

Standards of Behaviour Policy

Policy Number:	248	Supersedes:		Classification	Corporate
Version No	Date of EqIA:	Approved by:	Date of Approval:	Date made Active:	Review Date:
V5	20.08.2019	Business Planning & Performance Assurance Committee Minor amendment	29.8.2019	3.9.2019 12.8.2020	29.08.2022

Brief 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 the HDdUHB. It applies to all employees and Independent Members. The term 'employees' includes all those who have a contract of employment or honorary contract with the HDdUHB, including volunteers and bank workers.
To be read in conjunction with:	Standing Orders & Standing Financial Instructions 201 – AW Disciplinary Policy 172 - Confidentiality Policy 198 – Counter Fraud Policy & Response Plan 435 - Procedure for NHS staff to raise concerns (AW document) 108 - Internet Access and Usage Policy 420 - Charitable Funds Financial Administration and Governance Policy 465 – Social Media Policy 113 – Learning & Development Policy /313 - Study Leave Policy for all Medical and Dental Staff in training

HYWEL DDA UNIVERSITY HEALTH BOARD

Patient information:	Not applicable
----------------------	----------------

Owning Committee	BPPAC
------------------	-------

Executive Director:	Joanne Wilson	Job Title	Board Secretary
---------------------	---------------	-----------	-----------------

Reviews and updates		
Version no:	Summary of Amendments:	Date Approved:
1	New Policy	14.11.2011
2	Correction to paragraph 7.5	August 2016
3	Replacement – declaration of staff interests form	31.3.2017
4	Full review	29.8.2019
5	Minor amendment	Uploaded 12.8.2020

Glossary of terms

Term	Definition
NWSSP	NHS Wales Shared Services Partnership
HDdUHB	Hywel Dda University Health Board
ARCH	A Regional Collaboration for Health
IPR	intellectual property rights
NIC	National Insurance Contributions
WI-FI	wireless fidelity network
LCFS	Local Counter Fraud Specialist
HPC	Health Professions Council
GMC	General Medical Council
NMC	Nursing and Midwifery Council

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

CONTENTS

1. INTRODUCTION	5
2. SCOPE	6
3. AIM	6
4. OBJECTIVES	6
5. RESPONSIBILITIES.....	7
5.1. Chairman.....	7
5.2. Chief Executive.....	7
5.3. Board Secretary.....	7
5.4. Executive, County and Assistant Directors and Senior/General Managers	9
5.5. Departmental/Line Managers	9
5.6. Employees and Independent Members	9
5.7. Procurement Department	11
6. REGISTER OF INTERESTS.....	11
7. DECLARATIONS OF INTEREST AT MEETINGS	12
8. GIFTS, HOSPITALITY, HONORARIA AND SPONSORSHIP	12
8.1. Gifts	14
8.1.1 Gifts from Service Users/Patients or their Relatives	14
8.1.2 Gifts from Suppliers, Contractors and Commercial Organisations.....	15
8.1.3 Gifts from Dignitaries/Overseas Organisations.....	15
8.1.4 Bequests / Legacies / Wills.....	15
8.2 Hospitality.....	16
8.2.1 Acceptable Hospitality	16
8.2.2 Unacceptable Hospitality	17
8.3 Sponsorship	18
8.3.1 Commercial Sponsorship for Attendance at Courses/Conferences.....	18
8.3.2 Commercial Sponsorship to attend Demonstrations/Technical Evaluations.....	18
8.3.3 Commercial Sponsorship for Sponsored Posts ('Linked Deals').....	19
8.3.4 Sponsorship of Events in the Context of Partnership Arrangements with the Pharmaceutical Industry or other Commercial Organisations.....	20
8.4 Honoraria/Miscellaneous Payments	21
9. USE OF THE HDdUHB LOGO	22
10. RESEARCH AND DEVELOPMENT	23
11. CHARITABLE FUNDS	23
12. SECONDARY EMPLOYMENT & PRIVATE PRACTICE.....	23
12.1. Secondary Employment (Paid, Unpaid or Self-Employed)	23
12.2. PRIVATE PRACTICE	24
13. REWARDS FOR INITIATIVE.....	24
14. SOCIAL NETWORKING SITES	25
15. TIME KEEPING	26
16. ELECTION CAMPAIGNS	27
17. FAILURE TO ADHERE TO STANDARDS OF BEHAVIOUR POLICY	28
18. EQUALITY.....	28
19. RESOURCES	29
20. TRAINING.....	29
21. IMPLEMENTATION.....	29
22. PUBLICATION OF REGISTERS	30
23. AUDIT AND MONITORING	30
24. DISTRIBUTION.....	30
25. CONFIDENTIALITY.....	30

