provided it is normal and reasonable in the circumstances, e.g. 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 3.3 above.
- 7.3 It is not necessary to declare hospitality received as part of the normal programme of a course or conference.

## **Item 8: Outside Interests and Employment**

- 8.1 Outside interests include directorships, ownerships, 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.
- 8.2 It is also possible that a conflict may arise as a result of an employee accepting an outside post, e.g. 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.

## **Item 9: Remedies**

- 9.1 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 then NHS Ayrshire & Arran reserves the right to take legal action if necessary.

## **Item 10: Guidance for Staff**

- 10.1 Staff should:
- make sure that they understand the detail of this code and the supporting guidance 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 in accordance with the supporting guidance.
  - seek the permission of the appropriate line manager or executive director prior to taking on outside work if there is conflict of interests; and

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- obtain permission from their appropriate line manager or executive director before accepting commercial sponsorship.

10.2 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.

**Item 11: Distribution**

- 11.1 This Code is applicable to every NHS Ayrshire & Arran employee and therefore all staff should be aware of its content.

**Item 12: Register of Hospitality and Interests**

- 12.1 The Register of Gifts, Hospitality and Interests for staff members will be managed by the Directorate named person in accordance with the supporting guidance. Staff registers will be collated annually and held by the Head of Corporate Governance. The Head of Corporate Governance will hold a Register of Gifts, Hospitality and Interest for Board Members and Corporate Management Team which is available at on the NHS Ayrshire & Arran website [here](#)
- 12.2 Access to the register for all other staff will be restricted to senior officers and internal and external audit. The Register may also be the subject of Freedom of Information (FOI) requests.
- 12.3 At least annually, an officer identified by the Director of Finance will review the Register.

**Item 13: Contact Point for further guidance**

- 13.1 A copy of this code will be posted on the Board’s website and intranet and can be obtained from the Head of Corporate Governance who will provide advice and guidance on its interpretation.
- 13.2 Where appropriate, relevant sections of the Code of Corporate Governance will be included in the induction pack for staff.

**Item 14: Specific guidance**

- 15.1 Additional guidance is available on joint working between NHS Scotland and the Pharmaceutical Industry and can be found here ([A Common Understanding](#)).

**Item 15: Review process**

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