

NHS LIVERPOOL CCG

STANDARDS OF BUSINESS CONDUCT

September 2017

Version 1.3

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Any changes to this policy should be outlined and recorded in the version control table below. In the event of any changes to relevant legislation or statutory procedures or duty this policy will be automatically updated to ensure compliance without approvals being necessary.

Version nos	Type of change	Date	Description of change
1.1	Reference to LCFS	06/10/2015	All references to Local Counter Fraud Specialist (LCFS) changed to 'Anti-Fraud Specialist'
1.1	Revision	06/10/2015	Changes made to Section 7, Conflicts of Interest to reference CCG Policy & provide less prescriptive requirements for staff completing declarations of interest & exclusion from meetings.
1.1	Revision approved by Audit, Risk & Scrutiny Committee	16/12/2015	Changes applied and approved by ARSC
1.2	Minor revision	10/03/2016	Added reference to CCG Commercial Sponsorship Policy March 2016.
1.3	Minor revision	04/09/2017	Minor amendments to reflect changes to associated policy documents and revised NHS England 2017 Statutory Guidance

Contents

	Page
1. Introduction	3 - 3
2. Scope	4 - 5
3. Principles of this Policy	5 - 6
4. Prevention of Bribery and Corruption	6 - 7
5. Anti-Fraud Measures	7 - 7
6. CCG Constitution, Standing Orders, Prime Financial Policies and Scheme of Delegation	7- 8
7. Conflicts of Interest	8 - 12
8. Gifts and Hospitality	12 - 15
9. Personal Conduct	16 - 18
10. Political Activities	18 - 18
11. Commercial Sponsorship	18- 19
12. Third Party Contractors and Suppliers of Services	19 - 20
13. Initiatives	20 - 20
14. Confidentiality and Data Protection	20 - 21
15. Suspected or Known Breaches of this Policy	21 - 21
16. Publication and Dissemination	21 - 21
17. Management Arrangements and Monitoring Compliance	21 - 22
18. References and Further Information	22 - 22
19. Equality and Diversity	22 - 22
Appendices	
Appendix 1- The Seven Principles of Public Life (the Nolan Principles)	23 - 23
Appendix 2- Declaration of Financial and Other Interests for Members/Employees Form	24 - 28
Appendix 3 – Declaration of Financial Interests for Bidders/Contractors Form	29 - 31
Appendix 4 – Declaration of Offers & Receipt of Gifts/Hospitality	32 - 35
Appendix 5- The Chartered Institute of Purchasing and Supply (CIPS) Code of Ethics	36- 36

1. INTRODUCTION

NHS Liverpool Clinical Commissioning Group (hereafter referred to as 'the CCG') is committed to ensuring that exemplary standards of business conduct are adhered to by Governing Body Members, committee and sub-committee members and all employees of the CCG (including individuals contracted to work on behalf of the CCG or otherwise providing services or facilities to the CCG for clinical programme areas and/or commissioning support services).

This policy aims to describe and reinforce the public service values which underpin the CCG's Constitution (and the NHS as a whole); reflecting current guidance and best practice to which all individuals within the CCG must have regard to in their duties.

The Governing Body is determined to ensure that the CCG inspires public confidence and achieves the highest possible standards of corporate behaviour. The Code of Conduct and Code of Accountability in the NHS (2004) sets out three public service values which are central to the on-going work and sustainability of the CCG:

- **Accountability** – everything done by those who work in the NHS must be able to stand the test 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 during the course of their NHS duties, and;
- **Openness** – there should be sufficient transparency about NHS activities to promote confidence between each CCG, its' staff, patients and public.

In addition to the above public service values, all individuals within the CCG must abide by the Seven Principles of Public Life set out by the Nolan Committee, which can be found in **Appendix 1** of this policy.

2. SCOPE OF POLICY

This policy applies to all CCG employees regardless of whether they are directly employed, in a seconded post or whether their remit is clinical or corporate. This includes:

- All employees of the CCG;
- Governing Body Members of the CCG (including invited 'non-voting' members)
- Committees and sub-committees of the CCG;

- Third parties acting on behalf of the CCG (including Commissioning Support and shared services);
- Agency, locum and other temporary staff engaged by the CCG, and;
- Students (including those on work experience), trainees and apprentices

Collectively, and for the purpose of this policy the above will simply be referred to as 'CCG staff' throughout the document. Additionally, all CCG staff are expected to:

- Comply with the requirements of the CCG's Constitution and be aware of the responsibilities outlined within it. The Constitution can be accessed electronically via the CCG's intranet and internet site <http://www.liverpoolccg.nhs.uk/>
- Conduct themselves in accordance with HSG (93) 5 "Standards of Business Conduct for NHS Staff".
- Adhere to the NHS Code of Conduct and Code of Accountability (2004), maintaining strict ethical standards in the NHS.

Some staff may additionally be required to adhere to a code of conduct of their own professional body. However, any non-compliance with this policy may lead to disciplinary action which could ultimately result in dismissal for gross misconduct.

2.1 Member Practices

Under delegated commissioning arrangements from 1st April 2015, Member Practices remain responsible for the development and management of standards of business conduct within their own general medical practices in terms of the delivery of day-to-day business, but can adopt this policy as an exemplar for local implementation. However, in all other circumstances where Member Practices (and/or individuals of Member Practices acting on their behalf) are engaged in CCG business or exercising commissioning functions, they will be expected to fully comply with the requirements contained within this document.

3. PRINCIPLES OF THIS POLICY

Holders of public office have a duty to act in the interests of the organisation of which they serve and to act in accordance of the tasks of the body. Furthermore, holders of public office must respect fellow members of the body and the role they play; treating them with courtesy at all times. CCG staff are therefore expected at all times to:

- Act in good faith and in the interests of the CCG; following the 'Seven Principles of Public Life' as set out by the Committee on Standards in Public Life (the Nolan Principles);

- Achieve value for money from the public funds with which they are entrusted and to demonstrate high ethical values of personal conduct (i.e. honest, supportive, caring, professional) at all times.

The CCG will take appropriate measures to ensure the requirements of this policy and any supporting documents are brought to the attention of all staff and that robust governance arrangements are in place for ensuring standards and guidelines are effectively implemented. Awareness will be promoted by clauses in the terms and conditions of employment and through publication/promotion on the CCG's intranet site for staff <http://nww.liverpoolccg.nhs.uk/>

4. PREVENTION OF BRIBERY & CORRUPTION

The CCG has a responsibility to ensure that all staff are made aware of their duties and responsibilities under the Bribery Act (2010) and has a strict zero tolerance approach to bribery and corruption. Under this Act there are four offences:

- Bribing, or offering to bribe another person;
- Requesting, agreeing to receive or accepting a bribe;
- Bribing, or offering to bribe a foreign public official, and;
- Failing to prevent bribery

In simple terms, "bribery" is an act where the offer of a gift or money is in exchange for benefits. Whilst monetary bribery is often perceived as the most common, bribes can often be less tangible and include things such as property, objects of value or offering to provide a particular service in the future. There must be an offer and an acceptance; based on the understanding that the individual accepting the offer is expected to do something in return. This can often differentiate 'bribes' from gifts offered in genuine goodwill; although the receipt of gifts and hospitality should never be allowed to influence CCG staff's judgement or conflict with the interests of the CCG's objectives. Further guidance for staff on the recording of gifts and hospitalities can be found in Section 8 of this policy.