HYWEL DDA UNIVERSITY HEALTH BOARD

26. SOURCES31
27. REFERENCES.....31
28. ACKNOWLEDGEMENTS:31
29. Appendix 1 - STANDARDS OF BEHAVIOUR FRAMEWORK.....32
30. APPENDIX 2 – DECLARATION OF MEMBERS’ INTERESTS.....34
31. APPENDIX 3 – DECLARATION OF STAFF’S INTEREST FORM.....34
32. APPENDIX 4 – GIFTS, HOSPITALITY, HONORARIA AND SPONSORSHIP
REGISTRATION FORM34

1. INTRODUCTION

Public service values and associated behaviours are and must be at the heart of the NHS in Wales.

The Welsh Government's Citizen-Centred Governance Principles apply to all public bodies in Wales. These principles integrate all aspects of governance and embody the values and standards of behaviour expected at all levels of public services in Wales.

The Board is strongly committed to the Hywel Dda University Health Board (HDdUHB) being value-driven, rooted in 'Nolan' principles and high standards of public life and behaviour, including openness, customer service standards, diversity and engaged leadership.

The 'Seven Principles of Public Life' (the 'Nolan Principles'), form the basis of the 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 by leadership and example.

The Codes of Conduct and Accountability for NHS Boards and the Code of Conduct for NHS Managers Directions 2006 reinforce the seven principles of public life and focus on the crucial public service values which must underpin the work of the health service; these are available via the following link: <http://www.wales.nhs.uk/governance-emanual/codes-of-conduct>

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 the HDdUHB.

This Standards of Behaviour Policy re-states and builds on the provisions of Section 7 Values and Standards of Behaviour of the HDdUHB's Standing Orders. It re-emphasises the commitment of the HDdUHB to ensure that it operates to the highest standards, the roles and responsibilities of those employed by the HDdUHB, and the arrangements for ensuring that declarations of interests, gifts, hospitality, honoraria and sponsorship can be made.

The policy is supported by a short guide on the Standards of Behaviour Framework (see Appendix 1) 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 are as follows:

- Nursing and Midwifery Council: <https://www.nmc.org.uk/standards/code/>
- Health and Care Professions Council: <http://www.hcpc-uk.co.uk/>
- NHS Consultants and General Practitioners: <http://www.gmc-uk.org/guidance/index.asp>

2. SCOPE

This policy is applicable across the whole of the HDdUHB. It applies to all employees and Independent Members. The term 'employees' includes all those who have a contract of employment or honorary contract with the HDdUHB, including volunteers and bank workers.

3. AIM

HDdUHB is committed to ensuring that all employees and Independent Members practice the highest standards of conduct and behaviour, based on the recognition that the needs of service users must come first.

The aim of this policy is 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, as well as setting out the arrangements in place to manage declarations of interests, gifts, hospitality, honoraria and sponsorship, through the standard forms in place; these are accessible from the Forms Library on HDdUHB's intranet site via the link below:

<http://howis.wales.nhs.uk/sitesplus/862/page/43504>

The policy also aims to capture public acceptability of behaviours of those working in the public sector in order that the HDdUHB can be seen to have exemplary practice in this regard.

The policy sets out the organisation's expectations in relation to the standards of conduct expected of all employees and Independent Members and to provide guidance in order that all are supported in delivering these.

4. OBJECTIVES

The objective of this policy is to clarify the relative responsibilities of employees and Independent Members in the discharging of this policy and adhering to the Standards of Behaviour Framework.

The policy is designed to assist the HDdUHB and its employees and Independent Members in maintaining ethical standards in the conduct of NHS business. It sets out the principles HDdUHB expects all employees to uphold, and the steps which the HDdUHB as an employer will take to safeguard the organisation where conflicts of interest arise.

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 a competing interest(s), whether personal or involving a third party
- potential/perceived – the possibility of a material/direct conflict between one or more interests in the future

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.

