



East London
NHS Foundation Trust

STANDARDS OF BUSINESS CONDUCT POLICY

DOCUMENT CONTROL SUMMARY

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VERSION CONTROL SUMMARY

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1.0	15.02.2006	Draft	This policy replaces the current Trust guidance on standards of business conduct, and takes into account recommendations made by the Audit Commission.
2.0	29.11.07	Revised version	Minor changes made after review by Internal Audit.
3.0	11.11.13	Revised version	Revisions made by the Senior Local Counter Fraud Specialist. Updated to take account of the Bribery Act 2010 and changes to the Institute of Purchasing and Supply – Ethical Code.
3.1	31.03.14	Revised version	Revisions made by the Senior Local Counter Fraud Specialist. Added section 10.6 and appendix J
3.2	20.05.2014	Revised version	Revisions made by Trust Secretary. Added section 6.3 definition on gifts and hospitality and replace references to the Director of Corporate Planning with Trust Secretary
3.3	21.08.2014	Revised version	Revisions made by Trust Secretary. Updated section 6.2 to include offers from trust employees
3.3	04.02.2015	Revised version	Appendix 3 Opt Out form inserted by Senior Local Counter Fraud Specialist
3.4	14/10/2015	Revised version	Several revisions made by the Trust Secretary to provide more clarity for staff, and make the gift and hospitality/declaration of interest process more robust and comprehensive.
3.4.1	14/09/2016	Revised version	The email/contact details of Keisha Ehigie have been replaced temporarily with that of Georgia Denegri on the declaration forms while Keisha is on maternity leave (i.e. at pages 15, 18, 28 and 36).
4.0	18/07/2017 and 16/01/2018	Revised version	Amended in line with Working Time Directive and NHS England Guidance on Declarations of Interest which came into force on 1 June 2017

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STANDARDS OF BUSINESS CONDUCT POLICY

1.0 INTRODUCTION

- 1.1 The purpose of this policy is to clarify the responsibilities of managers and staff to ensure that their behaviour inside and outside work, and interest outside work do not conflict or appear to conflict with their Trust position, duties and responsibilities.
- 1.2 The Trust aspires to the highest standards of corporate behaviour and responsibility. All staff are required to comply with this policy.
- 1.3 All staff must abide by the Seven Principles of Public Life as set out by the Committee on Standards in Public Life and detailed at **Appendix A**.

2.0 SCOPE

- 2.1 This policy applies to all employees of the Trust including Executive and Non-Executive Directors, committee members, students and trainees, secondees, bank and agency staff, locum and contract staff, referred to herein as staff or employee.

3.0 THE LAW

- 3.1 The laws dealing with corrupt activity in the UK are to be found in the common law offence of bribery and in three Acts of Parliament, namely the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts of 1906 and 1916.
- 3.2 The Bribery Act 2010 replaces the fragmented and complex offences at common law and the Prevention of Corruption Acts 1889-1916.
- 3.3 The Bribery Act 2010, which repealed all existing corruption legislation, introduced four new offences;
 - Offering, promising or giving a bribe to another person;
 - Requesting, agreeing to receive or accepting a bribe from another person;
 - Bribing a foreign official; and
 - A corporate offence of failing to prevent bribery

See **Appendix B** for further information on the offences.

- 3.4 In the Act the offence of bribery is outlined as the receipt or acceptance of a bribe, or the offer to, promise or giving of a bribe, which assists in obtaining/retaining business or financial advantage, or the inducement or reward of someone for the “improper performance” of a relevant function.
- 3.5 “Relevant function or activity” includes any function of a public nature and any activity connected with a business and therefore include the NHS.
- 3.6 Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give an advantage to another.

- 3.7 Under the Bribery Act 2010, officers of any organisation may be prosecuted personally if they are found to be guilty of consenting or conniving in the commission of bribery, with penalties of up to ten years imprisonment, fines or both.
- 3.8 The Act also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.
- 3.9 To demonstrate that the organisation has sufficient and adequate procedures in place and to demonstrate openness and transparency all staff are required to comply with the requirements of this Policy.
- 3.10 All staff should be aware that a breach of the provisions of the Act renders them liable to prosecution and may lead to their dismissal from employment and loss of superannuation rights in the NHS. Any such cases will be referred to the Trust's Local Counter Fraud Specialist (LCFS) for investigation in accordance with the Counter Fraud and Bribery Policy.
- 3.11 For more detailed information on the Bribery Act 2010 please see the Counter Fraud page on the intranet and the Counter Fraud and Bribery Policy.
- 3.12 Should members of staff wish to report any concerns or allegations they should contact the Local Counter Fraud Specialist.

4.0 NHS AND OTHER GUIDANCE

- 4.1 **NHS Circular** – In addition to the law the NHS Executive (now DOH) issued guidance on “Standards of Business Conduct for NHS Staff” (HSG(93)5). This sets out general standards which should be maintained by NHS Staff.
- 4.2 **Commercial Sponsorship** – The NHS has also issued guidance on “Commercial Sponsorship – Ethical Standards for the NHS” (November 2000), which emphasises the need for NHS bodies to consider fully the implications of entering into commercial sponsorship arrangements, including both potential conflicts of interests for NHS staff and the impact on other NHS bodies.
- 4.3 **Codes of Conduct** – Staff must follow the values expressed within any relevant professional or managerial codes of conduct, including the Code of Conduct and Accountability for NHS Boards, and the Code of Conduct for NHS Managers.
- 4.4 **Managing Conflicts of Interest in the NHS: Guidance for staff and organisations** – the NHS England's new guidance which sets out consistent standards across the NHS came into force on 1 June 2017.

5.0 PRINCIPLES

- 5.1 The overriding principles of this policy are that:
- a) In all dealings on behalf of the NHS, the interests of service users must remain paramount.
 - b) Staff should be impartial and honest in the conduct of their business.
 - c) Best value of money should be achieved.

- d) NHS staff must not abuse their official position for personal gain or to benefit their family or friends nor should they seek to advantage their private interests in the course of their NHS duties.

6.0 RESPONSIBILITIES UNDER THIS POLICY

- 6.1 This is a summary of the main obligations of staff under this policy and is not exhaustive.

Staff

- 6.2 All staff should ensure they are familiar with and adhere at all times to the principles of this policy.
- 6.3 All offers of gifts/hospitality/sponsorship should be reported by staff to their line manager where possible, who will deem the offer acceptable or unacceptable in accordance with the Policy. For commercial sponsorship see 6.19, 7.6 and 10.
- 6.4 Offers of gifts:
- Of cash or vouchers to individuals should always be declined
 - From suppliers or contractors should be declined (see 7.3.1 – 7.3.4 for exceptions)
 - Under £50 can be accepted and do not need to be declared (see 7.3.8 for criteria)
 - £50 and over should be declined unless they can be accepted on behalf of the Trust (i.e. to the Trust's charitable funds), not in a personal capacity. These should be declared by staff on the gift and hospitality form in **Appendix C**.
 - Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.
- 6.5 Offers of hospitality:
- Under £25 - may be accepted and need not be declared
 - Between £25 and £75 – may be accepted and must be declared on the form at **Appendix C**
 - Over £75 should be refused unless (in exceptional circumstances) senior approval is given.
- 6.6 Staff should make particular mention of gifts/hospitality that were offered to staff in any part of the procurement/tender process.
- 6.7 All staff should declare an interest and have a discussion on what should be declared with their line manager using the form at **Appendix G**. This should be done:
- On appointment
 - When moving to a new role or when the responsibilities under their existing role changes significantly;
- In any event staff should make an immediate declaration of interest in all cases where circumstances change and/or new interests arise resulting in a conflict of interest.
- 6.8 All new employees are required to submit a nil return if they have no interests to declare.

Staff Members who commission consultants in procurement

- 6.9 The staff member who commissions the consultant's services should ensure that the consultant has signed a 'Declaration of Conflict of Interests for Consultants Engaged to Assist in a Procurement Process' which is attached at **Appendix L**

Line Managers

- 6.10 Line Managers should remind their staff of their obligations under this policy, provide assistance in determining what interests should be declared, and seek guidance from the Trust Secretary or the Local Counter Fraud Specialist when unclear.
- 6.11 Where interests have been declared by staff, the line manager should determine if there is a conflict or potential conflict. The line manager should then make a decision on whether any action needs to be taken. This could be done in consultation with their Director.
- 6.12 Line Managers should decide whether offers of gifts/hospitality/sponsorship to their staff are acceptable in accordance with the policy. For commercial sponsorship see 6.19, 7.6 and 10.

