

Subject:	Business Conduct Standards
Prepared by /Sponsored by / Presented by:	Peter Mellor, Director of Corporate Affairs
Purpose of paper	Requires Trust Board approval
Key points for Trust Board members <i>Briefly summarise in bullet point format the main points and key issues that the Trust Board members should focus on including conclusions and proposals</i>	Last updated in 2014. Updated in line with Trust Board Code of Conduct. No significant changes were necessary. Changes were of a cosmetic nature e.g. job titles.
Options and decisions required <i>Clearly identify options that are to be considered and any decisions required</i>	Ratification required.
Next steps / future actions: <i>Clearly identify what will follow the Trust Board's discussion</i>	Placed on Intranet within Management Policies section.
Consideration of legal issues (including Equality Impact Assessment)?	Yes
Consideration of Public and Patient Involvement and Communications Implications?	Yes

Links to Portsmouth Hospitals NHS Trust Board Strategic Aims, Assurance Framework/Corporate Risk Register	
Strategic Aim	All
BAF/Corporate Risk Register Reference (if applicable)	N/A
Risk Description	N/A
CQC Reference	N/A



STANDARDS OF BUSINESS CONDUCT

Version	7
Name of responsible (ratifying) committee	Trust Board
Date ratified	September 2016
Document Manager (job title)	Director of Corporate Affairs
Date issued	September 2016
Review date	September 2018
Electronic location	Corporate Policies
Related Procedural Documents	N/A
Key Words (to aid with searching)	Codes of practice; Business practice; Bribery and Corruption; Contracts; Tendering; Prejudice; Professional accountability; Sponsorship; Gifts; Intellectual property

Version Tracking

Version	Date Ratified	Brief Summary of Changes	Author
6	September 2016	Updated with current information	Peter Mellor
5	January 2013	Updated with current information	Peter Mellor

CONTENTS

- 1 Introduction**
- 2 Responsibility of All Managers**
- 3 Responsibility of All Staff**
- 4 Guiding Principles of Conduct**
- 5 Principles of Conduct**
- 6 Implementing the Guiding Principles**
 - 6.1 Casual Gifts
 - 6.2 Hospitality
 - 6.3 Declaration of Interests
 - 6.4 Preferential Treatment in Private Transactions
 - 6.5 Contracts
 - 6.6 Favouritism in Awarding Contracts
 - 6.7 Warnings to Potential Contractors
 - 6.8 Outside Employment
 - 6.9 Rewards of Initiative
 - 6.10 Commercial Sponsorship for Attendance at Courses and Conferences
 - 6.11 Commercial Sponsorship of Posts
 - 6.12 "Commercial In Confidence"
 - 6.13 Action Checklist for Managers
 - 6.14 Action to be taken in the Event of a Suspected breach of this Policy

Appendices:

- A Bribery Act 2010 – Summary of General Bribery Offences
- B Prevention of Corruption Acts 1906 and 1916 - Summary of Provisions
- C Standards of Conduct - Honesty at Work: All Employees
- D Institute of Purchasing and Supply - Ethical Code
- E Standards of Conduct - Honesty at Work: Managers
- F Standards of Business - Code of Conduct
- G Examples of Potential Conflicts of Interest
- H Loan of Equipment to Staff and Patients

1 Introduction

This document provides guidance for all staff of Portsmouth Hospitals NHS Trust. This policy ensures operation of guidance provided to all NHS staff in HSG (93)5, the general bribery offences within the Bribery Act 2010 (Appendix A), the main provisions of the Prevention of Corruption Acts 1906 and 1916 (Appendix B), and the various Department of Health Codes of Conduct and Code of Accountability.

2 Responsibility of All Managers

Managers are responsible for ensuring the “Guidelines for All Staff” (Appendix C) are brought to the attention of all employees, and that systems are in place to ensure that the “Guidelines” are effectively implemented. Staff should be reminded of the guidelines at least annually.

3 Responsibility of All Staff

It is the responsibility of all staff to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their employment. This primary responsibility applies to ALL STAFF, i.e. those who commit resources directly (e.g. by the ordering of goods) or those who do so indirectly (e.g. by prescribing of medicines). Examples may be found at Appendix G.

