

Standards of Business Conduct Policy

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Related Policies and Strategies	
	Records Management Policy
	Information Governance Handbook v1.0
	Conflict of Interest Policy
	Counter Fraud Policy

Version History and Control				
Date	Version	Author	Summary of Changes	Date changes Ratified
October 2015	v3.0	Tianne Thompson	Amendments to the following sections:- Section X – Conflicts of Interest Section X - Declarations of Gifts, Hospitality and Conflicts of Interest Section X – Sponsorship	
October 2015	v3.0	Tianne Thompson	Amendments to the corresponding appendices to the sections noted above :- Appendix 1 – Appendix 2 – Register of Interests	
October 2017	V3.1	Anshu Varma / Ellie Street	Amendments throughout the policy relating to changes in the Governing Body in Common and reference to CCGs Conflict of Interest Policy	23 rd November 2017 - EMT

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1. Purpose of this policy

Compliance with the national Code of Conduct and Code of Accountability in the NHS (revised 2004) is integral to the work of the three Clinical Commissioning Group, (CCG) in East Berkshires area comprising of Bracknell Ascot CCG, Slough CCG and Windsor Ascot Maidenhead CCG.

These Codes form the core framework for the conduct of business in our organisation and apply to all Members of the Council, the Governing Body, Executive Management Team (EMT) and all employees of the CCG.

1.2 Code of Conduct

Public service values must be at the heart of the National Health Service and high standards of corporate and personal conduct, based upon the recognition that patients come first, have been a requirement throughout the NHS since its inception.

There are three crucial public service values that underpin the work of the health service:

- I. **accountability** – everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct;
- II. **probity** – there should be an absolute standard of honesty in dealing with the assets of the NHS: integrity should be the hallmark of all personal conduct in decisions affecting patients, staff, and suppliers, and in the use of information acquired in the course of NHS duties;
- III. **openness** – there should be sufficient transparency about NHS activities to promote confidence between the CCG and its staff, and patients and the public.

2. General Principles

Public service values matter in the NHS and those who work in it have a duty to conduct NHS business with probity. They have a responsibility to respond to staff, patients and suppliers impartially, to achieve value for money from the public funds with which they are entrusted and to demonstrate high ethical standards of personal conduct.

The success of the Code depends on vigorous and visible example from the Council of Members, Governing Body and Executive Management Team and the consequent influence on the behaviour of all those who work within the organisation. Council of members, Governing Body and EMT members have a clear responsibility for corporate standards of conduct, and acceptance of the Code informs and governs decisions and conduct.

2.1 Openness and Public Responsibilities

The CCGs understands the requirement to consult upon major changes before decisions are reached and will be open with the public, patients and staff and will have a Patient and Public Involvement Strategy that seeks to ensure that patients and the public are integral to the design and development of our commissioning plans.

Information supporting decisions will be made available in a way that is understandable, and responses to requests for information in accordance with the Freedom of Information Act 2000 will be provided in this spirit. Our business will be conducted in a way that is socially responsible, forging an open and positive relationship with the local community and in consideration of the impact of the organisation's activities on the environment.

2.2 Code of Accountability

This code of practice is the basis upon which NHS organisations seek to fulfil the duties and responsibilities conferred upon them by the Secretary of State for Health.

CCG will co-operate fully with the Department of Health, the Audit Commission and the Care Quality Commission when required to account for the use it has made of public funds, the delivery of patient care and compliance with the statutes, directions, guidance and policies of the Secretary of State. The Public Accounts and Public Administration Select Committees scrutinise the work of the health service.

2.3 The role of Clinical Commissioning Group,

Through the Council of Members, is to:

- be collectively responsible for adding value to the organisation; for promoting the success of the organisation by directing the organisation's affairs;
- provide active leadership of the organisation within a framework of prudent and effective controls which enable risk to be assessed and managed;
- set the organisation's strategic aims, ensuring that the necessary financial and human resources are in place for the organisation to meet its objectives, and review management performance; and to
- set the organisation's values and standards, ensuring that its obligations to patients, the local community and the Secretary of State are understood and met.

3. The Governing Body

CCG Governing Body in common comprises:

- I. Three General Practitioners from each of the CCGs (one of whom will be the Chair);
- II. One Secondary Care Doctor
- III. Three lay members
- IV. Accountable Officer
- V. Director of Finance & Performance
- VI. Director of Nursing & Quality
- VII. Representative Officer from the Unitary Authority.

Members of the Governing Body share corporate responsibility for all decisions made, with a clear division of responsibility between the Chair and the Accountable Officer. The Accountable Officer is directly accountable to the Governing Body for meeting the CCG objectives and to the Chief Executive of the NHS England for the performance of the organisation; the Chair and lay members are responsible for monitoring the Executive Management of the organisation and are responsible to NHS England for the discharge of these responsibilities. *A full statement of the Governing Bodies corporate responsibilities can be found in CCG Constitution.*

4. Code of Conduct for NHS Managers

CCG will ensure that NHS managers uphold the highest standards of public service: managers employed by CCG undertake to

- *'make the care and safety of patients my first concern and act to protect them from risk;*
- *respect the public, patients, relatives, carers, NHS staff, and partners in other agencies;*
- *be honest and act with integrity;*
- *accept responsibility for my own work and the proper performance of the people I manage;*
- *show commitment to working as a team member by working with all my colleagues in the NHS and the wider community; and*
- *take responsibility for my own learning and development'.*

4.1 Standards of Business Conduct for NHS Staff

All NHS 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, 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 advantage or further private business or other interests, in the course of their official duties.