4.1 Raising concerns

All CCG staff members have a duty to report any genuine concerns in relation to criminal activity, breach of legal obligation (including breach of contract/administrative law and negligence), miscarriage of justice and the covering up/obfuscation of such acts in the workplace. Codes of Conduct expected of CCG staff also extend to reporting dangers to health and safety. The CCG is committed to providing an open and learning environment in which individuals can raise concerns

without fear of reprisal or victimisation. The procedure for reporting specific concerns in relation to fraud are described in Section 5 below.

5 ANTI-FRAUD MEASURES

CCG staff members must not use their position to gain financial advantage. Where individuals have concerns or reasonably held suspicions about actual/potential fraudulent activity or practice, these should be reported immediately to the Chief Finance Officer (CFO) and the nominated Anti-Fraud Specialist (AFS). Should the CFO be implicated, individuals should instead report directly to the Chief Officer of the CCG, who will then liaise with the AFS to determine an appropriate course of action.

CCG staff can, at any point report NHS fraud by calling call NHS Protect/**NHS Counter Fraud Authority** on **free phone 0800 028 40 60** or via <https://www.reportnhsfraud.nhs.uk>. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud in the NHS. All calls are dealt with by experienced and trained staff and any caller wishing to remain anonymous may do so.

Anonymous letters and telephone calls can, on occasion, be received from individuals who wish to raise matters of concern through more 'unofficial' channels. Whilst suspicions and allegations may be erroneous or unsubstantiated, they could also reflect a genuine concern and will therefore always be taken seriously by the CCG. The Chief Finance Officer will make enquiries to establish whether or not there is any foundation to the suspicions raised where this is possible.

It is important for CCG staff not to ignore their suspicions, but they should not under any circumstances investigate matters themselves or discuss their suspicions with colleagues or others as this could severely compromise any future formal investigation by the CCG or AFS for criminal proceedings.

Further advice can be found in the CCG's Anti-Fraud, Bribery and Corruption Policy:

http://nww.liverpoolccg.nhs.uk/Library/You/CCG_employees/policies/Liverpool%20CCG%20Anti%20Fraud%20Bribery%20and%20Corruption%20Policy%202013.pdf

6 CCG CONSTITUTION, STANDING ORDERS (SOS), PRIME FINANCIAL POLICIES (PFPS) AND SCHEME OF DELEGATION (SD)

All staff must carry out their duties in accordance with the CCG's Standing Orders, Prime Financial Policies and Scheme of Delegation as these set out the statutory and governance framework in which the CCG operates (these can all be found in the Appendix section of the CCG's Constitution). There is considerable overlap with this policy and the provisions set out in Liverpool CCG's SOs, PFPs and SD so staff must ensure that they refer to and act in accordance with them to follow the most current CCG process. In the event of doubt as to compliance with these provisions,

CCG staff should initially seek advice from their line manager. The provisions detailed within the Constitution, SOs, PFPs and SD will always take primacy in the event of any conflicts arising with the content of this policy.

7 CONFLICTS OF INTEREST

The CCG has clear principles and robust processes for minimising, managing and registering real or perceived conflicts of interest which could be deemed or assumed to affect the integrity of decisions made by CCG staff in awarding contracts, procurement, policy development, employment and other commissioning decisions.

This section provides a *summary* description only of the CCG's corporate policy and responsibility in relation to the identification and management of conflicts of interest for CCG staff. Liverpool CCG's Conflicts of Interest Policy (2017) should be referenced for detailed guidance, policy statements (including their procedural implementation) and the requirements expected of CCG staff.

7.2 General overview

A conflict of interest occurs where an individual's ability to exercise judgement or act in one role is (or could be) impaired or otherwise influenced by their involvement in another role or relationship. The individual does not need to exploit their position or obtain an actual benefit; be it financial or otherwise. A potential for competing interests and/or a perception of impaired judgement or undue influence can also be a conflict of interest.

A conflict can arise from an indirect financial interest (e.g. a payment to a spouse) or a non-financial interest such as kudos or reputation. Conflicts can also arise from personal or professional relationships with others; particularly where the role or interest of a family member, friend or acquaintance may influence an individual's judgement or actions or could be perceived to do so. CCG staff should not allow their judgement or integrity to be compromised and should always be, and seen to be honest and objective in the exercise of their duties in line with their terms of employment, duties and responsibilities.

Conflicts may include (but not limited to):

- Directorships, including non-executive directorships held in private companies or public limited companies (with the exception of 'dormant' companies);
- Ownership or part ownership of companies, businesses or consultancies which may seek to conduct business with the CCG;
- Financial interests such as shareholdings in organisations with which the CCG may conduct business with;

- Membership of (or a position of trust) in a charity or voluntary organisation in the field of health and social care;
- Current contracts managed by the CCG in which the individual has a beneficial interest;
- A formal interest with a position of influence in a political party or organisation;
- Interests in pooled funds that are under separate management. Any relevant company included in this fund that has a potential relationship with the CCG must be declared, and;
- Any other employment, business involvement or relationship (or that of a spouse or partner) that conflicts, or may potentially conflict with the interests of the CCG.

All CCG staff should ensure that they are not placed in a position that risks (or appears to risk) a conflict between their private interests and their CCG duties. Where a situation falls outside of the above categories, for the avoidance of any doubt as to whether it represents a conflict of interest or not, CCG staff should always seek advice initially from their line manager, clinical lead or Head of Service.

7.2 Managing Conflicts of Interest

Although conflicts of interest are inevitable, in most circumstances it is possible to manage them appropriately by adopting a balanced and proportionate approach which does not constrain decision making. The CCG should be made aware of all situations where an individual's ability to exercise decision making may be conflicted by interests outside of their role, or where that interest has the *potential* to result in a conflict of interests between the individual's private interests and their CCG duties.

A potential conflict of interest could include:

- A direct financial interest - where an individual may financially benefit from the consequence;
- An indirect financial interest – where an individual is a member, partner or shareholder in an organisation which will benefit financially from a commissioning decision;
- Non-financial interest – where an individual holds a not-for-profit/non-remunerative interest in an organisation that will benefit from a commissioning decision (for example a Trustee of a charity that is bidding for a contract);

- Non-financial personal benefit. These occur where CCG staff receive no financial benefit, but are influenced by other external factors which could mean gaining status or wider recognition (for example, awarding contracts to friends or personal business contacts), and;
- Where an individual is closely related to, or in a relationship/friendship with an individual in the above categories.

If in doubt, CCG staff should always assume that a conflict of interest exists and declare it. Concerns may also relate to financial or personal commitments to friends, colleagues and peers or from close family members interests and obligations by association.

7.3 Declarations of Interests

The CCG will proactively manage conflicts of interest by:

- Maintaining and reviewing a Declarations of Interest Register (held by the Chief Finance Officer);
- Managing membership of all formal committees and decision making bodies supporting the CCG;
- Working within the CCG Constitution, Standing Orders (SO) and Scheme of Reservations and Delegations, and;
- Ensuring robust mechanisms are in place for committee members to declare interests and withdraw from decision making where appropriate.

