

**TRUST CORPORATE POLICY  
STANDARDS OF BUSINESS CONDUCT**

<b>APPROVING COMMITTEE(S)</b>	Trust Board, TPC Chair's Action	Date approved:	02/04/12 17/12/15
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<b>STANDARDS</b>	Department of Health's guidance HSG (93)5 Bribery Act 2010 Seven Principles of Public Life		
<b>OWNER</b>	Director of Corporate Affairs (designate)		
<b>AUTHOR/FURTHER INFORMATION</b>	Deputy Trust Secretary x020 3246 0648		
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<b>CONSULTATION</b>	<i>Proposed Barts Health Working Groups</i>	Merger policy sub-group
	<i>Barts and The London NHS Trust (BLT)</i>	Merger policy sub-group BLT Policies Working Group Director of Corporate Affairs (Designate)
	<i>Newham University Hospitals NHS Trust (NUHT)</i>	<i>Head of Integrated Governance</i>
	<i>Whipps Cross University Hospital (WXUH)</i>	<i>Governance Manager</i>
	<i>External Partner(s)</i>	

<b>APPLICATION</b>	<p><b>Included in policy:</b>  <i>For the groups listed below, compliance with this policy is a requirement and failure to follow the policy may result in investigation and management action which may include formal action in line with the Trust's disciplinary or capability procedures for Trust employees, and other action in relation to organisations contracted to the Trust, which may result in the termination of a contract, assignment, placement, secondment or honorary arrangement. Any non compliance with these Core PFI Trust Policies by staff employed by either CHL or the Service Providers (including RoE staff), will be addressed in accordance with the procedures detailed in the Project Agreement.</i></p>
	<p><i>All Trust staff, working in whatever capacity</i></p>
	<p><i>Other staff, students and contractors working within the Trust</i></p>
	<p><i>All persons who carry out work for, or on behalf of, the Trust including Non Executive Directors, lay members, those on honorary contracts, those appointed as advisers to the Trust on specific projects (e.g. private architects) and voluntary workers. The term 'staff' is used throughout this policy but should be taken to include all those detailed in this application section.</i></p>
	<p><b>Exempted from policy:</b>  <i>No staff groups are exempt from this policy.</i></p>

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## STANDARDS OF BUSINESS CONDUCT POLICY

### 1 INTRODUCTION AND AIMS OF POLICY/GUIDELINE

- 1.1 The Trust is required to have a Code of Business Conduct to which all employees and others working in or for the organisation are expected to comply, in line with the Department of Health's guidance HSG (93)5. All those working in or for the Trust must read, understand and comply with the policy. Anyone who is unclear about any of the policy requirements or about whether particular activities or interests in which they are involved should be declared (as set out in this policy) must raise this with their line manager or the Director of Corporate Affairs and Trust Secretary.
- 1.2 Public sector bodies, including NHS organisations, must be impartial and honest in the conduct of their business and their employees should remain above suspicion. The Department of Health's Code of Conduct for NHS Managers (2002) sets out the expectation that staff seek to ensure that the best interests of the public and patients/clients are upheld in decision-making and that decisions are not improperly influenced by gifts or inducements.
- 1.3 The Bribery Act 2010, came into force in April 2011<sup>1</sup>. This legislation:
- Makes it a criminal offence to give or offer a bribe, or to request, offer to receive or accept a bribe, whether in the UK or abroad (the measures cover bribery of a foreign public official);
  - Makes it an offence for a director, manager or officer of a business to allow or turn a blind eye to bribery within the organisation; and
  - Introduces a corporate offence of failure to prevent bribery by persons working on behalf of a commercial organisation.
- 1.4 Under the Bribery Act 2010, officers of any organisation may be prosecuted personally if they are found to be guilty of consenting or conniving in the commission of bribery, with penalties of up to ten years imprisonment, fines or both. This Policy is based on the provisions of the above legislation and guidance. Staff should be aware that a breach of these Acts may render them liable to prosecution and may also lead to loss of their employment and pension rights in the NHS.
- 1.5 This policy should be read alongside the Trust's Standing Orders and Standing Financial Instructions which emphasise the importance of ensuring that the Trust maintains the highest standards of business conduct and propriety at all times (a summary of key points in this policy is provided at Appendix 1). The Trust's Pre and Post Employment Checks policy also includes reference to additional requirements required for directors and identified staff in line with Fit and Proper Person's regulations.

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<sup>1</sup> The Bribery Act 2010 <http://www.justice.gov.uk/publications/bribery-bill.htm> replaces the Prevention of Corruption Acts 1889 – 1916. It provides a legal framework to combat bribery in the public and private sectors. The Act creates two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting of an advantage; it also creates a discrete offence of bribery of a foreign public official.

