

OBS02: STANDARDS OF BUSINESS CONDUCT POLICY

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Documents to be read alongside this policy:	<ul style="list-style-type: none"> • The Codes of Conduct and Accountability for NHS Boards & Code of Conduct for NHS Managers • Standing Orders relating to declarations of interest and offers of gifts & hospitality • WP6 – Code of Conduct (Disciplinary Rules and • Standards of Behaviour Policy) • F03 Local Anti-Fraud, Bribery and Corruption Policy • F14 Salary Overpayments & Underpayments Local Management Procedure • MD14 - Private Practice Policy 2016 • Other codes of conduct, including those adopted by specific professional groups (GMC, NMC, HCPC etc.) • RD03 - Policy for Intellectual Property • NHS Wales SSP Procurement Services – Suppliers Policy • Documentation relating to individual's appointment as volunteers to the Health Board 		
Purpose of Issue/Description of current changes: This policy has been reviewed and updated in order to incorporate All Wales provisions around the declarations of interests, particularly in relation to gifts and hospitality. The scope of the policy has also been widened to explicitly incorporate agency, locum staff and board members.			

PROPRIETARY INFORMATION

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1. Introduction and Policy Statement

Public service values are at the heart of the NHS. High standards of corporate and personal conduct in public life based on a recognition that patients come first, has been a requirement throughout the NHS since its inception.

The Health Board is committed to the NHS Codes of Conduct and the principles set out in the NHS Wales Values and Standards of Behaviour Framework. This Framework, together with standing orders and standing financial instructions, form the key elements of the governance and accountability framework for the NHS in Wales.

The Board expects all employees to abide by the core values of the Framework (throughout this document, the term 'employees' is used to refer to employees, bank , agency and locum workers, contractors, sub-contractors, students, trainees including Board and Associate Board members).

If you have any doubts about whether a declaration is needed please discuss this with your line manager or contact the Board Secretary. These core values are:

- Putting quality and safety above all else: providing high value evidence based care for our patients at all times
- Integrating improvement into everyday working and eliminating harm, variation and waste
- Focusing on prevention, health improvement and inequality as key to sustainable development, wellness and wellbeing for future generations of the people of Wales
- Working in true partnerships with partners and organisations and with our staff
- Investing in our staff through training and development, enabling them to influence decisions and providing them with the tools, systems and environment to work safely and effectively.

The core values support good governance and help ensure the achievement of the highest possible standards in all that the NHS in Wales does. They are supplemented by policies and also Codes of Conduct for Board Members and NHS Managers which incorporate the Seven Principles of Public Life known as the 'Nolan Principles'.

In support of these principles, employees must be impartial and honest in the way that they go about their day to day functions. They must remain beyond suspicion at all times. They can achieve the seven Nolan Principles by:-

- Ensuring that the interests of service users remain paramount;
- Being impartial and honest in the conduct of their official business;

- Using public funds to the best advantage of the service and the service users, always seeking to ensure value for money;
- Not abusing/using their official position for personal gain or to benefit family or friends;
- Not seeking advantage or further private business or other interests in the course of their official duties;
- Not seeking or knowingly accepting 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 Health Board.

As part of the implementation of this policy, employees and Board members attending committees, sub-committees and advisory group members, (directly or indirectly contracted with the Health Board) will apply the Nolan principles.

This policy builds upon the provisions included in Health Board's Standing Orders. It re-emphasises the commitment of the Health Board to ensure that it operates to the highest standards, the responsibilities of those employed by the Health Board and the arrangements for ensuring that declarations are made. This policy is intended to complement the various Professional Codes of Conduct relevant to employees and board members of the Health Board.

2. Codes of Conduct

2.1 The Codes of Conduct and Accountability for NHS Boards reinforce the seven principles of public life (Nolan Principles) and focus on the crucial public service values which must underpin the work of the health service.

2.2 The Code of Conduct for NHS Managers sets out the core standards of conduct expected of NHS managers. It aims to serve two purposes: to guide NHS managers and employing health bodies in the work they do and the decisions and choices they have to make, and to reassure the public that these important decisions are being made against a background of professional standards and accountability.

The Codes of Conduct are available at the following link:

<http://www.wales.nhs.uk/governance-emanual/codes-of-conduct>

2.3 There are also a number of Professional Codes of Conduct, which complement this Policy, which comprise of both clinical and non-clinical staff (such as accountants, procurement staff, company secretaries, human resources professionals).