4.2 The Nolan Principles / Professional Standards Authority

The Code of Conduct and Code of Accountability in the NHS reflect the Committee for Standards in Public Life's Seven Principles of Public Life, also known as the Nolan Principles. These Principles of business conduct have been incorporated into the *Standards for members of NHS Boards and CCG Governing Bodies in England* (Professional Standards Authority, 2012). The document sets out how all members of NHS

Boards and CCGs governing bodies should understand and be committed to the practice of good governance and to operate within legal and regulatory frameworks. These standards are adopted by CCG, which requires individual governing body members to understand and commit to 7 core standards (see below):

- **Responsibility:** I will be fully accountable for my work and the decisions that I make, for the work and decisions of the board, including delegated responsibilities, and for the staff and services for which I am responsible
- **Honesty:** I will act with honesty in all my actions, transactions, communications, behaviours and decision-making, and will resolve any conflicts arising from personal, professional or financial interests that could influence or be thought to influence my decisions as a board member.
- **Openness:** I will be open about the reasoning, reasons and processes underpinning my actions, transactions, communications, behaviours and decision-making and about any conflicts of interest
- **Respect:** I will treat patients and service users, their families and carers, the community, colleagues and staff with dignity and respect at all times
- **Professionalism:** I will take responsibility for ensuring that I have the relevant knowledge and skills to perform as a board member and that I reflect on and identify any gaps in my knowledge and skills, and will participate constructively in appraisal of myself and others. I will adhere to any professional or other codes by which I am bound
- **Leadership:** I will lead by example in upholding and promoting these Standards, and use them to create a culture in which their values can be adopted by all
- **Integrity:** I will act consistently and fairly by applying these values in all my actions, transactions, communications, behaviours and decision-making, and always raise concerns if I see harmful behaviour or misconduct by others
- **Selflessness** Holders of public office should act solely in terms of the public interest.

4.3 NHS Constitution

The Constitution itself is a value-led document, based on the seven values of the NHS. They describe the principles on which the NHS operates, in terms of both what it delivers and how it is delivered. It stipulates that:

- I. NHS services should be free and available to everyone on the same basis
- II. designed to meet the needs of patients and the public

- III. the NHS should aspire to the highest standards of excellence and professionalism
- IV. the NHS should work in partnership with other organisations to better serve the public
- V. it should provide value for money and be accountable to the public.

These principles define the task of the leaders of the NHS, not just in terms of what they are ultimately there to do, but also how they should do it. CCGs are committed to working to the highest standards, working in partnership, providing value for money and being accountable, and working to meet the needs of the public.

4.4 Managing Public Money

In addition to the set of standards outlined above, Accountable Officers (CCGs Accountable Officer) within the NHS including CCGs take on specific responsibilities in relation to public money, making them accountable under the HM Treasury requirements set out in *Managing Public Money*. This document includes a section on the personal responsibilities of Accountable Officers. While this does not pertain to ethics in the detail, the overriding principle is that the Accountable Officer should be able to demonstrate to parliament and the public, the organisation's high standards of probity. It picks up on the themes of openness, accountability, and probity identified both in the Nolan Principles and the various NHS standards (ref: CCGs Counter Fraud Policy).

5. Managing Conflicts of Interest

To ensure the integrity and probity of decision-making, members of the Council, Governing Body, EMT and staff will act impartially and will not be influenced by social or business relationships; no-one will use their public position to further their private interests. Where there is potential for private interests to be material and relevant to NHS business, these will be declared, recorded in the relevant minutes, and entered into the Register of Interests, which is available for public inspection from the Head of Corporate Services and will be published on the CCGs website.

CCGs have a Conflict of Interest Policy which makes provision for management of conflicts of interest, including:

- arrangements for declaring interests;
- maintaining a register of interests;
- excluding individuals from decision-making where a conflict arises; and
- engagement with a range of potential providers on service design.

The Lay member with the lead role in overseeing key elements of governance (i.e. audit and managing conflicts of interest) undertakes to

- I. provide an external view of the working of CCG , with a strategic and impartial focus;

- II. if the Deputy Chair, take the Chair's role for discussions and decisions where the Chair has made a declaration of interest;
- III. participate in ensuring that appropriate and effective whistle blowing and anti-fraud systems are in place;
- IV. actively contribute to and engage in CCG business through the Governing Body.

Members of the Council, Governing Body, EMT, employees, all GPs engaged with CCG related work and practice managers will also declare interests even if they have none (this is written as nil return). A signature is also required from GP partners (or where the practice is a company, each director).

Hence individuals will declare, and keep up to date, details of any personal or business interests, which may influence, or may be *perceived* to influence, their judgement. This will include, as a minimum, personal direct and indirect financial interests and will also include such interests of close family members and/or associates.