## Definitions

1.6 The following definitions apply:

Corruption	Accepting any gifts or consideration as an inducement or reward for: <ul style="list-style-type: none"> <li>▪ Doing, or refraining from doing, anything in their official capacity; or</li> <li>▪ Showing favour or disfavour to any person in their official capacity.</li> </ul>
Bribery	Promising or giving a financial or other advantage to another person, and intending the advantage to induce a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity.  The scope of the Bribery Act 2010 extends to bribery taking place overseas, conniving or turning a blind eye to bribery; and failure to take reasonable steps to prevent bribery.
Gifts	For the purposes of this policy, a <b>gift</b> is defined as something given as a present <i>to an individual</i> where the gift is given due to the individual's role within the Trust. A gift need not necessarily be a physical item or cash and could take other forms of 'consideration'.
Donation	For the purposes of this policy, a <b>donation</b> is defined as a contribution to a defined body or group of people, e.g. a ward, the Trust, a registered charity, etc.
Hospitality	For the purposes of this policy, <b>hospitality</b> is defined as lunches/dinners in the course of working visits, travel expenses to attend a work-related meeting, other costs associated with such a meeting and reasonable hotel accommodation if work related visits require an overnight stay.
Interests	For the purposes of this policy, <b>interests</b> that must be declared include: <ul style="list-style-type: none"> <li>* Business interests: where an employee, or his or her close relative or associate, has a controlling (e.g. partner or director) and/or significant direct or indirect financial interest in a business (including a private company, public sector organisation, other NHS employer or voluntary organisation). Where applicable, the percentage of total shares held should be declared.</li> <li>* Outside employment.</li> <li>* Outside interests. Any relevant private interest, membership or association that potentially conflicts with public duties.</li> </ul>
Sponsorship	For the purposes of this policy, <b>sponsorship</b> is defined as external payment (in part or full) to individual staff members or departments in relation to training, events, equipment or posts (e.g. training posts).

## PRINCIPLES OF CONDUCT

1.7. In its first report in May 1995, the Nolan Committee on Standards in Public Life set out Seven Principles of Public Life which all those working in public service, including NHS staff, should act in accordance with at all times. The principles are set out in the Trust's Standing Orders and Standing Financial Instructions. Barts Health NHS Trust fully endorses these principles and requires its staff to act in accordance with them at all times.

1.8 In undertaking their NHS duties, staff are expected 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 funds entrusted to them to the best advantage of the service, ensuring value for money.

1.9 It is also 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.

1.10 The following principles that staff are expected to observe are drawn from the NHS Code of Conduct for NHS Managers (2002):

'I will be honest and will act with integrity and probity at all times. I will not make, permit or knowingly allow to be made, any untrue or misleading statement relating to my own duties or the functions of my employer.

I will seek to ensure that:

- the best interests of the public and patients/clients are upheld in decision-making and that decisions are not improperly influenced by gifts or inducements;
- NHS resources are protected from fraud and corruption and that any incident of this kind is reported to the NHS Counter Fraud Services [for details, see Fraud and Corruption Policy;
- judgements about colleagues (including appraisals and references) are consistent, fair and unbiased and are properly founded; and
- open and learning organisations are created in which concerns about people breaking the Code can be raised without fear.'

## **2 STANDARDS OF BUSINESS CONDUCT**

2.1 Set out below are ten standards of conduct which must be followed at all times. Non-compliance may lead to disciplinary action or termination of any business arrangements or contracts, in line with the Trust's Standing Orders and Standing Financial Instructions.

### **Standard 1: Acceptance of gifts by way of inducements or rewards**

2.2 The DH Code of Conduct for NHS Managers (2002) establishes the requirement for NHS staff to ensure that the best interests of the public and patients/clients are upheld in

decision-making and that decisions are not improperly influenced by gifts or inducements. Definitions of gifts and donations are shown at paragraph 1.6.

### **Gifts from patients, relatives/carers or representatives of other organisations**

- 2.3 The Department of Health's Code of Conduct for NHS Managers (2002) sets out the expectation that staff seek to ensure that the best interests of the public and patients/clients are upheld in decision-making and that decisions are not improperly influenced by gifts or inducements.

What is acceptable:

- It is considered acceptable for staff to accept small gifts of gratitude from patients or their relatives/carers of low intrinsic value, such as chocolates or flowers, up to the value of £25.
- Articles of low intrinsic value such as diaries or calendars may be accepted from representatives of other organisations provided they do not exceed £25 in value and are not in any way connected with the performance of duties (so as to constitute an offence under the Prevention of Corruption Acts 1906 and 1916) and the Bribery Act 2010.

What is not acceptable:

- Cash must not be accepted as a gift.
- Any gifts over £25 must be politely but firmly declined.
- Under no circumstances should staff solicit gifts of any kind.

### *Responsibilities*

- 2.4. All offers of gifts, whether accepted or declined, must be reported to your line manager. All offers of gifts over £25 in value regardless of source must be reported in writing to the Director of Corporate Affairs and Trust Secretary. In addition, all offers of gifts regardless of value from organisations holding or seeking to hold a contract with the Trust must be reported to the Director of Corporate Affairs and Trust Secretary. Repeated offers of gifts from the same source should be firmly declined.

When declaring the offer of a gift, whether accepted or declined, to the Director of Corporate Affairs and Trust Secretary, the form at Appendix 2 must be completed in a timely way (see paragraph 3.5). Such notifications will be recorded in a register kept by the Director of Corporate Affairs and Trust Secretary (see paragraph 3.4).

### *Donations*

- 2.5. Where a gift is offered which breaches the above requirements and refusal offends or the donor is particularly insistent, the offered gift may be accepted as a donation to the Trust, the department or on behalf of a separate body, e.g. a charitable organisation. The procedure to be followed when the offer of a donation is made is to *St Bartholomew's Hospital, The Royal London Hospital and/or The London Chest Hospital* is set out at Appendix 4. Advice will be provided to staff on request in relation to arrangements at Whipps Cross and Newham hospitals – see <http://www.whippsx.nhs.uk/en/fundraising/> and



<http://www.newhamuniversityhospital.nhs.uk/main.cfm?type=FUNDDON> for more details.

