



Liverpool
Clinical Commissioning Group

STANDARDS OF BUSINESS CONDUCT

JANUARY 2021

V1.5

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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	Date	Lead Officer	Comments
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

Version	Date	Lead Officer	Comments
1.4	28/11/2019	Stephen Hendry	To reflect the most current CCG management structure (Nov 2019), the following changes have been made throughout the document: <ul style="list-style-type: none"> ✓ References to 'Senior Management Team' changed to 'Senior Leadership Team' ✓ References to 'Chief Finance Officer' changed to 'Chief Finance and Contracting Officer' ✓ Responsibilities previously aligned to Chief Operating Officer changed to Head of Corporate Services and Governance (in line with current CCG management structure)
1.4	28/1/2019	Stephen Hendry	Removal of template CCG Declaration of Interest form and Gifts and Hospitality form from appendices – replaced by hyperlinks to CCG Intranet location of electronic forms.
1.4	28/1/2019	Stephen Hendry	All references to 'NHS Protect' changed to 'NHS Counter Fraud Authority' (NHS CFA) to reflect most current 'Special Health Authority' status.
1.5	21/01/2021	Richard Houghton	Amendment of references from 'Audit, Risk & Scrutiny Committee' to 'Audit & Risk Committee' Reference to Conflict of Interest Policy updated from 2019 to 2020 Reference to Data Protection Act 1998 updated to 2018

Document Control Sheet

Development &	Policy developed to ensure consistent approach to standards of business conduct
Dissemination	This policy is available to all CCG staff. Information about the policy will be included on the intranet.
Implementation	The policy is used by all groups and staff
Training	Formal training not required
Audit	A record of relevant policies is maintained by the Corporate Governance Team including details of when a policy is due for renewal.
Review	The Corporate Services Team will review this policy every 2 years or sooner if significant amendments are made. The revised policy will be presented to Audit & Risk Committee for
Links with other	N/A
Equality & Diversity	No impact

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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
- ✓ 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

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 and 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
- ✓ 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 / potentially fraudulent activity or practice, these should be reported immediately to the Chief Finance and Contracting 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 the NHS Counter Fraud Authority (NHS CFA) 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 and Contracting 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/ccg-employee-area/organisational-hr-policies/anti-fraud-bribery-and-corruption/>

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 \(2020\)](#) should be referenced for detailed guidance, policy statements (including their procedural implementation) and the requirements expected of CCG staff.

7.1 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
- 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)
- 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 Interest

The CCG will proactively manage conflicts of interest by:

- Maintaining and reviewing a Declarations of Interest Register (held by the Chief Finance and Contracting 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
- Ensuring robust mechanisms are in place for committee members to declare interests and withdraw from decision making where appropriate

The most current version of the CCG's Declaration of Interests forms can be found [here](#). 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 to declare conflicts or potential conflicts of interest, using the pro-forma which can be found [here](#). This requirement will be written into all contracts for services. The Declarations of Interest Register will be audited by the Chief Finance and Contracting Officer on a quarterly basis to ensure consistency and accuracy.

7.4 Committee Meetings and 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 and Contracting Officer immediately.

7.5 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
- ✓ 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 and Contracting 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.

7.6 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 and Contracting 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 Leadership Team (SLT)

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 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 Head of Corporate Services and Governance 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, which can be found [here](#).

Offers **over a value of £75** should be refused unless (in exceptional circumstances) Senior Leadership 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 which can be found [here](#).

The Register of Gifts and Hospitality is maintained by the Head of Corporate Services and Governance 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 Leadership 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 and Contracting Officer immediately or the NHS Counter Fraud Authority (NHS CFA) 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 and Contracting Officer or relevant Senior Leadership 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 and Contracting 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 Head of Corporate Services and Governance on whether it constitutes a direct or indirect conflict of interest.

More detailed guidance can be found in the CCG's Social Media Policy <http://nww.liverpoolccg.nhs.uk/media/2004/lccg-social-media-policy-2018.pdf>

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 Head of Corporate Services and Governance. Written permission must first be obtained from the relevant Senior Leadership 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' [here](#).

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 and Contracting 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 and Contracting 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 and 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 2018 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 and Contracting 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 and 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 and monitoring compliance

The Head of Corporate Services and Governance 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 Committee.

This policy will be reviewed on an annual basis by the Head of Corporate Services and Governance (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 Head of Corporate Services and Governance.

18. References and Further Information

This policy should be read in conjunction with the CCG's Constitution (latest version November 2019 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 (2020). 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 (2020)
- ✓ NHS Liverpool CCG Conflicts of Interest Policy (2020)
- ✓ NHS Liverpool CCG Sponsorship Policy (2019)
- ✓ NHS Constitution
- ✓ NHS Liverpool CCG Whistleblowing Policy (2020)
- ✓ NHS Liverpool CCG Disciplinary Policy (2018)
- ✓ 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
- ✓ 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 and 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.

Appendix 1: 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.

Appendix 2 – The Chartered Institute of Purchasing and Supply Code of Ethics

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.