Service Directors and Executive Directors

- 6.13 All outside/additional employment must be approved by an individual's Service Director or equivalent.
- 6.14 Acceptance of commercial sponsorship must be approved and signed for by an Executive Director of the Trust.

Trust Secretary

- 6.15 The Trust Secretary will send quarterly reminders to all staff regarding their obligations under this policy.
- 6.16 On behalf of the Chief Executive, the Trust Secretary will keep and maintain registers of declarations made in accordance with this policy.
- 6.17 The interests of decision making staff will be published at least annually on the website.
- 6.18 The Trust Secretary or the Local Counter Fraud Specialist can be contacted for help and advice regarding this policy.

Decision Making Staff

- 6.19 The following decision making staff are required to make an annual declaration of interests and gifts and hospitality, or a nil return where there is nothing to declare:
- All Board members including non-voting Board members
 - All Borough Directors, Associate Directors and Deputy Directors
 - All members of the Medicines Committee
 - All members of the Procurement Team

- All staff members of Band 8a and above in the Business Development Unit, Estates, and ICT.

6.20 In addition to the above all Board members including non-voting Board members are to complete a declaration form for related party transactions annually.

7.0 GUIDANCE ON GIFTS, HOSPITALITY AND SPONSORSHIP

7.1 The following information is provided to guide staff and line managers in a range of areas that may arise. If there is any doubt, staff should seek advice from their line managers and line managers should seek advice from the Trust Secretary or the Local Counter Fraud Specialist in the first instance.

7.2 Gifts and hospitality shall be defined for the purposes of this policy as any goods, preferential treatment, entertainment, financial gain, item or service offered to any staff or employees (including teams, services and departments) of East London NHS Foundation Trust (ELFT) by any contractor or their representatives from other organisations or individuals concerned with the supply of goods or services, or from service users/patients or their relatives/connected parties, during the course of and, under the terms of the employee's contract of employment and will include legacies from wills. This also includes gifts, hospitality or financial benefits of any kind from employees of the Trust, that may be perceived as intending to induce, cause or reward improper behaviour. This list is not exhaustive.

7.3 All offers of gifts/hospitality/sponsorship should be reported by staff to their line manager where possible, who will deem the offer acceptable or unacceptable in accordance with the Policy.

Gifts from suppliers or contractors

7.3.1 Gifts from suppliers or contractors doing business (or likely to do business) with the Trust should be declined, whatever their value. Subject to this, low cost branded promotional aids may be accepted where they are under the value of a common industry standard of £6¹ in total. These gifts do not need to be declared.

7.3.2 With regard to gifts provided to persons qualified to prescribe or supply relevant medicinal products, Regulation 21(1) of the Medicines (Advertising) Regulations 1994 (set out in Appendix D of this policy) prohibits gifts unless they are both "inexpensive" and "relevant" to the practice of medicine or pharmacy. The interpretation of "inexpensive" are those items which do not cost a company more than £6 (excluding VAT). The criterion of "relevance" is met by items which have a clear business use and may include notepads, coffee mugs etc. (*The Blue Guide - Advertising and Promotion of Medicines in the UK*). Therefore, any gifts provided where relevant medicinal products are being promoted to persons qualified to prescribe or supply relevant medicinal products should not exceed £6 (exclusive of VAT). These gifts do not need to be declared.

¹ *The £6 value has been selected with reference to existing industry guidance issued by the ABPI: <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

7.3.3 In addition, even these items may only be accepted if it is clear that they are in no way connected with any business arrangement between the Trust and the supplier or any party related to the supplier (i.e. items that can be classed as general advertising material are acceptable).

7.3.4 All other gifts or offers of gifts must be politely declined, including cash (of any value).

Gifts from other sources (e.g. patients, families, service users)

7.3.5 Gifts of cash and vouchers should always be declined.

7.3.6 Staff should never ask for any gifts.

7.3.7 Gifts valued at £50 and over should be declined, unless they can be accepted on behalf of the Trust (i.e. to the Trust's charitable funds), not in a personal capacity. These need to be declared in the form at **Appendix C**. For charitable donations please contact the Deputy Director of Finance.

7.3.8 Gifts of low intrinsic value under a value of £50 that have a clear business use (such as stationary items - diaries, pens, calendars etc.) or small tokens of gratitude from service users or relatives (food and beverages, flowers etc) may be accepted . These gifts do not need to be declared.

7.3.9 Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

7.3.10 Under the Bribery Act 2010 it is an offence for an employee to accept a gift or hospitality which they know breaches Trust policy.

7.3.11 The declaration form is available on the Trust's Intranet. Staff can either forward original, signed copies of declaration forms to the Trust Secretary for entry on the central registers or send it via email as described on the form.

7.4 Donations

7.4.1 A donation is a charitable financial payment, which can be in the form of direct cash payment or through the application of a will or similar directive. For charitable donations please contact the Deputy Director of Finance.

7.4.2 Offers of donations from suppliers or bodies seeking to do business with an organisation should be politely declined. In exceptional circumstances a donation from a supplier may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.

7.4.3 Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for an organisation, or is being pursued on behalf of that organisation's registered charity (if it has one) or other charitable body and is not for their own personal gain.

7.4.4 Staff must obtain permission from their line manager if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign.

7.4.5 All donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.

7.4.6 Staff wishing to make a donation to a charitable fund in lieu of a professional fee they receive may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to such donations are properly discharged and accounted for.

7.5 Hospitality

7.5.1 Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events, etc.

7.5.2 Hospitality offered in the course of a working day, e.g. lunch and refreshments under a value of £25 may be accepted provided that it is incidental to the business activity and not the main purpose, and is of a commensurate value to that which the trust would provide in similar circumstances. It does not need to be declared.

7.5.3 All offers of hospitality of a value between £25 and £75 may be accepted and must be declared and recorded on the form at **Appendix C**.

7.5.4 Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.

7.5.5 All offers of hospitality over a value of £75² should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the declaration form as to why it was permissible to accept.

7.5.6 A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

7.5.7 Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.

7.5.8 Care should be taken when providing hospitality. Avoid providing hospitality at non-business locations unless there is a clear need to do so – this should be agreed in advance by the line manager. Any hospitality provided by the Trust should be modest.

7.5.9 Staff should exercise discretion in accepting offers of hospitality from contractors, other organisations or individuals concerned with the supply of goods or services. Modest hospitality provided in normal and reasonable circumstances during the course of working visits may be acceptable, although it should be on a similar scale to that which the Trust might offer in similar circumstances, e.g. hospitality provided at meetings, events, seminars.

7.5.10 **Travel/Accommodation Costs** – Offers to individuals to pay the travel or accommodation costs associated with meetings or conferences should be accepted only with the prior approval of line managers. All such offers should be declared regardless of whether they are accepted. Also see 11.4.

² The £75 value has been selected with reference to existing industry guidance issued by the ABPI <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

- 7.5.11 Absence from work for this purpose should be treated as study leave in accordance with the Trust's Access to Training/Study Leave Policy. Staff should therefore complete a study leave form, and include the value and source of the sponsorship. This should also be declared on Appendix C. Offers of paid holidays and/or use of company flats/facilities must be refused and declared on Appendix C.
- 7.5.12 **Entertainment** - Staff should only accept free tickets to sporting or other entertainment events with prior approval of their line manager in order to ensure that there can be no perception of potential bias or a conflict of interest in relation to external organisations/companies. All offers (whether accepted or not) must be declared and recorded on the form at **Appendix C**.
- 7.5.13 Staff may accept any general concessions or discounts which are available to all NHS employees or all Trust employees.
- 7.5.14 All gifts/hospitality must be refused and recorded on **Appendix C** where they are made:
- a) By commercial companies, charities or voluntary bodies or individuals in the process of dealing with the Trust over legal, statutory or enforcement matters, or
 - b) By commercial companies or businesses formally requesting to be added to the Trust's list of tenderers for approved works.