- 2.6 Where practical, staff should ascertain the donor's desired use of the donation at the time it is offered. If this is left unclear, it should be clarified in a letter of thanks to the donor.

### **Hospitality**

- 2.7 Bearing in mind that the NHS is a public body, modest hospitality, provided it is normal and reasonable in the circumstances, may be acceptable though it must be similar to the scale of hospitality which the NHS as an employer would be likely to offer. Staff should decline all other offers of hospitality or entertainment. If there is any doubt, advice should be sought from the line manager or the Director of Corporate Affairs and Trust Secretary. A declaration of interests, gifts and hospitality form (shown at Appendix 2) should certainly be completed where the value of the consideration exceeds £25. In all cases, staff must consider carefully the consequences of accepting an offer of hospitality before actually accepting it.
- 2.8 Advice on appropriate behaviour in accepting Sponsorship for attendance at conferences, etc. is provided below in Standards 7 and 8. Additional guidance is provided in the separate Commercial Representatives and Sponsorship Policy.

### **Standard 2: Declaration of Interests**

- 2.9 This section sets out requirements for all staff, with the process to be followed for declaring interests shown at [paragraph 3.](#) Additional requirements for Trust Board members and corporate directors are detailed in the Trust's Standing Orders and Standing Financial Instructions. The Standing Orders include specific examples of interests that should be declared and these may be helpful for other members of staff when considering whether particular interests or activities should be the subject of a declaration.

### **Business Interests**

- 2.10 The Trust needs to be aware of all cases where an employee, or his or her close relative or associate, has a relevant business interest (**see definitions at paragraph 1.6**). It is appreciated that some people will hold a portfolio of shares managed by a third party where shares are bought and sold without their knowledge. Such a portfolio need not be declared. However, this does not absolve the individual's responsibility to report potential conflicts of interest and deliberately withholding information will be seen as a breach of this policy.

### **Outside Employment**

- 2.11 Trust employees are advised not to engage in outside employment which may conflict with their NHS work or be detrimental to it. In the event of any potential conflicts of interest, staff members are required to inform their line manager who will be responsible for judging whether the interests of patients or the Trust could be harmed, in line with the principles in paragraph 10 above. Staff should also be aware of financial and European Working Time Directive implications of any outside engagements.



- 2.12 Any external work carried out during an employee's normal working hours should only be undertaken if judged to be in the interests of the Trust. In general, fees received for such work should be returned to the Trust. However, by exception and with the line manager's approval, moderate fees may be retained.

### **Outside Interests**

- 2.13 Trust employees are expected to ensure that their private interests and public duties do not conflict.
- 2.14 Staff are advised to consider whether action taken as a result of membership of organisations comes into conflict with their duties as Trust employees. Where staff think they may be risking a conflict of interest, they must advise their manager. The manager will be responsible for judging whether the interests of patients could be harmed, in line with the principles in paragraph 1.8.

### **Guidance from Professional Institutes**

- 2.15 Professional staff are also reminded to refer to their Institute's or other body's guidance on professional conduct. For example, the General Medical Council recommends that when a doctor refers a patient to a private care home or hostel in which he or she has an interest, the patient must be informed of the interest before referral is made.

### **Standard 3: Preferential Treatment in Private Transactions**

- 2.16 Individual 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 for staff negotiated with companies by the Trust or by recognised staff interest groups on behalf of all staff - for example, NHS Staff Benefits schemes.

### **Standard 4: Contracts**

- 2.17 All staff who are in contact with suppliers, contractors or external consultants, are expected to adhere to the professional standards set out in the Trust's Standing Orders and Standing Financial Instructions and in the Code of Ethics of the Chartered Institute of Purchasing and Supply (CIPS) which is reproduced at Appendix 3. This is particularly important for staff who are authorised to sign Purchase Orders or place contracts for goods, materials or services. Goods and services being procured using grants from the Barts health Charity or other charitable or donated funding are subject to the same rules and conditions. The only exceptions are where a donor makes it a condition of the donation that it is used to purchase a nominated item or service. In such cases, the donation can only be accepted if the goods, equipment, etc. are regarded as suitable for use within the Trust.

#### *Favouritism in Awarding Contracts*

- 2.18. Fair and open competition between prospective contractors or suppliers for Trust contracts is a requirement of the Trust's Standing Orders and Standing Financial Instructions and relevant EU Directives. This means that:

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- No private, public or voluntary organisation or company which may bid for Trust business should be given any advantage over its competitors. This applies to all potential contractors, whether or not there is an existing 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 ability of the contractor to fulfil the requirements and in accordance with the Trust's Standing Orders and Standing Financial Instructions.
- 2.19 Trust employees should ensure that no special favour is shown to current or former employees or their close relatives or associates in awarding contracts to private businesses run by them or employing them in a senior or relevant managerial capacity. In relation to tendering and the award of contracts, the Trust's Standing Orders and Standing Financial Instructions and the Tendering for Goods and Services Policy must be followed at all times.

### **Warnings to Potential Contractors**

- 2.20 Staff must ensure that in all invitations to potential contractors to tender or quote for Trust business, a notice warning them of the consequences of engaging in any corrupt practices involving employees of public bodies is included.

