



Standards of Business Conduct Policy

Northern, Eastern and Western Devon Clinical Commissioning Group

South Devon and Torbay Clinical Commissioning Group

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NHS organisations involved:

Northern, Eastern and Western Devon Clinical Commissioning Group
South Devon and Torbay Clinical Commissioning Group

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Both Commissioning Groups promote equality, diversity and human rights and is committed to ensuring that all people and communities it serves have access to the services we provide. In exercising the duty to address health inequalities, the CCG has made every effort to ensure this policy does not discriminate, directly or indirectly, against patients, employees, contractors or visitors sharing protected characteristics of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender); sexual orientation or those protected under the Health and Social Care Act 2012 and Human Rights legislation.

All CCG policies can be provided in large print or Braille formats; translations on request; language line interpreter services are available; and website users can use contrast, text sizing and audio tools if required. For any other assistance, please contact either CCG at NEW Devon CCG 01392 205205 or South Devon and Torbay CCG sdtccg@nhs.net or 01803 652500

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Northern, Eastern and Western Devon Clinical Commissioning Group
South Devon and Torbay Clinical Commissioning Group

1. Introduction

- 1.1 This policy seeks to describe the public service values, which underpin the work of the NHS and to reflect the current guidance and best practice to which all individuals within NHS NEW Devon CCG and Torbay and South Devon CCG (the CCG) must have in regard to their work for the CCGs.
- 1.2 This policy includes specific requirements relating to the Bribery Act 2010 which came into force in July 2011 and NHS England: Managing Conflicts of Interest: Revised Statutory Guidance for CCGs 2017 <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/> which provides guidance on the following:
- Gifts and hospitality
 - Sponsorship
 - Declaration of interests
 - Preferential treatment in private transactions
 - Outside employment
 - Requisitioning goods and services
- 1.3 The CCG aspires to the highest standards of corporate behaviour and responsibility.
- 1.4 The Code of Conduct and Code of accountability in the NHS (second revision July 2004) sets out the following three public service values which are central to the work of the CCG.
- **Accountability** – everything done by those who work in the NHS must be able to stand all tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct
 - **Probity** – there should be an absolute standard of honesty in dealing with the assets of the NHS: integrity should be the hallmark of all personal conduct in decisions affecting patients, officers, members and suppliers, and in the use of information acquired in the course of NHS duties
 - **Openness** – there should be sufficient transparency about NHS activities to promote confidence between the CCG and its staff, patients and public.
- 1.5 All individuals within the CCG must abide by the Seven Principles of Public Life (“Nolan Principles”) as set out by the committee on Standards of Public Life and set out in Appendix A of this policy.
- 1.6 Additionally, to support the management of conflicts of interest, the CCG must:
- **Do Business appropriately:** Conflicts of interest are easier to identify, avoid and/or manage when the processes for needs assessments, consultation mechanisms, commissioning strategies and procurement procedures are adequate from the outset, because the rationale for all decision-making will be clear and transparent and should withstand scrutiny
 - **Be proactive, not reactive:** Commissioners should seek to identify and minimise the risk of conflicts of interest at the earliest possibility, for instance by:
 - Considering potential conflicts of interest when electing or selecting individuals to join the Governing Body or other decision making bodies
 - Ensuring individuals received proper induction and training so that they understand their obligations to declare conflicts of interest;

- Agreeing in advance how a range of possible conflicts of interest situations and scenarios will be handled, rather than wait until they arise.
- **Be balanced and proportionate:** Rules should be clear and robust but not overly prescriptive or restrictive. They should ensure that decision making is transparent and fair whilst not being overly constraining, complex or cumbersome
- **Be transparent:** Document clearly the approach and decisions taken at every stage in the commissioning cycle so that a clear audit trail is evident.

2. Scope of Policy

- This policy applies to:
 - The CCG's governing body;
 - Lay members of the CCG;
 - The CCG's employees (whether their remit is clinical or corporate);
 - Community representatives of the CCG
 - Third parties acting on behalf of the CCG under a contract (including contract for services);
 - Students and trainees (including apprentices);
 - Agency staff engaged by the CCG;
 - Volunteers; and
 - Secondees.
- In this policy, "third party" refers to any individual or organisation that staff may come into contact with during the course of their work for the CCG, and includes actual and potential clients, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.
- All CCG staff should be impartial and honest in the conduct of their official duties and should not abuse their official position for personal gain or advantage. It is the responsibility of all staff to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their CCG duties or is detrimental to the performance of their CCG duties.
- The standards of business conduct and managing conflicts of interest guidance defined in the NHS Constitution should be adhered to by all staff. It is therefore important that all members of staff are aware of what is expected regarding the conduct of business in the NHS. If staff require further guidance or if they have any doubt about how to proceed, they should refer the matter to the Governance team via the following email addresses SD&T CCG corporate.sdtccg@nhs.net or NEW Devon CCG D-CCG.governance@nhs.net .

3. CCG Constitution

- All CCG staff must carry out their duties in accordance with the CCG Constitution. The Constitution sets out the statutory and governance framework in which the CCG operates and there is considerable overlap between the contents of this policy and the provisions of the CCG Constitution. The CCG Constitution is the main governing document under which, the CCG operates.
- The CCG's staff must at all times refer to and act in accordance with the Constitution to ensure

that current processes are followed. In the event of any doubt, staff should seek advice from their line manager or the Governance team.

