Standards of Behaviour Policy

Policy information

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Summary of Document:
The Standards of Behaviour Policy enables Hywel Dda University Health Board (HDdUHB) to ensure that its Employees and Independent Members practice the highest standards of conduct and behaviour. This policy sets out the expectations required and provides supporting guidance so that all Employees and Independent Members are supported in delivering that requirement.

Scope:
This policy is applicable across the whole of HDdUHB. It applies to all Independent Members and Employees and includes, but is not limited to, agency staff, bank workers, locums, clinical placements, work experience placements, volunteers, Associate Members, those with honorary contracts and certain sessional arrangements.

To be read in conjunction with:

Standing Orders & Standing Financial Instructions
The Codes of Conduct and Accountability for NHS Boards and the Code of Conduct for NHS Managers Directions 2006 – opens in a new tab
Economic Crime and Transparency Act 2023
201 – AW Disciplinary Policy – opens in a new tab
172 - Confidentiality Policy– opens in a new tab
815 – Counter Fraud, Bribery and Corruption Policy – opens in a new tab
435 - Procedure for NHS staff to raise concerns (AW document) – opens in a new tab
495 – Internet Usage Policy – opens in a new tab
420 - Charitable Funds Financial Administration and Governance Procedure – opens in a new tab
465 – Social Media Policy – opens in a new tab
113 – Learning & Development Policy – opens in a new tab
313 - Study Leave Policy for all Medical and Dental Staff in training – opens in a new tab

334 – Personal Relationships at Work Guideline [link to be attached once uploaded to intranet]
347 – Corporate Records Management Policy – opens in a new tab
002 - Underpayments and Overpayments of Salary Policy – opens in a new tab
1088 – Information Rights Procedure – opens in a new tab
673 – Intellectual Property Policy – opens in a new tab

Patient information: Not applicable

Owning group:
Task & Finish Group

Executive Director job title:
Director of Corporate Governance/ Board Secretary

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Version 7 reuploaded with hyperlink to the new 673 Intellectual Property Policy

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Corporate Governance, Standards of Business Conduct, Declarations and Register of Interests, Gifts, Hospitality, Honoraria and Sponsorship.

Glossary of terms

NWSSP	NHS Wales Shared Services Partnership
HDdUHB	Hywel Dda University Local Health Board
ARCH	A Regional Collaboration for Health
ABPI	Association of British Pharmaceutical Industry
IPR	Intellectual Property Rights
NIC	National Insurance Contributions
LCFS	Local Counter Fraud Specialist
HCPC	Health and Care Professions Council
GMC	General Medical Council
NMC	Nursing and Midwifery Council

Queries
Any queries in respect of the contents of this policy should be directed to:
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INTRODUCTION

Recognising that public service values and associated behaviours must be at the heart of the NHS in Wales, Hywel Dda University Health Board (HDdUHB) is strongly committed to following and maintaining high standards of public life and behaviour, including openness, honesty, customer service standards, diversity and engaged leadership.

The 'Seven Principles of Public Life' (the *'Nolan Principles'*), form the basis of HDdUHB's Standards of Behaviour requirements for its Employees and Independent Members. These are:

- **Selflessness** – Individuals should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends;
- **Integrity** – Individuals 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, recommending individuals for rewards and benefits, choices should be made on merit;
- **Accountability** – Individuals are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their position;
- **Openness** – Individuals should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it;
- **Honesty** – Individuals have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and
- **Leadership** – Individuals should promote and support these principles through leadership and by example.

In support of these principles, Employees and Independent Members 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 principles of public life 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 their official position for personal gain or to benefit family or friends;
- Not seeking advantage or to further private business or other interests in the course of their official duties; and
- 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 HDdUHB.

The Standards of Behaviour Policy sets out the principles HDdUHB expects all Employees to uphold, and the steps which HDdUHB as an employer will take to safeguard the organisation where conflicts of interest arise. It builds on the provisions of Section 8 'Values and Standards of Behaviour' of the

HDdUHB's Standing Orders and re-emphasises the commitment of HDdUHB to ensure that it operates to the highest standards.

The policy is supported by a short guide on the Standards of Behaviour Framework (see Appendix 1 – opens in a new tab) that provides a summary of expected conduct and is intended to complement the various professional Codes of Conduct to which HDdUHB Employees should refer as appropriate. These include (the list is not exhaustive):

- Nursing and Midwifery Council: https://www.nmc.org.uk/standards/code/ (opens in a new tab)
- Health and Care Professions Council: https://www.hcpc-uk.org/globalassets/resources/standards/standards-of-conduct-performance-and-ethics-2024.pdf (opens in a new tab)
- Academy for Healthcare Science: Home - The Academy For Healthcare Science (opens in a new tab)
- Register of Clinical Technologists Code of Professional Conduct (opens in a new tab)
- British Association for Behavioural and Cognitive Psychotherapists Standards of Conduct, Performance and Ethics
- NHS Consultants and General Practitioners: http://www.gmc-uk.org/guidance/index.asp (opens in a new tab)
- General Pharmaceutical Council: Standards for pharmacy professionals | General Pharmaceutical Council (pharmacyregulation.org) (opens in a new tab)
- Code of Conduct for Healthcare Support Workers in Wales: https://heiw.nhs.wales/files/educational-development/code-of-conduct-for-health-support-workers-in-wales-pdf/ (opens in a new tab)
- Society of Radiographers Code of Professional Conduct: https://www.sor.org/learning-advice/professional-body-guidance-and-publications/documents-and-publications/policy-guidance-document-library/code-of-professional-conduct-2025 (opens in a new tab)
- Chartered Society of Physiotherapy Code of Members' Professional Values and Behaviour (opens in a new tab)

AIM AND OBJECTIVES

The aim of this policy is to set out the organisation's expectations in relation to the standards of conduct expected of all Employees and Independent Members, to ensure that arrangements are in place to support Employees and Independent Members to act in a manner that upholds the Standards of Behaviour Framework. It clarifies the roles and responsibilities of those employed by HDdUHB, and explains processes for declaring interests, gifts, hospitality, honoraria and sponsorship, which can be recorded and submitted using standard automated forms which are accessible from the Forms Library on HDdUHB's intranet site here (opens in a new tab)

All Employees are expected to be familiar with the content of this policy, and Departmental/ Line Managers have a responsibility for bringing the policy to the attention of their staff.

RESPONSIBILITIES

Chair

The Chair holds responsibility for managing the performance of the Health Board's Independent Members through the annual individual performance review process on behalf of the Cabinet Secretary for Health and Social Care and is also responsible for managing the performance of the Health Board's Associate Members and for holding the Chief Executive to account. Any actual or potential/ perceived conflicts of interest would be discussed and managed within this remit.

Chief Executive

The Chief Executive is the 'Accountable Officer' with overall responsibility for ensuring that HDdUHB operates efficiently, economically and with probity. The Chief Executive will ensure a policy framework is set and that arrangements are in place to support the delivery of that framework.

Director of Corporate Governance/ Board Secretary

The Director of Corporate Governance/ Board Secretary has delegated responsibility for ensuring that the Health Board is provided with competent advice and support regarding the contents and application of this policy and the Standards of Behaviour Framework.

The Director of Corporate Governance/ Board Secretary will ensure that:

- A Register of Interests is established and maintained as a formal record of interests declared by Employees and Independent Members. The Register will include details of directorships, pecuniary (financial) and non-pecuniary interests in organisations that may have dealings with the NHS and membership of professional committees and Third Sector bodies. Where relevant, it will also include details of interests of close family members (spouse, partner, civil partner, children, etc).
- Arrangements are in place to prompt Executive Directors, Independent Members and Associate Members of the Board to complete a Declaration of Interest, Eligibility and Indemnity form (opens in new tab) on initial employment with HDdUHB, and annually thereafter, or as required in order to declare a new interest.
- Scrutiny is applied to declaration forms received to ensure appropriate declarations and acceptances (in the case of gifts, hospitality, honoraria and sponsorship) have been made, in compliance with the Standards of Behaviour Policy.
- Regular checks are undertaken to identify individual Declarations of Interest and Declarations of Gifts, Hospitality, Honoraria and Sponsorship where Line Manager approval status is shown as 'pending' and emails sent to Line Managers concerned querying whether they are happy (or not) to approve the declaration concerned. The register will be amended manually to reflect the Line Manager's decision.
- A Register of Gifts, Hospitality, Honoraria and Sponsorship (whether accepted or declined) is maintained.
- The Register of Interests and Register of Gifts, Hospitality, Honoraria and Sponsorship are published on HDdUHB's internet site in accordance with the requirements of the organisation's Freedom of Information Act Publication Scheme (opens in a new tab).

- Reports detailing the content of the Register of Interests and Register of Gifts, Hospitality, Honoraria and Sponsorship, and the effectiveness and adequacy of the arrangements in place, are provided to the Audit & Risk Assurance Committee on an annual basis.
- The forms that Employees and Independent Members should complete when making a declaration of interest or when advising of gifts, hospitality, honoraria or sponsorship, are available on HDdUHB's intranet site (opens in a new tab).