### **Standard 5: Private Practice**

- 2.21 Consultants (and associate specialists or equivalent) employed under the Terms and Conditions of Service (TCS) of Hospital Medical and Dental Staff are permitted to carry out private practice in NHS hospitals subject to the conditions outlined in the handbook "A Code of Conduct for Private Practice in the NHS" (BMA, published 5 November 2007). Consultants who signed new consultant contracts with the Trust (introduced in 2003/04) will be subject to the terms applying to private practice in those contracts.
- 2.22 Other grades of doctor may undertake private practice or work for outside agencies, providing they do not do so within the time they are contracted to the Trust or use Trust facilities without prior consent and they observe the conditions in paragraph 28 above. All hospital doctors are entitled to fees for other work outside their NHS contractual duties under "Category 2" (paragraph 37 of the Terms and Conditions of Hospital Medical and Dental staff), e.g. examinations and reports for life insurance purposes. Hospital doctors and dentists in training should not undertake locum work outside their contracts where such work would be in breach of their contracted hours. Career grade medical and dental staff employed by NHS trusts may agree terms and conditions different from the National Terms and Conditions.
- 2.23. Medical and dental staff are reminded of the need to comply with the duties set out in the Good Medical Practice Handbook (GMC, published 13 November 2006), noting particularly the section on financial and commercial dealings and conflicts of interest.

### **Standard 6: Rewards for Initiative**

- 2.24 Managers should ensure that they are in a position to identify potential intellectual property rights (IPR), as and when they arise, so that the Trust can protect and exploit them properly, and thereby ensure that it receives any rewards or benefits (such as

royalties) in respect of work commissioned from third parties or work carried out by employees in the course of their duties. Most IPR are protected by statute, e.g. patents are protected under the Patents Act 1977 and copyright (which includes software programs) under the Copyright Designs and Patents Act 1988. In all cases concerning patents, inventions and IPR, the Joint Research and Development Policy, which applies to all Trust and Medical School staff, should be consulted. See also section regarding use of Trust information.

### **Standard 7: Commercial Sponsorship for Attendance at Courses, Conferences and Equipment Evaluations**

- 2.25. 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 manager is satisfied that acceptance will not compromise purchasing decisions in any way.
- 2.26 Fully paid visits to reference sites by companies who might be invited to tender for goods or services are acceptable, providing these visits are undertaken before commencement of the formal tendering exercise. However, only essential travelling costs and minimal hospitality costs should be accepted and the company must be advised in writing at the outset that accepting the invitation will in no way influence the eventual procurement decision. If any other form of sponsorship is accepted then this must be notified to the Director of Corporate Affairs and Trust Secretary in a Declaration of Interests form (see Appendix 2).
- 2.27 Where it is decided that it is appropriate to accept sponsorship or that costs are met by an external body, a letter confirming the Trust's stance on such matters must be sent by the manager and a declaration requested from the company clarifying that the sponsorship etc. is offered freely and without expectation of grace or favour of any kind. A suggested form of words is provided in the Commercial Representatives and Sponsorship Policy.

#### *Training*

- 2.28 Training provided by industry or other organisations outside the NHS may be above board provided it is unbiased, has mutual benefit for both the NHS and the sponsoring organisation, is evidence based and any hospitality provided is appropriate (See Standard 1). Participants should assess whether they might be influenced unduly and also bear in mind what benefits the company might derive (e.g. exposure to the NHS, professional contacts, potential allies to use later, names of who to influence, etc.), often without the participants realising. Concerns should be brought to the attention of the relevant line manager or the Director of Corporate Affairs and Trust Secretary.

### **Standard 8: Commercial sponsorship of posts – 'linked deals'**

- 2.29 Pharmaceutical companies, for example, may offer to sponsor, wholly or partially, a post for the Trust. The offer must not be accepted if it would require the postholder to recommend the sponsor's products or services in preference to other clinically appropriate appliances/treatments, nor if the Trust is required to recommend that patients use a particular service or withhold information about other products/services. Existing contracts containing any such provisions must be renegotiated as a matter of

urgency. Where this is not possible, the Director of Corporate Affairs and Trust Secretary must be informed in writing. The details will be recorded on the Standards of Business Conduct database.

- 2.30 Offers that are acceptable should not be entered into unless it has been made abundantly clear in writing to the company concerned that the sponsorship will have no effect on purchasing decisions within the Trust. Managers should also consider any other conditions attaching to the sponsorship deal, for example the provision of data for research, attendance at conferences and commitments expected of the Trust, for example in terms of cover for annual leave.
- 2.31 The Director of Corporate Affairs and Trust Secretary must be advised of all proposals to accept sponsorship so that monitoring arrangements are established within the Procurement and Supplies department and the Trust Office to ensure that purchasing decisions are not, in fact, being influenced by the sponsorship agreement.
- 2.32 Under no circumstances should managers agree to “linked deals” whereby sponsorship is linked to the purchase of particular products or to supply from particular sources.

#### **Equipment Loans**

- 2.33 In accordance with the Trust’s Loan of Medical Devices policy, offers of equipment loans must be refused. This is not only due to commercial considerations but also infection control issues.

#### **Standard 9: Sharing Trust Information**

- 2.34 The Trust has an obligation to seek to ensure that the public are properly informed about service provision and can expect a reasonable explanation of the Trust’s use of resources and performance. The activities of NHS bodies should be open to public scrutiny in line with the Trust’s Freedom of Information policy (BLT/POL/28808/COR). This policy details the required approach where information is considered to be sensitive (e.g. for personal medical information or “commercial in confidence” data).
- 2.35 Staff should be particularly careful when using, or making public, internal information – particularly if its disclosure would prejudice the principle of purchasing 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.
- 2.36 Staff must also not exploit information gleaned from their work for the Trust for personal gain and care must be taken not to breach confidentiality. This might include external market research exercises. Staff must not reveal information which is the intellectual property of the Trust and should refer any requests for such information to the appropriate divisional or directorate Freedom of Information lead. Under no circumstances should such information be provided in return for financial reward or other consideration.