5. RESPONSIBILITIES

5.1. Chairman

The Chairman has the responsibility for performance managing the Independent Members of the HDdUHB through the annual individual performance review process on behalf of the Minister for Health and Social Services, and also has the responsibility for holding the Chief Executive to account. This is where any actual or potential/perceived conflicts of interest would be discussed and managed.

5.2. Chief Executive

The Chief Executive is the ‘Accountable Officer’ with overall responsibility for ensuring that the 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.

5.3. Board Secretary

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

The 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 Independent Members of the Board, Executive Directors and Associate Directors, to complete a Declaration of Interest form on initial employment with the HDdUHB, and at periodic intervals thereafter. In addition, all staff employed in areas deemed specific ‘high risk’, as per Table 1 below, will be asked to complete a Declaration of Interest form. For the purpose of defining high risk, the HDdUHB considers this to include 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,

HYWEL DDA UNIVERSITY HEALTH BOARD

or be perceived to influence the member of staff's judgment in the course of undertaking their duties whilst working for HDdUHB.

Table 1

Independent Members	Annually
Executive Directors	Annually
Associate Members	Annually
Staff in specified 'high risk' areas	
County/Assistant Directors	Annually
Senior/General Managers	Annually
Staff employed within the Research & Development Directorate	Annually
Senior Finance Staff	Annually
Procurement Staff	Annually
Pharmacy Staff	Annually
Independent Prescribers	Annually
Clinical Nurse Specialists	Annually
Facilities Operational Services Staff	Annually
Facilities Specialist Services Staff	Annually
Senior Informatics Directorate Staff	Annually
Senior Medical Staff	Propose integral to revalidation process and then annually; Propose integral to Consultant Job Planning reviews.
Junior Medical Staff	Propose integral to Commencement Form
Senior Nursing Staff	Annually
Senior Non Medical/Nursing Clinical Staff	Annually

(N.B. It is the individual employee's or Independent Member's responsibility to make a declaration should their circumstances change within these timescales).

- Scrutiny is applied to the declaration forms received to ensure appropriate declarations and acceptances have been made in compliance with the Standards of Behaviour Policy.
- A Register of Gifts, Hospitality, Honoraria and Sponsorship, whether accepted or declined, is maintained.
- The Registers of Interests and Gifts, Hospitality, Honoraria and Sponsorship are published on the HDdUHB's internet site in accordance with the requirements of the organisation's Freedom of Information Act Publication Scheme.
- Reports detailing the content of the Registers of Interests and 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 accepted or declined, are available on the HDdUHB's intranet site:
<http://howis.wales.nhs.uk/sitesplus/documents/862/RegisterOfMembersInterest%20Pro Forma.pdf>

<http://howis.wales.nhs.uk/sitesplus/documents/862/Declaration%20of%20Interest%20Form%2012182.pdf>
<http://howis.wales.nhs.uk/sitesplus/documents/862/Gifts%20Hospitality%20Sponsorship%20Form%200119.pdf> (and attached at Appendices 2, 3 and 4).

5.4. Executive, County and Assistant Directors and Senior/General Managers

Executive, County 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 ensure that they personally declare any relevant interest or the offer of gifts, hospitality, honoraria or sponsorship.
- Approve, or decline the acceptance of gifts, hospitality, honoraria and sponsorship that have been offered within their Directorate/County **prior** to the event (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 Head of Corporate & Partnership Governance on behalf of the Board Secretary.
- They ensure any acceptances of gifts, hospitality, honoraria or sponsorship complies with the standards outlined within this policy.

5.5. Departmental/Line Managers

Departmental/Line Managers will:

- Ensure that this policy and the Standards of Behaviour Framework is 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 Head of Corporate & Partnership Governance or Board Secretary, where necessary.

5.6. 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 in a position where their private interests and HDdUHB NHS duties may conflict. 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.
- Declare to the 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 HDdUHB. 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 the 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;
 - 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.
 - Research funding/grants that may be received by an individual or their department.
- 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 UHB/Directorate/ Departmental meetings, as appropriate.
 - Obtain permission from their Director/County/Assistant Director or Senior/General Manager **prior to** accepting a gift, hospitality, honoraria or sponsorship which requires declaring and recording in the Register of Gifts, Hospitality, Honoraria and Sponsorship.
 - Observe the Standing Orders, Standing Financial Instructions and procurement policies and procedures of the HDdUHB.
 - Where employees or Independent Members wish to engage in any outside employment which may affect their contractual obligation to the HDdUHB, they must first discuss it with their Departmental/Line Manager. This will ensure that their position in the UHB is not compromised. Agreement to such outside employment will not be unreasonably refused.

