

POLICY ON BUSINESS CONDUCT

Approved

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The intranet version is the only version that is maintained. Any printed copies should, therefore, be viewed as ‘uncontrolled’ and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet
1	CSU		Governing Body April 2013	April 2013
2.0	NLCCG	Bring in line with COI Guidance	Audit Group	Feb 2017

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1 INTRODUCTION

It is a long established principle that public sector bodies must be impartial and honest in the conduct of their business and that employees should remain beyond suspicion. North Lincolnshire CCG aspires to the highest standards of corporate behaviour and responsibility and has an obligation to ensure that strict ethical standards are maintained. The CCG's aim is to ensure that NHS resources are protected from fraud and corruption.

It is acknowledged that, in general, NHS staff have an outstanding sense of commitment to the ideals of the service and a very high sense of propriety in the way they conduct both their public duties and their private affairs.

This policy is based on previous PCT Business Integrity Policies and the Policy on Standards of Business Conduct from the National Commissioning Board (NCB).

2 IMPACT ANALYSES

2.1 Equality

As a result of performing the screening analysis, the policy does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are recommended at this stage. The results of the screening are attached.

2.2 Sustainability

A Sustainability Impact Assessment has been undertaken. No positive or negative impacts were identified against the twelve sustainability themes.

2.3 Bribery Act

This Policy is designed to contribute to the CCG's obligation to ensure adequate measures are in place to prevent acts of bribery within the meaning of the Bribery Act 2010.

3 SCOPE

3.1 This policy applies to:

- All CCG employees, including all full and part-time staff, staff on sessional or short term contracts, Lay members, students and trainees (including apprentices), agency staff, seconded staff
- Members of the CCG's Board, Committees, Sub Committees and Sub Groups, including co-opted members, appointed deputies and members of committees/groups from other organisations
- Members of the CCG (Council of members) – defined as GP partners (or where the practice is a company, each director) and any individual directly involved with the business or decision making of the CCG e.g. representatives at the Council of Members, GP portfolio leads

Who are referred to collectively in this policy as 'individuals' within the CCG.

4 PURPOSE

This policy informs individuals on the standards of conduct expected of them when carrying out their duties for the CCG.

Alleged breaches of this policy will be promptly considered and fairly and reasonably investigated. If the individual under investigation is the Accountable or other Senior Officer, the investigation will be conducted by individuals not employed by the CCG.

Proven breaches of the standards, requirements and responsibilities set out in this policy will be treated as misconduct and will be dealt with under the CCG's disciplinary procedure. In serious cases dismissal may result. Staff could also be the subject of a criminal investigation conducted by the Local Counter Fraud Specialist and/or under the Bribery Act, which could result in prosecution and/or civil recovery proceedings.

This Policy builds upon and reflects the following national guidance:

4.1 The Code of Conduct and Code of Accountability in the NHS (second revision July 2004)

This Code sets out the general principles of business conduct and includes three public service values which are central to the work of the NHS:

- 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.
- 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, officers and members and suppliers, and in the use of information acquired in the course of NHS duties.
- Openness – there should be sufficient transparency about NHS activities to promote confidence between the CCG and its staff, patients and the public.

4.2 HSG(93)5 Standards of Business Conduct for NHS Staff

This guidance sets out the general ethical standards which should be maintained by everyone (see summary at Appendix 1)

4.3 The Seven Principles of Public Life as set out by the Committee on Standards in Public Life (The Nolan Principles)

All individuals within the CCG must abide by these principles which are included. (See Appendix 2)

4.4 The Bribery Act 2010

The Bribery Act is particularly relevant to this policy. The CCG has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from the Bribery Act 2010 which came into force on 1 July 2011 and repeals, in their entirety, the Prevention of Corruption Acts 1906 to 1916 and the common law offence of bribery.

The Act makes bribery a criminal offence and there are four offences:

- bribing, or offering to bribe, another person (section 1);
- requesting, agreeing to receive, or accepting a bribe (section 2);
- bribing, or offering to bribe, a foreign public official (section 6);
- failing to prevent bribery (section 7)

It should be noted that there need not be any actual giving and receiving for financial or other advantage to be gained, to commit an offence.

Individuals should be aware that a breach of this Act, or of this policy, renders them liable to disciplinary action by the CCG whether or not the breach leads to prosecution. Where a material breach of this guidance is found to have occurred, the likely sanction will be loss of employment and superannuation rights.

Further information on the Bribery Act can be found at www.opsi.gov.uk/acts.

Managing Conflicts of Interest: Revised Statutory Guidance for CCG's 2016

This guidance sets out the principles and standards necessary for CCG's to effectively manage conflicts of interests. Interests are divided into 4 categories; financial, non-financial professional, non-financial personal and indirect interests. Individuals should refer to the CCG's Conflict of Interest Policy for more detailed information and guidance.

4.5 The NHS Constitution

The CCG is committed to achieving the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution. The NHS Constitution outlines important legal duties for staff, including:

- A duty to accept professional accountability and maintain the standards of professional practice as set by the appropriate regulatory body applicable to your profession or role.
- A duty to take reasonable care of health and safety work for you, your team and others and to co-ordinate with employers to ensure compliance with health and safety requirements.
- A duty to act in accordance with the express and implied terms and conditions of your contract of employment.
- A duty not to discriminate against patients or staff and to adhere to equal opportunities and equality and human rights legislation.
- A duty to protect the confidentiality of personal information you hold.
- A duty to be honest and truthful in applying for a job and carrying out that job.