The main clinical ones are as follows:

General Medical Council

[Home - GMC \(gmc-uk.org\)](http://gmc-uk.org)

General Pharmaceutical Council

[General Pharmaceutical Council \(pharmacyregulation.org\)](http://pharmacyregulation.org)

Nursing and Midwifery Council:

<https://www.nmc.org.uk/standards/code/>

Health and Care Professions Council:

<http://www.hcpc-uk.co.uk/>

NHS Consultants and General Practitioners:

<http://www.gmc-uk.org/guidance/index.asp>

3. Purpose

The purpose of this policy is to set out the organisation's expectations in relation to the standards of conduct expected of all employees in their role.

4. Aims and Objectives

The policy is one of the mechanisms in place to enable the Health Board and its employees in maintaining ethical standards in the conduct of NHS business. It sets out the principles the Health Board expects all employees to uphold, and the steps that the Health Board as an employer will take to safeguard the organisation where conflicts of interest arise. It also describes the arrangements in place to manage declarations of interests, gifts & hospitality. All employees are required to be familiar with the content of this document, and line managers have a responsibility for bringing the policy to the attention of their staff.

The Policy also aims to reflect public acceptability of behaviours of those working in the public sector so that the Health Board can demonstrate to have exemplary practice in this regard.

5. Employee and Employer Responsibilities

- 5.1** It is the responsibility of all staff to ensure they are not placed in a position that risks, or appears to risk, conflict between their private interest and the NHS. This primary responsibility applies to all Health Board staff, including those who commit resources directly by ordering goods or services, and those who do so indirectly.
- 5.2** Appointing officers and /managers must declare any known relationship with potential applicants. If a relationship is declared the appointing officer and /managers must not be involved in any decisions relating to financial aspects of the individual's offer of employment. On an ongoing basis there should not be any involvement in any other financial decisions relating to the individual to whom the manager has declared any relationship. This shall include salaries, re-grading, authorisation of travelling expenses, overtime payments etc.
- 5.3** The Health Board, as an employer, will ensure that staff effectively understand and implemented the key provisions of this policy by putting in place a robust framework of awareness, training.
- 5.4** Staff must be impartial and honest in the conduct of business and remain beyond suspicion. It is an offence under the Bribery Act 2010 for an employee to accept a bribe in his or her official capacity, or to corruptly show favour or disfavour in the handling of contracts or other business. Staff need to be aware

that a breach of the provisions of this Act may render them liable to prosecution and disciplinary action (see Section 6 for further detail).

5.5 Volunteers' Responsibilities

It is important that all volunteers adhere to Health Board policies and procedures. This policy is consistent with the Wales Council for Voluntary Action Code of Practice for organisations involving volunteers:

<https://www.wcva.org.uk/advice-guidance/volunteers>

6. Prevention of Fraud, Bribery and Corruption

All employees must abide by the Health Board's Anti-Fraud, Bribery and Corruption Policy. This can be accessed via the link below:

<http://howis.wales.nhs.uk/sitesplus/861/page/44942>

The Bribery Act 2010 came into force on the 1st July 2011 and bribery is defined as the giving or taking of a reward in return for acting dishonestly and/or in breach of the law. The six possible offences are:

- Bribing another person- active bribery - the giving, promising or offering a bribe to another;
- Being bribed - passive bribery - the requesting, agreeing to receive or accepting any bribe;
- Bribing a foreign public official;
- Failure to prevent bribery;
- Also, under Section 7 of the Bribery Act - 2010 NHS Organisations are considered commercial organisations and may commit a criminal offence if they or their employees acting on their behalf fail to prevent a bribe.

Employees, agency staff and board members are therefore expected to:

- Report any issues relating to fraud, bribery or corruption to a Local Counter Fraud Specialist;
- Declare any interest which may result in the employee or persons known to the employee gaining direct or indirect financial advantage as a consequence of their work, which could influence any decisions made by the employee, or which could interfere with contractual obligations to the organisation;
Submit a declaration of interest annually, either as a nil return or to confirm the existence of an interest
- Ensure the interests of patients are paramount and that use or management of any public funds ensures value for money;
- Check each payslip as soon as possible following receipt to ensure that the amount paid is correct, with any queries raised with the line manager. If the

employee believes that they have been overpaid, they must declare it without delay. Where employees do not understand their payslip, they should contact the Payroll department.