It is the responsibility of all employees and Independent Members to ensure they 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.

It is also important that all volunteers adhere to HDdUHB policies and procedures, and this Standards of Behaviour policy is consistent with the Wales Council for Voluntary Action Code of Practice for organisations involving volunteers, available via the following link:
http://www.wcva.org.uk/media/58792/wcva_volunteering_code_of_practice_a2_poster_4_final_proof.pdf

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 therefore not required to submit an annual declaration. 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, a set of circumstances, or series of specific circumstances or a close connection. Advice should be sought from the Head

of Corporate & Partnership Governance or the Board Secretary in this regard as such an interest may be deemed to be a potential conflict to the business of the 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 to whom the manager has declared any relationship. This shall include salaries, re-grading, authorisation of travelling expenses, overtime payments, etc.

5.7. Procurement Department

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

The Procurement Lead will scrutinise such individual Declarations of Interest to ensure that there is no opportunity for any conflicts of interest.

The NHS Wales Shared Services Partnership (NWSSP) will ensure that all procurement staff complete declaration of interest forms in line with their procedures. NWSSP will advise the HDdUHB, through the Head of Corporate & Partnership Governance or the Board Secretary, of any such interests impacting on HDdUHB services.

Whilst individual staff must not seek or accept preferential rates or benefits in kind for private transactions carried out with which they have, or may have, official dealings with on behalf of the HDdUHB, this does not apply to concessionary agreements negotiated with companies by NHS management, or by recognised staff interests on behalf of all staff, for example, NHS staff benefits schemes.

All staff in contact with suppliers and contractors, particularly if authorised to sign purchase orders or place contracts for goods, materials or services, shall adhere to accepted professional standards i.e. the NHS Wales Shared Services Partnership Procurement Policy and the Standing Orders and Standing Financial Instructions of the HDdUHB.

Senior/General Managers should ensure that no special favour is shown to current or former staff or their close relatives or associates in awarding contracts to private or other businesses operated by them or employing them in a senior or relevant managerial capacity.

Contracts may be awarded to such businesses where they are won in fair competition against other tenderers, but care must be taken to ensure that the selection process is conducted impartially, and that staff who are known to have a relevant interest play no part in the selection.

6. REGISTER OF INTERESTS

The Head of Corporate & Partnership Governance, on behalf of the Board Secretary, will maintain the Registers of Board Members and Staffs Interests. These registers will be made available on the HDdUHB's internet site.

A hard paper copy of the registers, together with the forms which are used to inform their content, will be retained by the Corporate Governance Department.

7. 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 Board Secretary or the Head of Corporate & Partnership Governance 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 other NHS organisations or partnership meetings such as the Mid Wales Joint Committee for Health and Social Care, or A Regional Collaboration for Health (ARCH). Such declarations will be recorded as if it were a HDdUHB Board or Committee meeting and the individual will be asked to withdraw from discussions pertaining to that agenda item.

The Register of Interests for Independent Members and Executive Directors will be made available at every Board Meeting.

8. GIFTS, HOSPITALITY, HONORARIA AND SPONSORSHIP

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

Employees should seek approval from their Executive/Assistant/County 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 (see Appendix 4) and submitted to the Head of Corporate & Partnership Governance on behalf of the 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. In determining whether any offer of a gift, hospitality, honoraria or sponsorship should be accepted, the following principles should be considered:

- **Openness:** It has been openly offered and the offer will not be construed as any form of inducement and will not put the individual under any obligation to those offering it;
- **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 HDdUHB i.e. further the aims of the organisation;
- **Relationship:** Consideration should be given as to whether the HDdUHB is likely to enter into a contractual relationship with the organisation/individual making the offer;

- **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 his or her 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 an employees' or Independent Members' standard 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 not having adequate preventative procedures in place. This is not a standalone offence, but always follows from a bribery and/or corruption offence committed by an individual associated with the company or organisation in question.

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 HDdUHB;
- 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:

8.1. Gifts

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

It is an offence to accept any money, gift or consideration as an inducement or reward from a person or organisation holding or seeking to hold a contract with the HDdUHB. 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/County/Assistant Director or Senior/General Manager and the Head of Corporate and Partnership Governance on behalf of the 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.

