

NHS FIFE

STANDARDS OF BUSINESS CONDUCT FOR ALL STAFF

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STANDARDS OF BUSINESS CONDUCT FOR ALL STAFF

1. INTRODUCTION

- 1.1 All NHS staff who commit NHS resources directly or indirectly must be impartial and honest in their conduct of business and, at all times, all employees must remain beyond suspicion. Under the Bribery Act 2010, it is an offence to request, agree to receive or accept a bribe in return for improperly performing a function or activity.
- 1.2 NHS Circular [MEL \(1994\) 48](#) details the principles for standards of conduct and accountability in situations where there is potential conflict between the private interests of NHS staff and their NHS duties. It also requires the establishment of a local code of conduct (which is this document).
- 1.3 The purpose of this guidance is to ensure that all NHS Fife employees are aware of their duties under the above MEL and to protect them from situations where they may be placed in a real or apparent conflict of interest. These Standards also form part of the Board's contract for the employment of all staff.
- 1.4 Supporting guidance has been prepared for staff on the practical application of the Standards, including further details around the acceptance and declaration of Gifts and Hospitality and Declaration of Interests, is provided as a [separate document](#). Any queries can also be addressed to fife.boardadministration@nhs.scot.

2. KEY PRINCIPLES OF BUSINESS CONDUCT

- 2.1 The core Standards of Business Conduct for NHS staff (NHS Circular [MEL \(1994\) 48](#)) provide instructions to staff in maintaining strict ethical standards in the conduct of NHS business. All members of staff are required to adhere to these Standards.
- 2.2 Public service values must be at the heart of the activities of NHS Fife. High standards of corporate and personal conduct, based on the recognition that patients come first, are always required. Fife NHS Board is a publicly-funded body, accountable to the Scottish Ministers, and through them to the Scottish Parliament, for the services it provides and for the effective and economical use of taxpayers' money.
- 2.3 If staff follow these principles, the Board should be able to demonstrate that it adheres to the three essential public sector values, namely:
 - Accountability
Everything done by those who work in NHS Fife must be able to stand the tests of parliamentary and public scrutiny, public judgements on propriety and meet professional codes of conduct.

- Probity
Absolute honesty and integrity should be exercised in dealing with NHS patients, staff, assets, suppliers and customers.
- Openness
NHS Fife should be sufficiently public and transparent to promote confidence between the organisation and its patients, staff and the public.

3. RESPONSIBILITIES OF STAFF

- 3.1 The guidance within this document reflects the minimum Standards of Business Conduct expected from all NHS Fife staff. Any breaches may lead to potential disciplinary action. Additionally, staff should be aware that any breach of statutory legislation renders them liable to prosecution and may also lead to the loss of their employment and superannuation rights in the NHS.
- 3.2 Employees are expected to:
- ensure that the interest of patients remains paramount at all times;
 - be impartial and honest in the conduct of their official business; and
 - use the public funds entrusted to them to the best advantage of the service, always ensuring value for money.
- 3.3 It is also the responsibility of staff to ensure that they do not:
- abuse their official position for personal gain or to the benefit of their family or friends;
 - undertake outside employment that could compromise their NHS duties; or
 - seek to advantage or further their private business or interest in the course of their official duties.
- 3.4 Staff must always ensure that they do not place themselves in a position which risks, or appears to risk, conflict between their private interests or behaviour and the correct performance of their NHS duties. This primary responsibility applies to all NHS Fife staff.
- 3.5 In addition to these Standards, for all Members of Fife NHS Board there are additional responsibilities as outlined in the [Code of Conduct for Members of Devolved Public Bodies](#), enforced by the [Standards Commission for Scotland](#). Board members must always ensure they update timeously their entry on the Register of Interests and make appropriate declaration of any such interests at meetings they participate in, as might be required.

If any member of staff is in any doubt at all about what is or is not permissible under this policy, they should seek advice from their Line Manager or relevant Executive Director.

4. ACCEPTANCE OF GIFTS AND/OR HOSPITALITY

- 4.1 NHS Circular [MEL \(1994\) 48](#) on the Standards of Business Conduct for NHS Staff includes strict instructions on the acceptance of gifts and hospitality from external parties such as patients or companies. These Standards are incorporated into the contract of employment of each member of staff. Some practices which may be accepted in the private sector are not permitted under the Standards. The key points are as follows:

GIFTS

4.1.1. Anti-Bribery Policy

The Board will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010. This commitment applies to every aspect of the Board's activity, including dealings with public and private sector organisations and the delivery of care to patients.