The CCG's Declaration of Interests pro-forma can be found in Appendix 2

Individuals contracted to work on behalf of the CCG (or otherwise providing services of facilities to the CCG) will be made aware of their obligations under the CCG's Conflicts of Interest Policy (2015) to declare conflicts or potential conflicts of interest, using the pro-forma in Appendix 3. This requirement will be written into all contracts for services. The Declarations of Interest Register will be audited by the Chief Finance Officer on a quarterly basis to ensure consistency and accuracy.

7.3 Committee Meetings & Decision Making

All CCG committee meetings will include a standing agenda item at the beginning of each meeting for members to declare any interests relating specifically to business being considered. In cases where an interest previously undeclared is identified during the course of a meeting, the declaration will be noted in the minutes, which

themselves will detail all declarations made and the context in which the conflict occurs. The Chair of the meeting (unless himself/herself/ being conflicted) will rule on how the declaration is managed during the meeting. Declarations may be treated as relevant for decision making and any on-going contract monitoring arrangements. .

Any suspicion that a relevant personal interest may not have been declared should be reported to the Chief Finance Officer immediately.

7.4 Outside Employment and Private Practice

The standard employment contract issued to CCG staff sets out the terms concerning outside employment. Where staff have employment other than their employment with the CCG, they must declare this in writing to their line manager/Head of Service; detailing the hours and days worked, the duties carried out and seeking written agreement that this work would not be detrimental to their employment within the CCG. Any employee considering outside employment or private practice should first discuss this with their line manager/Head of Service before any undertaking or acceptance. The purpose of this is to ensure that the CCG is aware and is able to manage any potential conflicts with the employment. Examples of work which might conflict with the business of the CCG include:

- Employment with another NHS body;
- Employment with another organisation which might be in a position to supply goods/services to the CCG;
- Directorship of a GP federation or non-executive roles;
- Self-employment (including private practice), charitable trustee roles, political roles and consultancy work, in a capacity which might conflict with the work of the CCG or which might be in a position to supply goods/services to the CCG, and;
- Advice or consultancy services to a third party (e.g. pharmaceutical company)

All CCG staff contracts state that any individual wishing to engage in secondary employment will first need to obtain prior permission from their line manager and/or Chief Finance Officer, who on behalf of the CCG can reserve the right to refuse permission either in line with the Working Time Directive or where there is a perception that a conflict of interest will arise which cannot be effectively managed. In particular, it is unacceptable for pharmacy advisers, (or any other advisers), employees or consultants to the CCG on matters of procurement to themselves be in receipt of payments from the pharmaceutical or devices sector.

Where permission is granted, the individual should still complete a Declarations of Interest form to safeguard themselves and the CCG. NHS Liverpool CCG reserves the right to refuse permission where it is believed a conflict of interest may arise.

Employees are advised not to engage in outside employment during any periods of sickness absence from the CCG. To do so may lead to a referral being made to the

Anti-Fraud Specialist (AFS) for investigation, which may ultimately lead to criminal and/or disciplinary action in accordance with the CCG's Anti-Fraud arrangements.

7.5 Payment for speaking at a meeting/conference

In circumstances where a member of staff acting on behalf of the CCG (including Member Practice, Governing Body and/or Committee member) is asked to speak at an event which is held in working hours, relates to CCG business and for which a payment is offered, there are two options available; both of which must be agreed first with their line manager/Head of Service:

- a) The payment should be credited to the CCG;
- b) The member of staff takes annual or unpaid leave to speak at the event, and accepts the payment as a private arrangement between the organisation making the payment and the individual member of staff. The member of staff remains responsible for any tax liability which arises and declaring any conflicts of interest which may be of relevance to their role within the CCG.

8 GIFTS AND HOSPITALITY

All officers should ensure that they are not placed in a position that risks, or appears to risk, compromising their role or NHS Liverpool CCG's public and statutory duties or reputation. Officers must not, or be perceived to, secure valuable gifts and hospitality by virtue of their role at NHS Liverpool CCG.

The Bribery Act 2010 makes it a criminal offence to give or offer a bribe, or to request, offer to receive or accept a bribe. The Act reformed the criminal law of bribery, making it easier to tackle this offence proactively in both the public and private sectors. It introduced a corporate offence which means that commercial organisations, including NHS bodies, will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

Staff should adopt a common sense approach and compare offers of meals, refreshments and travel and accommodation against what the CCG might offer in similar circumstances where hospitality is provided at meetings, events and seminars. All CCG staff should consider the following points in relation to gifts and hospitality:

- Any personal gift of cash or cash equivalents (i.e. gift cards, gift vouchers) should be **declined** regardless of value. Trade or discount cards (by which personal benefit is gained from the CCG's purchase of goods or services at a reduced price) are also classified as gifts and should also be politely declined. Exceptions to this are where the CCG negotiates benefits on behalf of staff;

- CCG staff should immediately report any offers of unreasonably generous gifts or hospitality to the Chief Finance Officer;
- CCG staff should politely decline or promptly return any gifts considered unacceptable or inappropriate with a covering letter explaining the terms of this policy and stating a polite refusal of acceptance;
- During procurement processes, CCG staff should not accept any small items of value or hospitality over that usually afforded in a normal meeting environment from actual/potential bidders. This is purely so as to avoid any accusations or claims of unfair influence, collusion or canvassing;
- Providing hospitality at 'non-business' locations (for example hotels, restaurants and domiciliary residences) should be avoided unless there is a clear need to do so, and only if this is agreed in advance by a member of the CCG's Senior Management Team (SMT).

The Code of Conduct: Code of Accountability in the NHS determines that the use of NHS monies for hospitality and entertainment (including hospitality at conferences or seminars) should always be given careful consideration. The CCG's Conflicts of Interest Policy (2017) also provides more detailed guidance for CCG staff for the receipt of both gifts and hospitality and the process for recording declarations on the CCG's Gifts and Hospitality Register.

8.1 Gifts

Staff should always refuse gifts or other benefits which might reasonably be seen to compromise their personal judgement or integrity. Under no circumstances should CCG staff accept a personal gift of cash or cash equivalents (e.g. tokens, vouchers, gift cards, lottery tickets or betting slips) regardless of value. Gifts from suppliers, contractors or customers

Gifts from suppliers or contractors we do business (or are likely to do business) with, or customers, should be declined whatever the value. Subject to this, low cost branded promotional aids may be accepted where they are valued at under **£6** in total and need not be declared.

The acceptance of gifts from patients, families, service users, foreign dignitaries of **over £50** should be treated with caution and only accepted on behalf of the organisation, not in a personal capacity. Gifts accepted over a value of £50 must be declared using the current form at Appendix 4. A clear reason should be recorded as to why it was considered permissible to accept the gift, alongside the actual or estimated value and include line manager approval.

Modest gifts accepted **under a value of £50** need not be declared, however multiple gifts from the same source over a 12-month period should be declared where the cumulative value exceeds £50.

A common sense approach should be applied to the valuing of gifts, using the actual amount if known, or an estimate that a reasonable person would make as to its value. If there is any doubt about the appropriateness of accepting a gift, officers should either politely decline or consult their line manager or the CCG Chief Operating Officer or Senior Operations & Governance Manager.

8.2 Hospitality

Hospitality in this context means the provision of meals and refreshments, invitations to functions such as ceremonies, receptions, presentations and conferences as well as invitations to social, cultural and sporting events. Some offers may include overnight accommodation and travel to and from a venue at which an event is being held.