4 Guiding Principles of Conduct

4.1 There are three crucial public service values which must underpin the work of the Trust:

4.1.1 **Accountability** – everything done by those who work in the Trust must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

4.1.2 **Probity** – there should be an absolute standard of honesty in dealing with the assets of the Trust: 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 employment.

4.1.3 **Openness** – there should be sufficient transparency about the Trusts activities to promote confidence between the Trust and its staff, patients and the public.

4.2 The Trust must be impartial and honest in the conduct of its business and its employees should remain beyond suspicion.

4.3 It is an offence under both the Bribery Act 2010 and the Prevention of Corruption Acts 1906 and 1916 for an employee corruptly to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or corruptly showing favour, or disfavour, in the handling of contracts (see Appendix A & B). Staff will need to be aware that a breach of the provisions of these Acts renders them liable to prosecution and may also lead to loss of their employment and superannuation rights in the NHS.

5 Principles of Conduct

5.1 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;
- refuse gifts, benefits, hospitality or sponsorship of any kind which might reasonably be seen to compromise their personal judgement or integrity, and to avoid seeking

to exert influence to obtain preferential consideration. All such gifts should be returned and hospitality refused;

- declare and register gifts, benefits, or sponsorship of any kind, in accordance with time limits agreed locally, (provided that they are worth at least £50), whether refused or accepted. In addition gifts should be declared if several small gifts worth a total of over £100 are received from the same or closely related source in a 12-month period.
- declare and record financial or personal interest (e.g. company shares, research grant) in any organisation with which they have to deal, and be prepared to withdraw from those dealings if required, thereby ensuring that their professional judgement is not influenced by such considerations;
- make it a matter of policy that offers of sponsorship that could possibly breach the Code will be reported to the Director of Corporate Affairs;
- not misuse their official position or information acquired in the course of their official duties, to further their private interests or those of others;
- ensure professional registration (if applicable) and/or status are not used in the promotion of commercial products or services;
- beware of bias generated through sponsorship, where this might impinge on professional judgement and impartiality;
- not to agree to practice under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals.

5.2 To assist staff in interpreting this guidance some examples of potential conflict have been included at Appendix G. Anyone requiring further advice should contact their line manager in the first instance. If the line manager is unable to decide then the Director of Corporate Affairs should be consulted.

5.3 Failure to adhere to the Trusts rules may lead to disciplinary action up to and including dismissal.

6 Implementing the Guiding Principles

6.1 Casual Gifts

Casual gifts offered by contractors or others, e.g. at Christmas time, may not be in any way connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Acts. Such gifts should nevertheless be politely but firmly declined. Articles of low intrinsic value (<£50) such as diaries or calendars, or small tokens of gratitude from patients or their relatives, need not necessarily be refused. In case of doubt, staff should either consult their manager or politely decline acceptance.

6.2 Hospitality

6.2.1 Modest hospitality, provided it is normal and reasonable in the circumstances, eg 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.

6.2.2 Staff should decline all other offers of gifts, hospitality or entertainment. If in doubt, they should seek advice from their manager.

6.2.3 A form for the declaration of offers of Gifts/Hospitality is available on the Trust Intranet (in Forms) or can be found in Appendix I. This should be used for all offers of this nature and submitted to the Director of Corporate Affairs within 2 weeks of the offer being made.

6.3 Notifications Of Interest

- 6.3.1** Managers need to be aware of all cases 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, other NHS employer and / or voluntary organisation), or in any other activity or pursuit, which may compete for an NHS contract or NHS work to supply either goods or services to the Trust.
- 6.3.2** All staff should, therefore, notify such interests to their line manager or the Director of Corporate Affairs, either on starting employment or on acquisition of the interest. The line manager should pass the notification of such interests to the Director of Corporate Affairs as soon as possible together with any recommendation as to its effect upon the Trust.
- 6.3.3** One particular area of potential conflict of interest which may directly affect patients is when staff hold a self-beneficial interest in private care homes or hostels. While it is for staff to declare such interests to their manager, the manager has a responsibility to introduce whatever measures are considered necessary to ensure that the Trust's interests and those of patients are adequately safeguarded.
- 6.3.4** In determining what needs to be declared, employers and employees will wish to be guided by the principles set out in Paragraph 5 above; also the more detailed guidance to staff contained in Appendix C.
- 6.3.5** All managers will ensure that staff are aware of their responsibility to declare relevant interests. A list of examples of potential conflicts of interest may be found at Appendix G.
- 6.3.6** The Director of Corporate Affairs will keep a public register of all such interests and make it available for inspection by the public, internal auditors and Trust Board members.