The NHS Constitution also includes a number of expectations that effect how staff should play their part in ensuring the success of the NHS and delivering high-quality care.

4.6 Freedom of Information Act 2000

This Act is part of the Government's commitment to greater openness in the public sector. It gives a right of access to anyone to recorded information that is held by public organizations', subject to certain exemptions.

4.7 Standing Orders, Reservation and Delegation of Powers and Prime Financial Policies

All individuals must carry out their duties in accordance with the CCG's Standing Orders, Reservation and Delegation of Powers and Prime Financial Policies (SOs) which set out the statutory and governance framework in which the CCG operates. There is some overlap between the contents of this policy, the Conflicts of Interest Policy and the provisions of the SOs. In the event of any conflict arising between the details of policy and SOs, the provisions of the SOs shall prevail.

4.8 Counter Fraud

The CCG is keen to prevent fraud and corruption and requires all individuals to always act honestly and with integrity to safeguard the public resources they are responsible for. The CCG will not tolerate any fraud perpetrated against it and will actively chase any loss suffered.

Any individual with concerns or reasonably held suspicions about potentially fraudulent activity or practice is encouraged to report these **immediately** to the Local Counter Fraud Specialist (LCFS) on 01652 251154 and the Chief Finance Officer. If the Chief Finance Officer is implicated, it should be reported to the Chief Officer and the LCFS. **It should be noted that staff may also report suspicions via the Whistleblowing Policy.**

Individuals should not ignore their suspicions, investigate themselves or tell anyone else about their suspicions. Under no circumstances should suspicions be discussed with the suspect. The LCFS, Chief Finance Officer and a representative from Human Resources will liaise and decide how to proceed with the investigation.

Individuals can also call the NHS Fraud and Corruption Reporting Line on free phone 0800 028 4060. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced trained staff and any caller who wishes to remain anonymous may do so.

The Audit Group will keep under review arrangements for countering fraud, approve the counter fraud work programme COI policy and review the outcomes of counter fraud work.

5 DUTIES

5.1 Chief Officer Responsibilities

The Chief Officer of the CCG is responsible for ensuring that this policy is brought to the attention of all individuals and that processes are in place to

ensure that it is effectively implemented and monitored. This will be achieved, (with support provided by the Head of Governance by:

- Notifying all individuals within the scope of this policy when the policy is approved and how to access it.
- Ensuring the policy and any supporting policies are placed on the CCG's website and included in any induction packs.
- Instructing all senior managers to ensure their teams are adhering to the policy.
- Ensuring all corporate registers are maintained and reported upon.

All members of the Board must act in accordance with the Policy and lead by example ensuring adherence to all relevant regulations, policies and procedures. Board members must abide by the Professional Standards of NHS Boards and Clinical Commissioning Group Governing Bodies in England.

5.2 Senior Officers and Line Managers

Senior Officers and line managers at all levels are responsible for ensuring that their teams are aware of and fully understand this policy and associated documents and are in a position to deal with, or report, any breach of the policy standards and requirements.

It is the responsibility of Senior Officers and line managers to ensure that new employees are made aware of this policy and associated documents during induction.

Managers are expected to check compliance with all governance responsibilities during the PDR process.

5.3 All individuals

It is the responsibility of everyone covered by the scope of this policy to ensure they comply with this policy and are required to.

- Act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible.
- Ensure that they read, understand and comply with this policy.
- Adhere to all relevant regulations, policies and procedures.
- Raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 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.
- Not abuse their official position for personal gain or to benefit their family or friends.
- Not seek to gain advantage or further private business or other interests, in the course of their official duties.
- Be aware that it is both a serious criminal offence (under the Bribery Act 2010, the Theft Act 1968 and the Fraud Act 2006) and disciplinary matter to corruptly receive or give any fee, loan, gift, reward or other advantage

- in return for doing (or not doing) anything or showing favour (or disfavour) to any person or organisation.
- Understand that failure to follow this policy may damage the CCG and its work and so may be viewed as a disciplinary matter. The organisation's Disciplinary Policy makes it clear that bringing the organisation into disrepute is potentially gross misconduct. As well as the possibility of civil and criminal prosecution, individuals that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

In most instances it is for the individual to use their judgement to avoid situations which compromise, or which could appear to compromise, their integrity. A guiding principle to what is acceptable is whether disclosure of the 'benefit' would cause embarrassment to the CCG or the individual.

If there is any doubt, advice should be sought from the line manager and line managers should seek advice from the Chief Officer, Chief Finance Officer or the Head of Governance.

6 Offers of Hospitality, Gifts and Commercial Sponsorship

Hospitality

- 6.1 For the purpose of this policy, hospitality is defined as the receipt of entertainment, e.g. meals, lunches, functions, events, etc. or equivalent, for personal use or benefit to the individual, their family, relatives or friends, from either commercial or non-commercial (i.e. patients, carers or relatives), charitable or non-profit making bodies sources.
- 6.2 A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or CCG. Hospitality should always be secondary to the purpose of the meeting, event, function or contact and the level of hospitality offered must be appropriate and in proportion to the occasion.
- 6.3 Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the CCG might offer in similar circumstances (e.g., tea, coffee, light refreshments at meetings). A common sense approach should be adopted as to whether hospitality offered is modest or not. Hospitality of this nature does not need to be declared to the Head of Governance, unless it is offered by suppliers or contractors linked (currently or retrospectively) to the CCG's business in which case all such offers (whether or not accepted) should be declared and recorded.
- 6.4 Offers of hospitality which go beyond modest or of a type that the CCG itself might offer, should be politely refused. A non-exhaustive list of examples includes:
 - Hospitality of a value of above £25; and
 - In particular, offers of foreign travel and accommodation