7.6 Sponsorship, visits and rewards

- 7.6.1 The following are all acceptable practices which should benefit the Trust financially if done as part of NHS, as opposed to private work:
- a) Registering of patents
 - b) Receipt of royalties
 - c) Income from publication of books or articles
 - d) Lecture fees
 - e) Commercial sponsorship of attendance at courses and conferences (see section 10.0)
 - f) Travel for conferences, inspection of equipment and facilities
 - g) Free equipment
- 7.6.2 As a general principle any financial gain resulting from external work where use of the Trust's time or title is involved (e.g. speaking at training events/conferences, writing articles etc.) and/or which is connected with Trust business will be forwarded to Trust Secretary.
- 7.6.3 The Trust will benefit from the practices listed at 7.6.1 but employees have a right to be rewarded for their work on development of any patents and a similar approach will be taken for other matters listed above at 7.6.1.
- 7.6.4 In all cases, staff should seek permission and arrive at an agreement with their line manager in advance of carrying out the work or receiving any benefit. Before accepting travel to inspect equipment or facilities please also refer to 12.4.
- 7.6.5 **Registering of Patents:** Any patents, designs, trademarks or copyright resulting from the work (e.g. research) of an employee of the Trust carried out as part of their employment by the Trust shall be the Intellectual Property of the Trust.

- 7.6.6 Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the Trust.
- 7.6.7 Staff should seek prior permission from their line manager before entering into any agreement with bodies regarding product development, research, work on pathways, etc, where this impacts on the Trust's own time, or uses its equipment, resources or intellectual property.

8.0 PHARMACEUTICAL COLLABORATION

- 8.1 Where there is a proposed collaboration or other contact with a pharmaceutical company, the specific regulations incorporated in the Medicines (Advertising) Regulations 1984 and the Trust's "Guidelines for Pharmaceutical Representatives" must be complied with. An extract from Regulation 21 "Inducements and Hospitalities" are attached as Appendix D. The Trust guidelines are attached as Appendix E. The Trust guidelines are based on guidelines issued by the Royal Pharmaceutical Society of Great Britain, which are attached as Appendix F.

9.0 RESEARCH AND DEVELOPMENT

- 9.1 Specific guidance on commercial sponsorship of Research and Development activity has been developed as part of the "Guide to Research Governance" document, which is available from the Research & Development Office.
- 9.2 Funding sources for research purposes must be transparent.
- 9.3 Any proposed research must go through the relevant health research authority or other approvals process.
- 9.4 There must be a written protocol and written contract between staff, the Trust, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- 9.5 The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.
- 9.6 Staff should declare involvement with sponsored research to the Trust using the form at **Appendix C**.

10.0 COMMERCIAL SPONSORSHIP

- 10.1 There may be situations in which pharmaceutical or other companies (commercial or non-commercial) may offer to provide support to the business of the Trust, such as:
- a) Sponsorship of local educational meetings
 - b) Provision of doctors, nurses, pharmacists or technicians to carry out audit work
 - c) Provision of management and organisational development training

- d) Sponsorship of 'health awareness' sessions for patients on particularly disease states (non-product specific).
 - e) Sponsorship of staff awards events
- 10.2 For a-c above, support can only be accepted if the meeting, audit or training have been initiated and conducted independently of the sponsor. The guidelines issued by the Royal Pharmaceutical Society of Great Britain, which are attached as **Appendix D**, provide detailed guidance in relation to pharmaceutical companies and these should be followed.
- 10.3 The guidelines should also be followed, as far as they are applicable, in relation to support offered by other companies.
- 10.4 For all accepted offers of support, there must be a written agreement in place that clearly sets out the expectations of both parties, including how the support will be acknowledged.
- 10.5 In all cases, initial advice should be sought from the Trust Secretary/Local Counter Fraud Specialist, and an Executive Director of the Trust must approve acceptance of support. Sponsorship of events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the Trust and the NHS.
- 10.6 All offers of support, whether accepted or declined, should be declared using the form at **Appendix C**. The Director who approved acceptance of the support must also sign **Appendix C**.
- 10.7 Acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the Trust or be dependent on the purchase or supply of goods or services.
- 10.8 Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event.
- 10.9 The involvement of a sponsor in an event should always be clearly identified in the interest of transparency. Staff should declare involvement with arranging sponsored events to their organisation.
- 10.10 The Trust should not endorse individual companies or their products. It should be made clear that the fact of sponsorship does not mean that the Trust endorses a company's product or services.
- 10.11 No information should be supplied to a company for their commercial gain. As a general rule, information which is not in the public domain should not normally be supplied.
- 10.12 **Sponsored Posts:** Sponsored posts are positions with an organisation that are funded, in whole or in part, by organisations external to the NHS.
- 10.13 Staff who are establishing the external sponsorship of a post should seek formal prior approval from their line manager.
- 10.14 Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and confirm the appropriateness of arrangements continuing.

- 10.15 Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. For the duration of the sponsorship, auditing arrangements should be established to ensure this is the case. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- 10.16 Sponsored post holders must not promote or favour the sponsor's specific products, and information about alternative products and suppliers should be provided.
- 10.17 Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.
- 10.18 All such positions should be declared using the form at **Appendix C**.

11.0 DECLARATION OF INTERESTS

- 11.1 The Trust needs to have in place principles and procedures for minimising, managing and registering potential conflicts of interests which could be deemed or assumed to affect the decisions made by those in the Trust. These decisions could include awarding contracts, procurement, policy and employment.
- 11.2 Declaring interests helps to avoid public concern that external links and relationships might unduly influence the work of the Trust. It ensures that such interests are openly and publicly declared. Interests must be declared so that a decision can be taken on whether there is likely to be a potential conflict.
- 11.3 All staff should ensure that they complete a declaration form:
- On appointment
 - When moving to a new role or when the responsibilities under their existing role changes significantly;
- In any event staff should make an immediate declaration of interest in all cases where circumstances change and/or new interests arise resulting in a conflict of interest
- 11.4 In addition to this, the following decision making staff are required to make an annual declaration of interests (including gifts and hospitality), or a nil return where there is nothing to declare:
- All Board members including non-voting Board members
 - All Borough Directors, Associate Directors and Deputy Directors
 - All members of the Medicines Committee
 - All members of the Procurement Team
 - All staff members of Band 8a and above in the Business Development Unit, Estates, ICT
- 11.5 All staff should declare an interest and have a discussion on what should be declared with their line manager. If there is any doubt about whether a personal interest is likely to create a conflict or could be perceived as a conflict, then the employee should declare it using the declaration of interest form is attached to this policy at **Appendix G**.
- 11.6 All new employees are required to submit a nil return if they have no interests to declare. All staff should therefore declare interests either on starting

employment or on acquisition of the interest. Examples of types of interests employees should consider declaring are attached at **Appendix H**. If in doubt about whether a declaration should be made, advice should be sought from the line manager.

- 11.7 Although the interest may be declared, this does not remove the member of staff's personal responsibilities of removing themselves from a position or situation which may result in a potential breach of this policy.
- 11.8 In particular, staff must make their line manager aware of any controlling or financial interests that they or their relative, personal friend or associate holds in a business (including a private company, public sector organisation, other NHS employer, charity and/or voluntary organisation) or in any other activity or pursuit, which may compete for an NHS contract to supply either goods or services to the Trust. This includes any interest in a care home/residential home with which the NHS may contract with.
- 11.9 A family member may include;
- A partner (someone who is married to, a civil partner or someone who whom the Trust staff member lives with in a similar capacity)
 - A parent or parent in law
 - A son or daughter or stepson or step daughter
 - A brother or sister
 - A brother or sister of the staff member's partner
 - A grandparent and/or a grand child
 - An uncle or aunt
 - A niece or nephew
 - The partners of the above
- 11.10 **Conflicts of Interest** – A conflict of interest occurs where an individual's ability to exercise judgement, or act in a role, is or could be impaired or otherwise influenced by his or her involvement in another role or relationship. The individual does not need to exploit his or her position or obtain an actual benefit, financial or otherwise, for a conflict of interest to occur
- 11.11 The line manager should determine if the declared interest could potentially conflict with the employee's position at the Trust. The line manager will record on the form whether there was a potential conflict or not and the form is to be submitted to the Trust Secretary for record keeping. Line Managers should err on the side of caution in determining if a declared interest could potentially lead to a conflict.
- 11.12 The line manager will also make a decision on whether the declaration is deemed to be one which requires an action to be taken. This could be done in consultation with their Director.
- 11.13 **Meetings** - All attendees should be asked to declare any interest they have in any agenda item before it is discussed or as soon as it becomes apparent. Even if an interest is declared in the register of interests, it should be declared in meetings where matters relating to that interest are discussed. Declarations of interest should be recorded in minutes of meetings and added to the individual's declaration if this has not already been done.
- 11.14 Where the Trust engages with Consultants to assist in a procurement process, it is responsibility of the staff member who commissions the consultant's services, to ensure that the consultant has signed a 'Declaration of Conflict of Interests for Consultants Engaged to Assist in a Procurement

Process' which is attached at **Appendix L**. The completed form should be returned to the Trust Secretary.