6.4 Preferential Treatment In Private Transactions

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 negotiated with companies by management, or by recognised staff interests, on behalf of all staff – for example, staff benefit schemes).

6.5 Contracts

All staff who are in contact with suppliers and contractors (including external consultants) and in particular those who are authorised to sign Purchase Orders, or place contracts for goods, materials or services, are expected to adhere to professional standards of the kind set out in the Ethical Code of the Institute of Purchasing and Supply (IPS) (see Appendix D). European Union rules on contracts should be observed.

6.6 Favouritism in Awarding Contracts

- 6.6.1** Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of the Trusts' Standing Orders and of EC Directives on Public Purchasing for Works and Supplies. This means that:
- a) No private, public or voluntary organisation or company which may bid for Trust business should be given any advantages over its competitors, such as advance notice of requirements. This applies to all potential contractors, whether or not there is a

relationship between them and the Trust, such as a long-running series of previous contracts.

- b) Each new contract should be awarded solely on merit, taking into account the requirements of the Trust and the ability of the contractors to fulfil them.

6.6.2 Managers will ensure that no special favour is shown to current or former employees or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity. Contracts may be awarded to such businesses where they are won in fair competition against other tenders, but scrupulous care must be taken to ensure that the selection process is conducted impartially, and that staff who are known to have a relevant interest play no part in the selection.

6.7 Warnings to Potential Contractors

Managers will ensure that all invitations to potential contractors to tender for Trust business include a notice warning tenderers of the consequences of engaging in any corrupt practices involving employees of public bodies.

6.8 Outside Employment

6.8.1 Employees must not engage in outside employment which may conflict with their Trust work, or be detrimental to it. They are advised to tell their line manager if they think they may be risking a conflict of interest in this area; the line manager, in consultation with the appropriate HR Manager, will be responsible for judging whether the interest of patients or the Trust could be harmed, in line with the principles in Paragraph 5 above. If there is doubt the case should be referred to the Chief of Service / Clinical Director and Director of Corporate Affairs for a ruling, which should be maintained as a written record in the individual's personnel record.

6.8.2 Staff may undertake private practice or work for outside agencies, providing they do not do so within the time they are contracted to the Trust, and that they observe the conditions in the above preceding Paragraph. Specific guidance will be made available for medical staff.

6.9 Rewards of Initiative

6.9.1 Managers should ensure that they are in a position to identify potential intellectual property rights, as and when they arise, so that they can protect and exploit them properly, and thereby ensure that they receive any rewards or benefits (such as royalties) in respect of work commissioned from third parties, or work carried out by their employees in the course of their duties. Most rights are protected by statute, e.g. patents are protected under the Patents Act 1977 and copyright (which includes software programmes) under the Copyright Designs and Patents Act 1988. To achieve this, managers should build appropriate specifications and provisions into the contractual arrangements which they enter into **before** the work is commissioned, or begins. They should always seek legal advice if in any doubt.

6.9.2 With regard to patents and inventions, in certain defined circumstances the Patents Act gives **employees a right** to obtain some reward for their efforts, and managers should see that this is effected. Other rewards may be given voluntarily to employees who, within the course of their employment, have produced innovative work of outstanding benefit to the Trust.

6.9.3 In the case of collaborative research and evaluative exercises with manufacturers, managers will see that Portsmouth Hospitals NHS Trust obtains a fair reward for the input provided.

6.10 Commercial Sponsorship for Attendance at Courses and Conferences

6.10.1 Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses is acceptable, but only where the employee seeks permission in advance from their Manager or Director and where the acceptance will not compromise purchasing decisions in any way. Such sponsorship should be declared to the Director of Corporate Affairs.

6.10.2 On occasions when managers consider it necessary for staff advising on the purchase of equipment to inspect such equipment in operation in other parts of the country (or exceptionally, overseas), Portsmouth Hospitals NHS Trust will meet the reasonable cost, so as to avoid putting in jeopardy the integrity of subsequent purchasing decisions.