- 6.5 All offers of hospitality or entertainment worth more than £25 should be declined, unless there are exceptional circumstances. Before accepting such offers, express prior approval should be sought from the appropriate delegated manager as set out in Appendix 7, and the reasons for acceptance should be recorded in the CCG's register of gifts and hospitality.
- 6.6 All hospitality of this nature should be declared to the Head of Governance, and recorded on the register, whether accepted or not. Particular caution should be exercised where hospitality is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business. Offers of this nature can be accepted if they are modest and reasonable but advice should always be sought from the Chief Financial Officer or the Head of Governance as there may be particular sensitivities, for example if a contract re-tender is imminent. All offers of hospitality from actual or prospective suppliers or contractors (whether or not accepted) should be declared and recorded.
- 6.7 Individuals must declare the offer and/or acceptance of hospitality (regardless of the value) within 2 weeks of receipt using the form at Appendix 3. It is not necessary to declare modest hospitality as described in paragraph 6.3.

Gifts

- 6.8 For the purpose of this policy a gift is defined as any good, cash or equivalent, voucher, service or promotional material etc. for personal use or benefit to the individual, their family, relatives or friends, from either commercial or non-commercial (i.e. patients, carers or relatives), charitable or non-profit making body's sources.
- 6.9 All gifts of any nature offered to individuals within the CCG by suppliers or contractors linked (currently or prospectively) to the CCG's business should be declined, whatever their value. The person to whom the gifts were offered should also declare the offer to the Head of Governance so that the offer which has been declined can be recorded on the register.
- 6.10 Gifts offered from other sources should also be declared if accepting them might give rise to perceptions of bias or favouritism, and a common sense approach should be adopted as to whether or not this is the case. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e. less than £10) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to staff for work well done. Gifts of this nature do not need to be declared to the Head of Governance nor recorded on the register. Flow chart is attached at Appendix 8.

6.11 Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Head of Governance and recorded on the register.

6.12 Individuals must declare the offer of all gifts, except those with a value of less than £10, within 2 weeks, using the form at Appendix 3.

Commercial Sponsorship

6.13 For the purpose of this policy, commercial sponsorship is defined as including:

- NHS funding from an external source, including funding of all or part of the costs of a member of staff, research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, hotel and transport costs (including trips abroad), provision of free services (speakers), buildings or premises.

6.14 Individuals within the CCG may be offered commercial sponsorship for courses, conferences, post/project funding, meetings and publications in connection with the activities which they carry out for or on behalf of the CCG or their GP practices. All such offers (whether accepted or declined) must be declared using the form at Appendix 3, so that they can be included on the CCG's register. If such offers are reasonably justifiable and otherwise in accordance with this policy then they may be accepted, with the prior approval of the appropriate delegated manager as set out in Appendix 7.

6.15 Notwithstanding the above, acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the CCG or be dependent on the purchase or supply of goods or services. Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event. The CCG should not endorse individual companies or their products. It should be made clear that the fact of sponsorship does not mean that the CCG endorses a company's products or services. During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection legislation. Furthermore, no information should be supplied to a company for their commercial gain unless there is a clear benefit to the NHS. As a general rule, information which is not the public domain should not normally be supplied.

Publication of Gifts, Hospitality and Sponsorship Register

6.16 All completed record of hospitality/gift/sponsorship forms should be submitted to the Business Manager for incorporating into the central register. In order to demonstrate openness, the register is available on the CCG's website. Also, the register is reviewed by the Audit Group on a six-monthly basis.

- 6.17 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register. Where an individual believes that substantial damage or distress may be caused, to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing. Decisions not to publish information must be made by the Conflicts of Interest Guardian for the CCG, who should seek appropriate legal advice where required, and the CCG will retain a confidential un-redacted version of the register.
- 6.18 All persons who are required to make a declaration of gifts or hospitality will be made aware that the register will be published in advance of publication. This will be done by providing a fair processing notice that details the identity of the data controller, the purposes for which the registers are held and published, and contact details for the data protection officer. This information will also be provided to individuals identified in the registers due to their relationship with the person making the declaration.

Inappropriate Offers of Hospitality/Gifts/Sponsorship

- 6.19 All staff and members must notify the Head of Governance of any inappropriate/overly generous offers of hospitality, gifts or sponsorship within 2 weeks of the offer being made. This includes any offers that would constitute a bribe, i.e. offers of a financial or other advantage as an incentive or reward to improperly perform your function or activities. For further information, please see the Anti-Fraud and Bribery Policy. The Head of Governance will make the Audit Committee aware of the inappropriate offer at the next meeting.

7 Outside Employment

- 7.1 In accordance with the CCG's Working Time Regulations Policy, individuals who are directly employed by the CCG must notify their line manager of their intention to undertake secondary employment by completing the Declaration of Secondary Employment form. Amongst other things, the purpose of this is to ensure that the CCG is aware of any potential conflict with their CCG employment. For further information, please see the Managing Conflicts of Interest Policy.
- 7.2 Examples of work which might conflict with the business of the CCG, including part-time, temporary and fixed term contact work, include:
- Employment with another NHS body;
 - Employment with another organisation which might be in a position to supply goods/services to the CCG;
 - Directorship of a GP federation
 - Self -employment, including private practice, in a capacity which might conflict with the work of the CCG or which might be in a position to supply goods/services to the CCG.