'High Risk' Groups

- All staff employed in areas deemed to be 'high risk', as per Table 1 below, are asked to complete a Declaration of Interest form. For the purpose of defining 'high risk', HDdUHB considers this to include senior managers and clinicians, those whose role necessarily brings them into contact with external companies, contractors or suppliers, those who are able to initiate orders or those who are budget holders. This includes any interests that may influence, or be perceived to influence, the member of staff's judgment in the course of undertaking their duties whilst working for HDdUHB.
- 'High Risk' staff groups are reviewed and refreshed annually to ensure that the list of members remains current. This is undertaken in consultation with Executive Directors and Senior Managers in respect of their individual Directorates and teams and through requesting details of relevant staff from Workforce and OD teams.
- Email reminders are issued each year, on a rolling basis, to all staff within 'High Risk' groups to prompt them to complete an annual declaration, even if this is a 'nil' declaration. Details of members of staff within the 'high risk' groups who do not complete an annual submission following issue of the reminder will be forwarded to their Line Managers to follow up and, if required, escalated to Service Directors.
- Service Directors will be provided with an annual compliance list showing how many staff within the 'High Risk' Groups which sit within their respective Directorates have submitted a Declaration of Interest.
- It is the responsibility of individual Employees, Independent Members and Associate Members within a 'High Risk' group to make a further declaration should their circumstances/ interests change within these timescales.

Table 1

Independent Members	Annually
Executive Directors	Annually
Associate Members	Annually
Strategic Advisors	Annually
Staff in specified 'high risk' areas	
System General Manager/ Assistant Directors, Deputy Directors, Clinical Care Group Directors	Annually
Senior/ General Managers, to include Service Delivery Managers (Band 7 and above)	Annually

All staff employed within the Research, Innovation and Value Directorate, including Tritech and the Value Based Health Care Team	Annually
All Finance Staff	Annually
Level 5 & 6 Oracle Budget Holders	Annually
Pharmacy Staff All roles identified by the Clinical Director of Pharmacy and Medicines Management to include but not limited to: • All Pharmacists • Senior Pharmacy Technicians (Band 6 and above) • Primary Care Pharmacy Technicians (Band 5 and above) • Procurement Technicians (Band 3 and above)	Annually
All registered Independent Prescribers	Annually
Clinical Nurse Specialists, including Advanced Nurse Practitioners and Consultant Nurses (Band 7 and above)	Annually
Facilities/ Estates Operational Services Staff Band 6 and above	Annually
Facilities/ Estates Specialist Services Staff Band 6 and above	Annually
Workforce and OD staff: • People Planning & Management: Band 8a and above • Strategic Workforce Planning: Band 8a and above • People Development: Band 6 and above • Business, Partnerships and Inclusion: All team members Human Resources: Band 7 and above	Annually
Senior Digital Services Directorate Staff (Band 8 and above)	Annually
Senior Medical Staff (Consultants, Associate Medical Directors, Deputy	Integral to revalidation process then annually; Integral to Consultant appraisal/ Job Planning reviews.

Associate Medical Directors, GPs working in the Health Board)	
Heads of Nursing and Senior Nursing Staff (Band 8a and above)	Annually
Allied Healthcare Professionals and Play Therapists	Annually
All Health Science Professions	Annually
All Psychological Professions Band 7 and over	Annually
Optometrists (Secondary Care)	Annually
Social Workers	Annually
Dentists	Annually
HDdUHB Health Charities Team	Annually

Executive, System General Managers and Assistant Directors and Senior/ General Managers

Executive, System General Managers and Assistant Directors and Senior/ General Managers must ensure that:

- Employees are aware of the requirements contained within this policy and the Standards of Behaviour Framework.
- They lead by example and personally declare any relevant interest or the offer of gifts, hospitality, honoraria or sponsorship.
- Approve, or decline approval for, the acceptance of gifts, hospitality, honoraria and sponsorship that have been offered within their Directorate/ System **prior** to the event, ensuring that any acceptances comply with the standards outlined within this policy and (during periods of annual leave and prolonged absence) ensure that their responsibilities are delegated to their nominated deputy.
- They review the contents of the Registers of Interests and Gifts, Hospitality, Honoraria and Sponsorship to assist with the verification of the accuracy of the information contained within it when alerted to do so by the Assistant Director of Corporate Legal Services and Public Affairs on behalf of the Director of Corporate Governance/ Board Secretary.

Departmental/ Line Managers

Departmental/ Line Managers will:

- Ensure that this policy and the Standards of Behaviour Framework are brought to the attention of Employees for whom they are responsible, and that they are aware of its implications for their work.
- Ensure that Employees are aware of the requirement to follow and comply with the policy and Standards of Behaviour Framework.

- Support their Employees in the application of the policy and the Standards of Behaviour Framework, seeking advice from the Assistant Director of Corporate Legal Services and Public Affairs or Director of Corporate Governance/ Board Secretary, where necessary.
- Review Declarations of Interest submitted by team members via the automated Sharepoint Declaration form to ensure that there are no material conflicts of interest and approve or decline (providing a reason for declining) individual submissions.

Employees and Independent Members

All Employees and Independent Members must ensure that they:

- Understand this policy and the Standards of Behaviour Framework, consulting their Departmental/ Line Manager if they require clarification.
- Are not placed in a position that risks, or appears to risk, conflict between their private interest and their HDdUHB NHS duties. This responsibility applies to all HDdUHB staff, including those who commit resources directly by ordering goods or services, and those who do so indirectly. Employees and Independent Members must declare all private interests which could potentially result in personal gain as a consequence of their position within the HDdUHB.
    - A conflict of interest can be defined as '*A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold*.'
    - A conflict of interest may be:

      Actual - a material/ direct conflict between an Employee's or Independent Member's official duties and one or more competing interests, whether personal or involving a third party; and/ or

      Potential/ perceived – the possibility of a material/ direct conflict between one or more interests in the future.
- Declare to HDdUHB for recording in the Register of Interests any relevant interests at the commencement of employment; whenever a new interest arises; or if asked to do so at periodic intervals by the Health Board. Relevant interests (including those of close family members or associates) may include:
    - Directorships, including Non-Executive Directorships held in private companies or Public Limited Companies (PLCs), with the exception of dormant companies;
    - Ownership or part-ownership, of private companies, businesses or consultancies likely or possibly seeking to do business with HDdUHB. This includes shareholdings, debentures or rights where the total nominal value is £50,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less;
    - A personal or departmental interest in any part of the pharmaceutical/ healthcare industry that could be perceived as having an influence on decision-making or on the provision of advice to members of the team;
    - Sponsorship or funding from a known NHS supplier or associated company/ subsidiary;

- A position of authority in a charity or voluntary body in the field of health and social care. Charitable Funds Financial Administration and Governance Procedure 420 (opens in new tab) provides that "…*Staff members are not permitted to fundraise or support the fundraising activities of external charities during working hours or to utilise HDdUHB resources (e.g. name, premises, email, office equipment etc) in relation to this*…"
- Any other connection with a voluntary, statutory, charitable or private body that could create a potential opportunity for conflicting interests;
- Self-employment or employment by any other body where there could be a perceived or actual conflict with NHS duties. This includes the undertaking of agency working and private practice.
- A personal/ family relationship with another member of staff within HDdUHB. Where a personal or family relationship exists involving members of staff in a supervisory or Line Management role, they must avoid participating in decisions that might raise the appearance of a conflict, such as recruitment and selection, allocation of funding, appraisal, disciplinary matters, sign-off of expenses or any other management activity or process involving the other party.

- Inform service users and their relatives as appropriate, when referring them for treatment, investigation, or any aspect of their care if they have a material interest in an organisation to which they plan to refer a service user. The fact that the service user has been informed must be recorded appropriately.
- Verbally declare any relevant interest when a potential for conflict arises e.g. at Board and Committee meetings, during procurement processes, and at other HDdUHB /Directorate/ Departmental meetings, as appropriate.
- Obtain permission from their Director/ System General Manager/ Assistant Director or Senior/ General Manager **prior to** accepting a gift, hospitality, honoraria or sponsorship which requires declaration and recording in the Register of Gifts, Hospitality, Honoraria and Sponsorship.
- Observe the Standing Orders and Standing Financial Instructions of the Health Board.
- Where Employees or Independent Members wish to engage in any outside employment which may affect their contractual obligation to HDdUHB, they must first discuss it with their Departmental/ Line Manager/ Chair. This will ensure that their position in HDdUHB is not compromised. Agreement to such outside employment will not be unreasonably refused.

The onus regarding declaration will reside with the individual Employee or Independent Member, particularly those who are not employed within areas that are deemed 'high risk' and are therefore not required to submit an annual Declaration of interests. It is recognised that a judgement may be required in individual circumstances regarding the appropriateness for a declaration to be made when, for example, there is a specific contractual situation or a series of specific circumstances or a close connection. Advice should be sought from the Assistant Director of Corporate Legal Services & Public Affairs or the Director of Corporate Governance/ Board Secretary in this regard, as such an interest may be deemed to be a potential conflict to the business of HDdUHB.

Where there is doubt, a Declaration of Interest should be made.