8.1.1 Gifts from Service Users/Patients or their Relatives

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 the care that has been provided. This can include gift vouchers/ cards. A common sense approach should be applied to the valuing of gifts using an actual amount if known, or an estimate that any reasonable person would make as to its value. There is no requirement to declare such gifts up to this value, other than where several small gifts are received to the value of £25 from the same or closely related source in a 12 month period. Where gifts are provided to a group of staff, it is the responsibility of the Line Manager to declare the gift if over the value of £25.

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

e.g. used as a prize in a raffle. A Gifts, Hospitality, Honoraria and Sponsorship Form (see Appendix 4) declaring that the gift has been received must be completed.

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 HDdUHB's Head of Health Charities and/or Charitable Fundraising Officers can provide advice regarding the mechanism for appropriately receipting such items in accordance with the Institute of Fundraising Code.

8.1.2 Gifts from Suppliers, Contractors and Commercial Organisations

Low cost, branded or promotional gifts may be accepted where they are under the value of the common industry standard of £6 in total (selected with reference to existing industry guidance issued by the ABPI) and 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 the UHB above this value, should be politely but firmly declined.

Whilst it is not necessary to declare gifts of low intrinsic value, where other items are offered and declined, a Gifts, Hospitality, Honoraria and Sponsorship Form (Appendix 4) should be completed to allow the HDdUHB to monitor when such organisations are inappropriately offering gifts or potential inducements.

Under some circumstances, suppliers may send gifts to all of its clients as custom and practice e.g. hampers at Christmas or chocolates at Easter. 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/County/Assistant Director, it may be considered appropriate to accept the gift and utilise it for the benefit of Charitable Funds. The HDdUHB's Head of Health Charities and/or Charitable Fundraising Officers 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 Head of Corporate & Partnership Governance or Board Secretary, where appropriate.

8.1.3 Gifts from Dignitaries/Overseas Organisations

There may be occasions when visits are made by dignitaries or overseas organisations who consider it 'culturally custom and practice' to exchange gifts. In such cases, employees should seek guidance from the Head of Corporate and Partnership Governance or Board Secretary and declare these gifts on a Gifts, Hospitality, Honoraria and Sponsorship Form (see Appendix 4). 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.

8.1.4 Bequests / Legacies / Wills

Employees are not permitted to accept bequests left to them by a deceased patient who became known to them through providing care or treatment as part of their 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 will, they must declare this, with any complex cases escalated to the Head of Corporate & Partnership Governance or the Board Secretary.

8.2 Hospitality

Hospitality is where there is an offer of food, drink, accommodation, entertainment or entry into an event or function by a third party, regardless of whether provided during or outside normal working hours e.g. attendance at an awards ceremony, cheque presentations in respect of fundraising events.

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 Head of Corporate & Partnership Governance or 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/County Director prior to their acceptance and a Gifts, Hospitality, Sponsorship and Honoraria form (Appendix 4) must be completed. The hospitality should be proportionate i.e. it should not be of significant value and only the minimum number of members of staff to achieve the purpose of representing the organisation should attend.

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

However, 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.

8.2.1 Acceptable Hospitality

Employees and Independent Members may accept the occasional offer of hospitality, provided that it is 'modest and proportionate' and similar in scale to that offered by the NHS. For example, acceptance of food and non-alcoholic refreshments during the working day will generally be deemed acceptable and need not be declared.

Hospitality must be secondary to the purpose of a meeting. The level of hospitality offered must be appropriate and not out of proportion to the occasion; and the costs involved must not exceed the level which the recipients would normally adopt when paying for themselves, or

that which could be reciprocated by the NHS. It should not extend beyond those whose role makes it appropriate for them to attend the meeting.

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 HDdUHB;
- 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 HDdUHB
- An event is clearly part of the life of the stakeholder community or where the organisation should be seen to be represented;
- A function or event is hosted for both staff and non-staff, which adds benefit and value to the HDdUHB 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, County or Assistant Director and a Gifts, Hospitality, Honoraria and Sponsorship Form (see Appendix 4) must be completed. The hospitality should be proportionate i.e. it should not be of significant value and only the minimum number of employees to achieve the purpose of representing the HDdUHB should attend.

8.2.2 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 (see below);
- 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 Head of Corporate and Partnership Governance.