Employees, contractors and board members must not:

- Abuse their official position for personal gain or in showing favouritism;
- Accept inappropriate gifts, hospitality or bribes;
- Misuse or make available confidential information;
- Misuse public funding; fraudulently use public funding for personal gain or for the offer of bribes.

This document should be read in conjunction with other related documents/policies including those that cover:

- F14 Salary Overpayments & Underpayments (Local Management Procedure);
- All Wales Code of Conduct (Business) for NHS Staff;
- F03 Local Anti - Fraud, Bribery and Corruption Policy;
- Register of Employees Interests;
- Commercial Sponsorship - Ethical
- Standard for the NHS.

7. Putting the Principles into Practice

7.1 Social Networking Sites

7.1.1 The Health Board is making increased use of social networks to engage with patients, service users, staff and other stakeholders to deliver key messages.

7.1.2 Employees must remember that expressing views or commenting on content on the Internet in relation to the Health Board cannot be divorced from their working life.

7.1.3 Unguarded comments in relation to an employee's work, working environment, colleagues, patients, carers, visitors, suppliers and contractors etc. can bring the organisation into disrepute and may invite legal action against both the employee and their employer.

7.1.4 Ultimately employees are responsible for what is published online and there can be consequences if policies are broken. If an employee is considering publishing something that makes them think twice, the guidance below applies. Where doubt remains, the employee should contact the Corporate Communications Team to discuss the matter.

7.1.5 Additional examples of situations where you are identifiable as a staff

member include commenting on our official social media accounts or partner- related matters within a public forum.

7.1.6 Whilst employees are encouraged to use social media to reflect positively on and engage with the work of the Health Board and partners, it is important to maintain a coherent online presence through official social media channels.

7.1.7 Therefore, employees and board members are not permitted to communicate externally or on social media accounts, on behalf of the Health Board without having gained approval from the Corporate Communications Team, with the intention of representing official views of wards, Directorates, Divisions, Service/Hospital Sites or Departments/Specialties.

7.1.8 To set up a social media business account, a business case must be prepared, outlining how this activity will benefit the programme or business area compared to the costs in time and the resources of doing so.

7.1.9 The purpose of policies and guidelines is not just to help protect the organisation, but also to protect employees' interests, and to advise of the potential consequences of interactions online and any content that might be posted.

Guidance: <http://howis.wales.nhs.uk/sitesplus/861/page/67285>

Facebook: [Betsi Cadwaladr University Health Board](#)

Twitter: [@bcuwb](#)

Digital Media Officer, Communications Department (Carlton Court, St Asaph):
bcuwbpressdesk@wales.nhs.uk

7.2 Acceptance of Gifts or Hospitality

7.2.1 Gifts

A gift is an item of personal value, given by a third party e.g. a patient, donor or a supplier. The definition includes prizes in draws and raffles at sponsored events/conferences.

It is an offence to accept any money, gift or consideration as an inducement or reward from a person or organisation holding or seeking to hold a contract with BCUHB

Such gifts should be refused and if they have already been received, they should be returned clearly advising why they cannot be accepted.

Any acceptance of a gift needs to be justified and the context in which the offer has

been made.

This Standards of Behaviour Policy excludes gifts between members of staff, for example birthday presents or leaving gifts.

7.22 Gifts from Service Users or their relatives

Gifts up to the value of £25 may be accepted from service users and relatives as a mark of their appreciation e.g. for the care that has been provided. This can include gift vouchers/ cards. A common sense approach should be applied to the valuing of gifts using an actual amount if known, or an estimate that any reasonable person would make as to its value.

There is no requirement to declare such gifts up to this value, other than where several small gifts are received to the value of £25 from the same or closely related source in a 12 month period. Where gifts are provided to a group of staff, it is the responsibility of the Line Manager to declare the gift if over the value of £25

Where a gift is offered that is likely to be over £25 in value it should be politely declined. In some cases the gift may have already been made and it may be difficult to return it, or it may be felt that the bearer may be offended by the refusal. Under such circumstances the gift can be accepted, and the bearer advised that it will be utilised for the benefit of Charitable Funds e.g. used as a prize in a raffle.

A Gifts and Hospitality Form should be completed when gifts of up to £25 are accepted.

Personal gifts of cash from service users or their relatives is not acceptable. These may only be accepted as a donation to the Awr Lys Charity and recorded as such. The Board Secretary can provide advice regarding the mechanism for appropriately receipting such items in accordance with the Institute of Fundraising Code.