6.11 Commercial Sponsorship of Posts

Companies may offer to sponsor, wholly or partially, a post for the Trust. Portsmouth Hospitals NHS Trust should not enter into such arrangements, unless it has been made absolutely clear to the company concerned that the sponsorship will have no effect on purchasing decisions within the Trust. Where such sponsorship is accepted, monitoring arrangements should be established to ensure that purchasing decisions are not, in fact, being influenced by the sponsorship arrangement.

Under no circumstances will Portsmouth Hospitals NHS Trust agree to "linked deals" whereby sponsorship is linked to the purchase of particular products, or to supply from particular sources.

6.12 "Commercial In Confidence"

6.12.1 Staff should be particularly careful of using, or making public, internal information. Particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition. This principle applies whether private competitors or other NHS providers are involved, and whether or not disclosure is prompted by the expectation of personal gain (see Paragraphs 10 and 11 above).

6.12.2 All staff have a duty of confidentiality to patients and to Portsmouth Hospitals NHS Trust. Any unauthorised disclosure of personal information about any patient will be regarded as a most serious matter and will always warrant disciplinary action. Any disclosure to the media, or other third parties, of a matter which is relevant to Portsmouth Hospitals work and responsibilities, without consent from the appropriate Director, might be seen as damaging to the contractual relationship based on mutual trust and confidence.

6.13 Action Checklist for Managers

It is recommended that all managers use the "Action Checklist" (see Appendix E) to ensure that the guidance contained in this document is followed.

6.14 Action to be taken in the Event of a Suspected Breach of this Policy

Staff have a clear right and duty to voice complaints if they feel concerned about maladministration, breaches of this policy or other concerns about business ethics. If staff have a concern they should raise it with their manager or alternatively with the Director of

Corporate Affairs. On receipt of such information the Director of Corporate Affairs is to inform the Chief Executive who will decide on appropriate action. This will normally be in the form of an investigation. Where appropriate, a report or recommendations will be made to the Trust Board, which is accountable for ensuring high standards of corporate governance and personal behaviour are maintained in the conduct of the business of the whole organisation.

APPENDIX A – BRIBERY ACT 2010 – SUMMARY OF GENERAL BRIBERY OFFENCES

1. Offences of Bribing another Person

1.1 A person ('P') is guilty of an offence if either of the following cases applies.

1.2 Case 1 is where –

- a) P offers, promises or gives a financial or other advantage to another person, and
- b) P intends the advantage –
 - (i) to induce a person to perform improperly a relevant function or activity or
 - (ii) to reward a person for the improper performance of such a function or activity.

1.3 Case 2 is where –

- a) P offers, promises or gives financial or other advantage to another person, and
- b) P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.

1.4 In case 1 it does not matter whether the person to whom the advantage is offered, promised or given is the same person who is to perform, or has performed, the function or activity concerned.

1.5 In cases 1 and 2 it does not matter whether the advantage is offered, promised or given by P directly or through a third party.

APPENDIX B – PREVENTION OF CORRUPTION ACTS 1906 AND 1916 – SUMMARY OF PROVISIONS

1 Acceptance of Gifts by way of Inducements or Rewards

- 1.1** Under the Prevention of Corruption Acts, 1906 and 1916, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:-
- Doing, or refraining from doing, anything in their official capacity.
 - Showing favour or disfavour to any person in their official capacity.
- 1.2** Under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves the contrary.

APPENDIX C – STANDARDS OF CONDUCT – HONESTY AT WORK: ALL EMPLOYEES

1 Introduction

As employees of Portsmouth Hospitals NHS Trust we work for an organisation which is funded through taxation. We are, therefore, publicly accountable for our actions and should remain beyond suspicion. These guidelines are intended to help individuals avoid being involved in incidents which may lead to disciplinary action or dismissal. If you feel concerned about improper conduct by another member of staff you should report this to your Manager.

2 As Employees of Portsmouth Hospitals NHS Trust:

- We must keep what we do at work separate from our private lives.
- We must not accept any gifts, inducements or inappropriate hospitality from suppliers, or potential suppliers to the Trust.
- We must not try to obtain special deals for ourselves because we work for the Trust (unless through staff associations, etc.).
- We must not disclose commercial information or information about individual patients to anyone outside Portsmouth Hospitals NHS Trust.
- We must not use our position to obtain preference for relatives and friends in the award of contracts.
- We must not take on outside work, without the permission of our manager, if there is any question of it affecting our Trust duties or compromising the Trust in anyway.
- We must not use our position in the Trust to further our private interests.