Hospitality must only be accepted when there is a legitimate business reason and is proportionate to the nature and purpose of the event. Staff should exercise discretion in accepting offers of hospitality in case it would, or might appear to:

- place them under any obligation to the individual or organisation making the offer, or;
- compromise their professional judgement and impartiality, or;
- otherwise be improper.

8.2.1 Meals and refreshments

Meals and refreshments **under the value of £25** may be accepted and need not be reported. In all cases, accepted hospitality should exclude alcohol. In case of doubt, officers should seek advice from their line manager or the Governance Team. Meals and refreshments offered **of a value between £25 and £75** may be accepted and must be declared, indicating whether it has been accepted or declined, using the current form attached at Appendix 4.

Offers **over a value of £75** should be refused unless (in exceptional circumstances) Senior Management Team approval is given in advance of acceptance. A clear reason should be recorded on the declaration as to why it was permissible to accept hospitality of this value. A common sense approach should be applied to the valuing of meals and refreshments, using an actual amount, if known, or an estimate.

8.2.2 Travel and accommodation

Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted, but must be declared. Offers which go beyond the type which would be funded by NHS Liverpool CCG must have senior manager approval in advance. A clear reason should be recorded on the declaration as to why it was permissible to accept travel and accommodation of this type.

Examples of travel and accommodation which would not normally be funded by NHS Liverpool CCG are shown below, although this list should not be regarded as exhaustive:

- offers of business or first class travel and accommodation (including domestic travel)
- offers of foreign travel and accommodation.

All references to hospitality include that provided by contractors, organisations or individuals concerned with the supply of goods or services. Where a meeting is funded by the pharmaceutical industry, this must be disclosed in the papers relating to the meeting and in any published minutes or actions. The Department or Directorate organising or hosting the event must ensure that the funding has been approved in line with the requirements set out in the CCG's Commercial Sponsorship Policy.

8.3 Declaring Gifts and Hospitality

All staff must declare any gifts and hospitality in accordance with the guidance above as soon as is practicable. Declarations should be made using the current form attached at Appendix 4.

The Register of Gifts and Hospitality is maintained by the Senior Operations and Governance Manager who will formally record the declarations of all officers.

8.3.1 Gifts and hospitality provided by NHS Liverpool CCG

Care should be taken when providing hospitality from NHS England funds and staff must be aware that any hospitality provided is still sourced from public monies and the public expect these funds to be used for legitimate purposes and demonstrate value for money.

In certain circumstances, it may be acceptable for NHS Liverpool CCG to provide modest hospitality in the way of working lunches and/or dinners as long as there are clear and genuine business reasons and with the prior approval of the relevant Senior Management Team member.

9. PERSONAL CONDUCT

The CCG places the utmost importance upon the honesty, integrity and moral behaviour of its staff. It is the responsibility of all staff, irrespective of position or pay band to ensure they are not placed in a position which risks, or appears to risk the reputation of the CCG through actions which may be considered as an abuse of official position, or by placing personal interests ahead of those of the CCG during the course of their duties. The following principles for personal conduct should be applied consistently by CCG staff:

9.1 Lending and borrowing of money

CCG staff should always refrain from the lending or borrowing of money between colleagues and peers; whether informally or as a business and particularly where the amounts involve significant sums of money. It is a particularly serious breach of discipline for any CCG staff to use their position to place pressure on colleagues, business contacts or members of the public to loan them money. Where incidents of this nature occur they should be reported to the Chief Finance Officer immediately or NHS Protect on **free phone 0800 028 40 60** / <https://www.reportnhsfraud.nhs.uk>.

9.2 Charitable collections

In general, charitable collections or fundraising conducted on site will be authorised by the Chief Finance Officer or relevant Senior Management Team member. Staff should be clear that under no circumstances should collection tins or boxes be placed in CCG offices without prior authorisation. Charitable collections amongst immediate colleagues and friends to support fundraising initiatives such as raffles, appeals and sponsored events may be conducted. Permission will not be required for informal collections amongst immediate colleagues for occasions such as retirement, marriage, new job, new births or birthdays.

9.3 Bankruptcy and insolvency

CCG staff who are declared bankrupt or insolvent must inform the Chief Finance Officer as soon as possible. Staff who are declared bankrupt or insolvent cannot be employed in posts that may give opportunity for the misappropriation of public monies, or involve the handling/processing of finances or money.

9.4 Gambling

No member of staff may bet or gamble whilst on duty or on CCG premises. The only exceptions to this are small lottery syndicates or sweepstakes relating to national/world sporting events such as the Grand National or FIFA World Cup, which are generally confined to immediate colleagues.

9.5 Trading on CCG premises

Trading on CCG premises is strictly prohibited, whether for personal gain or on behalf of others. This also applies to canvassing within CCG offices by on behalf of external bodies or companies (including non-CCG interests of staff or their relatives). This provision excludes refreshment arrangements conducted solely by staff (e.g. tea and coffee funds).

9.6 Arrest or conviction

A member of staff who is arrested and refused bail **or** convicted of any criminal offence must inform their line management **and** Human Resources immediately. If charged with any criminal offence (other than a motoring offence which does not carry the penalty of disqualification) staff must immediately advise their line manager of the charges and the outcome of the Police action; i.e. convicted, cautioned or exonerated. In some instances criminal convictions, even though unconnected to work, may lead to dismissal. This is also written into all staff contracts.

9.7 Social Media

CCG staff should ensure that their personal use of social media does not include disclosure of confidential or commercially sensitive information, the display of material or expression of views or opinions which could be linked with the CCG and damage its reputation.

Employees should always be mindful of the risks that inappropriate behaviour exposed by social media and/or inappropriate comments made on social media could, in some cases be construed as misconduct. For example, whenever employees post information about their work or their employer, it is highly likely that the information will be circulated to a wider audience. In some cases, posts can be (and have been) published by the local/national press. This is a particular risk where an individual's privacy settings are not limited to personal connections or 'followers' and are therefore not considered as protected under UK privacy, human rights or data protection laws. CCG staff should not enter into any on-line social media activity for personal or commercial gain without first seeking advice from the **Chief Operating Officer** on whether it constitutes a direct or indirect conflict of interest.

More detailed guidance can be found in the CCG's Social Media Policy (2016).

9.8 Private Transactions

CCG staff, Member Practices, Governing Body and Committee members or any individual acting on behalf of the CCG must not seek or accept preferential rates or benefits in kind for private transactions carried out with companies / organisations with which they have had (or may have) official dealings on behalf of the CCG. This

does **not** apply to any concession agreements negotiated by the CCG, or by the NHS as a whole in relation to recognised staff interests made on behalf of all staff (for example NHS staff benefits schemes, long service awards).

10. POLITICAL ACTIVITIES

Conferences or functions run by a party political organisation should not be attended by CCG staff in an official capacity *except* where prior permission has been granted by the Chief Officer. CCG staff should take care to ensure that any political activity they undertake outside of their role does not identify them individually as an employee of NHS Liverpool CCG.

11. COMMERCIAL SPONSORSHIP

For the purpose of this policy, commercial sponsorship is defined as including:

(NHS funding) from an external source, including funding of all, or part of, the costs of a member of staff, NHS research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (speakers), buildings or premises.