7.23 Gifts from Suppliers, Contractors and Commercial Organisations

Low cost, branded or promotional gifts may be accepted where they are under the value of the common industry standard of £6 in total (selected with reference to existing industry guidance issued by the ABPI) and do not need to be declared. Any gifts outside this definition from suppliers, contractors and other commercial organisations doing business or likely to do business with BCUHB above this value, should be politely but firmly declined.

Whilst it is not necessary to declare gifts of low intrinsic value, staff are required to declare other gifts that they are offered, but not accepted to allow BCUHB to monitor when such organisations are inappropriately offering gifts or potential inducements.

7.24 Gifts from Dignitaries/Overseas Organisations

There may be occasions when visits are made by dignitaries or overseas organisations who consider it 'culturally custom and practice' to exchange gifts. In such cases, employees should seek guidance from the Committee Secretary and declare these gifts on a Gifts, Hospitality, Honoraria and Sponsorship Form (see Appendix 2). A decision will then jointly be made as to the most appropriate way to manage the gift. This will depend on the nature of the 'gift culture' and may include decisions to 'keep and display in public', 'donate to an internal user group', 'auction for charity', etc.

7.3 Bequests/Legacies/Wills

Employees are not permitted to accept bequests left to them by a deceased patient who became known to them through providing care or treatment as part of their Health Board employment. Accepting a gift of this nature, particularly where a patient is considered vulnerable, could leave the staff member open to serious accusations of financial abuse, fraud (by abuse of position) or misconduct. If an employee is made aware that they may be a beneficiary in a patient's will, they must declare this. All cases of this nature must be escalated to the Board Secretary and subsequently reported to the Audit Committee.

7.4 Hospitality

Employees should ensure that they declare all offers of hospitality with an estimated value exceeding £25, whether accepted or declined. Hospitality is defined as the provision of beverages, meals, travel, entertainment, or entry to an event, conference or function, regardless of whether provided during or outside normal working hours. Declarations of hospitality must be made via the electronic system which can be accessed via the following link: <http://howis.wales.nhs.uk/sitesplus/861/page/41930>. All declarations of hospitality will be reviewed by the Office of the Board Secretary.

7.5 Unacceptable Hospitality

Unacceptable hospitality includes the following examples as general guidance:

- a holiday abroad;
- hotel accommodation;
- use of a company flat;
- attendance at a function or event restricted to staff which is not for the purposes of training or organisational development.

In case of doubt, advice should be sought from the Board Secretary/Local Counter Fraud Specialist and employees should report any case where an offer of

hospitality is pressed which might be open to objection.

7.6 Acceptable Hospitality

7.6.1 Hospitality must be secondary to the purpose of a meeting. The level of hospitality offered must be appropriate and not out of proportion to the occasion; and the costs involved must not exceed the level which the recipients would normally adopt when paying for themselves, or that which could be reciprocated by the NHS. It should not extend beyond those whose role makes it appropriate for them to attend the meeting. These types of hospitality must be approved by a Director/Assistant Director and recorded on the gifts and hospitality register in advance of acceptance.

7.6.2 Other hospitality may be accepted where it furthers the aims of the Health Board, provided it is normal and reasonable in the circumstances, for example lunches in the course of working visits. Where the value is estimated to be over £25, a declaration should be made.

7.6.3 Other hospitality may be accepted, for instance where:

- A member of staff is invited to a Society or Institute dinner or function;
- There is a genuine need to impart information, or represent the Health Board in stakeholder community events;
- An event is clearly part of the life of the Stakeholder community or where the organisation should be seen to be represented;
- A function or event is hosted for both Staff and Non Staff, which adds benefit and value to the Health Board or the wider NHS;
- A function or event is hosted externally for staff only for the purposes of training or organisational development.

7.7 Hospitality in the Context of Partnership Arrangements with the Pharmaceutical Industry

7.7.1 Pharmaceutical industry and allied commercial sector representatives organising meetings are permitted to provide appropriate hospitality and/or meet any reasonable actual costs, which may have been incurred. If none is required, there is no obligation or right to provide any such hospitality, or indeed any benefit of equivalent value. See MM08: Code of Practice for BCUHB Staff with Pharmaceutical Companies

<http://howis.wales.nhs.uk/sitesplus/documents/861/MM08%20-%20%20code%20of%20practice%20for%20BCUHB%20staff%20with%20Pharmaceutical%20companies.pdf>

7.7.2 The Pharmaceutical Industry is expected to adhere to the Association of the British Pharmaceutical Industry (ABPI) Code of Practice for the Pharmaceutical Industry, which clearly specifies what is and what is not acceptable.