The Bribery Act 2010 recognises a number of offences including the following:

- The offering, promising or giving of a bribe (active bribery);
- The requesting, agreeing to receive or accepting of a bribe (passive bribery).

Any employee who commits active or passive bribery will be subject to disciplinary action. In addition, the matter will be referred to relevant authorities for criminal investigation. The maximum sentence for any individual convicted of bribery is 10 years' imprisonment, an unlimited fine, or both. This includes Directors and Senior Officers who have consented to, or connived in, committing an offence.

The Bribery Act 2010 also recognises a further offence of corporate liability for failing to prevent bribery on behalf of a commercial organisation (for the purposes of the Act, NHS Boards are considered commercial organisations). The Board has put in place a range of measures intended to prevent bribery and these are subject to formal and regular review to ensure they remain fit for purpose.

- 4.1.2 Staff should therefore be very cautious if faced with the offer of a gift. Casual gifts offered by contractors or others (for example, at the festive season) may not be in any way connected with the performance of duties so as to constitute an offence under the Bribery Act 2010. Such gifts should nevertheless be politely declined. Articles of small intrinsic value, such as branded calendars or diaries, may however be accepted where this would not breach this guidance. If in doubt, staff must contact their line manager before acceptance. Gifts declined must also be declared by staff.
- 4.1.3 Small gifts from patients or their families, to express their gratitude to members of staff, can be accepted by members of staff without breaching this guidance. The circumstances should allow sensible application of

judgement. Refusal could cause offence. Such gifts will be of relatively low value, for example, biscuits, chocolates, flowers etc. These gifts do not need to be registered. On no account, however, should gifts of alcohol be accepted by staff.

- 4.1.4 Where an unsolicited, inappropriate or high-value gift is received by a member of staff and the individual is unable to return it or the donor refuses to accept its return, they should report the circumstances to their Line Manager or relevant Executive Director, who will ensure the donor is advised of the course of action.
- 4.1.5 Under no circumstances must staff accept personal gifts of cash (or cash equivalents such as gift vouchers) regardless of the amount. Should a patient or their family wish to make a financial donation in recognition of the care they have received from staff, they should be clearly signposted to the Board's Endowment Fund, [Fife Health Charity](#), who are able to accept direct financial donations in support of the health and wellbeing of patients and staff in NHS Fife.
- 4.1.6 Where cash equivalents, such as gift vouchers, are inadvertently received by staff and cannot be returned to the donor, acceptance of these vouchers require formal Executive Director approval in advance of any spend, with resultant registration and declaration of the sums received and items purchased therefrom. In determining the appropriate use of any gift vouchers so received, the respective Executive Director must ensure that intended spend is in line with other NHS Fife policies and with the guiding principles of these Standards, i.e. alcohol should not be purchased. Executive Directors should ideally ensure that larger amounts (i.e. vouchers above £25) should be split to benefit as wide a group of staff in the receiving service as possible. Executive Directors may also rule that any gift vouchers so received will be destroyed without use.
- 4.1.7 Financial donations to a departmental fund that are to be used for the purposes of the Board e.g. to support training, must always be administered through [Fife Health Charity](#).
- 4.1.8 Gifts of equipment not for individual use may be accepted, provided that:
- They are in no way related to purchasing decisions and do not commit the Board to any obligations with the supplier;
 - They are entered into the Register of Interests, Gifts & Hospitality;
 - A risk assessment is carried out before acceptance of the Board's potential liabilities of accepting the asset;
 - The budget holder's approval to accepting the gift is sought, particularly if there are any costs (recurrent or non-recurrent) associated with accepting the gift;
 - They are recorded under the procedures for accepting donated assets and details notified to the Board's Capital Accountant (further information available at [Appendix E, Section 6 of the Financial Operating Procedures](#)).

- 4.1.9 It is recognised that staff may wish to organise a collection or make their own gift/s to another colleague, for example to recognise a significant life event (birthday, new baby, retiral etc.), to thank them for support offered or to mark an occasion such as Christmas etc. Gifts such as these, which are from one member or group of staff to another NHS Fife member or group of staff, are permitted to be accepted, are not covered by the limits within the Standards and its supporting guidance, nor do they need to be subsequently declared by the recipient.