#### **Standard 10: Sustainability**

- 2.37 Staff with responsibility for the procurement of good and/or services within the organisation should give due consideration to green and ethical sourcing of such commodities (as set out in the Trust's Environmental and Sustainability Strategy and Procurement Strategy and relevant policies).
- 2.38 Staff should give due consideration to:
- The organisation's carbon footprint and carbon dioxide emission levels. Staff should ensure they do not undertake activities which will knowingly increase the Trust's emissions and/or Carbon Footprint without assessing all available options.
  - The environmental impact of methods of travel and transport. The organisation will support staff to achieve sustainable methods of travel to work and when travelling on work business.
  - Any actions, whilst at work, which have an impact on sustainability and a negative impact on the environment

Any specific additional requirements placed upon New Hospitals' service partners to amend service provision (to take account of sustainability requirements) must be agreed with CHL and may involve a Variation Enquiry.

### 3 PROCESS

#### *Declarations of Interest / Register of Interests*

- 3.1 Trust staff who fall within the following categories - **those graded at Agenda for Change Band 8 or above, Consultants, Authorised Signatories (for procurement of goods and services) and anyone involved in the procurement process, whether part/full time or honorary** – are required to complete, sign and return a Declaration of Interests form to the Director of Corporate Affairs and Trust Secretary. The form is attached at Appendix 2 and should be completed both on commencement of employment and subsequently on the acquisition of, or change in, any interest. Where an individual does not have any interests to declare, completion of a signed form declaring no interests (a 'nil return') is still a requirement for the above staff groups. Other staff need only complete a declaration form if they have an interest to declare.
- 3.2 In this way, the Trust can be assured that it is aware of the interests of all Trust staff and, as a consequence, ensure that those interests are neither promoted by the Trust nor used to the detriment of the Trust or the patients whom it serves.
- 3.3 Staff who fail to make returns must not be involved in procurement processes (including the setting of tender specifications). The Director of Corporate Affairs and Trust Secretary oversees all tender opening processes and identifies any potential conflicts of interest (details provided in the Standing Orders and Standing Financial Instructions) – an internal workflow is provided for information at Appendix 5. Staff must not allow their name to be added to the Trust's authorised signatory lists until they have made a full declaration.
- 3.4 Staff should be aware that information declared will be entered onto the Trust's Standards of Business Conduct database which is held by the Trust Office and will be

treated in the strictest confidence. Information contained on the database will only be disclosed to:

- Internal Audit, External Audit and the Trust's Local Counter Fraud Specialist, where the information is necessary for them to carry out their duties, e.g. in a fraud investigation.
- The Trust's Audit and Risk Committee (on request only, in order to provide assurance on compliance with requirements of this policy).
- Chairs/coordinators of procurement exercises in relation to members of tender evaluation panels (or tender specification panels). The minimum of information necessary will be disclosed to enable the chair/coordinator to establish if a conflict of interests might occur.

Any disclosure for another purpose must be authorised by the Director of Corporate Affairs and Trust Secretary.

3.5 It is important that staff state the start and end dates of any pecuniary or other interests where appropriate. Staff wishing to de-register interests that have ceased should write to the Director of Corporate Affairs and Trust Secretary. The declaration also requires any gifts or hospitality offered to be declared (see Standard 1). All declarations of interests, gifts and hospitality should be made within a reasonable timeframe. For example an offer of a gift or a declaration of a new business interest should be reported as above, ideally within a month (or at most within 3 months).

3.6 Declarations are valid for a period of 12 months. For those members of staff identified at paragraph 2.15, completion of a declarations of interest form will be a requirement of their annual appraisal. However, as stated in paragraph 2.15, it is the responsibility of all staff to ensure the Trust is aware of any acquisition of, or change in, any interest within the timescales stated above.

#### 4 MONITORING THE EFFECTIVENESS OF THIS POLICY

Issue being monitored	Monitoring method	Responsibility	Frequency	Reviewed by and actions arising followed up by
Potential conflicts of interest during tendering processes	Register of interests maintained and cross checked against tender evaluation (or specification) panel.	Trust Offices staff	Prior to opening of all tenders received.	Deputy Board Secretary – issues escalated to Director of Corporate Affairs & Trust Secretary and Director of Procurement
Effectiveness of declarations of interest process	Internal Audit review	Internal Audit	3-yearly	Audit and Risk Committee

END



## STANDARDS OF BUSINESS CONDUCT: A SHORT GUIDE FOR STAFF

### DO:

1. Make sure you understand the Trust's policy on Standards of Business Conduct and consult your line manager if you are not sure of anything.
2. Make sure you are not in a position where your private interests and NHS duties may conflict.
3. Declare to the Trust any relevant interests. If in doubt ask yourself:
  - o Am I, or might I be, in a position where I (or my family/friends) could gain from the connection between my private interests and my employment?
  - o Do I have access to information which could influence purchasing decisions?
  - o Could my outside interest be in any way detrimental to the Trust or to patients' interests?
  - o Do I have any other reason to think I may be risking a conflict of interest?