4. Bribery and Corruption

- It is the policy of the CCG to conduct all of our business in an honest and ethical manner. The CCG is committed to acting with integrity in all our business dealings and relationships and to implementing effective systems to prevent bribery. Bribery and corruption are punishable for individuals by up to ten years imprisonment and if the CCG is found to have taken part in corruption, we could face an unlimited fine and face incalculable damage to our reputation. The CCG therefore takes its legal responsibilities very seriously.
- The CCG has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from the implementation of the Bribery Act 2010. Under this act, there are four main offences:
 - Individuals who give, promise or offer bribes
 - Individuals who request, agree to receive or receive bribes
 - Individuals who bribe or offer to bribe a foreign public official
 - Companies who fail to prevent bribery.
- The CCG will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010, in every aspect of our conduct, including our dealings with public and private sector organisations and the delivery of treatment and care to patients.
- All CCG staff are required not to use their position to gain financial advantage. Additionally, staff who are in any way involved with approving invoices or requisitioning goods and services should make sure that they adhere to the Ethical Code of the Chartered Institute of Purchasing and Supply
- Staff who are engaged in the process for awarding other contracts for services should ensure that fair and open competition (as required by NHS standing orders) applies. Staff should ensure that they do not misuse or make available internal information of a “commercial in confidence” nature (staff with concerns about disclosure of information should refer to the CCG’s Whistleblowing Policy).
- The Bribery Act 2010 places specific requirements on potential bidders and suppliers of contracts. Potential bidders should be referred to the CCG’s Procurement Strategy.
- The CCG is keen to prevent fraud and encourages staff with concerns or reasonably held suspicions about potential fraudulent activity or practice, to report these. CCG staff should inform the Chief Finance Officer or the Local Counter Fraud Specialist (LCFS) immediately who will decide on the appropriate course of action to be taken. CCG staff should not ignore any suspicion and should not under any circumstances investigate the matter themselves or inform colleagues or members of the public about their suspicions.
- Anonymous letters, telephone calls or e-mails are occasionally received from individuals who wish to raise matters of concern, but not through official channels. While the suspicions may be erroneous or unsubstantiated, they may also reflect a genuine cause for concern and will always be taken seriously. The Chief Finance Officer and LCFS will make appropriate enquiries to

establish whether or not there is any foundation to the suspicion that has been raised.

- CCG staff can also call the NHS Fraud and Corruption reporting line on 0800 028 40 60. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced and trained staff and any caller who wishes to remain anonymous may do so.
- All CCG staff are required to read through the CCG's Anti-Fraud and Anti-Bribery policy in conjunction with the completion of training provided by the LCFS.

5. Raising a Concern or Reporting a breach

- It is the duty of every member of staff to speak up about genuine concerns in relation to criminal activity and breaches of legal obligations (including negligence, breach of contract or breach of administrative law, miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these in the workplace).
- The CCG has a Whistleblowing policy which sets out the arrangements for raising and handling staff concerns. The process for reporting specific concerns relating to fraud are described in the Anti-Fraud and Bribery policy and in section four of this document.
- NHSE has set a requirement for CCGs to include a robust process for managing any breaches, which is held by the Governance Team and for anonymised details of the breach to be published on the CCGs website for the purpose of learning and development. A breach is where there is 'knowledge that an individual has knowingly failed to disclose one of the following':
 - a declaration of financial interest,
 - a declaration of non-financial professional interest
 - a non-financial personal interest
 - an indirect interest
 - a gift, hospitality or sponsorship received
- Any such breaches must be reported to the Governance Team and an investigation will be undertaken and reported to the Conflicts of interest guardian and line manager of the employee. Any recommendations from the investigation will be clearly documented and actioned by the line manager in accordance with the timelines allocated. Assurance will be sent to the head of governance who will finalise the report for the conflicts of interest guardian and Audit and Assurance Committee. Any disciplinary action required will be discussed with HR and the line manager and the disciplinary policy will be applied.

6. Declaration of Interest

- This section describes the CCG's policy in relation to the identification and management of conflicts of interest for staff. Adherence to these provisions is mandatory in order to identify and manage current or potential conflicts which may arise between the interests of the organisation and the personal interests, associations and relationships of its staff or representative family members.
- CCG staff should not allow their judgement or integrity to be compromised. They should be, and be seen to be, honest and objective in the exercise of their duties and should understand fully their

terms of appointment, duties and responsibilities.

- Failure to adhere to these provisions relating to the declaration of interests may result in removal from office, formal action (up to and including termination of employment) and constitute the criminal offence of Fraud and/or Bribery, as an individual could be gaining unfair advantages or financial rewards for themselves or a family member/friend or associate. Any suspicion that a relevant personal interest may not have been declared should be reported to the CCG's Head of Governance.

Examples of situations to be avoided are:

- Authorising the discharge of a patient into a nursing home in which you, your family, friend, or business acquaintance has a financial interest
- Purchasing, authorising, or persuading another CCG employee to purchase or authorise the purchase of goods or services from an organisation in which you have a financial interest
- Using the CCG's resources i.e. time or materials to provide private gain through a private company in which you, your family, friends, or business acquaintances have a financial interest

The CCG is required to maintain a register of interests to record formally, declarations of interest of:

All CCG employees, including:

- All full and part time staff
 - Any staff on sessional or short term contracts
 - Any students and trainees (including apprentices)
 - Agency staff
 - Seconded staff
 - Volunteers
 - Any General Practice staff who have involvement with CCG business or CCG decision making processes
 - Members of the Governing Body
 - All members of the CCG's committees, sub-committees/sub-groups, including:
 - Co-opted members
 - Appointed deputies
 - Any members of committees/groups from other organisations including General Practice
 - Any members of specific groups such as the Patient and Public Engagement Committee meeting Appendix B code of conduct NEW Devon CCG
 - All members of the CCG (i.e. each practice)
 - Where necessary, Member practice representatives (known locally as lead clinical professionals)
 - Any individual directly involved with the business or decision- making of the CCG.
- In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should make a declaration of interest in accordance with this guidance, as if they were CCG employees.
 - All CCG staff must declare any interest which is less than three years old, or if older, relevant (i.e. a continuing shareholding or Directorship) , either on appointment or when the interest is acquired, which may directly or indirectly give rise to an actual or potential conflict of interest or duty. Interests can be captured in five different categories:

Financial Interests	Indirect Interests
Individual may get direct financial benefits from the consequences of a commissioning decision	Individual has a close association with an individual who has any type of interest in a commissioning decision
<p>Examples include:</p> <ul style="list-style-type: none"> • Directorship or employment in a private or public company or other organisation which is doing, or may do, business with health or social care organisations • A shareholder (more than 5% of the issued shares), partner or owner of a private or not for profit company, business or consultancy which is doing, or may do, business with health or social care organisations • A management consultant for a provider • Secondary employment • Receipt of secondary income from a provider • Receipt of a grant from a provider • Receipt of any payments (e.g. honoraria, one off payments, day allowances, travel or subsistence) from a provider • Receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role • Having a pension that is funded by a provider (where the value of this might be affected by their success or failure). 	<p>Examples include:</p> <ul style="list-style-type: none"> • Spouse / Partner • Close relative e.g., parent, grandparent, child, grandchild or sibling • Close friend - any confusion relating to the declaration of friendship should be discussed with the Head of Governance to ensure that all declarations are appropriate (e.g. a friend who works as a checkout operator in a shop that supplies the NHS need not be declared but a contracts manager with an NHS supplier should be) • Business partner • Any other relationship which may influence or may be perceived to influence the judgement of the individual (e.g. a reconfiguration of hospital services which might result in the closure of a busy clinic next door to an individual's house) • Where the individual is closely related to, or in a relationship, including friendship, with an individual in the above categories.
Non-financial Professional Interests	Non-financial Personal Interests
Individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career	Individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit
<p>Examples include:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients • A GP with special interest e.g. in dermatology, acupuncture etc. • A member of a particular specialist professional body (routine GP membership of the RCGP, BMA or a medical defence organisation would not usually in itself amount to an interest which needs to be declared) • An advisor to for the CQC or NICE • A medical researcher 	<p>Examples include:</p> <ul style="list-style-type: none"> • A voluntary sector champion for a provider • A volunteer for a provider • A member of a voluntary sector board or any position of authority in or connection with a voluntary organisation • Suffering from a particular condition requiring individually funded treatment • A member of a lobby or pressure groups with an interest in health • A financial advisor.
<p>General Interest</p> <p>This could be any position held in another public body organisation, NHS, Local Authority or a community group which may have potential to give rise to influence decisions made by the CCG. Similarly, if you have made a declaration that you are a member of the CCG or attend any of its committees/working groups to another organisation, this information MUST be reciprocated back to the CCG to ensure consistency across organisations and vice versa</p>	

- GP's and Practice Managers sitting on the governing body or committees of the CCG should declare details of their roles and responsibilities held within the member practices of the CCG. This includes:
 - Directorships, including non-executive directorships held in private companies or PLCs (Public Limited Company, with the exception of those of dormant companies)
 - Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the Group
 - A position of authority in an organisation (such as a charity or voluntary organisation) in the field of health and social care
 - Any interest that they (if they are registered with the General Medical Council - GMC) would be required to declare in accordance with paragraph 55 of the GMC's publication Management for Doctors or any successor guidance
 - Any interest that they (if they are registered with the Nursing and Midwifery Council) would be required to declare in accordance with guidance. Material share holdings of companies seeking to do business with the Group
 - Any research funding or grants that may be received by the individual from the Group or from any organisation seeking to do business with the Group
 - Contracts commissioned by the Group in which the individual has a beneficial interest
 - A member of a lobby or pressure groups with an interest in health
 - Interests in pooled budgets that are under separate management (any relevant company included in this fund that has a potential relationship with the Group)
- When considering if an interest is relevant, the Financial Reporting Standard No 8 (issued by the Accounting Standards Board) specifies that influence rather than the immediacy of the relationship is more important in assessing the relevance of an interest.
- Lead Clinical Professionals (constitutionally known as member practice representatives) who form part of the CCG's Member Practices should ensure that they complete the declaration form, where necessary, in Appendix C and return this to the Governance Team. This will be recorded on the staff register of declarations under a separate spreadsheet for management and traceability. This declaration need only highlight Directorships and employments with organisations, from whom the CCG commissions services. It is recommended that member practices should ensure that they maintain their own internal register of interests to support this requirement from NHS England.
- Conflicts or declarations of interest should be given at the following points:
 - **On appointment** – applicants to the CCG or its governing body should be asked to declare any relevant interests. When appointment is made, a formal declaration of interests should again be made and recorded
 - **At meetings** – All attendees should be asked to declare any interest they have in any agenda item before it is discussed or as soon as it becomes apparent. Even if an interest is declared in the register of interests, it should be declared in meetings where matters relating to that interest are discussed. Declarations of interest should be recorded in minutes of meetings
 - **On changing role or responsibility** – all staff should ensure that the register is up to date with the most current employment details
 - **On any other change of circumstances** – whether the individual's circumstances change in a way that affects the individual's interests (e.g. where an individual takes on a new role outside the CCG or sets up a new business or relationship), a further

declaration should be made to reflect the change in circumstances. This could involve a conflict of interest ceasing to exist or a new one materialising

- **Annually** – as part of the PADR process, all staff should confirm if they have any conflicts of interest and fill out the appropriate declaration in appendix C. Nil returns are required on annual basis if there are no interests to declare.
- Staff should not seek or 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 CCG (except where schemes are introduced for the benefit of staff).
- Where an individual is unable to provide a declaration in writing, for example, if a conflict becomes apparent in the course of a meeting, they must make a verbal declaration before witnesses, and provide a written declaration within 28 days of a relevant event to the Governance team. Governance team via the following email addresses SD&T CCG corporate.sdtccg@nhs.net or NEW Devon CCG D-CCG.governance@nhs.net .