HOSPITALITY

- 4.2.1 The [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) states the following:
- As a general rule it is usually appropriate to refuse offers.
 - You must not accept repeated hospitality from the same source.
 - You must not accept any hospitality offer...to show favour or disadvantage to any individual.
- 4.2.2. NHS Circular [MEL \(1994\) 48](#) on the Standards of Business Conduct for NHS Staff state that modest hospitality may be acceptable, provided it is normal and reasonable in the circumstances e.g. lunch or dinner provided in the course of a working visit, meeting, conference etc. It is not necessary to report the provision of tea / coffee / biscuits, etc. or to declare basic hospitality received as part of the normal programme of a course or conference. Any hospitality accepted should be similar in scale to that which the NHS as an employer would be likely to offer. All other offers of hospitality should be declined.
- 4.2.3 Hospitality in excess of what the NHS would be likely to provide should not normally be accepted. Such hospitality should be politely but firmly declined. Should an individual wish to accept hospitality they consider falls into this category, then prior approval of the appropriate Line Manager or relevant Executive Director is required. All hospitality exceeding what the NHS would be likely to provide, whether accepted or declined, must be declared by staff in the Register of Interests, Gifts & Hospitality.
- 4.2.4 It may not always be clear whether an individual is being invited to an event involving the provision of hospitality (e.g. a formal dinner) in a personal / private capacity or as a consequence of the position which they holds with the Board.
- (i) If the invitation is the result of the individual's position within the Board, only hospitality which is modest and normal and reasonable in the circumstances should be accepted. If the nature of the event dictates a level of hospitality which exceeds this, then the individual should ensure that their Line Manager or relevant Executive Director is fully aware of the circumstances and approves their attendance. An example of such an event might be an awards ceremony involving a formal dinner. If their appropriate Line Manager or relevant Executive Director grants approval to attend, the individual should declare their

attendance at the event in the Register of Interests, Gifts & Hospitality.

- (ii) If the individual is invited to an event in a private capacity (e.g. as result of their qualification or membership of a professional body), they are at liberty to accept or decline the invitation without prior reference to their Line Manager or relevant Executive Director. The following matters should however be considered before an invitation to an individual in a private capacity is accepted:
 - a. The individual should not do or say anything at the event that could be construed as representing the views and/or policies of the Board.
 - b. If the body issuing the invitation has (or is likely to have, or is seeking to have) commercial or other financial dealings with the Board, then it could be difficult for an individual to demonstrate that their attendance was in a private and not an official capacity. Attendance could create a perception that the individual's independence had been compromised, especially where the scale of hospitality is lavish. Individuals should therefore exercise caution before accepting invitations from such bodies and must inform their appropriate Line Manager or relevant Executive Director on receipt of any such invitations.
- (iii) Where suppliers of clinical products provide hospitality it should only be accepted in association with scientific meetings, clinical educational meetings or the equivalent, which must be modest, normal and reasonable in the circumstances, in line with what the NHS would normally provide and held in appropriate venues conducive to the main purpose of the event, e.g. the sponsorship is clearly disclosed in any papers relating to the meeting; products discussed should be described in relation to the Scottish Medicines Consortium, Formulary or equivalent clinical product catalogue; and the active promotion of clinical products is restricted to those in the Board's Formulary and equivalent clinical product catalogues.

COMPETITIONS / PRIZES

- 4.2.5 Individuals should not enter any externally-run competitions, including free draws organised by bodies who have (or are seeking to have) financial dealings with the Board. Potential suppliers may use this as a means of giving money or gifts to individuals within the Board in an effort to influence the outcome of business decisions.

5. RECORDING RECEIPT OF GIFTS AND/OR HOSPITALITY

- 5.1 The Corporate Governance & Board Administration department compiles the Board's Register of Interests, Gifts & Hospitality, which provides a summary of individual staff returns. An extract of the register is published annually on the [NHS Fife website](#) and made available to the Board's auditors for

inspection. It is the responsibility of staff recipients of any gifts or hospitality to report all items received, whether accepted or declined, on the appropriate pro-forma (see Appendix 2).