- 7.3 Individuals are required to inform the CCG if they are engaged in or wish to engage in outside employment and/or private practice in addition to their work with the CCG. Other employment should be declared on the form at Appendix 4 (the same form as for declaring conflicts of interest). Completed forms should be sent to the Business Manager. Should there be a change in circumstances then an updated form should be completed by the individual as soon as practicable. Copies should be retained on personal files.

Should any concerns arise regarding other employment/private practice then these will be discussed with the individual. Whilst the CCG will not unreasonably raise a concern it is acknowledged that there may be occasions where the other employment/private practice presents a conflict of interest that cannot be adequately managed. In these circumstances it will not be permissible for the situation causing the conflict to continue. It is unacceptable for pharmacy advisors or other advisors employees or consultants to the CCG on matters of procurement to themselves be in receipt of payments from the pharmaceutical or devices sector.

- 7.4 Staff must ensure that their manager is aware of any other employment even if the other employment hours are greater than those for the CCG. All proposed other employment should be discussed with the manager before commencement.
- 7.5 Any individual who feels that any other employment may be conflicting with their duties for the CCG, should discuss it immediately with their manager and or the Workforce Team.
- 7.6 Managers must review declarations around other employment within the PDR process and ensure that individuals make any relevant declarations to keep their information up to date. New staff will be asked about other employment during the induction process. The CCG has the right to refuse permission where it believes a conflict will arise. In particular, it is unacceptable for pharmacy advisers or other advisers, employees or consultants to the CCG on matters of procurement to themselves be in receipt of payments from the pharmaceutical or devices sector.

8 Contracts for Goods and Services

- 8.1 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 [Code of Conduct](#) of the Chartered Institute of Purchasing and Supply (CIPS).
- 8.2 Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of NHS Standing Orders and of EU Directives on Public Purchasing for Works and Supplies. This means that:

- No private, public or voluntary organisation which may bid for NHS business should be given any advantage over its competitors, such as advance notice of NHS requirements. This applies to all potential contractors, whether or not there is a relationship between them and the CCG, such as long running series of previous contracts.
 - Each new contract should be awarded solely on merit, taking into account the requirements of the NHS and the ability of the contractors to fulfil them.
- 8.3 All individuals acting on behalf of the CCG who are in contact with suppliers and contractors, including external consultants and in particular those authorised to sign purchase orders or place contracts for goods, materials or services or are involved in decisions about where orders should be placed should adhere to the Code of Ethics from the Chartered Institute of Purchasing and Supplies (see Appendix 5).
- 8.4 Individuals should 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 individuals who are known to have a relevant interest play no part in the selection. Such interests must also be declared in accordance with the Managing Conflicts of Interest Policy.
- 8.5 Individuals 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 CCG. This does not apply to officers' and members' benefit schemes offered by the NHS or trade unions.
- 8.6 Every invitation to tender to a prospective bidder for CCG business must require each bidder to give a written undertaking not to engage in collusive tendering or other restrictive practice, and not to engage in canvassing the CCG, its employees or officers concerning the contract opportunity tendered.

9 Intellectual Property

- 9.1 Any patents, designs, trademarks or copyright resulting from the work (e.g. research) of an individual, carried out as part of their work with the CCG, shall be the Intellectual Property of NL CCG.
- 9.2 Approval should be sought from the appropriate line manager prior to entering into an obligation to undertake external work connected with the business of the CCG, e.g. writing articles for publication, speaking at conferences.

9.3 Where the undertaking of external work, gaining patent or copyright or the involvement in innovative work, benefits or enhances the CCG's reputation or results in financial gain for the CCG, consideration will be given to rewarding employees subject to any relevant guidance for the management of Intellectual Property in the NHS issued by the Department of Health.

10 Confidentiality

10.1 Information concerning the CCG which is not in the public domain must not at any time be divulged to any unauthorised person. Similarly, patient data or personal data concerning staff must not be divulged, in line with the Data Protection Act, 1998. This duty of confidence remains after termination of employment and applies to all individuals within the CCG.

10.2 Care should be taken that confidentiality is not breached inadvertently by, for instance discussing confidential matters in public places, such as whilst travelling by train, or by leaving portable IT equipment containing confidential information where it might easily be stolen, such as on full view in a parked car. Data should only be distributed using mechanisms with an appropriate level of security. For further information please see the Information Security Policy.

10.3 Individuals must maintain confidentiality of information at all times, both commercial data and personal data, as defined by the Data Protection Act 1998.

10.4 Individuals should guard against providing information on the operations of the CCG which might provide a commercial advantage to any organisation (private or NHS) in a position to supply goods or services to the CCG. For particularly sensitive procurements/ contracts, individuals may be asked to sign a non-disclosure agreement, a copy of which can be found at Appendix 6.

10.5 Please note that nothing in this policy prevents an individual from raising a concern in line with the CCG's Whistleblowing Policy.

11 Declarations of Interest

Arrangements for the management, recording and reporting of declarations of interest are set out in Section 8 of the CCG's Constitution and are the subject of the separate Conflicts of Interest Policy.

12 Personal Conduct

12.1 Political Activities

Any political activity should not identify an individual as an employee of the CCG. Conferences or functions run by a party political organisation should not be attended in an official capacity, except with prior written permission from the relevant Senior Officer.