CCG staff may accept commercial sponsorship for courses, conferences, project funding and publications if they are reasonably justifiable and in accordance with the principles set out in this policy. Where there is doubt as to what constitutes 'reasonably justifiable' advice should be sought from the **Chief Operating Officer**. Written permission must first be obtained from the relevant Senior Management Team member in advance, which should also include details of the proposed sponsorship. A copy will be retained centrally by the CCG for audit purposes.

Acceptance of commercial sponsorship should not in any way compromise nor influence the commissioning decisions of the CCG and sponsors should not have any influence over the content of an event, meeting seminar, training event or publication. This includes financial support and hospitality for educational meetings, training, attendance at conferences and publications. From the outset, it should be made clear to the public or those attending an event that the fact of sponsorship (or publicity material about the company or product) does not in any way act as an endorsement by the CCG of the company's products or services.

When dealing with sponsors there must be no breach of patient or individual confidentiality or data protection legislation. No information should be supplied to a company for their commercial gain unless there is a clear benefit to the NHS. As a general rule, information which is not in the public domain will not normally be supplied. Where meetings are sponsored by external sources however, this will be disclosed in papers relevant to the meeting and in any published proceedings.

Further guidance in relation to sponsorship can be found in the CCG's 'Sponsorship Policy' ([September 2017](#)).

11.1 Collaborative Partnership Arrangements

It is recognised that NHS bodies work together and in collaboration with other agencies to improve health services and health outcomes for the populations they serve. Although collaborative partnership arrangements with the private sector can yield a number of benefits for the local population, it is important to have a transparent approach; both in terms of how the partnership would benefit the CCG and for the CCG to fully consider the regulatory and ethical implications of the arrangement before entering into it.

In the case of collaborative research and 'evaluative exercises' with manufacturers, the CCG may be entitled to obtain *fair reward* for the input it provides. Where such an exercise involves additional work for a CCG employee/employees that is paid for by the CCG under the terms of their contract of employment or under sessional arrangements, it will be determined how any benefits or rewards will be passed on to the employee(s) or individuals concerned from the collaborating parties. Care will always be taken to ensure that involvement in this type of arrangement with a manufacturer does not influence the purchase of other supplies from that manufacturer.

12. THIRD PARTY CONTRACTORS AND SUPPLIERS OF SERVICES

CCG staff who are in contact with suppliers and contractors (including external consultants) and particularly those who are authorised to sign purchase orders or enter into contracts for goods and services are expected to adhere to professional standards in line with those set out in the Codes of Ethics of the Chartered Institute of Purchasing and Supply (Appendix 5)

CCG staff involved in the awarding of contracts and tender processes must take no part in a selection process if a personal interest or conflict of interest is known. Such an interest must be declared to the Chief Finance Officer using the pro-forma in Appendix 2 as soon as it becomes apparent.

Where the potential provider of a service is a GP member, procurement may be through competitive tender or Any Qualified Provider (AQP) approach or on a single tender basis (where the GP is the only capable provider or where the service is of minimal financial value). The CCG will ensure that services are procured in a manner that is open, transparent, non-discriminatory and fair to all potential providers.

Details of all contracts, including the value of the contract will be published on the CCG's public-facing website as soon as contracts are agreed. Where the CCG decides to commission services via AQP, the type of service and agreed price for

each service commissioned will be published on the CCG's website www.liverpoolccg.nhs.uk and will also be included in the Annual Report.

13. INITIATIVES

As a general principle any financial gain resulting from external work where the use of the CCG's time or title is involved (e.g. speaking at events/conferences, writing articles) and/or which is connected with CCG business must be reported to the CCG's Chief Finance Officer.

Any patents or designs, trademarks or copyright resulting from the work of an individual employee of Liverpool CCG carried out as part of their terms of employment (for example research) shall remain the Intellectual Property of the CCG.

Approval from the appropriate line manager/Head of Service should be sought before entering into any obligation to undertake external work connected with the business of the CCG (e.g. writing articles for publication, speaking at conferences or events).

Where the undertaking of external work (including gaining patent, copyright or the involvement of innovative work) benefits or enhances the CCG's reputation or results in a financial gain for the CCG, consideration will be given to rewarding employees subject to any relevant guidance for the management of Intellectual Property in the NHS issued by the Department of Health.

14. CONFIDENTIALITY & DATA PROTECTION

During the course of their work for or with the CCG, individuals will be exposed to or will handle information which is deemed personal, sensitive or confidential. Information concerning Liverpool CCG which is not in the public domain must not, at any time, be divulged to any unauthorised person. **All staff must, at all times, operate in accordance with the Data Protection Act 1998 and maintain the confidentiality of all information including (but not restricted to) patient information; personal information relating to CCG staff and commercial information.** Care should be taken at all times to ensure confidentiality is not breached inadvertently by discussing confidential subjects in public places or social media or by leaving portable IT/communications equipment containing confidential information where it might easily be stolen. Confidential data should only be stored and distributed with an appropriate level of security and encryption.

Information identified as sensitive (either commercially sensitive or relevant to on-going business discussions and developments) must not be disclosed or otherwise discussed where disclosure may inadvertently occur. CCG staff should not provide information on the operations of the CCG which might provide a commercial advantage to any organisation (private or NHS) in a position to supply goods or services to the CCG.

This duty of confidence remains after staff (however employed) have left the employment of NHS Liverpool CCG.

15. SUSPECTED OR KNOWN BREACHES OF THIS POLICY

Individuals who fail to disclose relevant interests, outside employment or receipts of gifts, hospitality and sponsorship as required by this policy or the CCG's Standing Orders (SO) and financial policies may be subject to disciplinary action which could ultimately result in the termination of their employment or position with the CCG.

Individuals who wish to report suspected or known breaches of this policy should inform the Chief Finance Officer. Reporting of this nature will be treated in strictest confidence and those reporting breaches can expect a full explanation of the decisions taken as a result of any investigation. If there is evidence of fraud, deception, bribery or corruption the matter will be referred to the Anti-Fraud Specialist who will assess if legal action will be taken. The CCG may also refer cases to other professional bodies (e.g. General Medical Council, Nursing & Midwifery Council) with whom individuals are registered.

16. PUBLICATION & DISSEMINATION

All new staff will be made aware of this policy and associated documents on appointment/induction to the CCG. An electronic copy of the Standards of Business Conduct Policy will be made available on the CCG's intranet and public-facing website www.liverpoolccg.nhs.uk. The frequency of any specific awareness raising or training in relation to this policy will be determined as part of the CCG's organisation development plan.

17. MANAGEMENT ARRANGEMENTS & MONITORING COMPLIANCE

The **Chief Operating Officer** will be responsible for maintaining the Register of Interests, holding the Hospitality, Gifts and Sponsorship and reviewing the implementation of this policy (including any awareness raising sessions or training).

Committee responsibility for the implementation, monitoring, effectiveness and compliance of this policy and associated processes (including oversight of the Register of Interests and Hospitality, Gifts and Sponsorship Register) has been delegated to the Audit, Risk and Scrutiny Committee.

This policy will be reviewed on an annual basis by the Chief Operating Officer (or earlier if there are changes in legislation, relevant case law decisions, significant incidents and/or changes to the CCG's organisational infrastructure).

CCG staff should be aware that a breach of this policy could render them liable to prosecution as well as leading to the termination of their employment or position

within the CCG. Hard copies of this policy will be made available on request by the Chief Operating Officer.