6. PROVISION OF HOSPITALITY OUTWITH NHS FACILITIES

- 6.1 Any hospitality provided by NHS Fife in the course of duty should be provided only on NHS premises. Where, in exceptional circumstances, it is necessary to provide hospitality outwith an NHS catering facility, prior authorisation must be sought from the relevant Executive Director (who will seek advice as required from the Procurement Department, to ensure compliance with any procurement regulations and frameworks). Any such hospitality should be on a modest scale and in line with what would be expected to be provided by the NHS catering department. No alcohol or tobacco should be provided as part of any external hospitality.

7. REGISTER OF STAFF INTERESTS

- 7.1 To avoid conflicts of interest and to maintain openness and accountability, members of staff are required to register all interests that may have any relevance to their core duties or responsibilities. These include any financial interest in a business or any other activity or pursuit that may compete for an NHS contract to supply either goods or services to the NHS or in any other way could be perceived to conflict with the interests of the Board. **The test to be applied when considering appropriateness of registration of an interest is to ask whether a member of the public acting reasonably might consider the interest could potentially affect the individual's responsibilities to the organisation and/or influence their actions.** If in doubt, the individual should register the interest or seek further guidance from their Line Manager or relevant Executive Director.

- 7.2 Interest that it might be registered by staff include:

- Other employments (note, employment with the NHS Fife Nurse Bank is **not** required to be declared);
- Directorships, including Non-Executive Directorships held in private companies or public limited companies (whether remunerated or not);
- Ownership of, or an interest in, private companies, partnerships, businesses or consultancies that are likely to be relevant to the work of the Board;
- Shareholdings in organisations likely or possibly seeking to do business with the NHS (the value of the shareholdings need not be declared);
- Ownership of, or interest in, land or buildings which may be significant or relevant to the work of the Board;
- Any position of authority held in another public body, trade union, charity or voluntary body;
- Any connection with a voluntary or other body contracting for NHS services; and
- Any involvement in joint working arrangements with Clinical (or other) Suppliers.

- 7.3 The list above is not exhaustive and should not preclude the registration of other forms of interest where these might give rise to a potential conflict of interests with the work of the Board. Any interests of spouses, partner or civil partner, close relative or associate, or person living with a member of staff as part of a family unit could also require registration if a potential conflict of interest exists.
- 7.4 The Corporate Governance & Board Administration department compiles the Board's Register of Interests, Gifts & Hospitality, which provides a summary of individual staff returns. An extract of the register is published annually on the [NHS Fife website](#) and made available to the Board's auditors for inspection. The entries in the Register of Staff Interests will be retained in respect of a period of five years after the registration ceases or the member of staff leaves the organisation.
- 7.5 It is the responsibility of each individual member of staff to ensure that any interests are reported and the relevant pro-forma returned (see Appendix 2). A copy of this pro-forma should be completed at the commencement of employment or on the acquisition of the interest. Any changes to interests should be notified at the earliest opportunity, or within four weeks of the change occurring. A separate Register of Interests for Fife NHS Board Members and Executive Directors is also maintained and [published](#) by the Corporate Governance & Board Administration department.
- 7.6 It is the responsibility of each individual member of staff to declare any relevant interest to the Chair of any Standing Committee / Professional Advisory Committee / decision-making group that they sit on, so that the Chair is aware of any conflict which may arise. These Declarations of Interest will be recorded in the Minutes of the respective meeting.

8. SECONDARY EMPLOYMENT

- 8.1 Medical or dental staff may undertake private practice in accordance with their respective Terms and Conditions of Service. Staff (other than medical and dental) employed by the Board may wish to follow their NHS employment or profession concurrently with another employer. Before staff (other than medical and dental) take up such other employment, they should obtain the approval of the Board. Approval should be sought by approaching the member of staff's Line Manager or relevant Executive Director in the first instance. Any approval should be in writing and recorded on the individual's personnel file.
- 8.2 The Board will require assurance that the secondary employment:
- will not create a conflict of interest;
 - will not interfere with or have a detrimental effect on the core duties for the Board of the member of staff;
 - will not contravene the European Working Time Regulations that seeks to ensure each employee does not exceed an average of 48 hours of weekly working time; and
 - will not damage the Board's reputation.

- 8.3 All staff should note that it is advisable to declare any secondary employment in the Register of Interests (note, however, secondary employment with the NHS Fife Nurse Bank is **not** required to be declared).