11.15 **Loyalty Interests:** Conflicts of interest can arise when decision making is influenced through association with colleagues or organisations out of loyalty to the relationship they have.

11.16 Loyalty interests should be declared by staff involved in decision making where they:

- Hold a position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.
- Sit on advisory groups or other paid or unpaid decision making forums that can influence how the Trust spends taxpayers' money.
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- Are aware that the Trust does business with an organisation with whom close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

12.0 CONTRACTS

12.1 All staff who are in contact with suppliers and contractors (including external consultants) and in particular those authorised to raise and approve requisitions, or place formal contracts for goods or services, are expected to adhere to the standards set out in the Code of Ethics of the Chartered Institute of Purchasing and Supply attached at **Appendix H**

12.2 Staff involved in the awarding of contracts and tender processes must take no part in the selection process if a personal interest or conflict of interest is known. Such an interest must be declared to the Procurement Manager in the first instance using the form attached at **Appendix G** as soon as it becomes apparent. This will subsequently be sent to the Trust Secretary for recording on a central register. Staff should not at any time seek to give undue advantage to any private business or other interests in the course of their duties.

12.3 Staff must comply with Standing Financial Instructions (SFIs) and Standing Orders (SOs) in relation to all contract opportunities with the Trust.

12.4 Staff invited to visit organisations to inspect equipment or a service for the purpose of advising on its purchase will be reimbursed for their travelling expenses (including travel, accommodation and subsistence) in accordance with the Trust's Expenses Policy. Such expenses should not be claimed from the other organisation to avoid compromising procurement policy.

12.5 Every invitation to tender to a prospective bidder informs bidders not to engage in collusive tendering or other restrictive practice and not to engage in canvassing the Trust, its employees or officers concerning the contract opportunity tendered.

13.0 OUTSIDE/ADDITIONAL EMPLOYMENT

- 13.1 Outside employment means employment and other engagements, outside of formal employment arrangements. This can include directorships, non-executive roles, self-employment, consultancy work, charitable trustee roles, political roles and roles within not-for-profit organisations, paid advisory positions and paid honorariums which relate to bodies likely to do business with an organisation.
- 13.2 Staff should declare any existing outside employment on appointment, and any new outside employment when it arises.
- 13.3 NHS employees are advised not to engage in outside/additional employment which may conflict with their NHS work or be detrimental to it. All staff should complete the declaration of interest form attached to this policy at **Appendix G**. See **Appendix J** for ELFT's Working Time Regulations Rules and Individual Agreement on working hours limits for all staff.
- 13.4 In addition, under the Working Time Regulations, the Trust has a responsibility to ensure that staff, including bank staff, are not working in excess of 48 hours a week, in their Trust role or in a combination of their Trust role and any other employment unless they have signed the Individual Working Hours Agreement form. Providing that the Individual Working Hours Agreement form is signed, a member of staff may work up to a maximum of 60 hours per week.
- 13.5 Outside/additional employment must be approved by an individual's Service Director or equivalent using the declaration of interest form attached to this policy at **Appendix G**. If it is judged that the interests of service users may be harmed by outside employment, or if the Working Time Regulations would be exceeded, then approval will not be given.
- 13.6 **Private Practice** – Consultants are permitted to carry out private practice subject to the terms of their contract and job plan. Other staff are permitted to undertake private practice providing that it is not undertaken within their time contracted to the Trust and follows the rules for outside employment. Please refer to the Trust's Policy on Undertaking Private Practice and Fee Paying Work for more information, which is available on the intranet.
- 13.7 **Locum Work** – by medical staff in training should not be undertaken if it would result in breach of their contracted work.

14.0 RELATED PARTY TRANSACTIONS

- 14.1 NHS Financial Reporting Standard 8 identifies "members of the same household" of staff as possible related parties, for which full disclosure of material interests is required. Full disclosures are also required of material transactions between staff/members of their household and other organisations with which the Trust has material transactions, such as other Trusts/Local Authorities/Clinical Commissioning Groups (CCGs).
- 14.2 All staff should make their line manager aware of such interests and declare the interests either on starting employment or on acquisition of the interest. The Related Party Transaction declaration form is attached to this policy at **Appendix K**.

14.3 All Board members including non-voting Board members are to complete a declaration form for related party transactions annually.

15.0 DISABILITY OF STAFF IN PROCEEDINGS ON ACCOUNT OF PECUNIARY INTEREST

15.1 Standing Order 7 relating to declarations of interests and disability of directors in proceedings on account of pecuniary interest apply to all staff in so far as they are relevant.

16.0 REPORTING AND RECORD KEEPING

16.1 All declarations made in accordance with this policy must be made on the attached forms in order to be properly registered.

16.2 The declaration forms are available on the Trust's Intranet. Staff can either forward original, signed copies of declaration forms to HR or the Trust Secretary for entry on the central registers.

17.0 RAISING CONCERNS/WHISTLEBLOWING

17.1 It is the duty of every member of staff to speak up about genuine concerns in relation to criminal activity, breach of a legal obligation (including negligence, breach of contract or breach of administrative law), miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these in the workplace. Please refer to the Trust's Whistleblowing Policy for information on the arrangements for raising and handling staff concerns, which is available on the intranet.

18.0 BREACH OF POLICY

18.1 Staff should be aware that any breach of this policy could render them liable to prosecution as well as leading to termination of their employment with the Trust.

18.2 Staff who fail to declare any relevant interests, outside employment or receipt of gifts or hospitality as required by this policy or the Trust's SOs and SFIs may be subject to disciplinary action which could result in the termination of their employment with the Trust.

THE SEVEN NOLAN PRINCIPLES OF PUBLIC LIFE

These principles apply to all aspects of public life.

SELFLESSNESS

Holders of public office should act 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 seek to 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.

Bribery Act 2010

The Act sets out four offences:

1. Offering, promising or giving a bribe to another person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity (the active offence). It does not matter whether the person to whom the bribe is offered or given is the same person who is to perform the function or activity concerned. This applies to both public and private functions.

2. Requesting, agreeing to receive or accepting a bribe to perform a function or activity improperly. It does not matter whether the recipient of the bribe requests or receives it directly or through a third party, or whether it is for the recipient's benefit or not. In some cases, it is not necessary for the recipient to know or believe that the performance of the function or activity is improper. This applies to both public and private functions.

3. Bribing a foreign public official – where a person directly, or through a third party, offers, promises or gives any financial or other advantage to a foreign public official ("FPO") (or to a third party at the request or acquiescence of the FPO) in an attempt to influence them in their capacity as a FPO in order to obtain or retain business, or to obtain an advantage in the conduct of business. To constitute bribery under the Act the FPO must be neither permitted nor required by applicable law to be influenced by the offer, promise or gift.

4. Failure of a commercial organisation to prevent bribery (the "Corporate Offence"). A commercial organisation will commit an offence if a person associated with it bribes another (in the UK or overseas) intending to obtain or retain business or a business advantage for that commercial organisation. An associated person includes any person who performs services for the commercial organisation. So, for example, an associated person may include not only employees, agents and subsidiaries, but also entities over which the organisation has no ownership or control.