Appointing officers, for example, must declare any known relationship with potential applicants, and where a relationship is declared, the appointing officer 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 with whom the manager has declared any relationship. This shall include salaries, re-grading, authorisation of travelling expenses, overtime payments, etc.

Volunteers

It is important that all volunteers adhere to HDdUHB policies and procedures, and that this Standards of Behaviour policy is consistent with the Wales Council for Voluntary Action Code of Practice for organisations involving volunteers (opens in a new tab)

NHS Wales Shared Services Partnership (NWSSP) Procurement Services

Where an Employee is requested to participate in the Health Board's procurement process and has not previously completed a Declaration of Interest Form, they will be asked to do so by NWSSP prior to participating or asked to reaffirm their interests and to confirm that there are no other relevant interests that should be declared.

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NWSSP will ensure that all Procurement staff complete Declaration of Interest forms in line with their procedures. NWSSP will advise the Health Board, through the Assistant Director of Corporate Legal Services & Public Affairs or the Director of Corporate Governance/ Board Secretary, of any such interests impacting on HDdUHB services.

In the case of every tender, irrespective of whether a stakeholder has provided one previously, NWSSP will require a Declaration of Interest to be submitted by each stakeholder (including the Procurement Lead) prior to the tender going live. A check of all declarations will be made prior to the evaluations and a final check made upon award to ensure that any conflicts of interest have been declared and identified.

REGISTER OF INTERESTS

The Assistant Director of Corporate Legal Services & Public Affairs, on behalf of the Director of Corporate Governance/ Board Secretary, will maintain the Registers of Board Members and Staff Interests. These registers will be made available on HDdUHB's internet site.

In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register(s). Where an employee believes that substantial damage or distress may be caused to them or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such a request must be made using the automated Declaration of Interests form. Requests will be followed up by the Corporate Governance Team to validate the reason for requesting redaction. A confidential, un-redacted version of the register will be held securely by the Director of Corporate Governance/ Board Secretary.

DECLARATIONS OF INTEREST AT MEETINGS

It is a requirement that at the beginning of every HDdUHB Board, Committee or decision-making meeting, members and those in attendance are invited to declare their interests in relation to any items on the agenda. Where a potential conflict is material or the individual has a financial/ pecuniary interest in the matter under discussion, the individual shall withdraw from discussions pertaining to that agenda item and shall not vote upon it. The potential conflict and the action taken to avoid it will be recorded in the minutes of the meeting and the Register of Interests will be updated if required.

Where it becomes evident part-way through a meeting that there may be a potential conflict, the individual must declare their interest immediately.

Under certain circumstances, the Chair may choose to waive the need for the individual to leave the meeting. The advice of the Director of Corporate Governance/ Board Secretary or the Assistant Director of Corporate Legal Services & Public Affairs should always be sought prior to such a decision being made.

From time to time, Employees and Independent Members may need to declare interests at meetings of other NHS organisations or partnerships, such as Rural Health and Care Wales, or A Regional Collaboration for Health (ARCH). Such declarations will be recorded as if the meeting were a HDdUHB Board or Committee meeting and the individual will be asked to withdraw from discussions pertaining to that agenda item.

GIFTS, HOSPITALITY, HONORARIA AND SPONSORSHIP

Employees and Independent Members have a personal responsibility to declare information regarding offers and acceptance of gifts, hospitality, honoraria and sponsorship, including those offers that have been declined.)

Employees should seek approval from their Executive/ Assistant/ System General Manager Director or Senior/ General Manager prior to accepting any gifts, hospitality, honoraria or sponsorship. These details must be recorded on a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) and submitted to the Assistant Director of Corporate Legal Services & Public Affairs on behalf of the Director of Corporate Governance/ Board Secretary for inclusion on the register.

In determining whether to accept gifts, hospitality, honoraria and sponsorship, it is not always possible to make explicit a situation in which these may be considered acceptable, as each offer should be considered independently with the following principles being considered:

- **Openness:** The offer is open and will not put the individual under any obligation to those making the offer;
- **Legitimate interest:** Regard should be paid to the reason for the contact on both sides and whether it is a contact that is likely to benefit the Health Board *i.e.* further the aims of the organisation;
- **Relationship:** Consideration should be given as to whether the Health Board might possibly enter into a contractual relationship with the organisation/ individual making the offer and whether the offer could therefore be construed as inducement to enter such a relationship.

- **Value:** Gifts and benefits of a trivial or inexpensive seasonal nature, e.g. diaries/ calendars, are more likely to be acceptable and can be distinguished from more substantial offers. Similarly, hospitality in the form of a working lunch would not be treated in the same way as more expensive social functions, travel or accommodation;
- **Frequency:** Acceptance of frequent or regular invitations particularly from the same source would breach the required standards of conduct;
- **Reputation:** If the body concerned is known to be under investigation by, or has been publicly criticised by, a public body, regulators or inspectors, acceptance of a gift or hospitality might be seen as supporting the body or affecting in some way the investigation or negotiations. As such it should always be declined.

Employees 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 their official capacity, or to corruptly show favour or disfavour in the handling of contracts or other business. Employees need to be aware that a breach of the provisions of this Bribery Act may render them liable to prosecution and disciplinary action.

The Bribery Act introduced a new criminal offence in 2011 where an individual or organisation offers or receives a bribe to bring about or reward the improper performance of a function or activity. Broadly, the Act defines bribery as '*Giving or receiving a financial or other advantage in connection with the 'improper performance' of a position of trust, or a function that is expected to be performed impartially or in good faith*.'

Bribery has the potential to impact upon Employees' or Independent Members' standards of behaviour, particularly in regard to the acceptance of gifts, hospitality, honoraria or sponsorship, although guidance on the Act indicates that only 'lavish' hospitality, or hospitality that is otherwise 'inappropriate' would normally fall under the bribery definition.

The Bribery Act also introduced a 'corporate offence' of failing to prevent bribery by the organisation through having inadequate preventative procedures in place. This is not a stand-alone offence, but always follows from a bribery and/ or corruption offence committed by an individual associated with the company or organisation in question.

Section 199 of the Economic Crime and Corporate Transparency Act 2023 (opens in new page) created the new corporate offence of failure to prevent fraud. Under the offence *an organisation may be criminally liable where an employee, agent, subsidiary, or other 'associated person', commits a fraud intending to benefit the organisation and the organisation did not have reasonable fraud prevention procedures in place*.

However, an organisation can avoid conviction if it can show that it had procedures and protocols in place to prevent bribery. The provisions within this Standards of Behaviour Policy, in terms of prohibiting the giving or acceptance of inappropriate gifts, hospitality, honoraria and sponsorship, complies with the requirements of the Bribery Act and subsequent guidance.

Employees and Independent Members are therefore expected to:

- Report any issues relating to fraud, bribery or corruption to the Local Counter Fraud Specialist within the Health Board hduhb.counterfraudteam.hdd@wales.nhs.uk
- Declare any external 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;
- 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.

The risks of breaching the Bribery Act include the following:

- Criminal justice sanctions against Independent Members and Executive Directors and other senior staff;
- Damage to the organisation's reputation;
- Conviction of bribery or corruption may lead to the organisation being precluded from future public procurement contracts;
- Potential diversion and/ or loss of resources;
- Unforeseen and unbudgeted costs of investigations and/ or defence of any legal action; and
- Negative impact on patient/ stakeholder perceptions.

Guidance regarding the types of gifts, hospitality, honoraria and sponsorship which may or may not be acceptable is provided below:

Gifts

A gift is an item of personal value, given by a third party e.g. a service user/ patient/ patient family member or a supplier (this definition also includes prizes in draws and raffles at sponsored events/ conferences).

It is an offence under the Bribery Act 2010 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 the Health Board. Such gifts should be refused and if they have already been received, they should be returned, clearly advising why they cannot be accepted.

The appropriate Executive/ System General Manager/Assistant Director or Senior/ General Manager and the Assistant Director of Corporate Legal Services & Public Affairs (on behalf of the Director of Corporate Governance/ Board Secretary) should be advised immediately.

Any acceptance of a gift needs to be justified. Think about the context in which the offer has been made, and the effect on your position. For example, is the gift likely, or could it be seen as likely, to influence you? The onus is on you to make sure that the acceptance of a gift will not be misconstrued.

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

Gifts from Service Users/ Patients or their Relatives to individual Staff Members

Gifts up to the value of £25 may be accepted from service users/ patients and relatives as a mark of their appreciation e.g. for 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. However, in some cases an Employee may choose to inform their Line Manager that they had received a low-value gift in order to formally record the receipt – for example, staff working in care homes who are given gifts by residents who may subsequently not remember that they had given the gift.

Where gifts are provided to a group of staff, it is the responsibility of the Line Manager to declare the gift if the total of the gift is 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 HDdUHB Charitable Funds e.g. used as a prize in a raffle. Alternatively, and if it is possible to do so, the gift can be shared with other staff members eg, using a gift voucher to purchase small items for a number of staff. A Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) declaring that the gift has been received must be completed by the Employee accepting the gift.