Employees should report any case where they have felt pressurised into accepting an offer of hospitality which might be open to objection. They should also declare on the appropriate form any offers of hospitality which are declined.

8.3 Sponsorship

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

Sponsorship is sometimes provided by external organisations to allow employees to attend conferences. It may also include sponsorship of posts and research and development.

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

No sponsorship should be accepted without the prior agreement of the appropriate Executive/County/Assistant Director or Senior/General Manager. A Gifts, Hospitality, Honoraria and Sponsorship Form (see Appendix 4) 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 Head of Corporate & Partnership Governance or the 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/County/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.

8.3.1 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 the HDdUHB and where the employee has obtained permission in advance from their Executive/County/Assistant Director or Senior/General Manager and in line with HDdUHB's 113 – Learning & Development Policy / 313 - Study Leave Policy for all Medical and Dental Staff in training. The sponsorship should only be extended to the number of employees who would have normally attended if funded by the HDdUHB. The employee and the Executive/County/Assistant Director or Senior/General Manager must be satisfied that acceptance will not compromise purchasing or any future decision-making in any way.

8.3.2 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 suppliers'

reference site to observe equipment in operation in a medical or laboratory setting. Such sponsorship is not usually considered appropriate and the HDdUHB will normally meet the costs of such a visit so as 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/County Director or Senior/General Manager following consideration of the implications for the integrity of subsequent purchasing decisions.

8.3.3 Commercial Sponsorship for Sponsored Posts ('Linked Deals')

Pharmaceutical companies and other suppliers may offer to sponsor, wholly or partially, a post or equipment for the HDdUHB. The 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 HDdUHB.

Sponsored posts must be approved and managed within an agreed process 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.

Sponsored posts are posts 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.

The following should be considered when sponsored posts are offered:

- External sponsorship of a post requires prior approval from the relevant Executive/Assistant/County Director or Senior/General Manager.
- 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 which cannot be managed arise.
- 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 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/County Director or Senior/General Manager should declare any posts sponsored by external organisations on a Gifts, Hospitality, Sponsorship and Honoraria form (see Appendix 4) and submit it to the Head of Corporate & Partnership Governance on behalf of the Board Secretary for recording on the register.

8.3.4 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 to 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 ABPI Code of Practice for the Pharmaceutical Industry which clearly specifies what is and what is not acceptable; this is available via the following link:

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

An example of hospitality which would not be acceptable under these circumstances is where a company takes the attendees, on the conclusion of a course, for a meal in a restaurant.

8.3.5 Sponsorship for Events Hosted Wholly or Partly by HDdUHB

Where the HDdUHB receives or invites offers of sponsorship for events which are hosted wholly or partly by HDdUHB, the relevant Executive/Assistant/County 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, Sponsorship and Honoraria form (see Appendix 4) must be completed and sent to the Head of Corporate & Partnership Governance on behalf of the 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 whom 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.

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 HDdUHB (not an individual) and should be proportionate;

HYWEL DDA UNIVERSITY HEALTH BOARD

- Arrangements must not compromise the standing or image of the HDdUHB i.e. be ethical;
- Sponsorship should be for a specific activity or event and not a general endorsement of the UHB;
- The sponsorship must not imply the HDdUHB 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;
- Any arrangements which could bring adverse publicity to the event or the HDdUHB.

Particular care should be taken when considering sponsorship from companies or organisation for which the 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.

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.

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 is not in response to any action that the HDdUHB has taken. The HDdUHB should carefully consider such offers and ensure that the proposal meets the HDdUHB's requirements, standards and principals. The HDdUHB 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 Director/Assistant Director/County Director.

8.4 Honoraria/Miscellaneous Payments

An honorarium is an ex gratia payment i.e. one which would not usually be expected to be provided.

Employees may be invited to give presentations at conferences, provide responses to surveys or attend professional meetings where a one off payment or honoraria is offered. If this activity is to be undertaken during hours when the employee is contracted to work for the HDdUHB,

the payment should be made to the HDdUHB. 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 (see Appendix 4) and it should be authorised by the appropriate Executive/County/Assistant Director.

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 HDdUHB for the employee's time.

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.

To avoid personal tax implications, the employee is strongly advised to request the honoraria is paid directly to the HDdUHB. This is then seen as reimbursement to the UHB to cover the loss of employee time, and not honoraria. This money will then be transferred into the HDdUHB's revenue budget. The employee who has undertaken the work must **not** be the budget holder for the budget receiving the funds in lieu of the honorarium to avoid any conflict of interest.