Such declarations will also be noted by the minute taker.

Declarations over six months old and which are deemed no longer relevant need not be declared, but a transparent audit record trail will be held in line with the retention periods of the records management policy – recommendation is corporate records are held for 6 years.

7. Managing Conflicts of Interest and the Register of Interests

- The CCG needs to have in place principles and procedures for the minimising, managing and registering potential conflicts of interest which could be deemed or assumed to affect the decisions made by those involved in the CCG. These decisions could include the awarding of contracts, procurement, policy, employment and other decisions. A copy of the declaration of interests form can be seen in Appendix C
- If members have any doubt of the relevancy or pertinence of a current or potential interest, or an interest of another individual connected to them, this should be discussed with the Governance team, who will provide an independent view. If in doubt, the individual concerned should assume that a potential conflict of interest exists.
- Any conflicts of Interest which are no longer of relevance (i.e. resigned Directorships) will remain on the CCG register for a period of six months, after this, they will be removed following the CCG's approval process via Audit and Assurance Committee.
- The CCG is also required under NHS England Statutory guidelines to maintain a register of healthcare procurement decisions, to be updated any time a healthcare procurement decision is made and to include:
 - The details of the decisions;
 - Who was involved in making the decision (i.e. governing body or committee members and others with decision making responsibility);
 - A summary of any conflicts of interest in relation to the decision and how this was managed by the CCG; and
 - The award decision taken.

- The Register of Procurements is published on the website for NHS NEW Devon CCG's and a hard copy can be obtained from the CCG Finance Team at d-ccg.financeenquiries@nhs.net . The Register of Procurement decisions must be updated whenever a healthcare procurement decision is taken - all CCG healthcare contracts can be located here <https://www.newdevonccg.nhs.uk/ccg-finance/procurement-and-contract-spending-101825> .
- The Register of Procurements is published on NHS South Devon and Torbay CCG's website and a hard copy can be obtained from the CCG Finance Team at sdtccg@nhs.net.
- All declaration of interests relating to procurement made by CCG staff will be reviewed by the Finance Committee on a quarterly basis.
- As part of any procurement (healthcare or non-healthcare) process, it is good practice to request that bidders declare any conflicts of interest. This allows commissioners to ensure that they comply with the principles of equal treatment and transparency. When a bidder declares a conflict, the commissioners must decide how best to deal with it to ensure that no bidder is treated any differently to any other.
- It would not be appropriate to declare the bidders conflicts on the register of healthcare procurement decisions, as it may compromise the anonymity during the procurement process. Commissioners should however, retain an internal audit trail of how the conflict or perceived conflict was dealt with, which will allow them to provide information at a later date if required.
- The register of interests for both CCGs can be found on their respective websites:
 - NHS NEW Devon CCG's website and a hard copy list can be obtained from the CCG Corporate Office at Newcourt House, Newcourt Drive, Old Rydon Lane, Devon, EX2 7JQ, Tel 01392 205205 or e-mail d- ccq.corporateservices@nhs.net.
 - NHS South Devon and Torbay CCG website a hard copy can be requested from South Devon and Torbay CCG, Pomona House, Oak View Close, Torquay TQ2 7FF, Tel: 01803 652500 or email sdtccg@nhs.net
- Meetings of all committees and working groups within the CCG must minute any declarations of conflicts of interest – the template for minutes is held on the respective CCG intranet site. Updates must be forwarded to the respective Governance Team to ensure the master register is updated appropriately.
- Where members of any decision making body have an interest which could conflict with the decision being made, it is recommended that they either be excluded from the relevant parts of the meeting(s), or take part in discussions but not take part in the vote.
- The Chair of the meeting has responsibility for deciding whether a conflict of interest exists and the appropriate course of action. Decisions regarding interests and any appropriate actions will be made on an individual basis. All decisions and details of the management of conflicts of interest should be recorded in the minutes of meetings and published on the Register of Interests.
- Arrangements must be made regarding conflicts of interest for the following situations:
 - If the Chair has a conflict of interest - it must be decided which other Governing Body or

committee member will take on the role and make any decisions regarding conflicts of interest;

- If all GPs or other practice representatives could have a conflicting interest in a decision
 - If 50% or more of Governing Body or committee members have a conflicting interest, but the committee remains quorate.
 - Specific arrangements relating to the Patient and Public Engagement Committee for NEW Devon CCG can be found in Appendix B
- The CCG will undertake an audit of conflicts of interest management as part of their internal audit program on an annual basis. The results of the audit would be reflected in the CCG's annual governance statement and should be discussed in the end of year governance meetings with NHS England South (South West).
 - A flow chart summarising the process for declaring conflicts of interest is attached as appendix D