Personal gifts of cash from service users/ patients or their relatives are **NOT** acceptable. These may only be accepted as a donation to an appropriate Charitable Fund and recorded as such. The Hywel Dda Health Charities Team can provide advice regarding the mechanism for appropriately accepting, banking and receipting such items in accordance with the Charitable Funds Financial Administration and Governance Procedure. Contact: Telephone: 01267 239815 Internal: 01825 4815
Email: About Hywel Dda Health Charities (opens in a new tab)

Gifts to Groups of Staff, Teams/ Wards/ Service/ Department, or Organisation-Wide

Non-monetary gifts are sometimes made to show appreciation to the NHS from a patient/ service user and/ or their relatives, the general public, community groups, local business, suppliers, contractors or commercial organisations. An example of such gifts would be the donation (either through fundraising or as a personal donation from family members) of play equipment and other gifts to a Paediatric Ward, either for patient use on the ward or to give out to patients as gifts.

Staff may accept non-monetary gifts that are voluntarily donated by a third party to a group of staff e.g. a whole ward, team service/ department, or the whole organisation rather than to an individual, where there is no expectation of the donor receiving anything in return and where there are no conditions attached to the gift.

Where a gift is offered to a team and is over £25 in value, the Line Manager/ Ward Manager should seek advice from their Executive/ System General Manager/ Assistant Director or Senior/ General Manager who may decide to share the gift amongst the team members, provided that the individual shares are less than £25. In these circumstances, the Line Manager of the team must declare the gift by completing and submitting the appropriate form: Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab). If in doubt, Line Managers are advised to contact the Assistant Director of Corporate Legal Services & Public Affairs for advice.

Where these gifts represent tangible items such as IT equipment, medical devices or electrical items, consideration should be given prior to accepting the gift to matters such as their compatibility with Health Board systems, their on-going maintenance to comply with any warranties involved, storage, and any infection prevention issues, with appropriate advice sought.

Gifts over the value of £25 should be declared on the Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) and registered to the group of staff or service/ ward/ department receiving them. In addition, donated items over £5,000 must be recognised in the Health Board's Asset Register.

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 industry guidance issued by the Association of the British Pharmaceutical Industry (ABPI Code of Practice for the Pharmaceutical Industry – Clause 10.6) and updated in 2024 and need not be declared, other than where several small gifts are received to the value of £6 from the same or closely related source in a 12-month period. Any gifts outside this definition from suppliers, contractors and other commercial organisations doing business or likely to do business with HDdUHB above this value, should be politely but firmly declined. A copy of the ABPI guidance can be found here (opens in a new tab)

Whilst it is not necessary to declare gifts of low intrinsic value, where other items are offered and declined, Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) should be completed to allow HDdUHB to monitor when such organisations are inappropriately offering gifts or potential inducements.

Under some circumstances, suppliers may send gifts to all their clients as custom and practice e.g. hampers at Christmas. Whilst such practices should be discouraged and whilst it is not acceptable for staff to personally accept these gifts, following discussion with the supplier/ contractor/ commercial organisation and the appropriate Executive/ System General Manager/ Assistant Director or Senior/ General Manager, it may be considered appropriate to accept these gifts and utilise them for the benefit of Charitable Funds. The Hywel Dda Health Charities team can provide advice regarding the mechanism for appropriately receipting such items.

Employees in contact with contractors should be on their guard against offers of gifts which might later be misconstrued as hampering their strict independence and impartiality. Where pressed to accept an offer, the Employee to whom the offer has been made should seek further advice from their manager who may contact the Assistant Director of Corporate Legal Services & Public Affairs or Director of Corporate Governance/ Board Secretary, where appropriate.

Gifts from Dignitaries/ Overseas Organisations

There may be occasions when visits are made by dignitaries or overseas organisations who consider it 'cultural custom and practice' to exchange gifts. In such cases, Employees should seek guidance from the Assistant Director of Corporate Legal Services & Public Affairs or Director of Corporate Governance/ Board Secretary and declare these gifts on a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab). 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.

Bequests/ Legacies/ Wills

Employees are not permitted to accept bequests left to them by a deceased patient or service user who became known to them through providing care or treatment as part of their HDdUHB employment. Accepting a gift of this nature, particularly where a patient is considered vulnerable, could leave the staff member open to 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 or service user's will e.g. by a deceased's legal representative, they must declare this to their Executive/ System General Manager/Assistant Director or Senior/ General Manager and their line manager, with any complex cases escalated to the Assistant Director of Corporate Legal Services & Public Affairs or the Director of Corporate Governance/ Board Secretary. In such a scenario, the Health Board will send a letter, endorsed by the Employee, to those acting for the deceased's estate, advising that whilst the bequest cannot be accepted by the individual Employee, the estate may, should it so wish, deposit the bequest in a designated charitable fund associated with the staff member involved, to benefit from a range of expenditure as per the charitable objectives of HDdUHB's registered charity, Hywel Dda Health Charities, where there is a demonstrable benefit to *'the relief of those who are ill or disabled and the advancement of education through training'.*

Hospitality

Hospitality is defined as an offer of food, drink, accommodation, travel expenses, entertainment or entry by a third party into an event or function which is linked to the Employee's role within the Health Board, regardless of whether provided during or outside normal working hours; for example but not exclusively, attendance at an awards ceremony, cheque presentations in respect of fundraising events or attending a sporting event.

Employees and Independent Members should refuse hospitality which may compromise or may be seen to compromise their professional judgement or integrity, or which seeks to exert influence to obtain a preferential consideration.

Employees in contact with contractors should be particularly mindful of accepting any offer of hospitality that might later be misconstrued as impacting on strict independence and impartiality. Where pressed to accept an offer, the Employee to whom the offer has been made should seek further advice from their manager, who may contact the Assistant Director of Corporate Legal Services & Public Affairs or Director of Corporate Governance/ Board Secretary, where appropriate.

Any acceptance of hospitality needs to be justified. Think about the context in which the offer has been made, and the effect on your position. For example, is the hospitality likely, or could it be seen as likely, to influence you? The onus is on you to make sure that the acceptance of hospitality will not be misconstrued.

Hospitality must be authorised by an Executive/ Assistant/ System General Manager or Senior/ General Manager prior to acceptance and a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) must be completed.

The hospitality should be secondary to the purpose of the meeting and should be proportionate i.e. it should not be of significant value 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.

Hospitality should not extend beyond those whose role makes it appropriate for them to attend the event to represent the organisation.

Offers which are more than modest, or are of a type that the organisation itself might not usually offer, need authorisation from an Executive/ System General Manager/ Assistant Director or Senior/ General Manager, and should only be accepted in exceptional circumstances, and must be declared.

Where business class or first class travel and accommodation (including domestic travel) or offers of foreign travel and accommodation are offered, a clear reason should be recorded on the declaration form as to why it is deemed permissible to accept travel and accommodation of this type.

Other hospitality may be accepted where it furthers the aims of HDdUHB, 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.

Other hospitality that may be accepted but will need to be declared includes instances where:

- There is a genuine need to impart information, or represent the organisation at stakeholder community events e.g. Local Authority or charitable organisations which have an association with the Health Board;
- An employee has been invited to receive an award or prize in connection with the work of the organisation, or their role within it;
- An Employee is invited to a Society or Institute dinner or function which is to be funded by a commercial organisation and where there is a genuine benefit to the professional standing of the individual or the Health Board;
- An event is clearly part of the life of the stakeholder community or where the Health Board 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.

These types of hospitality must be authorised prior to their acceptance by an Executive, System General Manager or Assistant Director or Senior/ General Manager and a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) must be completed.

Unacceptable Hospitality

Unacceptable hospitality includes the following examples as general guidance:

- A holiday or weekend/ overnight break;
- Offers of hotel accommodation when this is not associated with a sponsored course or conference;
- Use of a company flat or hotel suite;
- Attendance at a function or event restricted to Employees which is not for the purposes of training or organisational development;
- Lunch or dinner provided by a private company or their representative which does not form part of a training or development event;
- Entertainment and/ or tickets/ hospitality at sporting and other corporate entertainment events.

If Employees are not clear whether an offer falls into one of these categories, advice should be sought from their Line Manager or the Assistant Director of Corporate Legal Services & Public Affairs.

Employees should report any case where they have felt pressured into accepting an offer of hospitality which might be open to objection. They should also declare any offers of hospitality which are declined on a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab)

Sponsorship

Sponsorship is an offer of support (funding in general) to an individual, team or to the Health Board from an external source, whether in cash, goods, services or benefits, and usually involves a reciprocal benefit.

Employees may be offered sponsorship in the form of sponsored research, including publishing, a sponsored operational post, training, costs associated with meetings, conferences or a working visit. The sponsorship may cover some or all of the costs.

For the purposes of sponsorship, certain industry sectors are considered to be high risk and detrimental to the values and reputation of the organisation. Sponsorship provided or offered by the following should be refused:

- Armament sales, manufacture or export
- Manufacture or production of tobacco products
- Manufacture or production of alcoholic beverages, where more than 10% of income is derived from this source.