Where the employee receives the honoraria directly and then reimburses the HDdUHB, 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 NICs on any honoraria payments received for work undertaken in their own time.

Where an employee wishes, a donation may be made to HDdUHB's Charitable Funds in lieu of an honoraria and further guidance on this is available from the UHB's Head of Hywel Dda Health Charities.

In cases of doubt, employees should seek advice from the Head of Corporate Governance or the 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 has been offered and declined should be declared on the Gifts, Hospitality, Honoraria and Sponsorship Declaration Form (see Appendix 4).

9. USE OF THE HDDUHB LOGO

Permission needs to be obtained from the Head of Corporate Office or the Head of Communications on all occasions where approaches are made by an outside organisation seeking to use HDdUHB's logo 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.

10. RESEARCH AND DEVELOPMENT

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 and Development Department should be contacted in these circumstances to offer advice and support in this area.

11. CHARITABLE FUNDS

There may be occasions when commercial organisations offer to make a donation into the HDdUHB's Charitable Funds. Monies paid into charitable funds from commercial companies must only be accepted as donations. Any offers where there's a benefit in return should be considered under paragraph 8.3.5. Where donations are received, it should only be used to fund expenditure which is in line with the terms of the charitable fund's use (see 420 - Charitable Funds Financial Administration and Governance Policy).

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 HDdUHB's Head of Hywel Dda Health Charities.

12. SECONDARY EMPLOYMENT & PRIVATE PRACTICE

12.1. 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 (see Appendix 2). There should be no conflict with their normal contractual employment obligations to the HDdUHB, and such work should not involve the use of any confidential or commercial information obtained in the course of their employment with the 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 the 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 the 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>

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 will be subject to disciplinary action which may result in the involvement of the Counter Fraud Department, the possibility of criminal investigation and/or dismissal. Such action will only be taken following advice from the Workforce & Organisational Development Department.

12.2. 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 HDdUHB 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 HDdUHB's 201 - Disciplinary Policy.

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 what 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.

13. REWARDS FOR INITIATIVE

Potential intellectual property rights (IPR) should be identified, as and when they arise, in order to protect and ensure that the HDdUHB 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 & Development 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 the 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, the 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 the 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.

Employees are reminded that all information generated during the course of their employment with HDdUHB is the property of the HDdUHB 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 HDdUHB 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 organisations 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.

14. SOCIAL NETWORKING SITES

All employees must uphold the reputation of the 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 465 - All Wales Social Media Policy, accessible via the following link:

<http://www.wales.nhs.uk/sitesplus/documents/862/465-awsocialmediapolicy-v2.pdf>

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, 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 the 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.

The 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 publically 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 the HDdUHB's Communications Team in order for them to provide 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 the 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 the 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 the HDdUHB.

Where the UHB uses public Wi-Fi (wireless fidelity 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.

The 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 465 - All Wales Social Media Policy may lead to disciplinary action up to and including dismissal, depending on the individual circumstances of the case.

15. TIME KEEPING

The time of employees is a UHB resource in the same way as the buildings and equipment. The UHB spends a significant amount of its funding on salaries and wages therefore it is essential that it receives the full value for 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. What is not acceptable is where the employee falsifies 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 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

16. 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 party political 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 party political purposes.
- No visits to HDdUHB premises will be permitted by party political candidates and/or spokespeople for the purposes of personal canvassing. Party political 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 on 01267 239554.
- Routine UHB Board meetings which would normally be held in public may be held in the pre-election periods. Any public lectures given for educational purposes by UHB 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 the UHB.

A full copy of Welsh Government's guidance document on conduct during election campaigns (Welsh Health Circular 2016/002) is available via the following link:

<http://gov.wales/docs/dhss/publications/160118whc002en.pdf>

17. 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 the UHB's Disciplinary Policy. 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 the UHB. 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 the HDdUHB.

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

18. EQUALITY

The 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.

The 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 gender (including maternity and pregnancy as well as marriage or civil partnership issues), race, disability, sexual orientation, Welsh language, religion or belief, transgender, age or other protected characteristics.

The assessment found that there was **an overall neutral impact** on the equality groups mentioned above, however it is recognised 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, the UHB 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.

19. 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 the HDdUHB.