3 Managers and those Involved in Purchasing Decisions

- We must not accept gifts, inducements or inappropriate hospitality.
- We must not accept commercial sponsorship without our manager's permission.
- We must declare any conflict of interest. For example, "Can I adjudicate on a medicines contract if I own Glaxo shares?" The answer is "Yes, if I declare an interest".

APPENDIX D – INSTITUTE OF PURCHASING AND SUPPLY – ETHICAL CODE

1 Introduction

The code set out below was approved by the Institute's Council on 26 February 1977, and is binding on IPS members.

2 Precepts

2.1 Members shall never use their authority or office for personal gain and shall seek to uphold and enhance the standing of the Purchasing and Supply profession and the Institute by:

- a) Maintaining an unimpeachable standard of integrity in all their business relationships both inside and outside the organisations in which they are employed.
- b) Fostering the highest possible standards of professional competence amongst those for whom they are responsible.
- c) Optimising the use of resources for which they are responsible to provide the maximum benefit to their employing organisation.
- d) Complying both with the letter and the spirit of:
 - The law of the country in which they practice.
 - Such guidance on professional practice as may be issued by the Institute from time to time.
 - Contractual obligations.

2.2 Rejecting any business practice which might reasonably be deemed improper.

3 Guidance

In applying these precepts, members should follow the guidance set out below.

3.1 **Declaration of Interest** – Any personal interest which may impinge or might reasonably be deemed by others to impinge on a member's impartiality in any matter relevant to his or her duties should be declared.

3.2 **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 true and fair and never designed to mislead.

3.3 **Competition** – While bearing in mind the advantages to the member's employing organisation of maintaining a continuing relationship with a supplier, any relationship which might, in the long term, prevent the effective operation of fair competition, should be avoided.

3.4 **Business Gifts** – Business gifts, other than items of very small intrinsic value such as business diaries or calendars, should not be accepted.

3.5 **Hospitality** – Whilst modest hospitality is an accepted courtesy of a business relationship, staff should not accept hospitality, of any kind, which could be interpreted as a way of exerting an improper influence over the way they carry out their duties. The frequency and scale of hospitality accepted should not be significantly greater than that the NHS, as an employer, would be likely to offer.

APPENDIX E – STANDARDS OF CONDUCT – HONESTY AT WORK: MANAGERS

- 1** All managers should:
 - 1.1** Ensure that all staff, for whom they are responsible, are made aware of “Standards of Conduct – Honesty at Work” (Appendix C).
 - 1.2** Show no favouritism in awarding contracts e.g. to businesses run by employees, ex-employees or their friends or relatives.
 - 1.3** Include a warning against corruption in all invitations to tender.
 - 1.4** Consider requests from staff for permission to undertake additional outside employment and maintain records thereof.
 - 1.5** Ensure the Trust receives rewards or royalties in respect of work carried out by employees in the course of their NHS work, and ensure that such employees receive due rewards.
 - 1.6** Similarly, ensure receipt of rewards for collaborative work with manufacturers, and pass on to participating employees.
 - 1.7** Ensure that acceptance of commercial sponsorship will not influence or jeopardise purchasing decisions. Requests for acceptance of commercial sponsorship should be referred to the General Manager or Director who may seek Trust Board approval if necessary.
 - 1.8** Refuse “linked deals” whereby sponsorship of staff posts is linked to the purchase of particular products or supplies from particular sources.

APPENDIX F - STANDARDS OF BUSINESS - CODE OF CONDUCT

The Portsmouth Hospitals NHS Trust wishes to be made aware of all cases where an employee or his / her close relative or associate has a significant financial interest in a business (including a private company), public sector organisation, other NHS employer and / or voluntary organisation or any other private pursuit which may compete with the Trust for an NHS contract to supply goods or services to the Trust. This would include any competing bids for NHS work which might be undertaken in private hospitals by an employee of the Portsmouth Trust. This is to protect not only the Trust but also the employee from any allegations of conflict of interest. One other area of potential conflict of interest is when staff hold a self beneficial interest in private care homes or hostels. All staff therefore should declare such financial interests either upon appointment or as soon as possible thereafter to the Director of Corporate Affairs and send a copy to his own line manager. This information must subsequently remain available for inspection.