<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

8. Declaration of Interests

8.1 All employees should declare, to the best of their knowledge, if they, or a close relative, or associate, have a controlling or financial interest in a business, which could impact on the activities of the Health Board. All such interests should be declared on starting employment, (by way of the job application form), and then by completing a declaration form upon starting in post, annually and on acquisition of the interest. All employees shall be under a contractual obligation to declare such interests, irrespective of banding on a mandatory annual basis until the interest(s) cease to exist. Declarations should be made on the electronic declaration form via the following link: - <http://howis.wales.nhs.uk/sitesplus/861/page/41930>. The declaration of interests register is reported to the Audit Committee periodically. Before publication, employees' personal identifiable information will be redacted in line with information governance requirements (apart from Board Members, for whom the information is deemed to be in the public domain). Declarations of interest are reviewed by the relevant Directorate Governance Lead, details of which are displayed on the declarations of interest intranet page. Governance Leads are responsible for escalating any concerns to the relevant line manager.

8.2 Employees must declare all private interests which could potentially result in personal gain as a consequence of their position within the Health Board.

8.3 If any employee has a financial/commercial interest in an organisation they must not refer a patient for treatment or investigation to that body.

8.4 The NHS Wales Shared Services Partnership Procurement Team will automatically issue a separate declaration of interest form with every request to waive Standing Financial Instructions.

8.5 All Health Board employees have a duty of care to establish and actively maintain clear personal relationship boundaries with patients, their families and their carers in accordance with their employment contract and/or guidance from professional regulators (e.g. GMC/NMC).

8.6 Mandatory annual declarations of interests are required from Board members, all senior employees (band 8c or equivalent and above), all Consultants and also other employees of any pay band deemed to have 'LHB Officer' status due to undertaking roles where there is potential for a conflict of interest (as determined by a Director). Annual declarations must be submitted even if a nil return (nothing to declare).

8.7 Staff should be aware that the Health Board Management Process will seek advice from the Counter Fraud Team if and when required.

9. Preferential Treatment in Private Transactions

Individual employees must not seek or accept preferential rates or benefits in kind for private transactions carried out with which they have, or may have, official dealings on behalf of the Health Board (this does not apply to concessionary agreements negotiated with companies by NHS management, or by recognised employees interests, on behalf of all employees - for example, NHS employee benefits schemes).

10. Contracts

Employees in contact with suppliers and contractors, particularly if authorised to approve purchase orders or place contracts for goods, materials or services, shall adhere to accepted professional standards, the NHS Wales Shared Services Partnership Procurement Policy and the Standing Orders and Standing Financial Instructions of the Health Board. <http://www.wales.nhs.uk/sitesplus/861/page/87709>

All staff are required to comply with procurement rules and regulations in respect of systems or information which involves the collection or storage of personal data and must abide by Information Governance, Data Protection Impact Assessment and Cyber Security Requirements.

11. Favouritism in Awarding Contracts

11.1 Fair and open competition between prospective contractors or suppliers for contracts is a requirement of the Standing Orders and of European Union (EU) Directives on Public Purchasing for Works and Supplies. This means that:-

- No private, public or voluntary organisation or company which may bid for Health Board business should be given any advantage over its competitors, such as advance notice of the requirements. This applies to all potential contractors, whether or not there is a relationship between them and the Health Board, such as a long-running series of previous contracts;
- Each new contract should be awarded solely on merit, taking into account the requirements of the Health Board and the ability of the contractors to fulfil them.

11.2 Senior managers 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.

11.3 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 employees who are known

to have a relevant interest play no part in the selection.

12. Warnings to Potential Contractors

The Health Board will ensure that all invitations to potential contractors to tender for business includes a notice warning those submitting tenders of the consequences of engaging in any corrupt practices involving employees of public bodies.

13. Outside Employment (paid, unpaid or self-employed)

13.1 Employees can undertake other employment provided this does not conflict in any way with their duties as an employee of the organisation. In particular, if employees have or are contemplating other employment, they must ensure this does not compromise their availability or physical or mental fitness to carry out their duties as an employee of the Health Board. Employees must also ensure this does not place them in a position where their judgement or actions might be influenced by considerations arising from their other employment.