Declaration Form – Gifts, Hospitality and Sponsorship

Please refer to the Standards of Business Conduct Policy for guidance on completing this form

NAME:	
JOB TITLE:	
DEPARTMENT:	
GIFT/HOSPITALITY/SPONSORSHIP DETAILS <u>Offers of gifts (please read section 7.3):</u> <ul style="list-style-type: none"> - Of cash or vouchers to individuals should always be declined - From suppliers or contractors should be declined (see 7.3.1 – 7.3.4 for exceptions) - Under £50 can be accepted and do not need to be declared (see 7.3.8 for criteria) - Over £50 should be declined unless they can be accepted on behalf of the Trust (i.e. to the Trust's charitable funds), not in a personal capacity. These should be declared on this form. - Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50. - Any gifts provided where relevant medicinal products are being promoted to persons qualified to prescribe or supply relevant medicinal products in excess of £6 should be declined and declared. <u>Hospitality (please read section 7.5)</u> <ul style="list-style-type: none"> - Under £25 - may be accepted and need not be declared - Between £25 and £75 – may be accepted and must be declared on this form (see 7.5.4) - Over £75 should be refused unless (in exceptional circumstances) senior approval is given. All sponsorship must be declared, whether declined or accepted and regardless of value.	
VALUE (where precise value is unknown please provide an estimate of perceived value):	
DATE OFFERED:	
BY WHOM (please give as much detail as possible):	
ACCEPTED OR DECLINED (If accepted please give reasons)	
EMPLOYEE SIGNATURE:	
LINE MANAGER/ DIRECTOR* NAME AND POSITION:	
LINE MANAGER/ DIRECTOR SIGNATURE:	
DATE:	

* Acceptance of commercial sponsorship must be approved and signed for by an Executive Director of the Trust (Section 10.5 of Standards of Business Conduct Policy).

Completed form to be returned via email at elft.declarations@nhs.net or to the Trust Secretary, Trust HQ, 9 Alie Street, London, E1 8DE

Extract from the Medicines (Advertising) Regulations 1984

Inducements and hospitality

1. Subject to paragraphs (2) and (4), where relevant medicinal products are being promoted to persons qualified to prescribe or supply relevant medicinal products, no person shall supply, offer or promise to such persons any gift, pecuniary advantage or benefit in kind, unless it is inexpensive (not more than £6, exclusive of VAT) and relevant to the practice of medicine or pharmacy.
2. The provisions of paragraph (1) shall not prevent any person offering hospitality (including the payment of travelling or accommodation expenses) at events for purely professional or scientific purposes to persons qualified to prescribe or supply relevant medicinal products, provided that—
 - (a) such hospitality is reasonable in level,
 - (b) it is subordinate to the main scientific objective of the meeting and
 - (c) it is offered only to health professionals.
3. Subject to paragraph (4), no person shall offer hospitality (including the payment of travelling or accommodation expenses) at a meeting or event held for the promotion of relevant medicinal products unless—
 - (a) such hospitality is reasonable in level,
 - (b) it is subordinate to the main purpose of the meeting or event, and
 - (c) the person to whom it is offered is a health professional.
4. Nothing in this regulation shall affect measures or trade practices relating to prices, margins or discounts which were in existence on 1st January 1993.
5. No person qualified to prescribe or supply relevant medicinal products shall solicit or accept any gift, pecuniary advantage, benefit in kind, hospitality or sponsorship prohibited by this regulation.

Guidance for Pharmaceutical Representatives

Introduction

The Trust acknowledges and is very grateful for the support that certain pharmaceutical companies have given to our Post-graduate Education programme and would like to continue working in collaboration with medical representatives as long as this policy is adhered to.

Code of conduct for Medical Representatives

- It is the Trust policy that no products, either pharmaceutical or other, may be promoted by representatives. Representatives may seek to inform or educate but NOT PROMOTE.
- Medical representatives must not give educational sessions about a medicine that has not been approved by the Medicines Committee. They can, however, when requested, provide information to a consultant or pharmacist about a new drug (that has not yet been reviewed by the Medicines Committee).
- Medical representatives must not be disparaging of other pharmaceutical companies.
- Representatives are reminded that they must fully comply with current codes of good practice, such as the association of the British Pharmaceutical Industry (ABPI) Codes of practice.
- Medical Representatives should not attend ward rounds or clinics when confidential information is discussed.
- Conversations between medical representatives and staff members must not take place in public places such as corridors or waiting areas.

Visits by Medical Representatives

- Representatives of pharmaceutical companies should make contact through the senior mental health pharmacist for that hospital, in the first instance.
- Visits to medical and professional staff should only be made by appointment or after personal invitation.
- When arranging an appointment, the purpose of the visit should be explained and product information should be provided.
- It is suggested that medical representatives can leave their cards or contact telephone numbers with the secretary of the particular doctor.
- It is not acceptable for pharmaceutical company representatives to seek an interview or arrange meetings with nursing staff. However, in order to organise an education session for nursing staff, the representative should obtain approval from both the ward manager and the Senior Mental Health Pharmacist for that hospital
- Bleeping junior doctors either within or outside the normal working hours is unacceptable.
- Individual junior staff and nursing staff must not be contacted directly by representatives, without the permission of the consultant.

Educational meetings conducted by Medical Representatives

- Any educating activities undertaken within the trust by sales representatives must be carefully controlled by senior members of the medical, pharmaceutical or managerial teams.
- Material to be used should be vetted beforehand by the senior clinical staff, pharmacist, and senior staff should be present during the proceedings to ensure that concurrent hospitality is modest and inducement is absent.

Hospitality and meetings

- Companies are permitted to provide appropriate hospitality to members of the health professions and appropriate administrative staff in association with scientific meetings.
- Meetings must have a clear educational content.
- The hospitality must be secondary to the purpose of the meeting and must not be out of proportion to the occasion.
- Promotional stands should not be set up at such meetings. The support of the Pharmaceutical Industry will be acknowledged appropriately.
- Advice on the acceptability or hospitality or any aspect of a representative's operation may be sought from the Senior Mental Health Pharmacist, the Principal Pharmacist for that hospital or the Medical Director.

Further Points

- Representatives must not leave samples. If a member of staff wishes to try a particular medicine or product, this should be discussed with a pharmacist or their line manager (as appropriate).
- Failure to observe this policy may result in disciplinary action for Trust staff and appropriate sanctions for medical representatives.

Pharmacy Contacts

Jenny Melville
Chief Pharmacist
East London NHS Foundation Trust

Trust Head Quarters
9 Alie Street
London E1 8DE

020 7655 4038

Delia Bishara
Senior Pharmacist
Mile End Hospital
Bancroft Rd
E1 4DG
020 8223 8014

Seema Gadhia
Principal Pharmacist
Newham Centre For Mental
Health
Glen Road
Plaistow
E13 8SP
020 7540 4380

Albert Ngan
Principal Pharmacist
East Wing Pharmacy
Homerton University Hospital
Homerton Row
E9 6SR
020 85107252

Guidance for Pharmacists on Working with the Pharmaceutical Industry

Principles

Recent NHS changes have resulted in many more pharmacists undertaking roles in which they come into regular contact with the pharmaceutical industry.

This interaction is to be welcomed and should be mutually beneficial to the individuals involved, their respective organisations, and ultimately the patient.

Relationships with commercial organisations must always be managed in accordance with ethical and professional standards and with due deference to probity and corporate governance arrangements.

The pharmaceutical industry invests heavily in the UK and conducts valuable research to find new treatments to reduce the burden of ill health. This is acknowledged by the government in the Pharmaceutical Industry Competitiveness Task Force Report (March 2001). The government also invites partnership with the pharmaceutical industry by welcoming industry support for the development and implementation of National Service Frameworks.

There are many examples of the pharmaceutical industry working successfully in partnership with NHS organisations and with pharmacists for the benefits of patients, one of the best being the concordance project.

This guidance has been written to encourage pharmacists to work with colleagues from the pharmaceutical industry to ultimately bring benefits to the patient.

Introduction

The involvement of pharmacists on the boards and sub-committees of Primary Care Groups and Trusts, Local Health Groups and Local Health Care Co-operatives means that pharmacists can expect to be approached by representatives of the pharmaceutical industry wishing to discuss a wide range of subjects. This guidance is not intended to apply to pharmacists who are employed by, or carrying out remunerated work for the pharmaceutical industry but to assist pharmacists working in other sectors who are likely to liaise with the industry.

Recent Government white papers³⁴⁵ place an obligation on those providing health services to work together with other agencies to improve the health of the population that they serve and the health services for that population.