12.2 Trading on Official Premises

Trading on official premises is prohibited, whether for personal gain or on behalf of others. Canvassing within the office by, or on behalf of, outside bodies or firms (including non-NHS CCG interests of staff or their relatives) is also prohibited. Trading does not include promotion of Trade Unions for staff or small tea or refreshment arrangements solely for staff.

12.3 Collection of Money

Charitable collections must be authorised by the CCG Chief Finance Officer. With line management agreement, collections may be made among immediate colleagues and friends to support small fundraising initiatives, such as raffle tickets and sponsored events. Permission is not required for informal collections amongst immediate colleagues on an occasion like retirement, marriage or a new job.

12.4 Arrest or Conviction

A member of staff who is arrested and refused bail or convicted of any criminal offence must inform their line manager at the earliest opportunity. Staff under investigation should also notify their line manager at the earliest opportunity

13 IMPLEMENTATION

Following approval by the Audit Group this policy will be sent to:

- The Senior Leadership Team of the CCG who will disseminate to all staff via the team briefing process.
- The Chairs of the Governing Body, the Council of Members and all other committees and sub committees for dissemination to members and attendees.
- The Practice Managers of all member practices for information.

14 TRAINING & AWARENESS

The Head of Governance will ensure that this policy is available on the CCG's website and staff notified accordingly.

The policy will be brought to the attention of all new employees as part of the induction process.

15 MONITORING & AUDIT

The Audit Group is responsible for monitoring the effectiveness of this policy to provide assurance to the Governing Body that the business of the CCG is being conducted in line with this policy, the associated policy documents, relevant legislation and other statutory requirements. The Audit Group will receive annual reports on all the corporate governance registers.

Monitoring of this policy may form part of the Internal Audit review of governance compliance.

16 POLICY REVIEW

This policy will be reviewed in two years. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation/guidance.

17 REFERENCES

- NHS Codes of Conduct and Accountability (NHS Appointments Commission and Department of Health – amended July 2004)
- Standards of Business Conduct for NHS Staff (DH HSG(93)5).
- *Seven Principles of Public Life*, Committee on Standards in Public Life (the Nolan Principles)
- Principles and Rules for Cooperation and Competition (NHS & DH July 2010)
- Procurement Guide for Commissioners of NHS Funded Services (NHS & DH July 2010)
- Bribery Act 2010
- Freedom of Information Act 2000

18 ASSOCIATED DOCUMENTATION

- CCG Constitution, incorporating Standing Orders and Prime Financial Policies
- CCG Policies:
 - Conflicts of Interest Policy
 - Procurement Strategy
 - Whistleblowing Policy
 - Induction Policy
 - Fraud & Corruption Policy
 - Policy on Commercial Sponsorship (including working with private enterprise)

APPENDICES

- 1 Extract from HSG(93)4 – Standards of Business Conduct for NHS Staff
- 2 The Nolan Principles on Conduct in Public Life
- 3 Form for declaring offers of gifts and hospitality
- 4 Form for declaring interests, secondary employment and private practice
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- 7 Hospitality Flowchart
- 8 Gifts Flowchart

**EXTRACT FROM HSG(93)4
STANDARDS OF BUSINESS CONDUCT FOR NHS STAFF**

References are to paragraphs in Part B of "Standards of business conduct for NHS staff" (Annex to HSG(93)5)

Do:

- Make sure you understand the guidelines on standards of business conduct, and consult your line manager if you are not sure.
- Make sure you are not in a position where your private interests and NHS duties may conflict (3).
- Declare to your employer any relevant interests (10 - 14). If in doubt, ask yourself:
 - am I, or might I be, in a position where I could gain from the connection between my private interests and my employment?
 - do I have access to information which could influence purchasing or procurement decisions?
 - could my outside interests be in any way detrimental to the PCT or to patients' interests?
 - do I have any other reason to think I may be risking a conflict of interest?

If still unsure - **Declare it!**

- Adhere to the ethical code of the Institute of Purchasing and Supply if you are involved in any way with the acquisition of goods and services (16);
- Seek your employer's permission before taking on outside work, if there is any question of it adversely affecting your NHS duties (special guidance applies to doctors);
- Obtain your employer's permission before accepting any commercial sponsorship (26).

Do not:

- Accept any gifts, inducements or inappropriate hospitality (see 7);
- 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 (18);
- Misuse or make available official "commercial in confidence" information.

THE NOLAN PRINCIPLES ON CONDUCT IN PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Appendix 3 Form for declaring offers of gifts and hospitality

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offer or Name and Nature of Business	Details of Previous Offers or Acceptance by this Offer or Supplier	Details of the officer reviewing and approving the declaration made and date	Declined or Accepted?	Reason for Accepting or Declining	Other Comments

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

I do / do not (delete as applicable) give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

Signed:

Date:

Signed:

Position:

(Line Manager or a Senior CCG Manager)

Date:

Please return to **NL CCG Business Manager**
(Line Manager or a Senior CCG Manager)

Appendix 4



North Lincolnshire
Clinical Commissioning Group

Appendix 4: Template Declaration of interests for CCG members and employees

Name:				
Position within, or relationship with, the CCG (or NHS England in the event of joint committees):				
Detail of interests held (complete all that are applicable):				
Type of Interest* <small>*See reverse of form for details</small>	Description of Interest (including for indirect Interests, details of the relationship with the person who has the interest)	Date interest relates From & To	Actions to be taken to mitigate risk <small>(to be agreed with line manager or</small>	