20. 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/County/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.

21. IMPLEMENTATION

The Registers of Interests, and Gifts, Hospitality, Honoraria and Sponsorship will be maintained by the Corporate Governance Department. The Department will also 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, and 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 and other key meetings, 1:1's, etc.

Executive/County/Assistant Directors and General/Departmental Managers will need to be aware of their responsibilities for advising employees accountable to them of their responsibilities in connection with the policy.

22. PUBLICATION OF REGISTERS

The Registers of Interests and the Registers of Gifts, Hospitality, Honoraria and Sponsorship will be published on the 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 publically available registers where the public disclosure of information could give rise to a real risk of harm or is prohibited by law.

An interest will remain on the public register for a minimum of 6 months and no more than 12 months after the Head of Corporate & Partnership Governance on behalf of the 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.

23. AUDIT AND MONITORING

The Head of Corporate & Partnership Governance, on behalf of the Board Secretary, is responsible for the monitoring of this policy and its formal review every three years.

The 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.

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

24. DISTRIBUTION

The Standards of Behaviour Policy will be made available via the 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.

A reminder to all staff, together with a link to the policy will be circulated on a bi-annual basis to inform staff 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

25. 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/ General Data Protection Regulations (2016) or any subsequent legislation to the same effect) and the HDdUHB's 201 - Disciplinary Policy. Any breach of confidentiality may lead to disciplinary action and may be regarded as gross misconduct justifying summary dismissal.

Where employees are unsure about the use or sharing of patient identifiable information, advice should be sought from the HDdUHB's Caldicott Guardian.

26. 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;
- Code of Conduct and Accountability, Welsh Assembly Government, 2003;
- 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

27. REFERENCES

- HDdUHB Standing Orders & Standing Financial Instructions
- Bribery Act 2010
- General Medical Council Good Medical Practice guidance – financial and commercial arrangements and conflicts of interest, 2013
- Nursing & Midwifery Council gifts and gratuities guidance , September 2013 and The Code: Standards of conduct, performance & ethics for nurses & midwives
- Association of British Pharmaceutical Industry (ABPI) Code of Practice for the Pharmaceutical Industry 2016
- Overpayments Protocol (National Wales Shared Service Partnership)
- All Wales Code of Conduct (Business) for NHS Staff
- Prevention of Fraud, Bribery and Corruption
- Commercial Sponsorship – Ethical Standard for the NHS

28. ACKNOWLEDGEMENTS:

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

- Abertawe Bro Morgannwg University Health Board - Standards of Business Conduct (to be reviewed November 2019)
- Aneurin Bevan University Health Board – Policy for Standards of Business Conduct (October 2015 – for review October 2018)
- Betsi Cadwaladr University Health Board - Standards of Business Conduct Policy (October 2016)
- Cardiff and Vale University Health Board - Standards of Behaviour Framework Policy (January 2015)
- Public Health Wales - Declarations of Interests, Gifts, Hospitality and Sponsorship Policy and Procedure (September 2017)
- Powys Teaching Health Board - Draft Standards of Behaviour Framework Policy (January 2018)
- Velindre NHS Trust - Standards of Behaviour Framework Policy (December 2015)
- Welsh Ambulance Services NHS Trust – Gifts, Hospitality, Interests, Commercial Sponsorship and Fundraising Policy (September 2018)

29. APPENDIX 1 - STANDARDS OF BEHAVIOUR FRAMEWORK

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

- a. Ensure that the interests of patients and the public remain paramount;
- b. Be impartial and honest in the conduct of your official business;
- c. Use NHS resources to the best advantage of the service and the patients, always seeking to ensure value for money;
- d. Not abuse your official position for personal gain or to benefit your family or friends;
- e. Not seek advantage or to further private business or other interests in the course of your official duties, and;
- f. 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 the 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.

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/County/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 Head of Corporate & Partnership Governance on 01267 239869.

30. APPENDIX 2 – DECLARATION OF MEMBERS’ INTERESTS



248-App2-Register
OfMembersInterestF

31. APPENDIX 3 – DECLARATION OF STAFF’S INTEREST FORM



248-App3-Declarati
onofStaffInterestFoi

**32. APPENDIX 4 – GIFTS, HOSPITALITY, HONORARIA AND SPONSORSHIP
REGISTRATION FORM**



248-App4-GiftsHos
pitalitySponsorshipf