If you are still unsure - **Declare it!**

4. Adhere to the **Code of Ethics of the Chartered Institute of Purchasing and Supply** if you are involved in any way with the acquisition of goods and services.
5. Seek your manager's permission before taking on outside work if there is any question of it adversely affecting your NHS duties. (Special guidance applies to doctors.)
6. Obtain your manager's permission before accepting any commercial sponsorship.
7. Have due regard to the Trust's sustainability strategy and green travel plan.

### DO NOT:

- Accept any gifts, inducements or inappropriate hospitality.
- Abuse your past or present official position to obtain preferential rates for private deals.
- Unfairly advantage one competitor over another or show favouritism in awarding contracts.
- Misuse or make available official "commercial in confidence" information.



SBC reference no (office use):



**STANDARDS OF BUSINESS CONDUCT**

**Declaration of Interests, Gifts and Hospitality Form**

PLEASE READ THE STANDARDS OF BUSINESS CONDUCT POLICY BEFORE COMPLETING THIS FORM

You must complete this form if you are: ***a member of staff graded at Agenda for Change Band 8a or above; a Consultant; an authorised signatory (for goods and services); involved in the procurement process; none of these but have something to declare.***

Please note that this applies to full and part-time staff, honorary contract holders and others carrying out work for or on behalf of the Trust. Where an individual as listed in bold italics above does not have any interests to declare, a signed form to this effect (a 'nil return') is still required. Completion of this form assists the organisation and individuals to meet national and local requirements including those in relation to compliance with the Bribery Act 2010

**Title:**..... **Forename(s):**.....**Surname:**.....

**Job title**.....**Department**.....

**Division/Directorate**.....**Site(s)**.....

**Date started post**.....**Payroll number**.....

TICK THIS BOX IF THE FOLLOWING APPLIES (IF SO IGNORE SECTIONS 1&2 AND SIGN/DATE THE BOTTOM OF THIS FORM)   
 'No Interests/Gifts/Hospitality to Declare':

**SECTION 1- INTERESTS:** You need to declare any pecuniary or other interests you have which might cause *or appear to cause* a conflict with your work for the Trust, e.g. shareholdings, outside employment, voluntary or advisory work. You are advised to declare interests of close family members, etc. where these are known to you and might be seen to affect impartiality or judgement in respect of your duties to the Trust.

**Organisation name in full**..... **Nature of business**.....

**Address (inc. postcode)** .....

**Description of interest (please include all pertinent information)**.....

.....

..... **Start and/or end date** .....

**SECTION 2 – GIFTS AND HOSPITALITY:** In addition to the above declaration of interests, you must also declare any gifts or hospitality received since any previous declaration and that falls outside Standard 1 of the Standards of Business Conduct policy.

**Name of individual or organisation supplying the gift or hospitality**.....

**Nature of business if any**.....

**Address (inc. postcode)**.....

**Description of gift or hospitality**.....

**Estimated value of gift or hospitality**.....

**Date offered / received**.....

**Reason for gift or hospitality** .....

**Signed**..... **Date**.....

Please return completed forms to: Director of Corporate Affairs and Trust Secretary By email to: [SOBC@bartshealth.nhs.uk](mailto:SOBC@bartshealth.nhs.uk) (with an electronic signature) or by post to Trust Office, Pathology and Pharmacy, The Royal London Hospital, 80 Newark St, London E1 2ES.



## Chartered Institute of Purchasing and Supply - Code of Ethics

### I will:

- maintain the highest standard of integrity in all my business relationships
- reject any business practice which might reasonably be deemed improper
- never use my authority or position for my own personal gain
- enhance the proficiency and stature of the profession by acquiring and applying knowledge in the most appropriate way
- foster the highest standards of professional competence amongst those for whom I am responsible
- optimise the use of resources which I have influence over for the benefit of my organisation
- comply with both the letter and the intent of:
  - the law of countries in which I practise
  - agreed contractual obligations
  - CIPS guidance on professional practice
- declare any personal interest that might affect, or be seen by others to affect, my impartiality or decision making
- ensure that the information I give in the course of my work is accurate
- respect the confidentiality of information I receive and never use it for personal gain
- strive for genuine, fair and transparent competition
- not accept inducements or gifts, other than items of small value such as business diaries or calendars
- always declare the offer or acceptance of hospitality and never allow hospitality to influence a business decision
- remain impartial in all business dealing and not be influenced by those with vested interests.

*This Code was approved by the Council of CIPS on 11 March 2009*

### **DONATIONS – PROCEDURE FOR DONATIONS RECEIVED AT ST BARTHOLOMEW'S HOSPITAL, THE ROYAL LONDON HOSPITAL AND THE LONDON CHEST HOSPITAL**

#### **Introduction**

1. This section outlines the processes that must be followed in all instances of offers of donations *received at St Bartholomew's Hospital, The Royal London Hospital And The London Chest Hospital*.
2. If an individual offers to make a donation to the Trust they should be directed to the ward or department manager and/or Barts and the London Charity ('The Charity'). On no account should a member of Trust staff refuse a donation.
3. Donations must be directed to Barts and The London Charity (previously known as St Bartholomew's and the Royal London Charitable Foundation). The Charity is the correct recipient for all donations to *St Bartholomew's Hospital, The Royal London Hospital And The London Chest Hospital*. The Trustees of The Charity are responsible for all donations made to The Charity and are accountable to the Charity Commission. As such, they must ensure that the appropriate legal and procedural requirements are applied to the use of charitable funds.
4. It is common practice for the Trustees to delegate the day to day management of restricted funds to designated fundholders who are normally senior clinicians, researchers or nurses. Fundholders may apply to the Charity to spend some or all of their fund, but the final decision on expenditure rests with the Charity's Board of Trustees (see paras 11-12 below).
5. Funds donated for a specific purpose should be used for that purpose only and The Charity will ensure that this purpose is fulfilled. Funds donated for a general purpose will be donated to The Charity's general fund and will be used at the discretion of Trustees.