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I do / do not [delete as applicable] give my consent for this information to be published on registers that the CCG holds. If consent is NOT given please give reasons:

Signed: _____ Position: _____
(Line Manager or Senior CCG Manager)

Date:

Please return to Business Manager NLCCG

Types of interest

Type of Interest	Description
Financial Interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could, for example, include being:</p> <ul style="list-style-type: none"> • A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations; • A shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations. • A management consultant for a provider; • In secondary employment (see paragraph 56 to 57); • In receipt of secondary income from a provider; • In receipt of a grant from a provider; • In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) from a provider • In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role; and • Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).
Non-Financial Professional Interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients; • A GP with special interests e.g., in dermatology, acupuncture etc. • A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared); • An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE); • A medical researcher.
Non-Financial Personal Interests	<p>This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> • A voluntary sector champion for a provider; • A volunteer for a provider; • A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation; • Suffering from a particular condition requiring individually funded treatment; • A member of a lobby or pressure groups with an interest in health.

Indirect Interests	This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above). For example, this should include: <ul style="list-style-type: none">• Spouse / partner;• Close relative e.g., parent, grandparent, child, grandchild or sibling;• Close friend;• Business partner.
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Appendix 5

The Chartered Institute of Purchasing and Supply (CIPS) Code of Ethics

(REPRODUCED BY KIND PERMISSION OF THE CIPS)

Introduction

All members sign up to the code of ethics when they join CIPS. The Code was approved by the CIPS Council on 11 March 2009.

Use of the Code

Members of CIPS are required to uphold this code and to seek commitment to it by all those with whom they engage in their professional practice.

Members are expected to encourage their organisation to adopt an ethical purchasing policy based on the principles of this code and to raise any matter of concern relating to business ethics at an appropriate level.

The Institute's Royal Charter sets out a disciplinary procedure which enables the CIPS Council to investigate complaints against any of our members and, if it is found that they have breached the Code of Ethics to take appropriate action. Advice on any aspect of the Code of Ethics is available from CIPS.

Code of Professional Ethics

Members agree they 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
- optimize 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 practice
 - 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

Non-disclosure Agreement

You have been requested to be involved in [INSERT DETAILS] (the ‘Project’).

North Lincolnshire CCG or other parties participating in the Project may provide you with, as part of your role in respect of the Project, access to certain confidential information relating to the Project (whether before or after the date of this letter), in writing, by email, orally or by other means (including from or pursuant to discussions with any other party or which is obtained through attendance at meetings related to the Project) and trade secrets including, without limitation, technical data and know-how relating to the Project, including in particular (by way of illustration only and without limitation) [EXAMPLES] and including (but not limited to) information that you may create, develop, receive or obtain in connection with your engagement on the Project, whether or not such information (if anything other than oral form) is marked confidential (the “Confidential Information”).

Accordingly we draw to your attention that as part of your role for the CCG you are required to:

- 1.1 maintain the Confidential Information in the strictest confidence and not divulge any of the Confidential Information to any third party without the prior written permission of North Lincolnshire CCG; and
- 1.2 not make use of, reproduce, copy, discuss, disclose or distribute the Confidential Information other than for use as part of your role in the Project.

The above obligations in respect of this Confidential Information are supplemental to any prior representation, understanding and commitment (whether oral or written) between us. The terms of this Letter can only be changed by a written document, agreed upon by both of us and signed by duly authorised persons. These provisions shall be governed and construed by English law.