Working in partnership with the pharmaceutical industry can have a number of benefits which can include provision of information about products and therapeutic issues, educational activities, project support, provision of resources/materials/equipment or expertise. It should also be remembered that industry has more information about its existing and future products than is held by any other source. Pharmaceutical companies also have considerable expertise in specific disease areas, and health economic data to enable the burden of disease to be assessed.

³ The New NHS: modern, dependable. The Stationery Offices, 1997 (Cm. 3807)

⁴ Designed to Care: renewing the National Health Service in Scotland. The Stationery Office, 1997 (Cm 3811)

⁵ NHS Wales: putting patients first. The Stationery Offices, 1997 (Cm. 3841)

Representatives of the pharmaceutical industry have regularly interacted with community pharmacists for product-specific and business orientated discussions, and have built good relationships with senior hospital and health authority pharmacists. However the way in which health care is being delivered is changing rapidly and the need for greater prescribing support to PCGs, PCTs, LHGs, LHCCs and individual general practices has led to many more pharmacists in roles looking at treatment priorities, prescribing policy, formulary development and being involved with prescribing issues based on local health improvement programmes and specific problems in their locality.

This interaction could increase further as pharmacists' involvement in independent or supplementary prescribing, and in the production and use of patient group directions, develops in the future.

It is hoped that pharmacists can use this guidance to develop the basis for any agreements to provide reassurance to Chief Executive Officers that appropriate controls are in place.

Conduct of meetings with the Industry

a) Preparation

It is usually good practice to arrange meetings by appointment, with the purpose of the visit and who will be attending stated in advance.

This provides the opportunity to prepare for the meeting so that the time can be put to best use. This may include background reading, discussion with colleagues on the desired outcome for the meeting, preparation of questions, etc. Pharmacists should check that they are receiving an equivalent level of information from industry e.g. on research evidence, as is being supplied to other local health professionals eg. GPs.

The intention to hold a meeting should be made known to all interested parties, so that the appropriate people are given the chance to attend.

It is also helpful to establish either prior to the meeting or at its start the length of time that is available for the discussions.

Clearly this should not preclude adhoc meetings where necessary and appropriate.

b) Critical appraisal and evaluation

For most therapeutic areas more than one pharmaceutical company will be involved in the supply of potential treatment options. In roles providing advice on the choice of therapeutic options it is important that the costs and benefits of all the available options are considered.

Credibility with colleagues will be best sustained by an individual demonstrating a fair and balanced approach towards all companies and their products. In order to be able to reach informed decisions, pharmacists need to have discussions with representatives of all relevant companies within a given therapeutic area. Decisions should be based on the best evidence and clinical practice available, ensuring patients' interests are also taken into account. It is advisable to document the reasoning behind decisions, particularly if recommending the use of one company's product rather than another's.

Pharmacists should have the skills to be able to critically appraise information that they are presented with by pharmaceutical companies. The Code of Ethics and

Standards⁶ require pharmacists to participate in continuing professional development to enable them to competently provide the professional services that they offer. Pharmacists should be confident to seek clarification of, or the evidence base for, any claims or statements made by representatives of the Pharmaceutical Industry. Pharmacists should be confident in challenging any data provided by industry representatives.

c) Hospitality, gifts and inducements

Pharmacists and staff must not ask for or accept fees for agreeing to meet with representatives of the pharmaceutical industry. It is also inappropriate to ask for, or accept, any material gifts except those which are inexpensive and relevant to the practice of their profession or the organisation they represent. Examples of items, which may be considered appropriate include pens, memo pads, diaries, calendars etc.

Educational meetings may be accompanied by an offer to provide hospitality. This is generally considered to be acceptable if it is secondary to the purpose of the meeting, and the level of hospitality is appropriate and not out of proportion to the occasion. The costs should not exceed the level that the recipients would normally adopt if they were paying for themselves.

Obligations relating to the provision of inducements and hospitality are also placed on the pharmaceutical industry and health professionals by the Medicines (Advertising) Regulations⁷.

Commercial Sponsorship

Pharmaceutical companies may offer to provide support for the business of an NHS organisation. Support should not be overtly promotional and examples of the sort of initiatives that may be discussed include:-

- Sponsorship of local educational meetings
- Provision of doctors, nurses, pharmacists or technicians to carry out audit Work
- Funding the costs of a post within the organisation
- Provision of management and organisational development training
- Sponsorship of 'health awareness' sessions for patients on particularly disease states (non-product specific).

a) Points to be considered

In considering the development of any sponsorship arrangements with a pharmaceutical company, pharmacists should consider the importance of the particular area of work to the organisation. It is clear that the investments of resources in areas that represents a priority for the organisation will be seen as best use of time and manpower.

Other issues that will need to be considered and agreed prior to entering into a sponsorship agreement include:

- That the intended benefit to patients or service users is clear

⁶ Medicines, Ethics and Practice – a guide for pharmacists. Royal Pharmaceutical Society of Great Britain, 2001 (Ed 25)

⁷ Medicines (Advertising) Regulations, 1994 (SI 1994 No 1932)

- Whether the arrangement will provide the best value services for the resources available
- That all parties are clear about the others' expectations of the arrangement
- Where appropriate, the clinical and financial outcome measures to be used, and how they will be monitored
- Ownership of intellectual property resulting from the arrangement
- If appropriate, how the project will be managed and by whom
- That opt-out clauses are included so that either party can terminate the arrangement if it is not providing the desired outcomes or good value for money
- Confidentiality and access to patient-specific information
- Terms and conditions for employees, where relevant

Any sponsorship agreement must be legally robust. This may require advice to be sought from the legal advisers to the organisation. The confidentiality of NHS data is of paramount importance. The requirements of the Data Protection Act must be adhered to. Guidance has also been issued on the use of patient information within the NHS⁸.

b) Conduct and Accountability

In England and Wales guidance issued by government Health Departments defines the expected standards of corporate governance for staff of the NHS.^{9,10,11} The same principles apply to independent contractors working with NHS organisations.

In considering the development of any joint ventures it is important that such arrangements are seen to be open and transparent by all stakeholders. This is likely to require discussion of proposals at Executive or Board meetings of the organisation. Pharmacists should ensure that any potential conflicts of interest due to financial or commercial involvement with a pharmaceutical company or other interested party are openly declared and recorded.

Primary Care Groups, Primary Care Trusts, NHS Trusts and Health Authorities in England & Wales should have a register for recording sponsorship arrangements, which should be available to the public. No such registers exist in Scotland.

Code of Practice for the pharmaceutical industry

The Association of the British Pharmaceutical Industry (ABPI) regulates the conduct of the pharmaceutical industry in relation to the promotion of medicines to members of the health professions. The ABPI's Code of Practice¹² is drawn up, and regularly revised, in consultation with the British Medical Association, Royal Pharmaceutical Society and Medicines Control Agency. It aims to ensure that the promotion of medicines is carried out in a responsible, ethical and professional manner.

The promotion of over-the-counter medicines to health professionals is covered by similar codes of practice issued by the Proprietary Association of Great Britain (PAGB).^{13 14}

⁸ The Protection and Use of Patient Information. NHS Executive, 1996 (HSG(96)18)

⁹ Standards of Business Conduct for NHS Staff. NHS Executive, 1993 (HSG(93)5)

¹⁰ Standards of Business Conduct for NHS Staff. NHS Executive, 1993 (DGM 93(84))

¹¹ Corporate Governance in the NHS: Code of Conduct; Code of Accountability. Department of Health, 2001

¹² Code of Practice for the Pharmaceutical Industry. Association of the British Pharmaceutical Industry, 2001

¹³ Code of Practice of Advertising Over-the-Counter Medicines to Persons Qualified to Prescribe or Supply. Proprietary Association of Great Britain, 1999

¹⁴ Consumer Promotions and PR Guidelines. Proprietary Association of Great Britain,

Summary

Pharmacists will, now and in the future play an increasingly significant role in delivering better health care to the population they serve.

Specifically pharmacists work at the crucial interface where the pharmaceutical industry's products meet their intended beneficiaries, namely, the patients.

In helping patients gain the full benefits from their medicines there is much to be derived from developing a mutually beneficial partnership with the pharmaceutical industry which, as this guidance acknowledges, has more information about its products than any other source.