No sponsorship should be accepted without the prior agreement of the appropriate Executive/ System General Manager/ Assistant Director or Senior/ General Manager. A Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) should be completed prior to the acceptance of any sponsorship. If sponsorship is inappropriately offered and/ or declined, this should also be declared. In cases of doubt, advice from the Assistant Director of Corporate Legal Services & Public Affairs or the Director of Corporate Governance/ Board Secretary should be sought.

Any acceptance of sponsorship needs to be justified. Think about the context in which the offer has been made, and the effect on your position. For example, is the sponsorship likely, or could it be seen as likely, to influence you? The onus is on you to make sure that the acceptance of any sponsorship will not be misconstrued.

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 Executive/ System General Manager/ Assistant Directors or Senior/ General 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 HDdUHB premises or documentation.

More detail is provided below regarding the many forms that sponsorship may take. This list is not exhaustive and offers of other sponsorship will need to be considered on a case-by-case basis.

Commercial Sponsorship for Attendance at Courses/ Conferences

Employees may accept sponsorship for attendance at relevant conferences and courses, but only where attendance would further the aims of HDdUHB and where the Employee has obtained permission in advance from their Executive/ System General Manager/ Assistant Director or Senior/ General Manager and in line with HDdUHB's 113 – Learning & Development Policy (opens in a new tab) / 313 - Study Leave Policy for all Medical and Dental Staff in training (opens in a new tab).

Employees will need to be able to provide evidence of study leave approval. The sponsorship should only be extended to the number of Employees who would have normally attended if funded by HDdUHB. The Employee and the Executive/ System General Manager/ Assistant Director or Senior/ General Manager must be satisfied that acceptance will not compromise purchasing or any future decision-making in any way.

Commercial Sponsorship to attend Demonstrations/ Technical Evaluations

Employees may be invited to view products or equipment at another location. There may be occasions when it is appropriate as part of a procurement exercise to visit a supplier's reference site to observe equipment in operation in a medical or laboratory setting. Such sponsorship is not usually considered appropriate and HDdUHB will normally meet the costs of such a visit in order to protect the integrity of subsequent purchasing decisions. Arrangements whereby the company meets all or part of the cost of such a visit must be approved by the appropriate Executive/ Assistant/ System General Manager Director or Senior/ General Manager following consideration of the implications for the integrity of subsequent purchasing decisions.

Commercial Sponsorship for Sponsored Posts/ Roles ('Linked Deals')

Pharmaceutical companies and other suppliers may offer to sponsor, wholly or partially, a post/ role or equipment for HDdUHB. HDdUHB will not enter into such arrangements, unless it has been made clear to the company concerned that the sponsorship will have no effect on purchasing decisions within the Health Board.

Sponsored posts are posts, positions or job roles that are funded, in whole or in part, by organisations external to the NHS. Sponsored posts can offer benefits to the delivery of care, providing expertise, extra capacity and capability that might not otherwise exist if funding was required to be used from the NHS budget. However, safeguards are required to ensure that the deployment of sponsored posts does not cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition.

Sponsored posts must be approved and managed in order that appropriate monitoring arrangements are established to ensure that purchasing decisions are not being influenced by the sponsorship agreement. Under no circumstances may 'linked deals' be agreed, whereby sponsorship is linked to the purchase of particular products, or to supplies from particular sources.

The following should be considered when sponsored posts are offered:

- External sponsorship of a post requires prior approval from the relevant Executive/ Assistant/ System General Manager Director or Senior/ General Manager, or Chair/ Chief Executive (in the case of Executive Directors).
- If the duration of a post is over two years, the Health Board will have contractual obligations to the post holder. The post must therefore be formally defined as Fixed Term.
- Rolling sponsorship of posts should be avoided unless appropriate checks are put in place to review and withdraw if appropriate.
- 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. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements should conflicts of interest arise which cannot be managed.
- Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post/ postholder or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

The relevant Executive/ Assistant/ System General Manager Director or Senior/ General Manager should declare any posts sponsored by external organisations on a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) and submit it to the Assistant Director of Corporate Legal Services & Public Affairs on behalf of the Director of Corporate Governance/ Board Secretary for recording on the register.

Sponsorship of Events in the Context of Partnership Arrangements with the Pharmaceutical Industry or other Commercial Organisations

The Pharmaceutical Industry and allied commercial sector representatives may organise meetings, conferences or an activity in support of specific functions or specialties within the healthcare sector. Under such arrangements they are permitted to fund the hiring of accommodation, meet any reasonable actual costs which may have been incurred and provide appropriate hospitality. If no hospitality is required, there is no obligation or right to provide it, or indeed any benefit of equivalent value.

The Pharmaceutical Industry is expected to adhere to the Association of British Pharmaceutical Industry ABPI Code of Practice (opens in a new tab, which clearly specifies what is and what is not acceptable.

Sponsorship for Events Hosted wholly or partly by HDdUHB

Where HDdUHB receives or invites offers of sponsorship for events which it is hosting, either wholly or partly, the relevant Executive/ Assistant/ System General Manager Director or Senior/ General Manager must consider whether it is appropriate to accept the offer. For all offers, whether accepted or declined, a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) must be completed and sent to the Assistant Director of Corporate Legal Services & Public Affairs on behalf of the Director of Corporate Governance/ Board Secretary for recording on the register.

The following guiding principles should apply:

- Sponsorship of events by appropriate external bodies will only be approved if a reasonable person would conclude that the event will result in clear benefit for HDdUHB and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
- At the organisation's discretion, sponsors or their representatives may attend or take part in the event, but they should not have a dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified.
- Members of staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Members of staff arranging sponsored events must declare this to the organisation via a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab).

Whilst it is recognised that sponsorship can provide a useful source of funding for particular events or activities, it can also present risks and in considering whether to accept sponsorship, the following principles should be adhered to:

- Sponsorship should be sought in an open and even-handed manner with opportunities being offered as widely as possible;
- Benefits should be for the Health Board (not an individual) and should be proportionate;
- Arrangements must not compromise the standing or image of the Health Board i.e. they must be ethical;
- Sponsorship should be for a specific activity or event and not a general endorsement of the Health Board;
- The sponsorship must not imply that the Health Board endorses particular products, services or companies and organisations;
- Sponsorship should not be accepted from inappropriate sources, such as companies with dubious or doubtful backgrounds or who have poor financial or business practices;
- Arrangements must not bring adverse publicity to the event or to the Health Board.

Particular care should be taken when considering sponsorship from companies or organisations for which HDdUHB has, or could have, contractual business arrangements. The above principles should be adhered to and a renewal or an award of a contract should not be influenced by any sponsorship arrangements.

A sponsor would normally expect to receive a reciprocal benefit which may be beyond a modest acknowledgement, and companies may seek sponsorship for a number of legitimate business reasons. These include:

- To raise the company's image and profile;
- To improve public/ community relations;
- To generate public exposure and media coverage;
- To differentiate the company from its competitors;
- To increase profit/ market share;
- To obtain access to HB data to use for research or to train the company's AI models.

Careful consideration should always be given to understanding what a sponsor might gain from the arrangement and these should be in keeping with the principles listed above. In the case of a sponsor requiring access to HB data, any request should be referred to Information Governance for advice: Information.Governance3@wales.nhs.uk (opens in a new tab)

Employees and Independent Members may, on occasion, be asked to provide an endorsement of an event, conference or training course that they have attended which was organised by a third party. Caution should be exercised in these circumstances as it may not be appropriate to cite such an endorsement. It is also important to consider any potential future conflict, for example, where the third party may be in the process of re-tendering for the work or be seeking commercial gain from the endorsement.

HDdUHB may also receive unsolicited proposals for sponsorship which are not in response to any action that the Health Board has taken. The Health Board should carefully consider such offers and ensure that the proposals meet the Health Board's requirements, standards and principals. The Health Board will need to ensure there are no conflicts of interest or that better value for money cannot be obtained by testing wider market interest.

All sponsorship arrangements should be approved by the appropriate Executive, System General Manager or Assistant Director or Senior/ General Manager.

Honoraria/ Miscellaneous Payments

An honorarium is any form of payment made to a Health Board Employee for performing a service which is voluntary in nature, often in a separate organisation. The payment has no contractual basis and usually the amount is small in comparison with the Employee's normal rate of pay for performing their employment duties.

Employees may be invited to give presentations at conferences, provide responses to surveys or attend professional meetings where a one-off payment or honorarium is offered. If this activity is to be undertaken during hours when the Employee is contracted to work for the Health Board, the payment should be made to the Health Board. Individuals may accept payment for activities that they undertake

in their own time, subject to the provisions regarding outside employment contained within the various Employee Contracts and Terms of Service. The activity should be reported using a Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab) and it should be authorised by the appropriate Executive/ System General Manager/ Assistant or Senior/ General Manager.

N.B There are tax and National Insurance contribution implications relating to honoraria that should be borne in mind as set out below:

- **Honoraria received for work undertaken during HDdUHB hours** - when appropriate authorisation has been granted to permit an employee to be involved in activity outside their normal contract during HDdUHB hours, any honoraria paid must be received back to HDdUHB's revenue budget to reimburse the Health Board for the Employee's time.