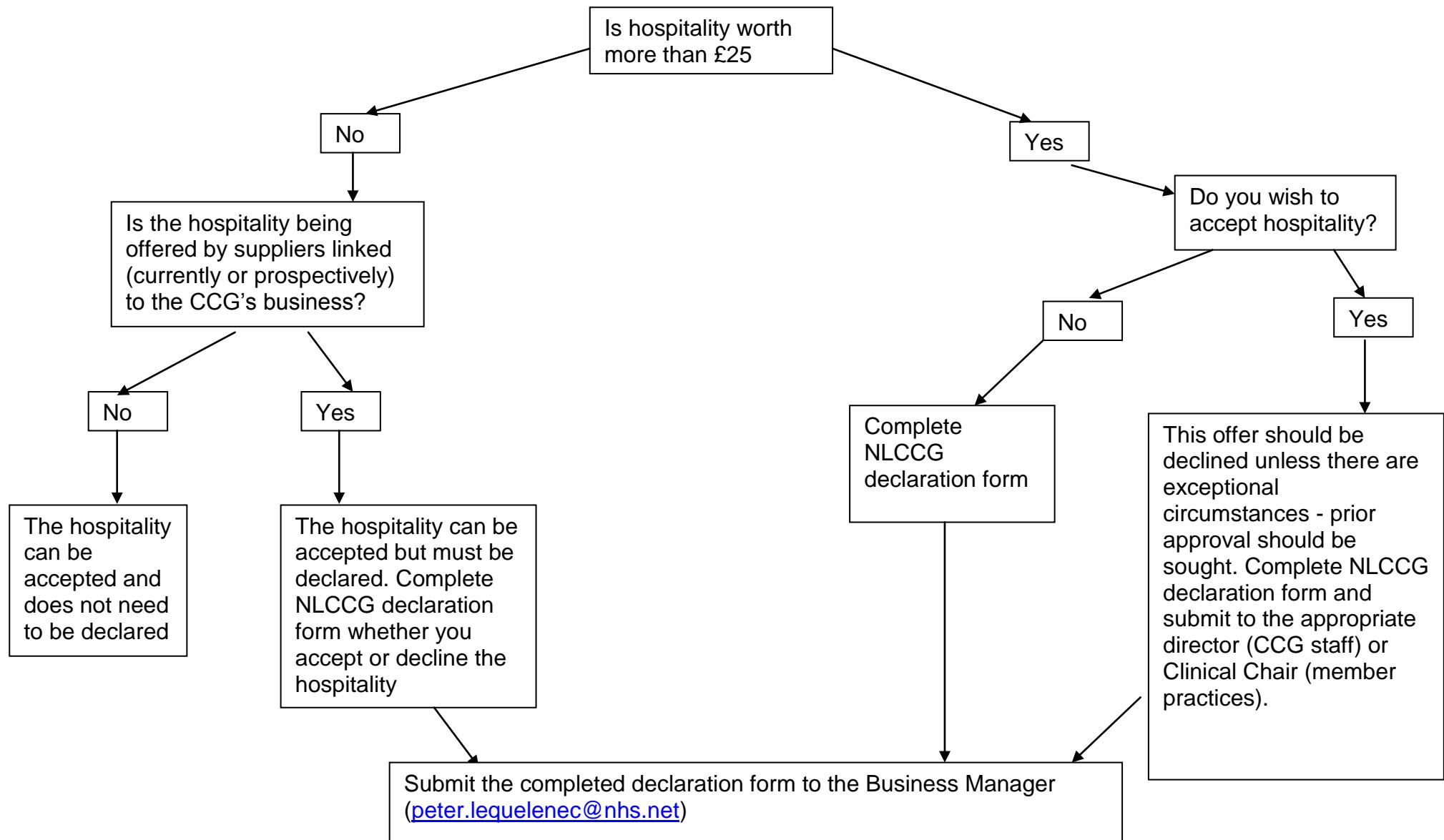
Yours faithfully

For and on behalf of
North Lincolnshire Clinical Commissioning Group

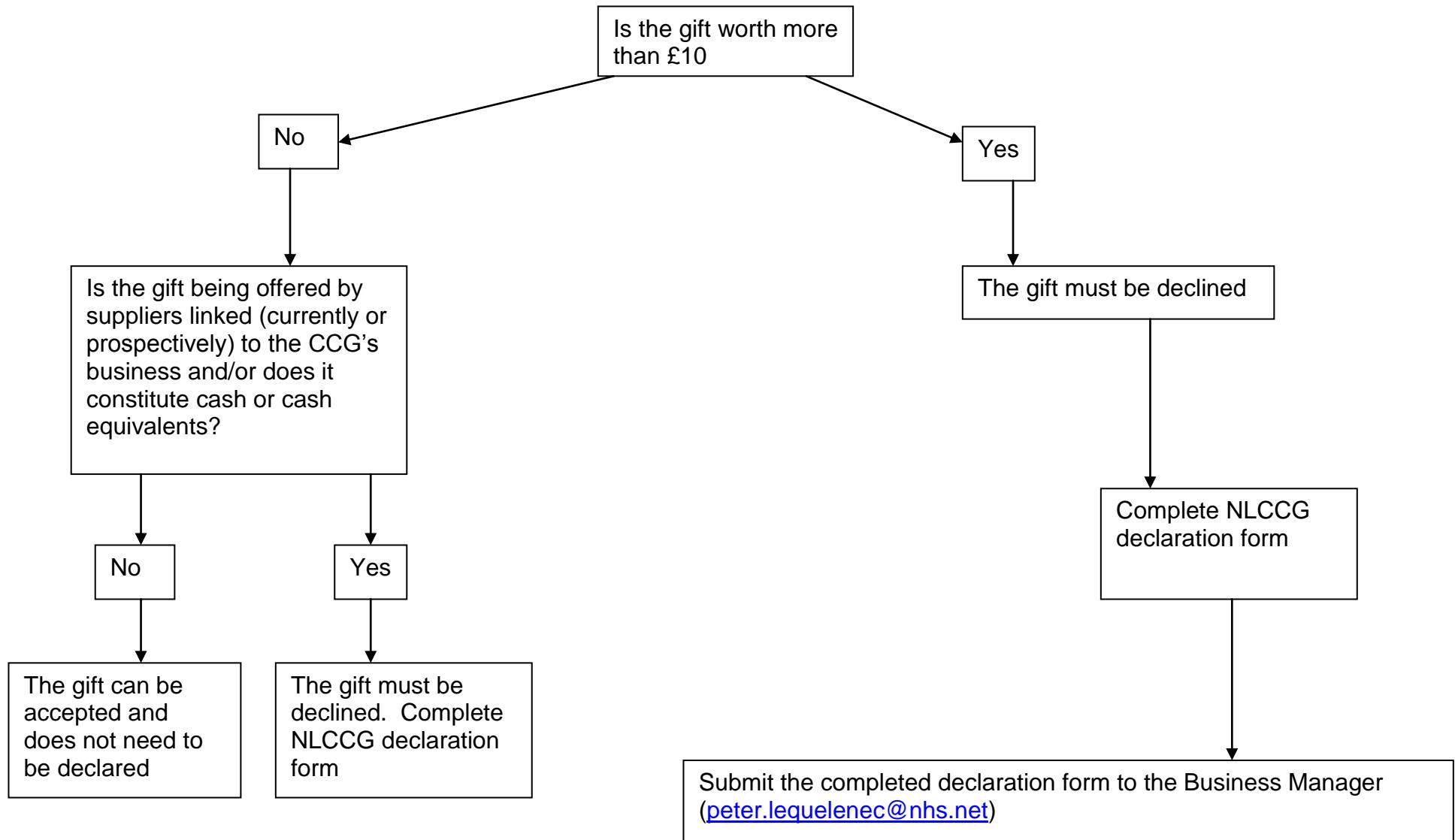
By signing this letter you agree to comply with these terms