13.2 Employees who engage in employment (including self-employment) outside BCUHB which may conflict with their contract of employment with the organisation must notify their Line Manager of the circumstances [and declare this annually via the electronic staff declaration form](#)

13.3 Employees have a responsibility to ensure that the line manager is made aware of any hours worked in order that the Health Board fulfils its statutory requirement of the Working Time Regulations 1998.

13.4 An employee absent because of sickness is regarded as unfit to work and should not undertake any paid or unpaid work, in any capacity, during a period of sickness absence from the organisation, unless it is deemed jointly by the manager and the Occupational Health & Well-being Department to be therapeutically beneficial to their recovery. Express written permission must be granted by the manager in advance in all such cases.

13.5 An employee found to be undertaking other work during sickness absence, without the prior written consent of the manager, may be considered in breach of contract and will be subject to disciplinary action which may result in the involvement of the Counter Fraud Department, the possibility of criminal investigation and/or dismissal. Such action will only be taken following advice from the Workforce & Organisational Development Department. WP6 – Code of Conduct (Disciplinary Rules and Standards of Behaviour) can be accessed via the Workforce Policies and Key Documents here: <http://howis.wales.nhs.uk/sitesplus/861/document/42179>

14. Private Practice for Medical Staff

14.1 This policy sets standards for all BCUHB employees and other healthcare professionals about their conduct in relation to private practice and other forms of outside employment. The scope of this policy also incorporates any form of outside employment, self-employment or consultancy for employees or Board members, and therefore requires declarations of interest to be made (with line manager oversight) as soon as the interest materialises.

14.2 This policy also:

- ensures that clear standards are in place for managing the relationship between NHS work and private practice;
- covers private work both within and outside NHS facilities;
- offers guidance to individual private practitioners concerning their responsibilities;
- offers guidance to BCUHB employees concerning their role in supporting private patients without disadvantaging NHS patients.

14.3 In particular for medical staff, the amendment to the consultant contract in Wales clarifies the relationship between NHS work, private work and fee-paying work in that it sets out that a NHS consultant's first responsibility is to the NHS.

Participation in private medical services or fee-paying services should not result in detriment to NHS patients or services or diminish the public resources available for the NHS. Essentially, consultants should not schedule private work or fee-paying work at the same time as NHS activities, unless there has been a prior agreement with BCUHB. The Policy can be accessed via the link below:

<http://howis.wales.nhs.uk/sitesplus/861/document/435157>

15. Rewards for initiative

15.1 Potential intellectual property rights (IPR) should be identified, as and when they arise, in order to protect and exploit them properly, thereby ensuring that the Health Board receives any rewards or benefits (such as royalties) in respect of work commissioned from third parties, or work carried out by its employees in the course of their duties. Most intellectual property is 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. Senior 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 in specific cases. Advice will be provided via the Research & Development (R&D) Department.

- 15.2** 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 an Executive Director should agree a suitable reward for individual circumstances as appropriate. Other rewards may be given voluntarily to employees who within the course of their employment have produced innovative work of outstanding benefit to the NHS. Similar rewards should be voluntarily applied to other activities such as giving lectures and publishing books and articles.
- 15.3** In the case of collaborative research and evaluative exercises with manufacturers, senior managers should see that the Health Board obtains a fair reward for the input its employees provide. If such an exercise involves additional work for an employee outside that paid for by the Health Board under their contract of employment, arrangements should be made for some share of any rewards or benefits to be passed on to the employee(s) concerned from the collaborating parties. Care should however be taken that involvement in this type of arrangement with a manufacturer does not influence the purchase of other supplies from that manufacturer.