8. Gifts and Hospitality

Gifts

- All offers of gifts of any nature offered to a CCG staff, governing body and committee members and individuals within GP member practices by suppliers or contractors linked (currently or prospectively) to the CCGs business should be declined, whatever the value. (Subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6). The person to whom the gifts were offered should also declare the offer to the individual who has designated responsibility for maintaining the register of gifts and hospitality so the offer which has been declined can be recorded on the register.
- Gifts from non-suppliers and non-contractors can be accepted with regard to items of little financial value (ie. Less than £50.00) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to staff for work well done. Gifts of this nature do not need to be declared to the individual who has designated responsibility for maintaining the register of gifts and hospitality, nor recorded on the register.
- However, Gifts offered from such sources should also be declined if accepting them might give rise to perceptions of bias or favouritism, and a common sense approach should be adopted as to whether or not this is the case.
- Gifts with a value of over £50 can be accepted on behalf of an organisation, but not in a personal capacity and must be declared. Prior written approval must be obtained from the appropriate line manager following due consideration in cases where it is deemed appropriate to accept a gift. The declaration should be done by completing the form attached (Appendix E). In such cases, it should be clarified with the donor that it is accepted on behalf of the CCG and will be shared with colleagues. Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50
- In addition, as from June 2016, the Association of the British Pharmaceutical Industry (ABPI) publish 'transfers of value' of benefits or sponsorships in cash or in kind to healthcare organisations and individual healthcare professionals. For each declaration the Head of Governance is contacted by the ABPI with an alert to ensure that the record is correct and

confirmation in writing is required by the ABPI from the Head of Governance prior to any publication on their website. These are published on the respective CCG website.

Hospitality

- A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or CCG.
- Hospitality must be secondary to the purpose of the meeting. The level of hospitality offered must be appropriate and not out of proportion to the occasion; and the costs involved must not exceed that 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. Hospitality of this nature (i.e. tea, coffee or light refreshments) does not need to be declared to the team or individual who has designated responsibility for maintaining the register of gifts and hospitality, nor recorded on the register, unless it is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business in which case all such offers (whether or not accepted) should be declared and recorded.
- Hospitality under £25 can be accepted and does not need to be declared. Hospitality between £25 and £75 can be accepted, but must be declared. If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given.
- There is a presumption that offers of hospitality which go beyond modest or of a type that the CCG itself might offer, should be politely refused. A non-exhaustive list of examples includes:
 - Hospitality of a value of above £75; and
 - In particular, offers of foreign travel and accommodation.
- There may be some limited and exceptional circumstances where accepting the types of hospitality referred to in the above paragraph may be contemplated. Express prior approval should be sought from a senior member of the CCG (e.g. the CCG governance lead or equivalent) before accepting such offers, and the reasons for acceptance should be recorded in the CCGs register of gifts and hospitality. Hospitality of this nature should be declared to individual who has designated responsibility for maintaining the register of gifts and hospitality, and recorded on the register, whether accepted or not.
- In addition, particular caution should be exercised where hospitality is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business. Offers of this nature can be accepted if they are modest and reasonable but advice should always be sought from a senior member of the CCG (e.g. the CCG governance lead or equivalent) as there may be particular sensitivities, for example if a contract re-tender is imminent.
- Prior written approval should be obtained from the appropriate line manager following due consideration, in cases where it is deemed appropriate to accept hospitality in excess of £75. The declaration should be completed using the template in Appendix D.
- In respect of the Governing Body, where it is deemed appropriate to accept hospitality in excess of £75, Governing Body members must obtain prior approval from the Chief Officer. Lay members and the Chief Officer will obtain prior written approval from the Chair, and the Chair will inform the Chair of the Audit and Assurance committee, and Conflicts of Interest Guardian.

- Staff should consider if offers of hospitality made outside of works time will be indirectly linked to the CCG, if so, they should treat the offer of hospitality as if it were offered within work time and seek appropriate approval as documented above.
- Further information regarding specific hospitality and gifts can be located in the NHS NEW Devon CCG policy for the sponsorship of activities and joint working by the pharmaceutical industry with Northern, Eastern and Western Clinical Commissioning Group (CCG) (including rebate schemes).
- When gifts and hospitality are offered, refer to the detailed financial policy- Provision of Gifts and Hospitality and Commercial Sponsorship (F22) which can be viewed on iKnow under Finance. You will also find more detail and documents on IKnow, Corporate Services Policies http://nww.southdevonandtorbayccg.nhs.uk/corp_affairs/corporate/Pages/reg_of_interests.aspx
- Members of staff should declare any such sponsorship or potential sponsorship within the register of gifts and hospitality/commercial sponsorship and in particular note that:
 - Trips, conferences etc. financed by external organisations (e.g. suppliers) should be declared
 - Any offers of sponsorship that could possibly breach the guidance on “Commercial Sponsorship – Ethical Standards for the NHS”, should be declared
 - Professional registration and/or status should not be used in the promotion of commercial products or services
 - Bias may be generated as a result of sponsorship arrangements. Due care should be taken to ensure that professional judgement and impartiality are not affected
 - Conditions which compromise professional independence or judgement, or impose such conditions on other professionals should not be agreed or practised
 - Offers by suppliers to pay the travelling/accommodation costs for CCG staff should be declined unless the Director of Finance gives prior approval for the potential supplier to take responsibility for the costs
 - If there are any financial implications associated with potential interests not yet entered into, staff are strongly advised not to proceed further until permission has been granted in writing
 - All offers of hospitality from actual or prospective suppliers or contractors (whether or not accepted) should be declared and recorded, completing the form attached (Appendix D) and sending it to:
 - the Corporate office - d-ccg.corporateservices@nhs.net NEW Devon
 - corporate.sdtccg@nhs.net for SDTCCG
 All gifts will be registered in the Register of Gifts, Sponsorship and Hospitality and published on the CCG website.
- If in any doubt, staff should seek advice from their line manager, the Governance Team or Local Counter Fraud Specialist on 01872 258057.

9. Commercial Sponsorship

- CCG staff, governing body and committee members, and GP member practices may be offered commercial sponsorship for courses, conferences, post/project funding, meetings and publications in connection with the activities which they carry out for or on behalf of the CCG or their GP practices.