  To avoid personal tax implications, the Employee is strongly advised to request that honoraria are paid directly to the Health Board, either by bank transfer or by requesting that the Health Board raise an invoice with the organisation making the payment. This is then seen as reimbursement to the Health Board to cover the loss of Employee time, and not honoraria. This money will then be transferred into HDdUHB's revenue budget.

  To ensure good governance, the honoraria must be paid into a revenue budget that is **not** managed by the Employee who has provided their services during HDdUHB time.

  Researchers are allowed to hold Investigator Accounts, which can include payments that they receive from external parties for offering research advice or delivering projects. Honoraria in respect of research and innovation and held within Investigator Accounts must be managed in accordance with national and local Research and Development Investigator Account policies and guidelines.

  If the actual cost of the Employee's time, rather than a designated amount, is to be reimbursed, a costing will need to be done by requesting a calculation via the Management Accounts team (Management-Accounting.HDD@wales.nhs.uk) (opens in a new tab). Alternatively, the Employee could seek advice from the relevant Health Board Business Partner that works with their Directorate.

  Where the Employee receives the honorarium directly and then reimburses the Health Board, the Employee remains liable for the payment of both tax and National Insurance Contributions (NIC), regardless of the final destination of the honoraria.

- **Honoraria received for work undertaken in an individual's own time (out of normal working hours or on authorised annual leave)** - individuals are personally liable for the payment of both tax and NIC on any honoraria payments received for work undertaken in their own time.

  Where an Employee wishes, an honorarium payment may be used to make a donation to HDdUHB's Charitable Funds and further guidance on processes relating to making donations, tax, NI and Gift Aid is available from the Head of Hywel Dda Health Charities and via the following link: About Hywel Dda Health Charities (opens in a new tab).

  In cases of doubt, Employees should seek advice from the Assistant Director of Corporate Legal Services & Public Affairs or the Director of Corporate Governance/ Board Secretary and should

report any case where an offer of sponsorship or honoraria is pressed which might be open to objection. Instances where honoraria have been offered and declined should be declared on the Gifts, Hospitality, Honoraria and Sponsorship Form (opens in a new tab).

USE OF THE HDdUHB LOGO

Permission needs to be obtained from the Communications and Engagement Director on all occasions where approaches are made by an outside organisation seeking to use HDdUHB's logo for any

purpose, including in connection with an event or function. Permission should also be sought by any member of staff wishing to use the logo in connection with any non-HDdUHB related matter/ event.

RESEARCH, DEVELOPMENT AND INNOVATION

All research and development sponsored by commercial companies, including those sponsored by the Pharmaceutical Industry, must be approved by the appropriate mechanism, and governed by the specific policies and procedures. The Research, Innovation and Value Department should be contacted in these circumstances to offer advice and support in this area HDd.Research-Development@wales.nhs.uk (opens in a new tab).

Research and innovation funding/ grants may be received by an individual or their department. Where an individual Employee receives funding from a company to undertake research, this should be declared. The main reason for this is that it could influence the Employee's opinions towards the company and depending on the Employee's relationship with the same there might be a requirement for a management plan to be established.

Declaration of research grants awarded to a Health Board department from a private or public body is not necessary. A process is already in place within the Health Board that requires a clear management decision to be made before receipt of such grants. This takes into account several factors, including whether decision-makers have a relationship (e.g. have received individual grants) from the company concerned. All decisions are reported to the Health Board's Research & Innovation Sub Committee for scrutiny and assurance.

CHARITABLE FUNDS

There may be occasions when commercial organisations offer to make a donation to HDdUHB's Charitable Funds. Monies paid into Charitable Funds from commercial companies must only be accepted as donations. Any offers where there is a benefit in return should be considered under the policy section relating to *Sponsorship for Events Hosted Wholly or Partly by HDdUHB*. Where donations are received, they should only be used to fund expenditure which is in line with the terms of the Charitable Fund's use 420 - Charitable Funds Financial Administration and Governance Procedure (opens in a new tab).

Expenditure from Charitable Funds and charitable fundraising within the workplace does not fall within the remit of this policy, however there may be a close association. Further guidance is available from the Head of Hywel Dda Health Charities and the Financial procedure 420 - Charitable Funds Financial Administration and Governance Procedure (opens in new tab).

SECONDARY EMPLOYMENT & PRIVATE PRACTICE

Secondary Employment (Paid, Unpaid or Self-Employed)

Employees should inform their line manager of any secondary employment and ensure that this does not affect their HDdUHB employment. Declarations should be made using the Staff Declaration of Interests Form (opens in a new tab). There should be no conflict with their normal contractual employment obligations to HDdUHB, and such work should not involve the use of any confidential or commercial information obtained in the course of their employment with HDdUHB.

Where 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 HDdUHB. 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.

Employees have a responsibility to ensure that their Line Manager is made aware of any hours worked in order that HDdUHB fulfils its statutory requirement of the Working Time Directive; this is available via the following link http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm (opens in a new tab).

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 their manager and the Occupational Health Department to be therapeutically beneficial to their recovery. Express written permission must be granted by the manager in advance in all such cases.

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 may be subject to disciplinary investigation, which may result in the involvement of the Counter Fraud Department, the possibility of criminal investigation and/ or, if deemed appropriate, dismissal.

Working whilst on Suspension: an Employee who has been suspended from work on full pay is regarded as absent from work on paid leave and should not undertake any paid or unpaid work in any capacity during the period of suspension from the organisation, unless it is deemed jointly by their manager and Workforce and OD to be beneficial to the Employee and the organisation. Express written permission must be granted by the manager in advance in all such cases.

Private Practice

There are codes for good private patient practice which clearly include the fact that private practice should not adversely affect NHS duties.

The time spent in private practice does not count towards the 48 hours of the Working Time Directive Regulations; however, Health and Safety law indicates that no Employee of the Health Board should work in a way detrimental to their health and performance.

Failure to notify their Line Manager of secondary employment and/ or private practice may invoke the All Wales Disciplinary Policy - 201 – AW Disciplinary Policy (opens in a new tab).

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 an 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.

Employees should:

- Seek prior approval before taking up private practice;
- Declare where they practice (name of private facility); what they practice (specialty, major procedures); when they practice (identified sessions/ time commitment);
- Ensure that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work.

REWARDS FOR INITIATIVE

Potential intellectual property rights (IPR) should be identified as and when they arise, in order to protect the intellectual property and ensure 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. Appropriate specifications and provisions should be built into contractual arrangements before they are entered into or before work is commissioned or begins. Legal advice or advice provided via the Research & Innovation Department should be sought if in doubt in any specific cases.

With regard to patents and inventions, in certain defined circumstances the Patents Act gives Employees a right to obtain reward for their efforts, and HDdUHB 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.

In the case of collaborative research and evaluative exercises with manufacturers, HDdUHB should obtain a fair reward for the input its Employees provide. If such an exercise involves additional work for an Employee outside that paid for by HDdUHB under their contract of employment, arrangements should be made for a share of any rewards or benefits to be passed on to the Employee(s) concerned from the collaborating parties.

Care should be taken that involvement in this type of arrangement with a manufacturer does not influence the purchase of other supplies from them.

Refer to the new Health Board 673 Intellectual Property IP policy (opens in a new tab).

Employees are reminded that all information generated during the course of their employment with HDdUHB is the property of the Health Board and remains so, irrespective of origin or authorship.

Conflicts of interest can arise when a member of staff who hold patents and other intellectual property rights is involved in decision making and procurement. In addition, where product development involves use of time, equipment or resources from the organisation, this can also create risks of conflicts of interest, and it is important that the Health Board is aware of this in order to manage it appropriately.

Employees are responsible for:

- Declaring 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 reasonably be expected to be, related to items to be procured or used by the organisation.
- Seeking prior permission from HDdUHB before entering into any agreement with bodies regarding product development, research, work on pathways, etc, where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.
- Where holding of patents and other intellectual property rights give rise to a conflict of interest, then the management actions outlined in this policy should be considered and applied to mitigate risks.

Members of staff are also reminded of their responsibilities to ensure the correct use of copyrighted information.

SOCIAL NETWORKING SITES

All Employees must uphold the reputation of HDdUHB, and their professional body where appropriate, at all times. This means that conduct online and conduct outside of work should be judged in the same way and should be of a similar high standard.

The All Wales 465 – Social Media Policy, (opens in a new tab) sets out Employees' responsibilities when using social media, and the implications involved. The term social media is used in reference to all Internet social networking and media-sharing sites, such as Facebook, Twitter (X), YouTube, Snapchat, Instagram, Flickr etc, and to all 'blogs', 'chat', on-line commentaries, diaries, discussion forums, 'wikis' and sites allowing the posting of user-generated content for mass consumption.

The policy is not intended to stop the use of social media; indeed, HDdUHB itself is making increased use of social networks to engage with patients, service users, staff and other stakeholders to deliver key messages, but rather to outline areas of best practice and illustrate where problems can arise for individuals and NHS Wales. It applies to the use of social media for business and personal purposes, both at work and outside of the work environment.