18. REFERENCES AND FURTHER INFORMATION

This policy should be read in conjunction with the CCG's Constitution (latest version March 2015) and the Standing Orders, Reservation and Scheme of Delegation, Prime Financial Policies contained within. This policy should be read in conjunction with the CCG's Conflicts of Interest Policy (2015). Key national documents which have formed the basis and influenced the development of this document are as follows:

- NHS Liverpool CCG Anti-Fraud, Bribery & Corruption Policy (2015)
- NHS Liverpool CCG Conflicts of Interest Policy (2017)
- NHS Liverpool CCG Sponsorship Policy (2017)
- NHS Constitution
- NHS Liverpool CCG Whistleblowing Policy (2015)
- NHS Liverpool CCG Disciplinary Policy (2015)
- The Health & Social Care Act 2012 (Section 25)
- The Code of Conduct for NHS Managers
- The Nolan Principles on Conduct in Public Life
- NHS England – Standards of Business Conduct (2017)
- The NHS Codes of Conduct & Accountability; (NHS Appointments Commission & Department of Health – 2004)
- The Code of Practice on Openness in the NHS
- Bribery Act 2010
- General Medical Council: Leadership and Management for all Doctors (March 2012)

19. EQUALITY & DIVERSITY

NHS Liverpool CCG is unreservedly opposed to any form of discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (defined as Protected Characteristics). The aim of this policy is to protect both the CCG and the individuals involved from any appearance or accusations of impropriety. No gaps or challenges have been identified in relation to Equality & Diversity in the impact assessment of this policy.

The Seven Principles of Public Life (the Nolan Principles)

1. **Selflessness** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might 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 that 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.

In addition to these principles and values, the CCG embraces and includes the following standards of conduct expected in public service (as promoted by the Scottish Executive and Good Governance Institute):

- **Public Service:** Holders of public office have a duty to act in the interests of the public body of which they are a Board member and to act in accordance of the core tasks of the body, and;
- **Respect:** Holders of public office must respect fellow members of the public body and employees of the body and the role they play, treating them with courtesy at all times.

**NHS LIVERPOOL CLINICAL COMMISSIONING GROUP
 DECLARATION OF FINANCIAL AND OTHER INTERESTS
 FOR CCG MEMBERS/EMPLOYEES & ASSOCIATES
 APRIL 2017 – MARCH 2018**

PLEASE COMPLETE IN BLOCK CAPITALS

Name (print)

**Position or role within
 Liverpool CCG**

Date Appointed

IMPORTANT – PLEASE READ:

This form is required to be completed in accordance with the CCG's Constitution and the NHS Code of Accountability. NHS Liverpool Clinical Commissioning Group (CCG) must demonstrate that conflicts of interest are managed in a way that does not undermine the probity and accountability of the CCG. It is imperative that we inspire public confidence that decisions taken by NHS Liverpool CCG are robust, fair, transparent and offer value for money.

A declaration must be made of any interest likely to lead to a conflict or potential conflict as soon as the individual becomes aware of it or **no later than 28 days**.

If any assistance is required to complete this form, please contact Lynne Hill, Liverpool CCG by telephoning 0151 296 7195 or via email at declarations@liverpoolccg.nhs.uk

Please ensure that once completed, signed hard copies (including nil returns) are sent to:

**The Chief Finance Officer
 Liverpool CCG
 The Department, Lewis's Building
 2 Renshaw Street, Liverpool L1 2SA**

Any changes to interests declared must also be registered **within 28 days** by completing and submitting a new declaration form.

All relevant interests (irrespective of geography) should be declared. The CCG will make a decision about materiality on review of the declaration

SECTION 1 – DETAILS OF INTERESTS HELD

Before Completing this section please refer to the detailed guidance in Section 3. If additional space is required, please use another blank form.

Declared interest (name of the organisation or specific interest)	Nature of organisation or interest	Is this a financial or non-financial interest?	Is this a personal interest or that of a family member, friend or other acquaintance (please describe)	Date interest active from	Date interest ended (if still 'active' please state)	Actions to be taken to mitigate risk (for CCG use only)

SECTION 2 - DECLARATION

In accordance with the CCG's Conflicts of Interest Policy I wish to declare the following interests which fall within the scope of the policy to NHS Liverpool CCG:

I understand that I have a responsibility at future meetings to declare my interest in any specific items on the agenda or as part of any project at the point of commencement. This will include any personal or immediate family interest which may impinge (or be perceived to impinge) on my impartiality in any matter relevant to my duties as a member of NHS Liverpool Clinical Commissioning Group.

I have read and understood my obligations as outlined in the CCG's Conflicts of Interest Policy. I confirm that the information provided on this form is true and correct to the best of my knowledge and that if there any changes to the above declaration it is my responsibility to inform the CCG at the earliest opportunity. I consent to the disclosure of this information to the Local Counter Fraud Specialist and/or NHS Counter Fraud Authority for verification purposes and for the prevention or detection of crime. I will not engage (directly or indirectly via a third party) in any discussion or decision where my private or external interests may affect my ability to act in an open and transparent way (as required by the CCG's *Standards of Business Conduct Policy, Conflicts of Interest Policy and the CCG's constitution*). ***I understand that failure to abide by the requirements of such could render me liable for disciplinary action, which may include termination of appointment. Any suspicions or allegations of corrupt activity will be appropriately investigated and may lead to prosecution.***

Signature:

Date:

OR I have no interests to declare and I confirm a 'nil' declaration

Signature:

Date:

For CCG use:

Date form received:

Date entered on DoI Register:

SECTION 2 – GUIDANCE ON COMPLETING THIS FORM

The following is intended to provide brief guidance on the terminologies and requirements of individuals when completing this form. For more in-depth guidance please refer to the CCG's Conflicts of Interest Policy.

Name of the organisation or specific interest and nature of the business/interest

Please state the name of the organisation which is the subject of your declaration. It is important to include its full title for cross checking with Companies House registrations (where applicable). The nature of the organisation relates to its primary business or function (for example, 'NHS Trust', 'GP Federation', Consultancy, Registered Charity).

Is this a personal interest or that of a family member, friend or other acquaintance?

If the interest being declared is not your personal interest but is that of a family member, friend or any other acquaintance, it is important that you describe how they are related (for example, spouse, sibling 'family member') and what the nature of their interest is. If the friend or family member is employed by another NHS organisation, please also state their job role (e.g. Consultant or Ward Nurse).

Financial Interests

This is where an individual may get direct financial benefits from the consequences of a commissioning decision. Examples include:

- A director (including a non-executive director) or senior employee in a private company or public limited company or any other organisation which is doing, or which is likely, or possibly seeking to do, business with health or social care organisations;
- A shareholder (or similar owner interests), a partner or owner of a private or not-for-profit company, business, partnership or consultancy which is doing; or which is likely, or possibly seeking to do, business with health or social care organisations;
- A management consultant for a provider;
- Secondary employment;
- In receipt of secondary income from a provider;
- In receipt of a grant from a provider;
- In receipt of any payments (for example honoraria, one off payments, day allowances or travel or subsistence) 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

This relates to obtaining a non-financial professional benefit from the consequences of a commissioning decision, such as increasing professional reputation or status or promoting a professional career. This could include:

- An advocate for a particular group of patients;
- A GP with special interests (e.g. dermatology, paediatrics);
- A member of a particular specialist professional body (excludes membership of BMA, RCGP or MDUs etc.);
- An advisor for Care Quality Commission (CQC) or National Institute for Health and Care Excellence (NICE);
- A medical researcher

Non-Financial Personal Interests

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:

- 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;
- Suffering from a particular condition requiring individually funded treatment;
- A member of a lobby or pressure groups with an interest in health.