- All such offers (whether accepted or declined) must be declared so that they can be included on the CCG's register of gifts and hospitality, and the team or individual designated by the CCG to provide advice, support, and guidance on how conflicts of interest should be managed should provide advice on whether or not it would be appropriate to accept any such offers.
- If such offers are reasonably justifiable and otherwise in accordance with this statutory guidance then they may be accepted. CCGs should consider whether they wish to adopt a system of prior approval for acceptance of such sponsorship from a member of the CCG with appropriate seniority.
- Notwithstanding the above, acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the CCG or be dependent on the purchase or supply of goods or services. Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event.
- When sponsorships are offered, the following principles must be adhered to:
 - Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS;
 - During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
 - No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;
 - At the CCG'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 in the interest of transparency;
 - CCGs 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;
 - Staff should declare involvement with arranging sponsored events to their CCG.
- Before entering into any sponsorship agreement the CCG should:
 - Satisfy itself, with reference to information available, that there are no potential irregularities that may affect a company's ability to meet the conditions of the agreement or impact on it in any way e.g. checking financial standing by referring to company accounts
 - Assess the costs and benefits in relation to alternative options where applicable, and to ensure that the decision making process is transparent and defensible, which will be determined by the relevant Director
 - Ensure that legal and ethical restrictions on the disclosure of confidential patient information, or data derived from such information, are complied with. Additionally, disclosure for research purposes should not take place without the approval of the appropriate research ethics committee
 - Determine how clinical and financial outcomes will be monitored

- Ensure that sponsorship agreements have break clauses built in to enable the CCG to terminate the agreement if it becomes clear that is not providing expected value for money or clinical outcomes
- Therefore the following must be adhered to:
 - Meetings, events or conferences organised by the CCG may be sponsored by a commercial company subject to the approval of the Governing Body or delegated authority through the relevant Director (Appendix D).
 - Publicity at the event by the company is allowed but it should be separate from the educational content or purpose of the meeting. Promotion of the sponsor should be secondary to the event.
 - An acknowledgement of the support received will be made.
 - Acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the CCG or be dependent on the purchase or supply of goods and services.
- The CCG will publish on an annual basis a list of sponsoring organisations as part of its publication scheme.

On receipt of a completed form declaring the offer of Gifts, hospitality or sponsorship the Governance team will review and confirm that the correct procedure has been followed. In addition the Governance team will confirm to the individual and their line manager that an appropriate entry has been made on the register of Gifts, hospitality or sponsorship.

10. Outside Employment

- Staff are advised not to engage in outside employment which may conflict with, or be detrimental to their NHS work. Any outside employment must be done in the staff members' own time
- Employees of the CCG (depending on the details of their contracts as regards to outside employment and private practice) are required to inform the CCG if they are engaged in or wish to engage in outside employment in addition to their work with the CCG (using the form in Appendix C) and obtain express permission to do this, the CCG reserve the right to refuse permission where it believes a potential conflict may arise with their CCG employment. Examples of work which might conflict with the business of the CCG may include:
 - employment with another NHS body
 - employment with another organisation which may be in a position to supply goods/services to the CCG
 - self-employment, including private practice, in a capacity which may be in conflict with the work of the CCG or which might be in a position to supply goods/services to the CCG.

- The CCG's Governance Team will send an annual reminder to all the CCG staff reminding them to declare all interests annually

11. Personal Conduct

- **Lending or Borrowing**
The lending or borrowing of money between staff should be avoided, whether informally or as a business, particularly where the amounts are significant.
- It is a particularly serious breach of the NEW Devon CCG Disciplinary policy for any member of staff to use their position to place pressure on someone in a lower pay band, a business contract, or a member of the public to loan them money.
- **Gambling**
No member of staff may bet or gamble when on duty or on CCG premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or Grand National among colleagues.
- **Trading on Official Premises**
Trading on official premises is prohibited, whether for personal gain or on behalf of others. Canvassing within the office by, or on behalf of, outside bodies or firms (including non CCG interests of staff or their relatives) is also prohibited. Trading does not include small tea or refreshment arrangements solely for staff.
- **Collection of money**
Charitable collections must be authorised by the Corporate Office.
- Other Flag Day appeals are not permitted, and collection tins or boxes must not be placed in offices. With line management agreement, collections may be made among immediate colleagues and friends to support small fundraising initiatives, such as raffle tickets and sponsored events. Please note that all collections must be considered as to whether they may be inadvertently be supporting extremism causes. Permission is not required for informal collections amongst immediate colleagues on an occasion like birthdays, retirement, marriage or a new job.

12. Further Information

- Disciplinary action may be taken against any individual who fails to comply with the requirements set out in this document, in accordance with the CCG's Disciplinary Policy.
- This policy is an interpretation of guidance and is based on examples of good practice. In addition to referring to the CCG Constitution, CCG staff should refer to:
 - Anti-Fraud and Anti-Bribery policy
 - Whistleblowing policy
 - Arrangements for declaring member's interests
 - NHS England: Managing Conflicts of Interest: Statutory Guidance for CCG's <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>
 - Co-Commissioning conflicts of interest audit: <https://www.england.nhs.uk/commissioning/wp-content/uploads/sites/12/2016/04/co-comms-coi-audit-summ-rep.pdf>

- NHS England Guidance on appearance of bias:
<http://www.england.nhs.uk/revalidation/ro/con-of-int/>
 - The National Health Service Act 2006 & the Health and Social Care Act 2012;
 - The Code of Conduct for NHS Managers 2002;
 - The Nolan Principles on Conduct in Public Life;
 - Commercial Sponsorship – Ethical Standards for the NHS
 - The NHS Codes of Conduct and Accountability; (NHS Appointments Commission & Department of Health – amended July 2004);
 - Policy for the sponsorship of activities and joint working by the pharmaceutical industry with Northern, Eastern and Western Clinical Commissioning Group (CCG) (including rebate schemes);
 - The Code of Practice on Openness in the NHS; and
 - The Code of Conduct and Code of accountability in the NHS (second revision July 2004).
- **PREVENT**
If you have concerns regarding the possibility of a potential link to extremism or radicalisation in relation to the areas covered by this policy please refer to the PREVENT Policy available on both CCGs websites, as this will provide guidance on how to seek advice. Alternatively contact the CCG Prevent Lead: safeadultnotifications.sdtccg@nhs.net Tel:01803 652535
- This policy will be reviewed by the Head of Governance every three years from approval, or as required due to:
 - Legislative changes;
 - Good practice guidance;
 - Case law;
 - Significant incidents reported;
 - New vulnerabilities; and
 - Changes to organisational infrastructure.
 - Further information and/or guidance on any aspect of this policy can also be obtained from the Head of Governance and the Governance team.