It is recognised that a great deal of post-graduate medical education is subsidised by the pharmaceutical industry and by other technological industries allied to medicine. Individual employees should be aware that where this sponsorship exceeds or may be thought to exceed conventionally acceptable practice they should decline such sponsorship or seek advice from the Director of Corporate Affairs as to whether or not such sponsorship may be deemed acceptable.

As employees, all staff have a primary responsibility to provide work for and to work within Portsmouth Hospitals NHS Trust even though it is recognised that they may have contractual commitments elsewhere. Removing work which would otherwise come to the Trust is conduct which is likely to damage the relationship of confidence and trust between the employer and the employee and medical practitioners are required not to engage in any outside employment which may conflict with their Trust work or be detrimental to it. Again, in cases of doubt they should declare their non Trust interest to the Director of Corporate Affairs with a copy to their own immediate manager and not initiate such work until a judgement has been made by the Medical Director in consultation with the Chairman of the LNC and Director of Corporate Affairs, as to whether the interests of either the patient or the Trust could be harmed.

Medical staff may undertake private practice as independent practitioners caring for patients who finance themselves personally, or through insurance, provided they may only do so within the time the contract permits and that they observe the conditions above. Work may exist for which the Trust has no wish to tender but again if there is competition or the possibility of competition between an individual's private practice and the financial interests of the Trust, this conflict of interest must be declared as above.

APPENDIX G - EXAMPLES OF POTENTIAL CONFLICTS OF INTEREST

It may be helpful to give some examples of the sorts of situation you might encounter and how they could be dealt with. These are given below:

- A.** A clinician wishes to include a new drug, manufactured by a company with which he has links e.g. company shares, research grant, in the Trust Formulary. The Trust committee (e.g. Drug and Therapeutics Committee) should require declarations of interest from clinicians submitting proposals for new products to be added to formularies and ensure the decision is based on clinical and cost effectiveness information. Similarly, members of the committee should declare any interests relating to issues on which they are making decisions.

- B.** A pharmaceutical industry representative wishes to present the case for a new product being included on a Trust Formulary. The Trust should establish and adopt a reasonable policy on approaches from industry representatives. Industry representatives should be required to sign up to compliance with such a policy before being given access to any meetings.

- C.** Offer from a company to provide for training of staff. Employers should be careful to ensure that staff are not pressurised by sponsors of training, to alter their own activity to accord with sponsors' wishes, where these are not backed up by appropriate evidence. Training provided by industry may be appropriate if it is unbiased, has mutual benefit for both the NHS and the sponsoring company, is evidence based and the hospitality is appropriate. However participants should assess whether they may be influenced unduly and also consider what benefits the company might derive (e.g. exposure to NHS, professional contacts, potential allies to use later, names of who to influence, often without the participant's realisation). Offers should be passed to, and logged by, the Director of Corporate Affairs.

- D.** A manufacturer of ostomy equipment offers to sponsor a stoma nurse post in an NHS Trust. The Trust should not accept the sponsorship if it would require the stoma nurse to recommend the sponsor's, in preference to other clinically appropriate appliances, nor if it requires the Trust to recommend patients to use a particular dispensing service or withhold information about other products. Existing contracts containing any such provisions should, where possible, be urgently renegotiated.

- E.** A manufacturer of a particular type of Nicotine Replacement Therapy offers to provide their product at a reduced rate to a Health Action Zone. This arrangement is acceptable provided that there is a clear clinical view that these products are appropriate to particular patients and there is no obligation to also prescribe these products to other patients for whom an alternative product would be at least as beneficial.

- F.** A pharmaceutical company offers to provide starter packs at a discounted price. This type of sponsorship is acceptable, but should always be declared in order to avoid any suspicion that subsequent prescribing might be inappropriate and linked to the provision of starter packs.

- G.** A Trust Board member's spouse works in a peripheral clinic, the future of which is under debate. This should be declared, and the member should not participate in the decision.

- H.** A director giving advice to the Remuneration Committee about directors pay should declare clearly that the outcome of the decision might affect their own situation.

- I.** A physician who is a part owner in a nursing home where the Trust sometimes places patients should declare this.