HDdUHB acknowledges that everyone has a right to express themselves using social media but also recognises its role in offering advice on the safe use of social media and highlighting the responsibility of Employees to be aware of the potential consequences of posting content on to publicly accessible platforms. The blurring of boundaries between an individual's private and professional life on social media is recognised and it is important that Employees understand and are mindful that inappropriate use could damage both their and NHS Wales' reputation.

In terms of the business use of social media, local restrictions are in place to ensure that only those Employees having a genuine business need are given access to organisational social media pages and can issue corporate or organisational statements and update content. Anyone wishing to develop a

social media site or application on behalf of the organisation should speak to HDdUHB's Communications Team communications.hdd@wales.nhs.uk (opens in a new tab) to obtain advice and guidance on the local approval process.

In terms of the personal use of social media, it is important for Employees to understand their role as ambassadors for HDdUHB and to be conscious of the impact of their actions and words online which may negatively impact on the reputation and trust of the public.

The relationship with social media changes as soon as Employees identify themselves or are identified as Employees of NHS Wales or HDdUHB. In these circumstances, they must make it clear that any views and opinions are personal and not necessarily those of HDdUHB. As an NHS Wales Employee, it is important to remember that expressing views or commenting on content on the internet in relation to the NHS cannot be divorced from one's working life, and any unguarded comments could bring the organisation into disrepute and may also invite legal action against both the Employee and HDdUHB.

Where HDdUHB uses a public Wi-Fi network, Employees are encouraged to use their own personal devices to utilise any social media channels they wish to access.

However, personal use of social media should not be allowed to interfere with the performance of an Employee's duties and any such access should occur during breaks or outside of normal working hours.

HDdUHB reserves the right to monitor and log comments and references on social media sites, including those made by its Employees, relating to itself, its Employees, its services and the patients in its care.

Failure to adhere to the All Wales 465 – Social Media Policy (opens in a new tab) may lead to disciplinary action up to and including dismissal, depending on the individual circumstances of the case.

TIME KEEPING

The time of Employees is a HDdUHB resource in the same way as the buildings and equipment. HDdUHB spends a significant amount of its funding on salaries and wages therefore it is essential that it receives the full value of this expenditure. Where an Employee is occasionally late for work or may have to leave early, this does not necessarily present an issue provided it is discussed with the Line Manager concerned. But it is not acceptable for an Employee to falsify time records to disguise absence or to claim attendance. This may be fraud or may amount to obtaining a monetary advantage by deception.

Employees must ensure that all time keeping records are accurately completed and if an inadvertent error is noticed, their Line Manager must be notified immediately. The types of records where care should be taken are:

- on-call registers
- additional duty hours claims
- annual leave records
- shift registers

- sickness records, including 'self-certification'
- expense claims
- bank claim forms
- domiciliary visit claims
- clock cards
- flexi/ time-in-lieu sheets

Employees are also expected to report any over-allocation of annual leave to their Line Manager.

OVERPAYMENTS

In line with the Health Board's Underpayments and Overpayments of Salary Policy 002 (opens in new tab), employees must immediately report any pay discrepancy/ variances identified on their pay slip to their Line Manager, Payroll or Workforce. Overpayment of expenses must also be reported.

ELECTION CAMPAIGNS

Welsh Government has produced guidance to NHS Employees on their role and conduct during election campaigns.

The general principles that should be observed during the period of elections are that, as at other times, NHS staff should not engage in activities which could give rise to the criticism that individuals paid from public funds are being used for party political purposes, or which distract attention unduly to election campaigns.

The principles set out in this guidance apply to the NHS at all times, but particular note should be taken in the period between the start of formal campaigns and polling day.

All Employees and Independent Members are requested to follow these guidelines:

- The NHS and its constituent bodies have no political party affiliation. Nothing should be said or done by any Employee or Independent Member in their official capacity that suggests otherwise.
- NHS Employees or Independent Members should not engage in activities which could give rise to the criticism that people paid from public funds are being used for political party purposes.
- No visits to HDdUHB premises will be permitted by political party candidates and/ or spokespeople for the purposes of personal canvassing. Political party meetings should not be held on NHS premises during the pre-election period.
- Political posters should not be displayed in public areas on NHS premises. Other posters and advertising material purporting to be apolitical and published by other groups should be carefully scrutinised to ensure that they cannot be regarded as favouring or opposing a particular candidate or party.
- Existing health promotion campaigns can continue, but new campaigns and all high-profile publicity (large scale mail drops, posters and advertising) should be deferred until after the elections.

- Social and electronic media has become more important to political parties and organisations during the pre-election period and staff should comply with existing guidance around its use both professionally and personally.

- All enquiries from political parties and candidates should be directed to the Chief Executive's Office and treated even-handedly.
- All media enquiries should be directed through the Hywel Dda University Health Board's Communications Department MediaOffice.Hyweldda@wales.nhs.uk (opens in a new tab).
- Routine HDdUHB Board meetings which would normally be held in public/ virtually may be held in the pre-election periods. Any public lectures given for educational purposes by HDdUHB Employees on health matters need not be cancelled or postponed, but should avoid debate or speculation on the outcome of the election and any impact that might have on government health policy.
- NHS Employees are free, in their private capacity, to engage in public debate or comment during the election period. However, they should not use NHS premises or equipment and should not make comments based on information not generally available to the public. It must be clearly stated that the views expressed are those of the individual and not of HDdUHB.

Employees and Independent Members should seek advice from the Assistant Director of Corporate Legal Services & Public Affairs during a pre-election period.

FAILURE TO ADHERE TO STANDARDS OF BEHAVIOUR POLICY

If any Employee or Independent Member fails to declare an interest or gift, hospitality, honoraria or sponsorship as defined within this policy or the Standards of Behaviour Framework, and then:

- participates in a decision-making process where special favour is shown to unfairly award a contract; or
- abuses their official position or knowledge for the purpose of benefit to themselves, their family or friends

disciplinary action may follow. The action taken will depend on the individual circumstances and will be in accordance with HDdUHB 201 – AW Disciplinary Policy (opens in a new tab). Under some circumstances, failure to follow this policy could be considered gross misconduct.

In addition to any potential disciplinary action being taken, if there is any suspicion that fraud, corruption and/ or bribery has been or is being committed, then all such cases must be reported at the earliest possible opportunity to the Local Counter Fraud Specialist (LCFS) within HDdUHB 01267 266280 HDUHB.CounterFraudTeam.HDD@wales.nhs.uk (opens in a new tab). This is also extended to include the inappropriate acceptance of any gifts, hospitality, honoraria or sponsorship.

Furthermore, if an employee breaches the Standards of Behaviour Policy or Framework, this could in certain circumstances result in notification/ reporting to the appropriate professional codes of conducts/ registration/ memberships i.e. Health Professions Council (HPC), General Medical Council (GMC), Nursing and Midwifery Council (NMC), etc. This could incur registrations being revoked and Employees no longer continuing to be employed in their current position within HDdUHB.

Failure to declare a relevant interest by an Independent Member of HDdUHB will be reported by the Chair to the Minister for Health and Social Services.

CONFIDENTIALITY

As set out in Employees' job descriptions, all Employees may have access to confidential information about patients, staff or health service business. On no account must such information be divulged to anyone who is not authorised to receive it. Confidentiality of information must be preserved at all times whether at or away from work. Any breach of such confidentiality is considered a serious disciplinary offence, which may be liable to dismissal and/ or prosecution under current statutory legislation (The Data Protection Act 2018 / UK General Data Protection Regulation (2016) or any subsequent legislation to the same effect) and the All Wales 201 – AW Disciplinary Policy (opens in a new tab).

Where Employees are unsure about the use or sharing of patient identifiable information, advice should be sought from the HDdUHB's Caldicott Guardian (HDdUHB Medical Director), Data Protection Officer or Information Governance Team.

EQUALITY

HDdUHB is committed to ensuring that, as far as is reasonably 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 individuals or groups.

HDdUHB has undertaken an Equality Impact Assessment to establish whether there are any possible or actual impacts that this policy may have on any groups in respect of sex (including maternity and pregnancy as well as marriage or civil partnership issues), race, disability, sexual orientation, Welsh language, religion or belief, gender reassignment, age or other protected characteristics.

The assessment found that there was **an overall neutral impact** on the equality groups mentioned above; however, it is recognised that the addition of the illustrative example on the declaration of a known relationship with potential applicants (in line with the 'Personal Relationships at Work' policy) may be problematic for Lesbian, Gay and Bisexual (LGB) individuals who may not be 'out' at work. Staff should be aware of the sensitivities around this type of situation, respecting the need for the confidential and appropriate handling of this type of personal information.

Where appropriate, HDdUHB will make plans for the necessary actions required to minimise any stated impact to ensure that it meets its responsibilities under the equalities and human rights legislation.

RESOURCES

The implementation and management of the arrangements associated with this policy and the Standards of Behaviour Framework do not present any significant resource implications to HDdUHB.

TRAINING

All staff are required to comply with this Standards of Behaviour Policy. Whilst there are no particular training requirements or formal training programmes in place to ensure implementation of the policy, each Executive/ System General Manager/ Assistant Director, Senior/ General Manager and

Departmental/ Line Manager must ensure that all Employees are made aware of the policy provisions and that they are adhered to at all times.