16. Commercial Sponsorship for Attendance at Courses and Conferences

- 16.1** Some health related companies provide commercial sponsorship to the NHS, including sponsoring equipment, employees and training events. In accordance with the All Wales Code of Conduct (Business) for NHS staff, all employees must consider fully the implications of a proposed sponsorship deal before entering into any arrangement. Only very senior managers with the necessary authority can sign up to, or enter into, any advertising contract or agreement with a company or its representatives. Employees must not allow unauthorised advertising on Health Board premises or documentation.
- 16.2** Acceptance by employees of commercial sponsorship for attendance at relevant conferences and courses is acceptable, but only where attendance would further the aims of the Health Board and where the employee seeks permission in advance from his/her line manager in line with the Study Leave Policy. The line manager must be satisfied that acceptance will not compromise purchasing decisions in any way. In addition to completing the Study Leave form, you should also seek final approval from your relevant Director or Assistant Director and complete the electronic hospitality declaration form.
- 16.3** On occasions when senior managers consider it necessary for employees advising on the purchase of equipment to inspect such equipment in operation in other parts of the country (or exceptionally, overseas), the Health Board should normally meet the costs of such a visit so as to avoid compromising the integrity of subsequent purchasing decisions. For such visits prior agreement will be

sought from the Executive Director of Finance. Arrangements whereby the firm meets all/part of the cost of such a visit must be approved by the Executive Director of Finance who will consider the implications for the integrity of subsequent purchasing decisions.

17. Commercial Sponsorship - "Linked Deals"

- 17.1** Pharmaceutical companies, for example, may offer to sponsor, wholly or partially, a post or equipment for the Health Board. The Health Board will not enter into such arrangements, unless it has been made abundantly clear to the company concerned that the sponsorship will have no effect on purchasing decisions within the Health Board. Where such sponsorship is accepted, the Executive Director of Finance shall ensure appropriate monitoring arrangements are established to ensure that purchasing decisions are not, in fact being influenced by the sponsorship agreement.
- 17.2** Under no circumstances should Health Board managers agree to "linked deals", whereby sponsorship is linked to the purchase of particular products, or to supply from particular sources.

18. Postgraduate Education

Any sponsorship/hospitality related to Postgraduate Education will be coordinated and managed by the relevant Postgraduate Centre Manager.

19. Research & Development

All research sponsored by commercial companies, including those sponsored by the pharmaceutical industry, must go through the Health Board's internal Research and Development approval process and will also require an assessment by the Local Research Ethics Committee.

20. Endowment (Charitable) Funds

- 20.1** Monies paid into charitable funds from commercial companies must only be accepted as donations or for sponsorship. Where sponsorship is received it should only be used to fund expenditure which is in line with the terms of the fund use.
- 20.2** Where sponsorship is received this should be recorded on the Gifts and Hospitality Register in accordance with the approved procedure.
- 20.3** Funding for research from commercial companies must not be paid into endowment funds and no commercial research projects should be implemented

using endowment fund monies. All such research projects should be implemented as Research and Development projects.

21. Equality

The Health Board is committed to ensuring that, as far as practicable, the way it provides services to the public and the way it treats its employees reflects their individual needs and does not discriminate against individual groups. An equality impact assessment screening exercise has been carried out to establish whether there is any possible or actual impact this policy may have on any groups in respect of gender (including maternity and pregnancy as well as marriage or civil partnership issues), race, disability, sexual orientation, Welsh language, religion or belief, transgender, age or other protected characteristics. The assessment (attached) found that there was no material impact on the protected characteristic groups mentioned above.

The Health Board is fully committed to ensuring that all employees are appraised of their obligations under the policy and that additional support and/or reasonable adjustments is available as required – for example, accessing the policy in a different format or support with completing an online declaration. This should be raised with a line manager in the first instance and escalated to the OBS as required.

Employees absent from work for a prolonged period, whether due to a disability or otherwise, are not expected to make a declaration and would not be penalised for failing to make such a declaration

22. Welsh Language

22.1 The Welsh Language (Wales) Measure 2011 has given the Welsh language official status in Wales by introducing Welsh Language Standards for organisations. The duties deriving from the standards mean that the Health Board and all of its employees should not treat the Welsh language less favourably than the English language, together with promoting and facilitating the use of the Welsh language.

22.2 In the conduct of public business, the Health Board's aim is to provide an 'active offer', meaning services should be provided in Welsh without the service user having to ask for it. Enabling our patients and the public to receive high-quality, language appropriate care is paramount to the way we provide and plan our services, as well as encouraging other users and providers to use and promote the Welsh language in the health sector.

22.3 The Health Board has a clear vision - everyone who comes into contact with its

services should be treated with dignity and respect by receiving a safe and responsive service that is accessible in their language of choice. The Health Board will ensure that equality, diversity and human rights will be mainstreamed when developing new policies through Equality Impact Assessments and will:

- Assess the impact of any new and revised policies on groups with 'protected characteristics' as defined under the Equality Act 2010;
- Facilitate and promote equity and the preservation of human rights wherever possible;
- Advance equality of opportunity and human rights wherever possible;
- Ensure that when new policies are implemented they comply with the Strategic Equality and Human Rights Plan.