#### **Handling of Donations**

6. Patients or their relatives/friends wishing to make financial donations should be given a copy of the attached guidance (at Annex A) and directed to The Charity.
7. If staff receive donations they should complete form SPF002 which can be found on The Charity's website, [http://www.bartsandthelondoncharity.org.uk/special\\_purpose\\_funds/-/page/177/](http://www.bartsandthelondoncharity.org.uk/special_purpose_funds/-/page/177/) and this should be sent directly to The Charity with the donation. Donation envelopes addressed to The Charity are available on many wards/units
8. Donations in cash should be discouraged. If the donor insists, staff should direct/accompany the donor to the offices of The Charity at 12 Cock Lane (opposite Bart's), to make their payment. If this is not possible, the staff member should contact The Charity's Fundraising team on 0207 618 1720 to arrange for one of the Fundraisers to collect the cash from the staff/donor and issue a receipt.

#### **Bank Accounts**

9. Standing Financial Instruction No 4 states that only the Director of Finance may open

accounts in the name of the Trust. Therefore, staff must never open bank accounts for the deposit of donated funds. The existence of unauthorised bank accounts will be treated as a disciplinary offence.

10. When The Charity receives the donation, it will advise the staff member of the banking treatment. Where the donation is for a specific purpose, The Charity will advise if there is an existing fund with a purpose that matches the wishes of the donor. If not, The Charity will open a new fund, but such new funds will only be opened at the discretion of the Trustees.

### **Requests by fundholders for the use of restricted donations**

11. The Charity will issue each fundholder with a quarterly statement showing the income and expenditure on the relevant fund. No fundholder may authorise their own expenditure; all expenditure must be approved by The Charity.

12. Requests for use of funds must be authorised by the fundholder(s) and, depending upon the level of expenditure, by a more senior member of staff. Details of the authorisation required can be found in the revised Special Purpose Funds Operating Guidelines available on, [http://www.bartsandthelondoncharity.org.uk/files/docs/spf\\_guidelines.doc](http://www.bartsandthelondoncharity.org.uk/files/docs/spf_guidelines.doc). It is advisable to check, if in any doubt and in advance of incurring expenditure, that

- the request is for a charitable purpose;
- is in accordance with the purpose of the fund; and
- there are sufficient funds available to cover the expenditure.

Please note that expenditure which does not meet this criteria may not be reimbursed. If there is any doubt about the use of funds then, prior to incurring expenditure, staff are advised to contact The Charity for clarification.

13. Reimbursement of expenditure incurred can be obtained from The Charity on provision of receipts or other proof of the expenditure incurred and with the correct authorisation. Again staff should refer to the Special Purpose Funds Operating Guidelines available on, [http://www.bartsandthelondoncharity.org.uk/files/docs/spf\\_guidelines.doc](http://www.bartsandthelondoncharity.org.uk/files/docs/spf_guidelines.doc) for further details on this. Receipts should be accompanied by form SPF004 also available on the webpage and sent to Barts and The London Charity for payment.

14. All orders for equipment from NHS Procurement must be submitted to The Charity. Please note that orders over £20,000 will need to be authorised by the Trustees of the Charity. The Charity will not honour payment for the order if

- it is from a supplier other than NHS Procurement;
- it has been submitted directly to NHS Procurement and not via The Charity; or
- the order is for non-approved items.

15. The Charity will assess whether the equipment being purchased qualifies for VAT exemption and will issue the supplier with a VAT exemption certificate where necessary.

## GUIDANCE FOR INDIVIDUALS MAKING A DONATION

### Donations are voluntary

There is of course no requirement for you to pay for your NHS treatment. However, the Trust greatly welcomes donations from patients and relatives as they enable us to improve the facilities offered to patients and staff.

If it is at all possible please do **not** hand cash directly to ward staff.

If you wish to benefit the **Royal London, London Chest or St Bartholomew's Hospitals**, or individual wards or departments at these hospitals please read the below.

All donations made to the Trust are administered by Barts and The London Charity (Charity number 212563). Barts and The London Charity is an independently registered Charity responsible for managing donations, in line with the wishes of the donor where appropriate, to the benefit of the hospitals detailed above, their patients and staff.

### How to make your donation

All donations should be made payable to Barts and The London Charity (address below). The donation can be sent directly to the Charity or left with a member of staff who will forward it on your behalf. All donations should be accompanied with the following information:

- your name and address (unless of course you wish your donation to be anonymous);
- the amount of the donation and the method of payment;
- the name of the ward, department or specific fund you wish to benefit;
- any specific purpose on which you wish your money to be used; and
- whether your donation is able to be considered for gift aid.