9. INTELLECTUAL PROPERTY RIGHTS

- 9.1 The Board is entitled to receive any royalties, rewards or benefits in respect of work commissioned or carried out by members of staff in the course of their NHS duties. Any member of staff entering into a joint working or sponsorship agreement must ensure that any intellectual property rights arising are properly protected for the benefit of the Board.
- 9.2 Guidance can be found in [NHS MEL \(1998\) 23: Policy Framework for the Management of Intellectual Property within the NHS arising from Research and Development](#) and [NHS HDL \(2004\) 09: Management of Intellectual Property in the NHS](#).

10. COMMERCIAL SPONSORSHIP

- 10.1 Acceptance by staff of commercial sponsorship for attendance at relevant conferences and courses is acceptable but only where the employee seeks permission in advance and their line manager is satisfied that acceptance will not compromise purchasing or procurement decisions in any way. This includes all costs associated with the event if they are provided by the “sponsor”. Such sponsorship should be registered as per other forms of hospitality outlined in Section 4 above.
- 10.2 On occasions when it is considered necessary for staff advising on the procurement of equipment to expect to see such equipment in operation in other parts of the country (or exceptionally overseas), NHS Fife will meet the costs, to avoid putting in jeopardy the integrity of subsequent procurement decisions.
- 10.3 Companies may offer to sponsor a post either wholly or partly. The Board must not enter into such an arrangement unless it is made abundantly clear to the company concerned that sponsorship will have no effect on procurement decisions by NHS Fife. Where the sponsorship is accepted, the Director of Finance or Deputy Director of Finance must be fully involved and will be responsible for the establishment of monitoring arrangements to ensure that procurement decisions are not being influenced by the sponsorship agreement.
- 10.4 Under no circumstances should any employee agree to linked deals where sponsorship is linked to the procurement of a particular product or to obtaining supply from particular sources.
- 10.5 This section should also be read in conjunction with [Section 6G of the Financial Operating Procedures](#).

- 10.6 The Authorising Officer will document all activity, actions or arrangements made under this section and will ensure the Register of Interests, Gifts & Hospitality is amended accordingly.

11. COMMERCIALLY SENSITIVE INFORMATION

- 11.1 Managers are reminded to take care in using or making public internal information of a “Commercially Sensitive” nature, particularly if its disclosure would prejudice the principles of a procurement system based on fair competition. This principle applies whether private competitors or other NHS providers are concerned.

12. WORKING WITH THE PHARMACEUTICAL INDUSTRY

- 12.1 On occasions where staff are considering working with the Pharmaceutical Industry, they must comply with the separate NHS Fife Guidance on [Working with the Pharmaceutical Industry](#).

SUPPORTING DOCUMENTS

1. [NHS Fife Code of Corporate Governance](#)
2. [NHS Fife Financial Operating Procedures](#)
3. [NHS Fife Guidance on Working with the Pharmaceutical Industry](#)
4. [Staff Conduct Policy](#)
5. [Register of Board Members' and Staff Interests](#)
6. [NHS Circular MEL \(1994\) 48: Standards of Business Conduct for NHS Staff](#)
7. [NHS Circular MEL \(1994\) 80: Corporate Governance Supplementary Guidance](#)
8. [The Bribery Act 2010](#)
9. [The Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#)

DECLARATION FORM FOR REGISTERING STAFF INTERESTS, GIFTS AND/OR HOSPITALITY

Full Name	
Job Title / Department	
Location	
Email Address	

I wish to declare the following (* - Please delete as appropriate)

Declared Item	Details (please provide all relevant details that will allow assessment of whether or not the declared item could have a bearing on a specific matter)
Interest (e.g. Other employment, Directorships, Ownership of/Interest in a business, Shareholdings, Land/Buildings, Position of Authority, Voluntary organisation, Declaration on behalf of family member, Other)*	
Offer of Gift and/or Hospitality (Details of gift/hospitality and the donor) Date Offered: Estimated Value: £..... I have accepted this offer Y/N* I have notified my Line Manager and been given approval Y/N*	

Line Manager's Signature:	Print Name:
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Staff Member's Signature:	Date:
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RESPONSIBLE EXECUTIVE DIRECTOR SIGN-OFF	
Name	
Signature	
Reason for supporting or declining:	

Please submit completed forms to: fife.boardadministration@nhs.scot