Nolan Principles

The 'Nolan Principles' set out the ways in which holders of public office should behave in discharging their duties. The seven principles are:

1. Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
2. Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4. Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. Openness – Holders of public office 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.
6. Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. Leadership – Holders of public office should promote and support these principles by leadership and example.

Source: The First Report of the Committee on Standards in Public Life (1995) (available at <http://www.public-standards.gov.uk/>).

**Patient and Public Engagement Committee (PPEC)
NEW Devon CCG**

Code of Conduct during meetings.

NHS Northern, Eastern and Western Devon Clinical Commissioning Group expects its staff, partners, volunteers and others that they have dealings with to treat one another with respect and to allow them their dignity in all the situations in which they are working together.

Our staff and those who have a volunteer agreement sign up to comply with the CCG policies that govern confidentiality, Business code of conduct and so forth. This guidance sets out in summary some of the points in the policies that are of relevance to volunteers (you will have copies of these policies). It focusses more fully on the level of courtesy and manners expected of committee members.

Our policies state that we expect everyone to respect one another and this includes; community representatives, members of the public, patients, relatives, carers, NHS staff and partners in other agencies.

This means that members of the PPEC will:

1. Treat each other with respect and remain polite at all times
2. Guard against the use of discriminatory language and behaviour
3. Strive to attend meetings as required, sending apologies to the chair and administrator for necessary absences.
4. Prepare for the meeting by reading the agenda, papers and any emails before the meeting.
5. Talk to the chair before the meeting if you need to clarify anything.
6. Arrive on time. Stay to the end unless you have earlier arranged with the Chair to leave early or in the case of unforeseen circumstances.
7. Participate fully in the meeting by:
 - a) Listening to what others have to say and keeping an open mind
 - b) Contributing positively to the discussions
 - c) Being concise and avoiding dominating the discussion
8. Help others concentrate on the meeting.
9. Discourage side conversations.
10. Have the best interests of the organisation/beneficiaries in mind at all times
11. Draw attention to any potential conflicts of interest that may arise in the meeting.
12. Fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting.

This guidance has been developed in consultation with stakeholders and adheres to the Nolan Principles as set in Appendix A

Declaration of conflicts of interest for CCG members, employees and contractors

Name				
Position within or relationship with the CCG		CCG meetings attended:		
Please provide details of interests held, complete all that are applicable.		Please confirm if this interest is in addition to interests currently recorded or replaces all existing information YES/NO		
Type of interest <i>See overleaf for more details</i>	Description of Interest (including, for Indirect Interests, details of the relationship with the person who has the interest)	Date interest relates		Actions to be taken to mitigate risk <i>(to be agreed with line manager)</i>
		From	To	

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as is practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I **do / do not [delete as applicable]** give my consent for this information to published on registers that the CCG holds.

If consent is NOT given please give reasons:

Signed	Date	Signature (Line Manager)	Position	Date
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NEW Devon CCG staff: Please return a signed copy by email to D-CCG.Governance@nhs.net and to newdevonhr@nhs.net