Indirect financial interests arise from connections with bodies that have a direct financial interest in the business of CCG, or from being a business partner of, or being employed by, a person with such interest. Positions of authority in a charity or voluntary body in the field of health and social care, and any connection with a voluntary or other body contracting for NHS services will be declared. CCG stipulates that individuals will declare any interest that they have, in relation to a decision to be made in the exercise of the commissioning functions of CCG in writing to the Governing Body, as soon as they are aware of it and in any event no later than 28 days after becoming aware. A full statement on how CCG's will manage conflicts of interest and the interests that should be declared is contained in the CCGs Conflict of Interest Policy which Staff and any contractors need to follow.

6. Commercial Sponsorship

Sponsorship – Guidance and Standards

Sponsorship by commercial companies, including the pharmaceutical sector, is a common practice and reduces NHS expenditure. However, those arranging such sponsorship must comply with the guidance contained in Health Service Guidance HSG (93) 5 "Standards of Business Conduct for NHS Staff", and the "Commercial Sponsorship – Ethical Standards for the NHS", both published by the Department of Health.

It should be made clear to the sponsor that their sponsorship of an event or the availability of publicity material about the company or product will not constitute an endorsement by CCGs and that this will be made clear to the public and those attending the event.

All sponsorship with an estimated value of £50 or above must be reported to the Head of Corporate Services at least 14 clear days before the sponsorship is to commence. The sponsorship will be recorded in the Hospitality Register.

7. Commercial Partnerships

A commercial partnership is one where material or support is supplied by a third party in addition to, and capable of being integrated with, services routinely provided in public sector

health care. All commercial partnership and joint ventures arrangements must comply with relevant legislation, regulations, good practice and guidance, including for example:

- the NHS Code of Accountability and Code of Conduct
- HSG (93)5 Standards of Business Conduct for NHS Staff
- commercial Sponsorship - Ethical Standards for the NHS
- confidentiality: NHS Code of Practice (July 2003)
- CCG Constitution and Standing Orders
- CCG Prime Financial Policies and Financial Scheme of Delegation
- relevant professional codes of practice e.g., NMC, GMC etc.

8. Bribery Act 2010

The Standards of Business Conduct Policy is aligned to the CCGs Counter Fraud policy, and should be read in conjunction with that policy. In particular CCG Governing Body and EMT members, employees, member practices, GPs and practice managers should note the following: Under the Bribery Act 2010 (Act); it is an offence for employees to:

Pay bribes: to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity **improperly** or to reward that person for doing so; and/or to

Receive bribes: to receive a financial or other advantage intending that a relevant function or activity should be performed **improperly** as a result.

Fail to prevent bribery: an organisation is guilty of an offence if an associated person, i.e. someone who performs services on behalf of the organisation, bribes another person intending to obtain or retain business or a business advantage.

“Relevant function or activity” includes any function of a public nature and any activity connected with a business. The employee performing the activity is required to perform it in good faith or impartially or be in a position of trust. Conviction under the Act is punishable by imprisonment for a maximum term of 10 years. In certain circumstances, these offences could be committed as a result of a gift consideration being accepted by a friend or relative as well as by a member of staff.

9. Reporting

All interests and offers of hospitality, gifts and sponsorship accepted must be reported using the forms and forwarded to the Head of Corporate Services for recording in the Register. The Register will be presented to the Joint Federated Audit Committee on an annual basis.

10. Contravention of the Policy

Any contravention of this Policy will be subject to investigation. Evidence of knowing contravention may result in the member of staff responsible facing disciplinary action or dismissal. If there is evidence of fraud, deception, bribery or corruption the matter will be referred to the Counter Fraud Specialist (see Counter Fraud Policy, v1.3) who will assess if legal action will be taken.

11. 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 that Governing Body and EMT members, managers and staff act in the best interests of CCG. The information provided will not be used for any other purpose.

12. Review

This Policy will be subject to review after three years and at any stage at the request of CCG Governing Body in common or the Joint Federated Audit Committee.

13. Implementation and Dissemination

The Head of Corporate Services will ensure that the Policy is distributed to all staff via the email and cascading system through CCGs website.

14 References

Other relevant policies and reference material that should be read in conjunction with this policy include:

- The CCG 's Constitution
- Conflicts of Interest
- NHS Constitution
- Standards for members of NHS boards and CCG governing bodies in England; NHS Professional Standards Authority
- Code of Conduct: Managing Conflicts of Interest where GP practices are potential providers of CCG-commissioned services NHS England
- Managing conflicts of interests: Guidance for CCGs; NHS England
- Managing Public Finance HM Treasury
- CCG Counter Fraud Policy
- Related HR Policies
- Principles of Public Life
- Code of Conduct and Code of Accountability in the NHS
- Code of Conduct for NHS Manager the NHS Code of Accountability and Code of Conduct
- HSG (93)5 Standards of Business Conduct for NHS Staff
- commercial Sponsorship - Ethical Standards for the NHS
- confidentiality: NHS Code of Practice (July 2003)