Indirect interests

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 could include:

- Spouse / partner;
- Close relative e.g., parent, grandparent, child, grandchild or sibling;
- Close friend;
- Business partner.

Important things to note:

- The Declarations of Interest Register will be updated monthly with the most current version available for the public on the CCG website www.liverpoolccg.nhs.uk or by postal application to the address given above. No personal details of those making declarations will be included other than name and job title.
- Any individual – and in particular members and employees of the CCG - must provide sufficient detail of the interest, and the potential for conflict with the interests of the CCG and the public for whom they commission services, to enable a lay person to understand the implications and why the interest needs to be registered.
- **If there is any doubt as to whether or not an interest is relevant, a declaration of the interest must be made. In the event of no interests to be declared, the form should be completed with 'nil return' recorded and duly signed/dated.**

NHS LIVERPOOL CLINICAL COMMISSIONING GROUP

Declaration of Financial and Other Interests for Bidders/Contractors

April 2017 – March 2018

This form is required to be completed in accordance with the CCG's Constitution and s140 of the NHS Act 2006 (as amended by the Health & Social Care Act 2012) and the NHS (Procurement, Patient Choice and Competition) (No2) Regulations 2013 and related guidance.

Notes:

- All potential bidders/contractors/service providers, including sub-contractors, members of a consortium, advisers or other associated parties (Relevant Organisation) are required to identify any potential conflicts of interest that could arise if the Relevant Organisation were to take part in any procurement process and/or provide services under, or otherwise enter into any contract with, the CCG, or with NHS England in circumstances where the CCG is jointly commissioning the service with, or acting under a delegation from, NHS England. If any assistance is required in order to complete this form, then the Relevant Organisation should contact Lynne Hill, Liverpool CCG by telephoning 0151 296 7195 or via email at declarations@liverpoolccg.nhs.uk;
- The completed form should be sent by both email (to the address above) and signed hard copy to **the Chief Finance Officer, Liverpool CCG, Liverpool CCG, 3rd Level, The Department, Lewis's Building, Renshaw Street, Liverpool L1 2SA**
- Any changes to interests declared either during the procurement process or during the term of any contract subsequently entered into by the Relevant Organisation and the CCG must notified to the CCG by completing a new declaration form and submitting it to [specify].
- Relevant Organisations completing this declaration form must provide sufficient detail of each interest so that the CCG, NHS England and also a member of the public would be able to understand clearly the sort of financial or other interest the person concerned has and the circumstances in which a conflict of interest with the business or running of the CCG or NHS England (including the award of a contract) might arise.
- If in doubt as to whether a conflict of interests could arise, a declaration of the interest should be made.

Interests that must be declared (whether such interests are those of the Relevant Person themselves or of a family member, close friend or other acquaintance of the Relevant Person), include the following:

- the Relevant Organisation or any person employed or engaged by or otherwise connected with a Relevant Organisation (Relevant Person) has provided or is providing services or other work for the CCG or NHS England;
- the Relevant Organisation or Relevant Person is providing services or other work for any other potential bidder in respect of this project or procurement process;
- the Relevant Organisation or any Relevant Person has any other connection with the CCG or NHS England, whether personal or professional, which the public could perceive may impair or otherwise influence the CCG's or any of its members' or employees' judgements, decisions or actions.

Declarations

Name of Relevant Organisation		
Interests		
Type of Interest	Details	
Provision of services or other work for the CCG or NHS England		
Provision of services or any other work for any potential bidder in respect of this project or procurement process		
Any other connection with NHS Liverpool CCG or NHS England, whether personal or professional which the public could perceive may impair or otherwise influence the CCG's (or any of its members' or employees) judgements, decisions or actions		

Name of relevant person (complete for <u>all</u> relevant persons)		
Interests		
Type of Interest	Details	Is this a personal interest or that of a family member, close friend or other acquaintance?
Provision of services or other work for the CCG or NHS England		
Provision of services or any other work for any potential bidder in respect of this project		
Any other connection with NHS Liverpool CCG or NHS England, whether personal or professional which the public could perceive may impair or otherwise influence the CCG's (or any of its members' or employees) judgements, decisions or actions		
Any other role or relationship which the public could perceive would impair or otherwise influence the		

Name of relevant person (complete for <u>all</u> relevant persons)		
Interests		
Type of Interest	Details	Is this a personal interest or that of a family member, close friend or other acquaintance?
individual's judgement or actions in their role within the CCG		

I am signing to confirm that the information provided on this form is true and correct to the best of my knowledge. I consent to the disclosure of this information to the Local Counter Fraud Specialist and/or NHS Protect for verification purposes and for the prevention or detection of crime. I confirm that if any changes to the above declaration occur, it is my responsibility to inform the CCG at the earliest opportunity. Further to this; I will not engage (directly or indirectly via a third party) in any discussion or decision where my private or external interests may affect my ability to act in an open and transparent way; as required by the Standards of Business Conduct (both National and Local), Conflicts of Interest Policy and the CCG's constitution.

I understand and accept that any suspicions or allegations of corrupt activity will be appropriately investigated and if proven may lead to prosecution

Signed:

On behalf of:

Date:

GIFTS AND HOSPITALITY DECLARATION FORM 2017/2018

This form must be completed in all instances where gifts, hospitality or other benefits are offered to an employee, Governing Body Member or any individual conducting business for or on behalf of NHS Liverpool CCG.

Please complete **all** sections and provide as much detail as possible. A guidance sheet on completion can be found attached to this form.

PART 1 – DETAILS

1. Name (recipient)	
2. Current position/role within CCG	
3. Date of Offer	
4. Was offer declined or accepted?	
5. Date of receipt of gift/hospitality (if applicable)	
6. Supplier/ 'offeror' name and nature of business (e.g. (see Note 1. In Appendix A)	
7. Details of gift/hospitality/entertainment <i>NB – gifts/hospitality offered in excess of £50 should ordinarily be declined and the offer reported via this form. (See Notes 4 & 5 in Appendix A)</i>	
8. Estimated value of offer (£)	£
9. Reason for accepting/declining	
10. Details of any previous offers made by this supplier, dates of offers and if accepted/rejected	

PART 2 – DECLARATION (RECIPIENT)

I have read and understood my obligations as outlined in NHS Liverpool CCG’s Standards of Business Conduct Policy, Conflicts of Interest Policy, Sponsorship Policy, CCG Constitution and related NHS Codes of Professional Conduct. I confirm that the information provided on this form is true and correct to the best of my knowledge and that if there any changes to the above declaration it is my responsibility to inform the CCG at the earliest opportunity. I consent to the disclosure of this information to the Local Anti-Fraud Specialist (AFS) and/or NHS Protect for verification purposes and for the prevention or detection of crime. **I understand that failure to abide by the requirements of such could render me liable for disciplinary action up to (and including) summary dismissal or removal from office.**
Any suspicions or allegations of corrupt activity will be appropriately investigated and may lead to prosecution.