Awareness of the importance of compliance with the policy will require reference to it at induction, and at times when Employees and Independent Members are required or invited to make declarations.

IMPLEMENTATION

The Registers of Interests, and Gifts, Hospitality, Honoraria and Sponsorship will be maintained by the Assistant Director of Corporate Legal Services & Public Affairs (on behalf of the Director of Corporate Governance/ Board Secretary), who will be responsible for issuing periodic invitations to Employees and Independent Members to declare interests, gifts, hospitality, honoraria and sponsorship.

In order to ensure that all Employees and Independent Members are aware of their responsibilities in regard to declaring interests gifts, hospitality, honoraria and sponsorship, a number of communication methods will be utilised to raise awareness, including the use of Team Brief, team meetings, use of the payslip information advice section, use of the staff intranet, and e-mails to remind Employees and Independent Members of the Standards of Behaviour Policy and their responsibility to comply with it.

Targeting of specific groups and forums will also be undertaken to raise awareness of the policy such as corporate and local induction, the Local Partnership Forum, Medical Leadership Forum, Operations Business Meeting, 1:1 meetings, and other key meetings.

Executive/ System General Manager/ Assistant Directors and Senior/ General Managers will need to be aware of their responsibilities for advising Employees accountable to them of their responsibilities in connection with the policy.

PUBLICATION OF REGISTERS

The Registers of Interests and the Registers of Gifts, Hospitality, Honoraria and Sponsorship will be published on HDdUHB's internet site. When making a declaration, Employees and Independent Members are able to make representations that information on their interests or offers of gifts, hospitality, honoraria and sponsorship received, should not be published. This will allow for, in exceptional circumstances, an individual's name and/ or other information to be redacted from any publicly available registers where the public disclosure of information could give rise to a real risk of harm or is prohibited by law. Each request to withhold a declaration will be considered by the Assistant Director of Corporate Legal Services & Public Affairs to discuss and validate the request.

An interest will remain on the Public Register for a minimum of 6 months and no more than 12 months after the Assistant Director of Corporate Legal Services & Public Affairs on behalf of the Director of Corporate Governance/ Board Secretary has been informed that the interest has expired. A record of historic interests will be retained by the HDdUHB for a minimum of 6 years after the date on which it expired.

AUDIT AND MONITORING

The Assistant Director of Corporate Legal Services & Public Affairs, on behalf of the Director of Corporate Governance/ Board Secretary, is responsible for the monitoring of this policy and its formal review every three years.

The Director of Corporate Governance/ Board Secretary will arrange for the Declarations of Interest Register and an overview of the gifts, hospitality, honoraria and sponsorship activities within HDdUHB to be presented to the Audit and Risk Assurance Committee at the end of each financial year.

The Audit and Risk Assurance Committee will review and report to the Board upon the adequacy of the arrangements for declaring, registering and handling interests, gifts, hospitality, honoraria and sponsorship at least annually.

Audit Wales and Internal Audit may also review the arrangements in place from time to time with their findings reported to the Audit & Risk Assurance Committee.

Regular audit of individual submissions of Declarations of Interest and Declaration of Gifts, Hospitality, Sponsorship and Honoraria will be undertaken on behalf of the Assistant Director of Corporate Legal Services & Public Affairs.

DISTRIBUTION

The Standards of Behaviour Policy will be made available via HDdUHB internet and intranet sites. Where Employees do not have access to these sites, their line manager must ensure that they have access to a copy of this policy.

Periodic reminders are issued to all staff, together with a link to the policy to remind of the need to declare any interests and report offers of gifts, hospitality, honoraria and sponsorship.

Managers also have a responsibility to bring this policy to the attention of their staff. New members of staff will be made aware of this policy as part of the corporate induction process.

SOURCES

- 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;
- Commercial Sponsorship-Ethical Standards for the NHS, Department of Health;
- WHC (2005) 016 The NHS & Sponsorship by the Pharmaceutical Industry;
- WHC (2006)090 The Codes of Conduct and Accountability for NHS Boards and the Code of Conduct for NHS Managers Directions 2006

REFERENCES

- HDdUHB Standing Orders & Standing Financial Instructions
- Bribery Act 2010

- Section 199 of Economic Crime and Corporate Transparency act 2023
- General Medical Council Good Medical Practice guidance – financial and commercial arrangements and conflicts of interest, 2024
- Nursing & Midwifery Council gifts and gratuities guidance 2025 and The Code: Standards of conduct, performance & ethics for nurses & midwives 2018
- Association of British Pharmaceutical Industry (ABPI) Code of Practice for the Pharmaceutical Industry 2024
- Overpayments Protocol (National Wales Shared Service Partnership) October 2024
- All Wales Code of Conduct (Business) for NHS Staff
- Failure to prevent Fraud Guidance November 2024
- Commercial Sponsorship – Ethical Standard for the NHS

ACKNOWLEDGEMENTS:

This policy has been reviewed against the following Health Board/ Trust policies across Wales:

Swansea Bay University Health Board – Standards of Business Conduct Policy (to be reviewed September 2025)

- Betsi Cadwaladr University Health Board - Standards of Business Conduct Policy (to be reviewed March 2028)
- Cardiff and Vale University Health Board - Standards of Behaviour Framework Policy (to be reviewed July 2025)
- Public Health Wales - Declarations of Interests, Gifts, Hospitality and Sponsorship Policy and Procedure (to be reviewed September 2027)
- Powys Teaching Health Board - Draft Standards of Behaviour Framework Policy (March 2025)
- Velindre NHS Trust - Standards of Behaviour Framework Policy (November 2022)
- Welsh Ambulance Services NHS Trust – Gifts, Hospitality, Interests, Commercial Sponsorship and Fundraising Policy (July 2023)

Appendix 1 - STANDARDS OF BEHAVIOUR FRAMEWORK

The Board has described those values that underpin the way that services are provided within HDdUHB. To support this, all Employees and Independent Members must ensure that they carry out their roles with dedication and commitment to HDdUHB and its core values.

All Employees and Independent Members must have the highest standards of corporate and personal conduct and behave in an exemplary manner based on the following seven principles:

- Selflessness – Individuals should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends;
- Integrity – Individuals 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, recommending individuals for rewards and benefits, choices should be made on merit;
- Accountability – Individuals are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their position;
- Openness – Individuals should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it;
- Honesty – Individuals have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest, and;
- Leadership – Individuals should promote and support these principles by leadership and example.

To uphold these principles you must:

- Ensure that the interests of patients and the public remain paramount;
- Be impartial and honest in the conduct of your official business;
- Use NHS resources to the best advantage of the service and the patients, always seeking to ensure value for money;
- Not abuse your official position for personal gain or to benefit your family or friends;
- Not seek advantage or to further private business or other interests in the course of your official duties, and;
- Not seek or knowingly accept preferential rates or benefits in kind for private transactions carried out with companies, with which they have had, or may have, official dealings on behalf of the HDdUHB.

The Standards of Behaviour Policy outlines the arrangements within HDdUHB to ensure that staff comply with these requirements, including recording and declaring potential conflicts of interest and handling of gifts, hospitality, honoraria and sponsorship (even if these are declined).

It is your responsibility to ensure that you are familiar with the requirements of the policy and supporting guidance. The relevance of this information will vary depending on your role within the HDdUHB and your interests outside of your employment.

In summary:

Do:

- Make sure that you are not in a position where your private interests and NHS duties may conflict.
- Declare any relevant interests. These include:
    a) Directorships, including Non-Executive Directorships held in private companies or PLCs.;
    b) Ownership or part-ownership, of private companies, businesses or consultancies likely or possibly seeking to do business with the HDdUHB.
    c) A position of authority in a charity or voluntary body in the field of health and social care;
    d) A personal or departmental interest in any part of the pharmaceutical or healthcare associated industries that could be perceived as an influence on decision making or on the provision of advice to members of the team;
    e) Sponsorship or funding from a known NHS supplier or associated company/ subsidiary;
    f) Employment where there could be a perceived or actual conflict with NHS duties. This includes the undertaking of private practice;
    g) Anything else that could cause a potential for conflict.
- Raise any concerns you have with your Line Manager, the Assistant Director of Corporate Legal Services & Public Affairs and/or the Local Counter Fraud Service.

If in doubt declare it!

- Remember that the need to declare an interest also includes those of your close family and possibly friends.
- Seek your manager's permission before taking any outside work, in accordance with employment terms and conditions.
- Obtain your Executive/System General Manager/Assistant Directors permission before accepting any commercial sponsorship or hospitality;
- Declare offers of gifts, hospitality or sponsorship using the appropriate form where required.

Do not:

- Accept any gifts from suppliers or commercial organisations unless they are of low value e.g. pens, diaries;
- Accept any gifts over the value of £25 from patients or their relatives, these should be politely declined;
- Accept any inappropriate hospitality or sponsorship from suppliers or commercial organisations;
- Abuse your position to obtain preferential rates for private deals;
- Unfairly advantage one competitor over another or show favouritism in your dealings with commercial organisations;
- Use NHS resources for your own private use.

If you need any further guidance please contact the Assistant Director of Corporate Legal Services & Public Affairs