This guidance, then, seeks to provide a positive and responsible platform on which to base the development of such a partnership.

Related Material

Code of Professional Conduct and Guidelines for Professional Practice. United Kingdom
Central Council for Nursing, Midwifery and health Visiting, 1996
Duties of a Doctor: Good Medical Practice. General Medical Council, 1998

Liz Griffiths
Practice Administrator
Royal Pharmaceutical Society of Great Britain
January 2003

DECLARATION OF INTERESTS FORM

*Please refer to the Standards of Business Conduct Policy for guidance on completing this form
(See Appendix H of Policy for examples of interests)*

Please print and complete form as per below:

This form should be completed by:

- all new Staff (please submit a NIL declaration if there are no interests to declare)
- Existing staff with an interest that has not been previously declared
- Board members need to supply an annual declaration. They are also required to submit a NIL declaration if there are no interests to declare.

NAME:	
POST TITLE:	
Nature and details of your interest(s)	
Directorships. State type of business, trading name and address of business	
Ownership or part-ownership of private companies, businesses or consultancies undertaking or likely to undertake business with the NHS	
Majority or controlling shareholdings in organisations undertaking or likely to undertake business with the NHS. State type of business, trading name and address of business	
Position of authority or connections with a charity or voluntary body in the field of health and social care or providing or contracting for services to the NHS. State name and type of charity/body and position held	
Membership of any relevant clubs, societies or organisations whose purposes include campaigning on behalf of any special interest group in relation to health or social care;	
Connections with an organisation or Company entering into, or having entered into a financial arrangement with the Trust including but not limited to lenders or banks	
To the extent not covered above, any other commercial, family or personal interest likely to give rise to an actual, or reasonably perceived, conflict of interest or otherwise considered relevant and material (e.g. holding political office or active participation in a political party)	
Outside/additional employment/self-employment	Employer: Post: Date employment began: Hours worked:
Any other interests not covered by the above	

DECLARATION BY STAFF/BOARD MEMBER:

- *I have read the Trust's Standards of Business Conduct Policy and confirm that the information above is complete and accurate.*
- *I have shown my declaration form to my Line Manager (or equivalent) and I acknowledge that any changes in these declarations must be notified to my Line Manager (or equivalent) and the Trust Secretary as soon as they occur.*

SIGNED (person making declaration).....**DATE**.....

NAME (in CAPITALS).....

JOB TITLE/ROLE.....

DIRECTORATE AND LOCATION.....

LINE MANAGER/SERVICE DIRECTOR (OR EQUIVALENT) (*Approval of additional/ outside employment to be given by Service Director*):

I have reviewed the declaration of interest(s) notified above.

- **I do not believe there is a conflict or potential for a conflict / *I believe there is a conflict or potential for a conflict (*PLEASE DELETE AS APPLICABLE)*
- *If any action is deemed necessary as a result of the declaration, please provide details below:*

.....
.....
.....
.....

SIGNED**DATE**.....

NAME (in CAPITALS).....

JOB TITLE/ROLE.....

DIRECTORATE AND LOCATION.....

Completed form to be returned via email to elft.declarations@nhs.net or to the Trust Secretary, Trust HQ, 9 Alie Street, London, E1 8DE

What Interests should I declare?

The following list is not exhaustive but provides some examples of types of Interest employees should consider declaring. In particular, an interest must be declared if it conflicts with your official duties, impairs your abilities to carry out your duties, and/or impacts on your work.

- Where an employee works for another organisation, or is self-employed, whether NHS related or not;
- Any directorships of companies;
- Any role in an organisation which is a supplier or might be a future supplier of the Trust including:
 - A directorship including a non-executive directorship;
 - A majority or controlling shareholding;
 - A prospect of future employment.
- Voluntary or remunerated positions, such as trusteeship, local authority positions, other public positions;
- Membership of professional bodies or mutual support organisations, including political parties;
- A position of authority in an organisation in the field of health care.
- Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests;
- Where a family member or close personal relationship exists with an external body or somewhere where you may be in a position to award services to;
- A controlling/or significant financial interest in a business which may compete for business at the Trust.
- A self-beneficial interest in a private company that may treat patients of the Trust
- Any other relevant interests that are not covered by the above.

THE CHARTERED INSTITUTE OF PURCHASING AND SUPPLY (CIPS) CODE OF ETHICS

Introduction

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

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

Members' conduct will be judged against the code and any breach may lead to action under the disciplinary rules set out in the Institute's Royal Charter. Members are expected to assist any investigation by CIPS in the event of a complaint being made against them.

The new code was approved by the CIPS Global Board of Trustees in September 2013.

As a member of The Chartered Institute of Purchasing & Supply, I will:

Enhance and protect the standing of the profession, by:

- never engaging in conduct, either professional or personal, which would bring the profession or the Chartered Institute of Purchasing & Supply into disrepute
- not accepting inducements or gifts (other than any declared gifts of nominal value which have been sanctioned by my employer)
- not allowing offers of hospitality or those with vested interests to influence, or be perceived to influence, my business decisions
- being aware that my behaviour outside my professional life may have an effect on how I am perceived as a professional.

Maintain the highest standard of integrity in all business relationships, by:

- rejecting any business practice which might reasonably be deemed improper
- never using my authority or position for my own financial gain
- declaring to my line manager any personal interest that might affect, or be seen by others to affect, my impartiality in decision making
- ensuring that the information I give in the course of my work is accurate and not misleading
- never breaching the confidentiality of information I receive in a professional capacity
- striving for genuine, fair and transparent competition
- being truthful about my skills, experience and qualifications.

Promote the eradication of unethical business practices, by:

- fostering awareness of human rights, fraud and corruption issues in all my business relationships
- responsibly managing any business relationships where unethical practices may come to light, and taking appropriate action to report and remedy them

- undertaking due diligence on appropriate supplier relationships in relation to forced labour (modern slavery) and other human rights abuses, fraud and corruption
- continually developing my knowledge of forced labour (modern slavery), human rights, fraud and corruption issues, and applying this in my professional life

Enhance the proficiency and stature of the profession, by:

- continually developing and applying knowledge to increase my personal skills and those of the organisation I work for
- fostering the highest standards of professional competence amongst those for whom I am responsible
- optimising the responsible use of resources which I have influence over for the benefit of my organisation

Ensure full compliance with laws and regulations, by:

- adhering to the laws of countries in which I practise, and in countries where there is no relevant law in place I will apply the standards inherent in this Code
- fulfilling agreed contractual obligations
- following CIPS guidance on professional practice

Guidance Notes

Conflict of Interest

Procurement professionals shall:

- Avoid any private or professional activity that would create a conflict of interest or the appearance of impropriety
- Avoid engaging in personal business with any supplier representative or similar person
- Avoid lending money to or borrowing money from any supplier
- Avoid any and all potential for nepotism
- Avoid any overlap of duties in the procurement process
- Safeguard the procurement process from political or outside influence

Conduct with Suppliers:

Business dealings with suppliers must be fair and transparent. Procurement shall:

- Refrain from showing favouritism or being influenced by suppliers through the acceptance of gifts, gratuities, loans or favours
- Safeguard supplier confidentiality
- Refrain from requiring suppliers to pay to be included on an approved or preferred supplier list
- Select suppliers on the basis of meeting appropriate and fair criteria
- Discourage the arbitrary or unfair use of purchasing leverage or influence when dealing with suppliers
- Avoid the exertion of undue influence or abuses of power
- Treat all suppliers fair and equal

Corruption

Procurement professionals who become aware of any corrupt activity have a duty to the profession and to their employing organisations to alert their senior management and/or elected officials. Procurement shall not tolerate bribery or corruption in any form.

Forms include, but are not limited to:

- Bribery is the offering, promising, giving, authorising or accepting of any undue financial or other advantage to, by or for any persons associated with the procurement process, or for anyone else in order to obtain or retain a business or other improper advantage. Bribery often includes (i) kicking back a portion of a contract payment to government or party officials or to employees of the other contracting party, their close relatives, friends or business partners or (ii) using intermediaries such as agents, subcontractors, consultants or other third parties, to channel payments to government or party officials, or to employees of the contracting parties, their relatives, friends or business partners.
- Extortion or Solicitation is the demanding of a bribe, whether or not coupled with a threat, if the demand is refused. Procurement professionals will oppose any attempt of extortion or solicitation and are encouraged to report such attempts through available formal or informal reporting mechanisms.
- Trading in Influence is the offering or solicitation of an undue advantage in order to exert an improper, real, or supposed influence.
- Laundering the proceeds of the corrupt practices mentioned above is the concealing or disguising the illegitimate origin, source, location, disposition, movement or ownership of property and/or money, knowing that such is the proceeds of crime.
- Nepotism is the use of authority or influence to show favouritism to relatives or friends without merit.