Signature:	
Date:	

PART 3 – LINE MANAGER/SMT LEAD REVIEW

Name and position of Line Manager/SMT Lead reviewing this declaration:	
Date of Review:	
Advice given to recipient or action taken (if applicable)	
Signature:	
Date:	

Return to:
The Chief Finance Officer
NHS Liverpool Clinical Commissioning Group
3rd Level
The Department
Lewis’s Building
Renshaw Street
Liverpool 1
L1 1JX
Email: declarations@liverpoolccg.nhs.uk

<u>Office use only</u>
Date of receipt:
Date entered on register:

GUIDANCE ON DECLARING GIFTS AND HOSPITALITY

What is defined as a 'gift'

A 'gift' is defined as any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value.

What can't be accepted?

Gifts from suppliers or contractors we do business (or are likely to do business) with, or customers, should be politely declined, whatever the value. The 'offer' should be declared on this form for inclusion in the CCG's Gifts and Hospitality Register along with any previous offers made by the supplier/contractor. Subject to this, 'low cost' branded promotional gifts may be accepted where they are valued at under £6 in total and need not be declared.

Any personal offer of cash or cash equivalents (e.g. gift vouchers, tokens, gift cards) must always be declined - whatever their value and whatever their source. Again, the offer has to be declared on this form and included in the CCG's Gifts and Hospitality Register. Offers to individuals from suppliers or contractors involved in a CCG procurement exercise should be declined and reported to the Chief Finance Officer immediately.

What about gifts from other sources (i.e. non-suppliers or contractors)?

If accepting the 'gift' could give rise to perceptions of bias or favouritism, a common sense approach is needed. You may want to discuss the 'offer' with your line manager or the CCG's Conflicts of Interest Guardian if you are unsure if this could be the case. For example, items which have little financial value (less than £6) such as diaries, calendars or stationery which are acquired through the likes of events, conferences or seminars do not need to be declared. This also applies to small tokens of appreciation from members of the public for staff for a job well done (for example flowers, chocolates or similar). Gifts of alcohol or tobacco, however low in value must always be declined.

Is there a maximum limit to gifts from patients, families, service users etc.?

Yes – any gifts offered which **exceed a value of £50** should be politely declined unless accepted on behalf of the CCG (i.e. not personally). Another point to consider is whether you have accepted low value gifts and/or hospitality in the past (not only from the same source) which, when aggregated over a period of 12 months exceed the £50 limit. Gifts which are beyond the realms of what could be considered as 'reasonable' should be reported immediately to the Chief Finance Officer.

Can gifts be accepted and then raffled or used as a prize for a charity event?

Yes – although the caveat of 'using common sense' applies in terms of the appropriateness of the gift/hospitality and who it is being donated to. If a gift or offer of hospitality is to be donated in this way, the 'offerer' should be notified of the decision, the 'acceptance' summarised on this form along with the details of who it has been donated to.

What about commercial sponsorship?

There may be situations where CCG staff, Governing Body/committee members (and GP member practices) are offered commercial sponsorship for courses, conferences, programme/project funding, meetings and publications in connection with activities which they are carrying out for (or on behalf of) Liverpool CCG or its member practices. Any offer made which falls into this category must be declared on the CCG's Register of Interests and considered under the processes described in the CCG's Commercial Sponsorship Policy for prior approval.

What information does the CCG release into the public domain?

Everything declared on Part 1 of the form may be published in the CCG's Gifts and Hospitality Register which is available on the CCG's website www.liverpoolccg.nhs.uk.

Following receipt of your declaration, the CCG will provide you with a 'Fair Processing Notice' which will confirm if the information you provide will be shared publicly, for what purpose and the length of time it will be held for.

What about hospitality?

Meals and refreshments up to the value of £25 may be accepted and need not be reported. Any meals and refreshments with a value of between £25 - £75 can be accepted, but will need to be declared on this form with a reason for acceptance. Staff should seek the advice of their line manager if in any doubt.

Notes on completing this form

- 1. Supplier/ 'offerer' name and nature of business** - this should be the full name of the supplier/offerer and a description of their primary business area (for example, Health Informatics Software Company, Pharmaceutical Company, Registered Charity). If there are obvious links to the NHS in terms of potential to do business (or actual business), this should be included in the description.
- 2. Details of gift/hospitality/entertainment** – give as much information as possible in relation to what is being offered. For example, is it four tickets to event X or just one? Does the offer include food, drink, travel and accommodation or all four? Does the offer include VIP treatment?
- 3. Estimated value of offer** –it may not always be possible to place an exact £ value on what's being offered so a realistic estimate will suffice. For example, tickets to a football match, concert or event can be determined at face value (or going rate) but estimating the value of enhancements such as VIP treatment in addition is obviously more difficult. In some cases, this could actually double or triple the value of the overall offer. Again, a simple estimate would suffice as would declaring the face value of the ticket on the form and noting that the offer came with 'enhanced' hospitality.
- 4. Reason for accepting or declining** – if the 'offer' is accepted then there has to be a thorough justification/explanation (including details of any discussions with senior management in relation to the acceptance). For example, writing something along the lines of "Too good to turn down..." can and will be strongly challenged. Accepting an offer which exceeds the £50 limit can only be with the benefit of the CCG as a whole in mind and will still require SMT sign-off before any acceptance is made. Declining an offer need only be described as being contrary to CCG/NHS policy (unless there is another specific reason for refusal).
- 5. Details of any previous offers made by this supplier, dates of offers and if accepted/rejected** – this helps the CCG to monitor the frequency and timing of offers made and establish any themes which may be emerging with an individual, supplier or contractor. Although this is usually within a 12-month period, it is equally important to ensure that any previous offers are recorded for audit purposes.

Ends

The Chartered Institute of Purchasing and Supply (CIPS) Code of Ethics

Use of the code

Members of CIPS are required to uphold this code and to seek commitment to it by all those with whom they engage in their professional practice. Members are expected to encourage their organisation to adopt an ethical purchasing policy based on the principles of this code and to raise any matter of concern relating to business ethics at an appropriate level. The Institute's Royal Charter sets out a disciplinary procedure which enables the CIPS Board of Trustees to investigate complaints against any of our members and, if it is found that they have breached the code to take appropriate action. Advice on any aspect of the code is available from CIPS.

This code was approved by the CIPS Council on 11 March 2009.

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

- Maintain the highest standard of integrity in all my business relationships
- Reject any business practice which might reasonably be deemed improper
- Never use my authority or position for my own personal gain
- Enhance the proficiency and stature of the profession by acquiring and applying knowledge in the most appropriate way
- Foster the highest standards of professional competence amongst those for whom I am responsible
- Optimise the use of resources which I have influence over for the benefit of my organisation
- Comply with both the letter and the intent of:
 - The law of countries in which I practise
 - Agreed contractual obligations
 - CIPS guidance on professional practice
- Declare any personal interest that might affect, or be seen by others to affect, my impartiality or decision making
- Ensure that the information I give in the course of my work is accurate
- Respect the confidentiality of information I receive and never use it for personal gain
- Strive for genuine, fair and transparent competition
- Not accept inducements or gifts, other than items of small value such as business diaries or calendars
- Always to declare the offer or acceptance of hospitality and never allow hospitality to influence a business decision
- Remain impartial in all business dealing and not be influenced by those with vested interests

Advice on any aspect of the code of ethics is available from CIPS.