APPENDIX H: LOAN OF EQUIPMENT TO STAFF AND PATIENTS

This appendix covers the loan of any piece of equipment, plant or vehicle (hereinafter referred to as 'equipment' or 'item') which belongs to the Trust.

Any member of staff who removes any item of Trust property, or uses it on non-Trust business without the written permission of the appropriate manager will be regarded as having stolen the item and dealt with accordingly. No item may be loaned without the written agreement of the manager responsible for the item.

The Manager must keep a record (called a Temporary Loan Record [TLR]) of every item loaned, and Appendix 1 to this Appendix G provides a proforma for this purpose. The record must include the following information:

- An accurate description of the equipment being loaned. This must include model and serial numbers where relevant (e.g. laptop computer or mobile phone).
- The name, address and telephone details of the person to whom it is being loaned. If the item is being loaned to another organisation then an individual must still sign for it, and remains responsible for its custody within that organisation.
- The due date of return.
- The actual date of return.
- Any amplifying remarks (to include record of periodic checks).

Before any items are handed over, **the borrower must sign the TLR page**, which also commits the borrower to agreeing:

- That the item is not to be used for private purposes.
- To indemnify the Trust in writing against any loss of, or damage to, the item whilst in their custody.
- To insure the item, at their own cost, against loss or damage whilst in their custody.
- To return the item when no longer required.

If an item is loaned to a patient, the patient must sign to acknowledge receipt of the item.

The manager responsible for the loaned equipment should check periodically (at least quarterly), that any equipment on loan is still needed, and being used, by the borrower. Where this is not the case, the borrower should be instructed to return the item.

When loaned items are returned, their condition should be checked by the manager responsible for them and the TLR notated accordingly. The borrower will be required to pay the full cost of repair or replacement (whichever is the lower) if the items are not returned, or returned in a damaged condition.

Any item loaned to a patient is always to be returned to the Trust on completion of the loan period. Items are never to be transferred directly between patients.

Staff who use a mobile phone in the course of their job must sign an undertaking to reimburse the Trust for all private calls, and pay any taxable benefit. (See also the Code of Financial Procedures section 9.10.5)

APPENDIX 1 TO APPENDIX H TEMPORARY LOAN RECORD – EXAMPLE

Serial No: 01/03

1.1. Item Description (To include model and serial no. if appropriate)	Name of Borrower	Job Title	Contact Address Telephone and E-mail	Date loaned	Date due for return	Actual date of return	Remarks (To include details of periodic checks)
--	-------------------------	------------------	---	--------------------	----------------------------	------------------------------	---

I agree to the following:

- That the item will not be used for private purposes.
- To indemnify the Trust in writing against any loss of, or damage to, the item whilst in my custody.
- To insure the item, at my own cost, against loss or damage whilst in my custody. (Custody and control of the item remains my responsibility if the item is loaned to another)
- To return the item as soon as I no longer require it.

Signed:

Print Name

(Date as 'Date of Loan above')

APPENDIX I: FORM TO DECLARE AN OFFER OF HOSPITALITY OR RECEIPT OF GIFT

<p>FORM TO DECLARE AN OFFER OF HOSPITALITY OR RECEIPT OF GIFT</p> <p>Please complete this form in accordance with the Business Conduct Standards Policy and return completed form to Peter Mellor, Director of Corporate Affairs, Trust HQ.</p>
<p>I have been offered hospitality and/or a gift of which are as follows:</p>
<p>Name of Company/Person:</p>
<p>Occasion and Date:</p>
<p>Venue (if applicable):</p>
<p>Description of offer/gift (food, accommodation, fares etc)</p>
<p>Value (Gifts worth less than £50 need not be declared):</p>
<ul style="list-style-type: none">• I have accepted the hospitality/gift• I have returned the gift to the originator on (date)• I have passed the gift to• I have destroyed the gift in the presence of <p>(Delete as appropriate)</p>
<p>I confirm that I understand that it is an offence for employees to accept any gifts or consideration as an inducement or reward for:</p> <ul style="list-style-type: none">• Doing, or refraining from doing, anything in their official capacity, or• Showing any favour or disfavour to any person in their official capacity.
<p>Signed:</p> <p>Post Title:</p> <p>Date passed to Director of Corporate Affairs:</p>