Signed:	
Date:	
Print Name:	

Appendix 7 – Hospitality Flowchart



Appendix 8 – Gifts Flowchart



INTEGRATED IMPACT ASSESSMENT

Policy/project/function/service	Business Conduct Policy		
Date of analysis:	04/12/2016		
Type of analysis completed	Quality	Yes	
	Equality	Yes	
	Sustainability	Yes	
What are the aims and intended effects of this policy/project or function?	Support compliance of staff with best practice and national guidelines in the management of trust business activity.		
Please list any other policies that are related to or referred to as part of this analysis	Conflict of Interest Policy		
Who does the policy, project, function or service affect?	Employees	Yes	
	Service users	No not directly	
	Members of the public	No not directly	
	Other (please list)	N/A	

QUALITY IMPACT

	Please 'X' ONE for each			Brief description of potential impact	Mitigation strategy and monitoring arrangements	Risk 5 x 5 risk matrix)			
	Chance of Impact on Indicator					Likelihood	Consequence		
	Positive Impact	No Impact	Negative Impact						
	X	X	X						
PATIENT SAFETY									
Patient safety /adverse events		X							

Mortality position		X					
Infection control MRSA/CDIFF		X					
CQC status		X					
NHSLA / CNST	X			Supports best practice			
Mandatory/statutory training		X					
Workforce (vacancy turnover absence)		X					
Safe environment		X					
Standard & suitability of equipment		X					
CLINICAL EFFECTIVENESS							
NICE Guidance and National Quality Standards, e.g. VTE, Stroke, Dementia		X					
Patient related outcome measures		X					
External accreditation e.g. professional bodies i.e. RCN		X					
CQUIN achievement		X					
PATIENT EXPERIENCE							
Will there be an impact on patient experience if so how		X					
Will it impact on carers if so how		X					
INEQUALITIES OF CARE							
Will it create / reduce variation in care provision?		X					
STAFF EXPERIENCE							
What is the impact on workforce capability care and skills?		X					

Will there be a change in working practice, if so, how?		X		Should reinforce current practice			
Will there be an impact on training	X			Potentially			
TARGETS / PERFORMANCE							
Will it have an impact on performance, if so, how?		X					
Could it impact on the achievement of local, regional, national targets, if so, how?		X					

EQUALITY IMPACT

Analysis Rating (see completion notes)	Red		Red/Amber		Amber		Green	X
Approved by:	Commissioner Lead:				GP lead for E&D:			
	Date				Date			

Local Profile Data

General	No Impact
Gender (Men and Women)	No Impact
Race (All Racial Groups)	No Impact
Disability (Mental and Physical, Sensory Impairment, Autism, Mental Health Issues)	
Religion or Belief	No Impact
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	No Impact
Pregnancy and Maternity	No Impact

Transgender	No Impact			
Marital Status	No Impact			
Age	No Impact			
Equality Data				
Is any equality data available relating to the use or implementation of this policy, project or function?	No			
List any consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function.	Policy development has included members of staff			
Promoting inclusivity; How does the project, service or function contribute to our aims of eliminating discrimination and promoting equality and diversity?	Policy covers all staff groups.			
Equality Impact Risk Assessment test				
What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Protected Characteristic:	No Impact	Positive Impact	Negative Impact	Evidence of impact and if applicable justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	X			
Race (All Racial Groups)	X			

Disability (Mental and Physical, Sensory Impairment, Autism, Mental Health Issues)	X				
Religion or Belief	X				
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	X				
Pregnancy and Maternity	X				
Transgender	X				
Marital Status	X				
Age	X				

Action Planning

As a result of performing this Equality Impact Analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by The Equality Act 2010?

Identified Risk:	Recommended Action:	Responsible Lead	Completion Date	Review Date

SUSTAINABILITY IMPACT

Staff preparing a Policy / Board Report / Committee Report / Service Plan / Project are required to complete a Sustainability Impact Assessment. Sustainability is one of the Trust's key Strategies and the Trust has made a corporate commitment to address the environmental effects of activities across Trust services. The purpose of this Sustainability Impact Assessment is to record any positive or negative impacts that this activity is likely to have on each of the Trust's Sustainability Themes.

	Positive Impact	Negative Impact	No Specific Impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Reduce Carbon Emission from buildings by 12.5% by 2010-11 then 30% by 2020			X	

New builds and refurbishments over £2million (capital costs) comply with BREEAM Healthcare requirements.		X	
Reduce the risk of pollution and avoid any breaches in legislation.		X	
Goods and services are procured more sustainability.		X	
Reduce carbon emissions from road vehicles.		X	
Reduce water consumption by 25% by 2020.		X	
Ensure legal compliance with waste legislation.		X	
Reduce the amount of waste produced by 5% by 2010 and by 25% by 2020		X	
Increase the amount of waste being recycled to 40%.		X	
Sustainability training and communications for employees.		X	
Partnership working with local groups and organisations to support sustainable development.		X	
Financial aspects of sustainable development are considered in line with policy requirements and commitments.		X	