### Making a donation from home.

If you decide you wish to make a donation once you have left hospital, please send it by post to the following address:

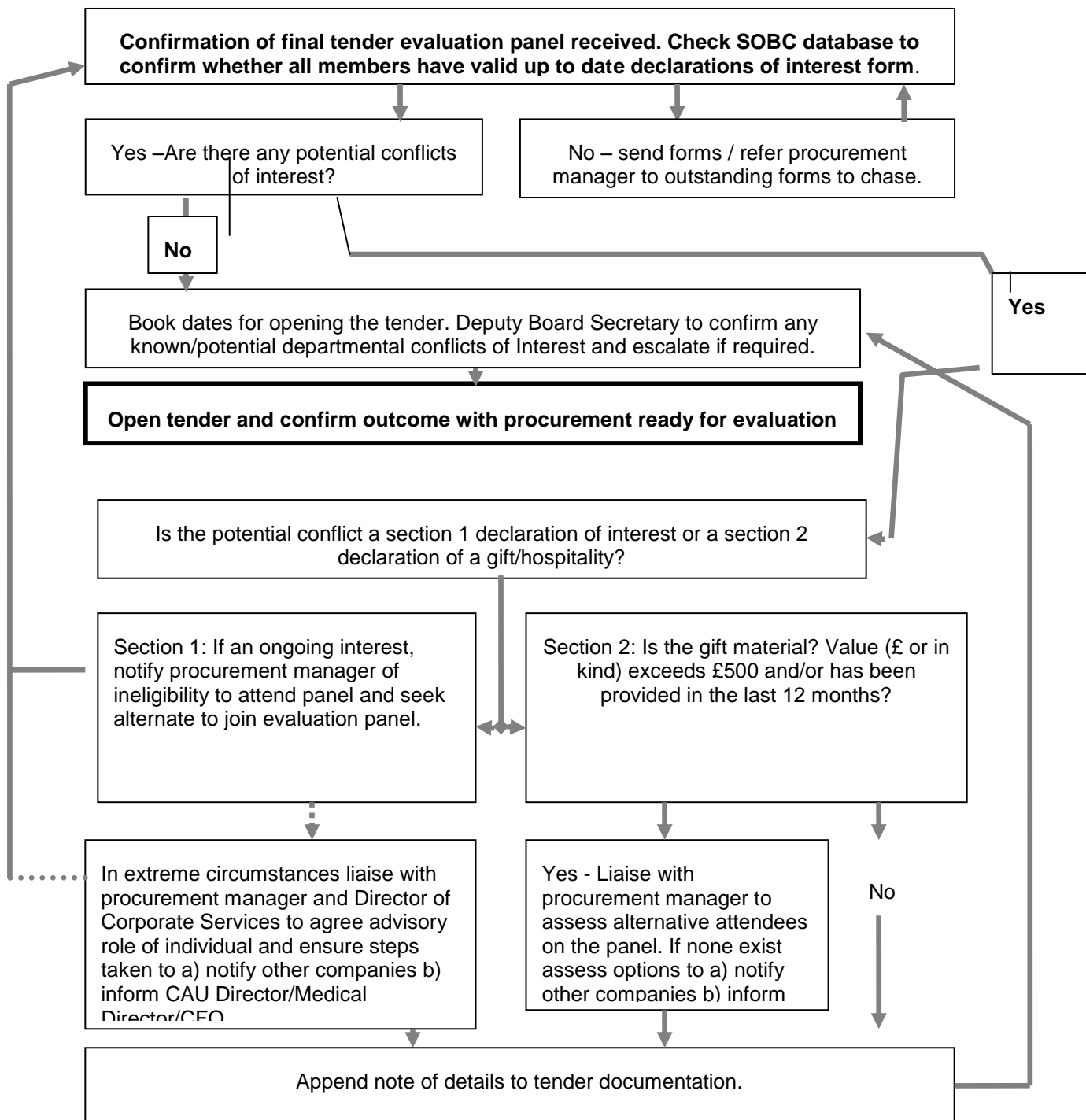
The Barts and The London Charity  
4 Floor, 12 Cock Lane  
London EC1A 9BU

It would be very helpful if you could remember to enclose the above information with your donation, so that we can respect any wishes you may have for the use of your donation. If possible, in order to reduce the risk of your donation being lost or stolen, do not send cash through the post.

### **Larger or regular donations**

If you are a taxpayer, large or regular donations can be made using Gift Aid. These enable The Barts and The London Charity to reclaim basic tax on top of your donation, direct from the Inland Revenue thus increasing it by 28%. For further information about this scheme please contact us at the above address or on the following number: 020 7618 1717.

**Declarations of interest and tender opening  
Workflow for Trust Offices function**





**Appendix 6: Change Log**

<b>Change Log</b>		
<b>Substantive changes since previous version (at Barts and The London NHS Trust)</b>	<b>Reason for Change</b>	<b>Author &amp; Group(s) approving change(s)</b>
Definitions summarised in introduction section	Formatting recommendation in new template	Sean Collins
Donations procedure	Clarified that the process relates to 3 hospitals and not the Trust (similar procedures will be in place for other charities and will be added if helpful in due course).	Sean Collins
Process – amended requirement for staff required to complete forms from Band 6 to Band 8	The number of staff closely involved with procurement and strategic management decisions felt to be set at too low AfC Banding previously.	Sean Collins
Declarations of Interest – amended from remaining valid for 3 years to 1 year. Requirement to complete a form changed to become an appraisal requirement`	Audit and Risk Committee recommendation.	Sean Collins
Workflow added at Appendix 5 describing internal process to assess potential conflicts of interest	Included for reasons of transparency. Links to Internal Audit review observations	Sean Collins