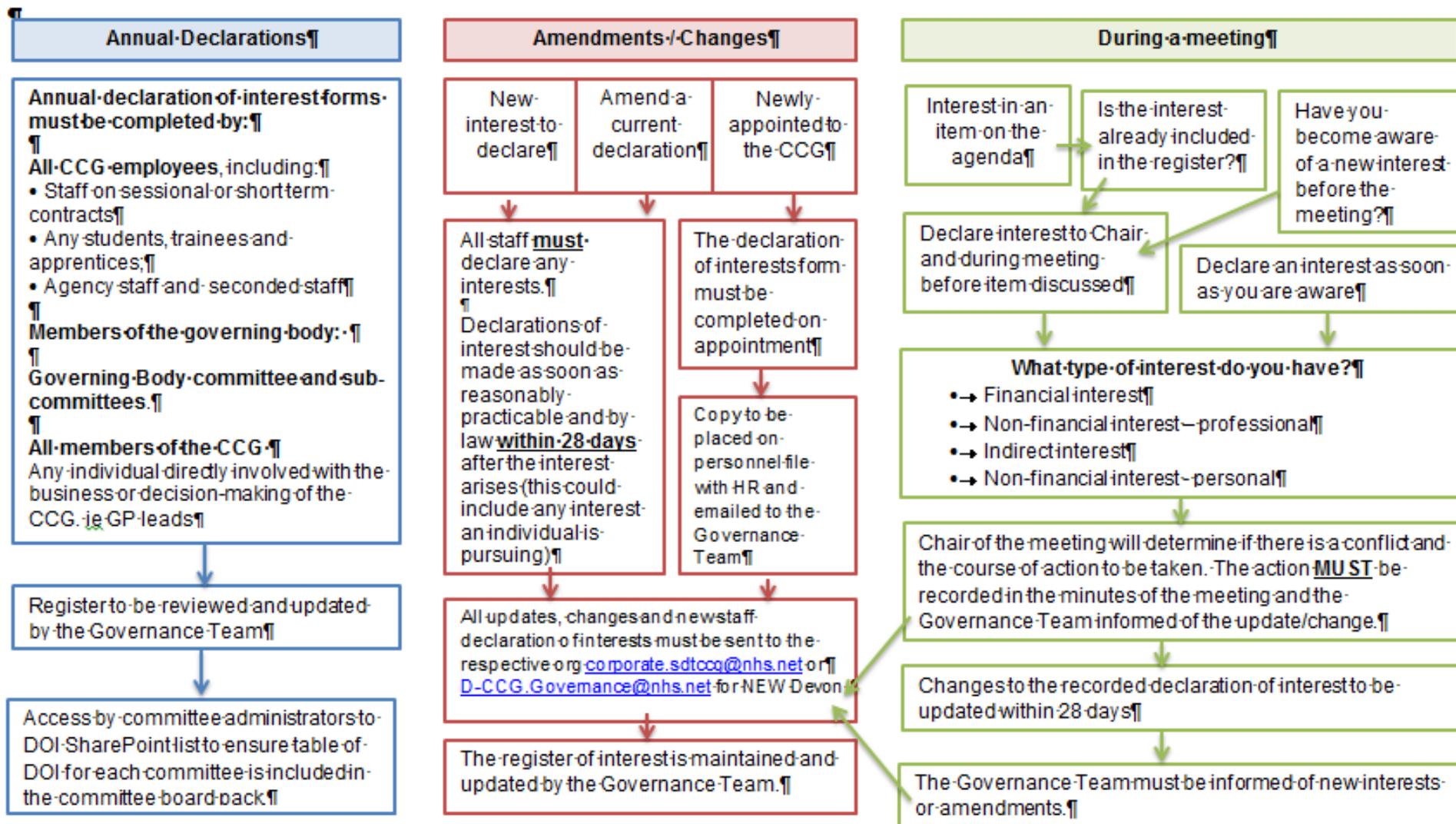
SD&T CCG staff: Please return a signed copy by email to corporate.sdtccg@nhs.net and provide a signed hard copy to your team administrator for inclusion in your personnel file.

If you have any queries please contact Theresa Farris, theresa.farris@nhs.net or Clare Doble, clare.doble@nhs.net , Governance Team

Types of conflicts of interest

Type of Interest	Description
Financial Interests	<p>This is where an individual may get direct financial benefits from the consequences of a commissioning decision. This could include being:</p> <ul style="list-style-type: none"> • A director, including a non-executive director, or senior employee in a private company or public limited company or other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations; • A shareholder (of more than 5% of the issued shares), partner or owner of a private or not for profit company, business or consultancy which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations. • A consultant for a provider; • In secondary employment; • In receipt of a grant from a provider; • In receipt of research funding, including grants that may be received by the individual or any organisation in which they have an interest or role; and • Having a pension that is funded by a provider (where the value of this might be affected by the success or failure of the provider).
Non-Financial Professional Interests	<p>This is where an individual may obtain a non-financial professional benefit from the consequences of a commissioning decision, such as increasing their professional reputation or status or promoting their professional career. This may include situations where the individual is:</p> <ul style="list-style-type: none"> • An advocate for a particular group of patients; • A GP with special interests e.g., in dermatology, acupuncture etc. • A member of a particular specialist professional body (although routine GP membership of the RCGP, BMA or a medical defence organisation would not usually by itself amount to an interest which needed to be declared); • An advisor for CQC or NICE; • A medical researcher.
Non-Financial Personal Interests	<p>This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:</p> <ul style="list-style-type: none"> • A voluntary sector champion for a provider; • A volunteer for a provider; • A member of a voluntary sector board or has any other position of authority in or connection with a voluntary sector organisation; • A member of a political party; • Suffering from a particular condition requiring individually funded treatment; • A financial advisor.
Indirect Interests	<p>This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above). This should include:</p> <ul style="list-style-type: none"> • Spouse / partner; • Close relative e.g., parent, [grandparent], child, [grandchild] or sibling; • Close friend; • Business partner.
General Interest	<p>This could be any position held in another public body organisation, NHS, Local Authority or a community group which may have potential to give rise to influence decisions made by the CCG. Similarly, if you have made a declaration that you are a member of the CCG or attend any of its committees/working groups to another organisation, this information MUST be reciprocated back to the CCG to ensure consistency across organisations and vice versa</p>

Declaration of Interests (DOI) Flow Chart



Declarations of Gifts, Hospitality and Commercial Sponsorship

Name	Position
Details of: gift / hospitality/commercial sponsorship	
Date of offer	
Date of receipt (if different)	
Estimated value	
Supplier or Name making offer	
Nature of business	
Details of previous offers or acceptance by from this person/company making the offer.	
State any conflict of interest with provider, supplier/pharmaceutical company	
Declined or accepted	
Reason for accepting or declining	
Comments	

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as is practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I **do / do not [delete as applicable]** give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

Signed: _____

Date:

I **do / do not** give my consent to accept the Gift, Hospitality and Commercial Sponsorship declared above.

Signed (line Manager): _____ Date _____ Position: _____

Please return by email to corporate.sdtccg@nhs.net for South Devon and Torbay CCG and NEW Devon CCG to D-CCG.Governance@nhs.net and provide a signed hard copy to your team administrator for inclusion in your personnel file. If you have any queries please contact Theresa Farris, theresa.farris@nhs.net or Clare Doble, clare.doble@nhs.net , Governance Team.

For Governance Team action	Respond to individual to confirm the declaration has been added to the database. Confirm DOI register check for any potential conflict Date.....Initials.....
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