23. Review, Audit and Monitoring

The Board Secretary will monitor the policy and formally review it every 3 years, or sooner, subject to legislative changes.

Internal Audit will conduct periodic audits of the declaration of interests and gifts & hospitality system, and report to the Audit Committee.

In addition, monitoring will be undertaken as follows:

Area	Frequency
Monitoring of gifts and hospitality monthly	Quarterly
Monitoring of DOI compliance	Monthly
Reporting compliance via Executives	
Audit committee reporting – copies of registers and DOI compliance quarterly	Bi-annually

24. Distribution

The Policy will be available via the Health Board's Intranet site. Where employees do not have access to the Intranet their line manager must ensure that they have access to a copy of this document and are able to complete the necessary electronic declarations where appropriate.

25. References

- Health Board Standing Orders
- Bribery Act 2010
- Commercial Sponsorship - Ethical Standards for the NHS, Department of Health
- Code of Conduct and Accountability, Welsh Assembly Government, 2003
- DGM (93)84: Standards of Business Conduct for NHS Staff
- DGM(95)5: Detailed Guidance on Implementing a Code of Conduct and Accountability Finance Guidance Note F35: Guidance on Standards of Conduct for LHB Staff
- General Medical Council Good Medical Practice guidance – financial and commercial arrangements and conflicts of interest, 2013
- NHS Code of Conduct for Boards – Welsh Government Governance e-manual
- Nursing & Midwifery Council gifts and gratuities guidance, September 2013 and The Code: Standards of conduct, performance & ethics for nurses & midwives
- WHC (2005) 016 The NHS & Sponsorship by the Pharmaceutical Industry
- Association of British Pharmaceutical Industry (ABPI) Code of Practice for the Pharmaceutical Industry 2016
- WHC(2006) 090 The Codes of Conduct and Accountability for NHS Boards and the Code of Conduct for NHS Managers Directions 2006
- WP6 BCU Code of Conduct (Disciplinary Rules & Standards of Behaviour)

Appendix 1 – Personal Checklist for Declarations of Interests, Gifts & Hospitality

1. Make sure you understand the requirements contained within the Policy. The onus of responsibility for declaring interests, gifts & hospitality is on the employee.
2. Make sure you are not in a position where your private interests and NHS duties may conflict.
3. Declare to your employer any relevant outside interests. If in doubt ask yourself:-
 - a. Could my personal interests be detrimental to the Health Board or to patients' interests in any way?
 - b. Do I have access to information which could influence purchasing decisions made by the Health Board?
 - c. Am I or could I be in a position where I (or my family/friend) could gain from the connection between my private interests and my employment?
 - d. Do I have any other reason to think I may be risking a conflict of interest?

If you remain unsure, discuss it with your manager or the Board Secretary.

4. Mandatory annual declarations of interests: These are required from Bard members, all senior employees (band 8c or equivalent and above), all Consultants and also other employees of any pay band deemed to have 'LHB Officer' status due to undertaking roles where there is potential for a conflict of interest (as determined by a Director). Annual declarations must be submitted even if a nil return (nothing to declare). Additionally posts within some departments at Band 7 and above will be required to submit an annual declaration of interest where it is considered that they may be in a position to influence purchasing and/or foster relationships with external organisations.
5. Always obtain your employer's permission before accepting any commercial sponsorship, gifts or hospitality. Permission needs to be granted as Director/Assistant Director Level.
6. Seek permission from your line manager or seek advice from the Board Secretary before accepting outside work, particularly if there is a possibility of it adversely affecting your NHS duties.

7. If your work is in any way involved with buying goods or services you must adhere to the ethical code of the Chartered Institute of Purchasing and Supply. Contact the
8. Head of Procurement if you require further details. You must not:
 - a. Accept gifts, inducements or inappropriate hospitality unless of low or intrinsic estimated value (£25 or less).
 - b. Use your past or present official position to obtain preferential rates for private deals.
 - c. Show favouritism in awarding contracts or making grants, or in any other dealings with suppliers or potential suppliers.
 - d. Make available or misuse "commercial in confidence" information.

Employees failing to comply with the guidelines could be subject to disciplinary action under the Health Board's Disciplinary Policy and potential legal action.