Business gifts and hospitality

The offer and receipt of business gifts and entertainment are sensitive areas for procurement professionals, despite being recognised as standard private sector business practice. Procurement organisations should develop a clear policy on accepting business gifts and procurement professionals and suppliers must comply with any such policy as well as prevailing laws.

Minimal guidelines include:

- Not soliciting or accepting money, loans, and credits or prejudicial discounts, gifts, entertainment, favours or services from present or potential suppliers which might influence or appear to influence a procurement decision/ process
- Avoiding meals or other hospitality with suppliers

Other Policies and Considerations

Ethical practices should be defined and embedded in other policies, procedures and practices which overlap procurement. Other policies in the procurement space which will need to be considered may include the subjects of:

- Competition and anti-competitive practices
- Supplier diversity
- Supplier equality

- Corporate Social Responsibility (CSR)
- Sustainability
- Anti-discrimination policy
- Transparency

“Working Time Regulations 1998” – ELFT Rules

In compliance with the Working Time Regulations 1998 (WTR) no member of staff, may work more than 48 hours a week whether substantive staff or Bank staff unless they have signed the Individual Working Hours Agreement form below.

It is the responsibility of all concerned to ensure that these regulations are not infringed.

The onus is on ward or departmental managers to ensure that all substantive staff working extra hours on their ward have signed the Individual Working Hours Agreement form and have retained a copy for their reference and returned a copy to the Bank.

Providing that the Individual Working Hours Agreement form is signed, a member of staff may work up to a maximum of 60 hours per week. Under no circumstances will a member of staff be permitted to exceed these hours either through undertaking bank/agency work or duties within the Trust or with another organisation. Under the WTR 1998, the average working time, including overtime, should not exceed 48 hours for each 7-day period.

The above will also apply to staff who has entered into substantive employment contract with the Trust (inclusive of both normal and Bank work).

If you are required to work a shift in your post, in doing so you agree that you will not undertake back-to-back shift working, which may include:

- A Late (or a long day) shift followed by a night shift
- A Night shift followed by any day duty

You should also ensure that you comply with the following rest periods, which can be averaged out over a seven-day period; however, you should ensure that you receive a minimum of a 90 hour rest period a week.

- 20 Minutes every 6 hours (averaged over a 7 day period)
- 11 hours every 24 hours (averaged over a 7 day period)
- 24 hour continuous rest period every 7 days.

Annual Leave: Individuals should ensure that they take a minimum of 28 days of their annual leave strictly for annual leave/rest purposes and should not undertake any bank/agency work or duties within all localities of the Trust or elsewhere during this time.

In the event that the Trust implements its Emergency Management Plan Director level guidance will apply.

Revised November 2013

**Individual Agreement on Working Hours Limits for All Staff
(Excluding Doctors in Training)**

I agree that I fully understand and will abide by the following rules and regulations and that my failure to comply with these rules and regulations could lead to disciplinary action being taken against me up to and including DISMISSAL.

Section A: Compliance with Working Time Regulations

1. I will work up to a **maximum of 48 hours per week**. If I choose to **opt-out** of this provision and work **up to a maximum of 60 hours per week (the Trust's limit*)** I have completed the relevant section below and I will not exceed these hours either through undertaking any bank/agency work or duties within all localities/services of the Trust or with another organisation.

2. I will ensure that I comply with the following rest periods, which can be averaged out over a seven day period, however, I will ensure that I receive a minimum of a 90 hour rest period a week:

- 20 minutes every 6 hours (averaged over a 7 day period)
- 11 hours every 24 hours (averaged over a 7 day period)
- 24 hour continuous rest period every 7 days or 48 hours per fortnight

In cases of an emergency instead of getting normal breaks, I will take a 'compensatory rest'. This is rest taken later, ideally during the same or following working day. If I choose to work through my break I will not be entitled to a compensatory rest break.

3. I will ensure I take a minimum of 28 days leave per year, irrespective of annual leave or bank holidays, strictly for annual leave/rest purposes. For 28 days a year I will not undertake bank/agency work or duties within all localities of the Trust or with another organisation.

Section B: Compliance with Trust Health and Safety Rules*

1. I will not undertake back-to-back shift working which may include:

- A late (or long-day) shift followed by a night shift;
- A night shift followed by any day duty.

2. On returning from sickness absence or any other unexpected absence, I will refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

Confirmation of Agreement: Employee

Signed: _____ Print Name: _____

Date: _____

Confirmation of Opt-out of Working Time Regulations: Employee to sign

I do intend to work over 48 hours per week up to a maximum of 60 hours per week (the Trust's limit) I will give two months notice if I wish to change this provision. I agree that if I do intend to work over 48 hours per week that my working hours and practices will be monitored by my manager and Trust processes and mechanisms.

Signed: _____ Print Name: _____

Date: _____

Received by: Authorising Manager/Supervisor

Signed: _____ Print Name: _____

Date: _____

Declaration Form – Related Party Transactions

Guide Notes

Section 2

Full disclosure will be required of material interests of members of the same household as staff.

Full disclosures will also be required of material transactions between staff/their families/entities controlled by any of these and SHAs/HAs/other NHS Trusts/Local Authorities/CCGs with which the Trust has material transactions, for instance, where A is a director of X CCG and A's partner is a director of a company providing services to Y Trust with which X CCG has material transactions.

NB The concept of materiality relates to both the Trust and the related party, so transactions deemed by the Trust to be immaterial should be reported if they are material to the individual concerned.

Completed form to be returned to Trust Secretary, Trust HQ, 9 Alie Street, London, E1 8DE or via email at elft.declarations@nhs.net

Section 1

Employee Details (please print)

Name _____

Job Title _____

Department _____

Location _____

Section 2

Full name of transacting related parties:

Description of the relationship and transactions:

Amounts involved:

Any other elements of the transaction necessary for an understanding of the financial statements:

Any balances outstanding at 31 March, together with any doubtful debts provided for:

Any amounts written off debts due to or from related parties during the period:

I certify that I have read and understood the Trust's "Standards of Business Conduct Policy" and the information above is complete and accurate.

Signature _____ Date _____

Declaration of Conflict of Interests for Consultants Engaged to Assist in a Procurement Process

Notes:

- Consultants are required to identify any potential conflicts of interest that exist or that could arise as a result of a connection with a Relevant Organisation which could be perceived to impair or otherwise influence the consultant’s judgements, decisions or actions.
- Consultants are required to identify any potential conflicts of interest that could arise if the Relevant Organisation were to take part in any procurement process and/or provide services under, or otherwise enter into any contract with, the Trust.
- Interests must be declared (whether such interests are those of the consultant themselves or of a family member, close friend or other acquaintance).
- If the Consultant, a family member, close friend or other acquaintance is providing services or other work or has previously provided services or other work, for a potential bidder in respect of this project or procurement process, then this must be declared.
- Sufficient detail of each interest must be provided so that a member of the public would be able to understand clearly the sort of financial or other interest the person concerned has and the circumstances in which a conflict of interest may arise.
- Any changes to interests declared must be notified to the Trust immediately by completing a new declaration form and submitting it to the Trust Secretary.
- If in doubt as to whether a conflict of interest could arise, a declaration of the interests should be made.

Declarations:

Name of Relevant Organisation:	
Interests	
Type of Interest	Details – including whether it is personal interest or that of a family member, close friend or other

I agree to comply with all applicable laws, regulations, codes and sanctions relating to anti-bribery and anti-corruption including but not limited to the Bribery Act 2010 (“**Relevant Requirements**”). I will not engage in any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 of the Bribery Act 2010 if such activity, practice or conduct had been carried out in the UK.

To the best of my knowledge and belief, the above information is complete and correct. I undertake to update as necessary the information.

Signed:

Date:

Name: