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Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion and Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy & Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination? Yes

Document for Public Display: Yes

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I agree to abide by the Code of Business Conduct as set out herein		date
Signed		

1. INTRODUCTION

- 1.1 Lancashire Teaching Hospitals NHS Foundation Trust and the people who work with and for us, collaborate closely with other organisations, delivering high quality care for our patients. These partnerships have many benefits and should help ensure that public money is spent efficiently and wisely. But there is a risk that conflicts of interest may arise.
- 1.2 Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution. We are committed to maximising our resources for the benefit of the whole community. As an organisation and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of patients.

2. PURPOSE

- 2.1 The purpose of the Code of Business Conduct is to ensure that everyone involved in the Trust maintains a high standard of propriety in the way they conduct themselves. This Code of Business Conduct is intended to ensure that the actions of those acting on behalf of the Trust are both lawful and in line with the high standards expected. This Code of Business Conduct also provides support and guidance for making appropriate judgement and decisions, to protect the Trust's Staff and Governors from any suspicion of fraud, bribery or corruption.
- 2.2 The Code of Business Conduct applies at all times when individuals are carrying out Trust business or representing the Trust. The Code of Business Conduct does not relate to activities undertaken in a personal capacity, except where the personal conduct could reasonably be regarded as bringing the Trust as a whole, its division, departments or a particular office into disrepute.
- 2.3 Providing best value for taxpayers and ensuring that decisions are taken transparently and clearly, are both key principles in the NHS Constitution. We are committed to maximising our resources for the benefit of the whole community. As an organisation and as individuals, we have a duty to ensure that all our dealings are conducted to the highest standards of integrity and that NHS monies are used wisely so that we are using our finite resources in the best interests of patients.
- 2.4 This Code of Business Conduct will help our staff manage conflicts of interest risks effectively. It:
 - Introduces consistent principles and rules
 - Provides simple advice about what to do in common situations.
 - Supports good judgement about how to approach and manage interests

3. SCOPE

3.1 Whilst the Code of Business Conduct makes reference to and contains basic information about some of the Trust's policies, it is not intended to cover every situation; and should therefore be read in conjunction with the relevant policies and any additional professional conduct regulations that may be appropriate.

3.2 In particular, the Code of Business Conduct should be read in conjunction with:

- The Code of Conduct for Employees;
- The Anti-Fraud, Bribery and Corruption Policy;
- The Disciplinary Policy and Procedure;
- The Raising Concerns Policy;
- The Trust Constitution;
- The Board's Standing Orders; and
- The Standing Financial Instructions.

These policies are available to view via the Trust's Heritage system.

4. KEY TERMS

In this Code of Business Conduct, the following key terms apply:

'Staff'	<p>At the Trust we use the skills of many different people, all of whom are vital to our work. This includes people on differing employment and engagement terms, who for the purposes of this Code we refer to as 'Staff' and are listed below:</p> <ul style="list-style-type: none">• All salaried employees, full or part time, irrespective of role, grade or status• Non-executive directors
	<ul style="list-style-type: none">• All prospective employees – who are part-way through recruitment• Volunteers (including governors)• Contractors and sub-contractors and others employed under a contract for service• Agency and bank staff• Committee, sub-committee and advisory group members (who may not be directly employed or engaged by the organisation)• Employees of wholly owned subsidiary vehicles

<p>‘Decision Making Staff’</p>	<p>Some staff are more likely than others to have a decision-making influence on the use of taxpayers’ money, because of the requirements of their role.</p> <p>For the purposes of the Code of Business Conduct these people are referred to as ‘decision making staff.’</p> <p>‘Decision making staff’ in this organisation are:</p> <ul style="list-style-type: none"> • Executive and non-executive directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers’ money • Those at Agenda for Change band 8d and above • All consultants • Procurement staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions • Administrative and clinical staff who have the power to enter into contracts on behalf of the organisation (or its subsidiaries) <p>In accordance with national guidance, these staff groups are considered to be employees who have significant influence and it is therefore important to ensure that transparency of any declarations made and action being taken to avoid situations of conflicts.</p>
<p>‘Interests’:</p>	<p>‘Interests’ fall into the following categories:</p> <p>Financial interests: Where an individual may get direct financial benefit from the consequences of a decision they are involved in making.</p> <p>Non-financial professional interests: Where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career.</p>

	<p>Non-financial personal interests: 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, because of decisions they are involved in making in their professional career.</p> <p>Indirect interests: Where an individual has a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.</p>
A 'conflict of interest' is:	<p>A set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold.</p> <p>A conflict of interest may be:</p> <ul style="list-style-type: none"> • Actual - there is a material conflict between one or more interests • Potential – there is the possibility of a material conflict between one or more interests in the future <p>Staff may hold interests for which they cannot see potential conflict. However, caution is always advisable because others may see it differently and perceived conflicts of interest can be damaging. All interests should be declared where there is a risk of perceived improper conduct.</p>

5. DECLARING INTERESTS

- 5.1 All Staff (as defined in 'key terms' above) must declare any interest (including gifts and hospitality), or make a 'nil declaration', by completing a declaration form using the online register: <https://lancsteaching.mydeclarations.co.uk>.
- 5.2 Our online Register makes it easy for Staff to declare their interests and for greater transparency to the public, in line with NHS England guidance. This central register is a record of all interests, including offers or gifts, hospitality and sponsorship. Staff are responsible for making sure that their registered interests are kept up to date at all times.

The online register is accessible through the Intranet page on 'Declare an Interest, Gift or Hospitality': <https://lancsteaching.mydeclarations.co.uk>.

The online register includes a number of useful training materials, user guides and resources, including a video on how to use the online register: <https://player.vimeo.com/video/259832236?autoplay=1>

Declarations for all Staff must be made:

- on appointment;
- during the recruitment process where it involves senior employees with

- new appointments
 - annually, which includes nil returns where there are no interests or changes to declare;
 - whenever an individual's role, responsibility or circumstances change in a way that affects the individual's interest; and
 - at the beginning of a new project/piece of work,
 - in addition, when new interests arise these must be formally declared as soon as possible but within 28 days of the interest arising.
- 5.3 The requirement to complete a declaration form applies regardless of whether you consider there to be an actual, potential or perceived conflict – if in doubt, the Trust expects Staff to err on the side of caution and declare it, in order to protect the individual and organisation from accusations of wrongdoing.
- 5.4 The Trust will support Staff to understand that having interests is not in itself negative, but not declaring and/or managing them is. The Trust will prompt Staff annually to review declarations they have made and, as appropriate, update them or make a nil return. This prompt will be provided via an automated email to Staff via the online portal.
- 5.5 Any declarations made by Decision Making Staff will be made publicly available on the Trust website. If decision making staff have substantial grounds for believing that publication of their interests should not take place then they should contact the Company Secretary to explain why. In exceptional circumstances, for instance where publication of information might put a member of staff at risk of harm, information may be withheld or redacted on public registers. However, this would be an exception and information will not be withheld or redacted merely because of a personal preference.
- 5.6 After expiry, an interest will remain on the register for a minimum of 6 months and a private record of historic interests will be retained for a minimum of 6 years.
- 5.7 The Company Secretary is responsible for maintaining the register of interests (including gifts, hospitality and sponsorship) and for providing advice and support to Staff on how to declare interests. It is the responsibility of managers to ensure that all staff are aware of this guidance. Queries can be issued to the Company Secretary via the 'Support' tab on the online register or via email on Company.Secretary@lthtr.nhs.uk.
- 5.8 Members of the public may request to access the register in alternative formats, including on-site viewing at Trust HQ, through application to the Company Secretary.

In writing:

Company Secretary
Trust Executive
Royal Preston Hospital
Sharoe Green Lane
Preston
PR2 9HT

Telephone (switchboard): 01772 716565

6. WIDER TRANSPARENCY INITIATIVES

- 6.1 The Trust fully supports wider transparency initiatives in healthcare, and staff are encouraged to engage actively with these.
- 6.2 Relevant staff are strongly encouraged to give their consent for payments they receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative.

These “transfers of value” include payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel, both inside and outside the UK
- Donations, grants and benefits in kind provided to healthcare organisations

Further information about the scheme can be found on the ABPI website:

<http://www.abpi.org.uk/our-work/disclosure/about/Pages/default.aspx>

7. AVOIDING AND MANAGING CONFLICTS OF INTEREST

- 7.1 Although the interest may be declared, this does not remove the member of staff's personal responsibilities for taking action to manage any actual or potential conflict that may rise, such as by removing themselves from a position or situation which may result in a potential breach of the Code of Business Conduct. Please note that declaring an interest is not in itself negative but failing to manage any potential or actual conflict of interest is.
- 7.2 Staff must avoid placing themselves in situations where they may be vulnerable to allegations of impropriety, and must remove themselves from situations where they risk breaching this Code of Business Conduct.
- 7.3 The important things to remember are that:
- A perception of wrong doing, impaired judgement or undue influence can be as detrimental as any of them actually occurring;
 - If in doubt, it is better to assume a conflict of interest and manage it appropriately rather than ignore it;
 - For a conflict to exist financial gain is not necessary.
- 7.4 It may not be possible to completely eliminate the risks of conflicts. Instead, it may be preferable to recognise the associated risks and put measures in place to manage the conflicts appropriately when they do arise. The range of management actions required to be taken varies from case to case: such as ranging from nothing, where no conflict of interest or impact is identified, through asking someone not to take part in a decision making process to removing them from part of their role, or, very rarely their whole role. Each case will be different and context-specific, and the Trust will always clarify the circumstances and issues with the individuals involved. Staff should maintain

a written audit trail of information considered and actions taken.

7.5 Responsibilities of Staff and Managers and the Trust:

Staff responsibilities:	Trust responsibilities:
<ul style="list-style-type: none"> Familiarise yourself with this Code of Business Conduct and follow it. Refer to the national guidance for the rationale behind this Code https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf Use your common sense and judgement to consider whether the interests you have could affect the way taxpayers' money is spent Regularly consider what interests you have and declare these as they arise. If in doubt, declare. NOT misuse your position to further your own interests or those close to you NOT be influenced, or give the impression that you have been influenced by outside interests NOT allow outside interests you have to inappropriately affect the decisions you make when using taxpayers' money 	<ul style="list-style-type: none"> Ensure that this Code of Business Conduct and supporting processes are clear and help staff understand what they need to do. Identify a team or individual with responsibility for: <ul style="list-style-type: none"> Keeping this Code under review to ensure they are in line with the guidance. Providing advice, training and support for staff on how interests should be managed. Maintaining the register of interests. Auditing this Code and its associated processes and procedures at least once every three years. NOT avoid managing conflicts of interest. NOT interpret this Code in a way which stifles collaboration and innovation with our partners
Manager responsibilities:	
<p>Managers must:</p> <ul style="list-style-type: none"> Ensure that all staff are aware of this guidance. Ensure that staffs involved in tendering or contracting do not give unfair advantage to one competitor over another or give the impression, by their action or inaction, that they are giving such an advantage. Ensure that staffs are aware that they should report offers of a gift, hospitality and sponsorship over £50 must be declared in the Register and notified to the Divisional Director or relevant Manager. Take care to ensure that the Trust does not appear to be compromised by acceptance of sponsorship by organisations which may at some time be competing to supply goods or services to the Trust. Ensure staff are aware that they are required to report any other employment and that they could breach their contract of employment by working for another employer without approval. Assess possible conflicts of interest when staff wish to carry out work outside the Trust. Take appropriate disciplinary action against employees who fail to declare an interest or are found to have abused their official position. 	

8. MANAGEMENT OF INTERESTS – COMMON SITUATIONS

8.1 Donations

The NHS has benefited substantially from donations and the Trust would not wish to discourage donations that improve the service that it provides to its patients. However, there are risks associated with the acceptance of donations from unsuitable sources or arising from donation of inappropriate items of equipment. The difficulties in accepting inappropriate donations can take a number of forms and these include:

- The creation of a sense of obligation on the part of either the giver or the recipient.
- The commitment to purchase, servicing, spare parts or consumables from a single source. This may also contravene European Union legislation.
- The appearance of partiality towards the giver, which the acceptance of a gift might imply to a firm's competitors.
- The acceptance of equipment can carry with it revenue costs such as staffing, consumables and accommodation. Where an offer of equipment is received, this should be referred to the Chief Finance Officer.

Any donations offered to individuals (regardless of whether they have been accepted) should be declared using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

The relevant declaration form on the online register used to declare the donation will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- A description of the nature and value of the donation, including name of donor.
- Date of receipt (or confirm it was declined).
- Confirmation as to whether employee was directly actively involved in fundraising and whether he/she has obtained permission from the organisation.
- Details as to whether the donation has been made to a specific charitable fund and, if so, the name of the charitable fund.
- Confirmation as to whether employee has received any donations personally.
- Any other relevant information (e.g. circumstances surrounding the donation, action taken to militate against a conflict, details of any approvals given to depart from the terms of this Code).

Accepting inappropriate donations can be seen as bribery and it is important that staff take all possible steps to avoid creating the perception that they have/are receiving an inducement or reward.

Donations made by suppliers or bodies seeking to do business with the organisation should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared using the online register.

Staff should not actively solicit charitable donations unless this is a prescribed or expected part of their duties for the organisation or is being pursued on behalf of the organisation's own registered charity or other charitable body

and is not for their own personal gain.

Staff must obtain permission from the organisation if in their professional role they intend to undertake fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the organisation's own.

Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued. Staff wishing to make a donation to a charitable fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to such donations are properly discharged and accounted for.

8.2 *Gifts*

It is a requirement of the Trust to ensure that all dealings by its staff with suppliers and other stakeholders are carried out with the highest levels of integrity, and that staff are sufficiently aware of their responsibilities to achieve

this. It is the responsibility of all staff to ensure that they are not placed in a position that risks, or appears to risk, conflict between their personal interests and those of the Trust.

The offer of a gift will require careful judgement. It can sometimes be necessary to decide how the 'public interest' and the Trust's good name may best be served. Staff should not accept gifts that may affect, or be seen to affect, their professional judgement. Corruptly soliciting or receiving any gift or favour is a criminal offence.

Suppliers and Contractors

Gifts from suppliers or contractors doing business (or likely to do business) with the organisation should be declined, whatever their value. However, low cost promotional aids (such as pens or post-it notes) may be accepted where they are under the value of £6¹ in total and need not be declared.

Other Sources (e.g patients, families, service users)

The acceptance of monetary gifts, including vouchers, from any source should be declined.

Gifts of a value less than £50 do not need to be declared

Multiple gifts worth a total of £50 are received from the same or closely related source in a 12 month period this must be declared

Gifts valued at over £75 should be treated with caution and only be accepted on behalf of the Trust not in a personal capacity. Advice on accepting high value gifts should be sought from the Company Secretary in writing before acceptance.

A common sense approach should be applied to the valuing of gifts.

Each member of staff has a personal responsibility to declare any gift offered

¹ The £6 value has been selected with reference to existing industry guidance issued by the ABPI

with value of £50 or more (whether or not this is accepted) using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>

8.3 *Hospitality*

Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement. With respect to travel and accommodation, modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared using our online register.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75² - may be accepted and must be declared.
- Over a value of £50 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the register(s) of interest as to why it was permissible to accept.
- A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event. Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. This can be accepted if modest and reasonable but senior approval must be obtained. If there is doubt as to the appropriateness of acceptance, then hospitality should be declined.

The relevant declaration form on the online register used to declare the relevant gift or hospitality will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- A description of the nature and value of the gift or hospitality, including its source.
- Date of receipt (or confirm it was declined).
- Any other relevant information (e.g. circumstances surrounding the gift or hospitality, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

Some gifts and hospitality may be treated by HM Revenue & Customs as benefits in kind and may, therefore, be taxable. It is the responsibility of each employee to manage their own tax affairs.

8.4 *Sponsorship*

This section should be read in conjunction with our Corporate Sponsorship Policy.

Sponsored events

² The £75 value has been selected with reference to existing industry guidance issued by the ABPI

Sponsorship of events by appropriate external bodies must receive prior approval from the Trust Executive via the office of the Director of Communication and Engagement and will only be approved if a reasonable person would conclude that the event will result in clear benefit the organisations and the NHS. During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation. No information should be supplied to the sponsor from whom they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied. At the Trust's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event. The involvement of a sponsor in an event should always be clearly identified.

Staff within the organisation involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event. Staff arranging sponsored events must declare this to the organisation using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

The relevant declaration form on the online register used to declare the relevant sponsored event will be subject to review and includes the following information:

- Staff name and their role with the organisation
- Date and title of sponsored event
- Sponsor name
- Description of what the sponsorship is for
- Estimated value of the sponsorship
- Recipient of the sponsorship (individual, ward/department or organisation)

Sponsored research

Funding sources for research purposes must be transparent. Any proposed research must go through the relevant health research authority or other approvals process. There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services. The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.

Staff should declare involvement with sponsored research to the organisation using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

The relevant declaration form on the online register used to declare the relevant sponsored research will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- Nature of their involvement in the sponsored research.
- Relevant dates.

- Description of whether the sponsored research has been authorised and by whom;
- Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

Sponsored posts

External sponsorship of a post requires prior approval from the organisation. Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate. Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.

Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided. Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

Staff should declare involvement with sponsored posts to the organisation using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

The relevant declaration form on the online register used to declare the relevant sponsored post will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- Sponsor name
- Sponsor type and description of the sponsored post
- Relevant dates
- Description of whether the sponsored post has been authorised and by whom
- Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

8.5 Secondary Employment

Secondary employment is defined as any other employment or other engagements, outside of the formal employment arrangements with the Trust, which includes but is not limited to the following 'paid' activities:

- Self-employment
- Consultancy work
- Lectures/paid honorariums
- Political roles

- Position of authority held in another public body, trade union, charity, not-for-profit organisation, voluntary body, professional body or other association
- Sitting on advisory groups or other paid decision making forums with whom the Trust makes (or potentially) makes business
- Paid honoraria with a company which may do business with the Trust.

Staff should not engage in outside employment which might adversely affect their ability to perform their normal employment obligations or which conflict, or may be seen to conflict, with their obligations to the Trust. Except where it has been agreed by the Trust, it may be a breach of an employee's contract to:

- Take other employment.
- Set up, or work for, a private business which is in competition with, or whose operation might disadvantage, the operation of the Trust.

Also, except where specific conditions of service allow, private work or lecturers to outside organisations should not be undertaken within time contracted to the Trust.

Staff should declare any existing outside employment on appointment and any new outside employment when it arises using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>

Where a risk of conflict of interest arises, the general management actions outlined in this Code should be considered and applied to mitigate risks. Where contracts of employment or terms and conditions of engagement permit, staff may be required to seek prior approval* from the organisation to engage in outside employment. The organisation may also have legitimate reasons within employment law for knowing about outside employment of staff, even when this does not give rise to risk of a conflict.

*Any approval should be in writing and recorded on the individual's personal file. As part of the approval process, the relevant Director will require assurance that:

- The individual concerned is not making use of his/her NHS employment to further their private interests
- Any outside work does not interfere with the performance of their NHS duties
- Any outside work will not damage the Trust's reputation
- Their hours worked across all employment does not exceed the 48 hour limit of the Working Time Directive unless the member of staff has chosen to opt out of this. Where staff have chosen to opt out of the Working Time Directive they will also need to provide assurance that they are adhering to the statutory required rest breaks.

The Trust reserves the right to refuse permission where it believes a conflict will arise which cannot be effectively managed

Except where specific conditions of service allow, any private work at the Trust or lectures to outside organisations should not be undertaken within time contracted to the Trust. If the work carried out is part of the employee's

normal duties, or could reasonably be regarded as falling within the normal duties of the post, and is carried out during the normal working hours of that employee, then any fee must be made payable to the Trust and the relevant divisional Finance Manager be informed.

The relevant declaration form on the online register used to declare outside employment will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- The nature of the outside employment (e.g. who it is with, a description of duties, time commitment).
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

8.6 *Clinical Private Practice*

Service delivery in the NHS is undertaken through a mix of public, private and not-for-profit organisations. The expertise of clinicians in the NHS is in high demand across all sectors and the NHS relies on the flexibility that the public, private and not-for-profit sectors can provide. It is therefore not uncommon for clinical staff to provide NHS funded care and undertake private work either for an external company, or through a corporate vehicle established by themselves. Existing provisions in contractual arrangements sometimes make allowances for this to happen and professional conduct rules apply. However these arrangements do create the possibility for conflicts of interest arising. Therefore these provisions are designed to ensure the existence of private practice is known, so that potential conflicts of interest can be managed.

Clinical staff should declare all private practice on appointment, at annual appraisal, in their annual agreed job plan and/or as and when any new private practice arises using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

The relevant declaration form on the online register used to declare clinical private practice will be subject to review and includes the following information:

- Staff name and their role with the organisation
- Where they practise (name of private facility)
- The nature of the clinical private practice (what they practise at each facility such as speciality, major procedures)
- Relevant dates
- When they practise (identified sessions/time commitment at each facility where they conduct private practice)
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code)

Hospital consultants are already required to provide their employer with this

information by virtue of Para.3 Sch.9 of the Terms and Conditions – Consultants (England) 2003.

Clinical staff should adhere to the Trust's policy on identification and treatment of private patients, and should in all circumstances:

- Seek prior approval of their organisation before taking up private practice using Trust facilities, staff and equipment;
- Ensure that where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work;
- Not conduct any private work during their NHS contracted time; and
- Not accept direct or indirect financial incentives from private providers other than those allowed by Competition and Markets Authority guidelines: https://assets.publishing.service.gov.uk/media/542c1543e5274a1314000c56/Non-Divestment_Order_amended.pdf

Trust Consultants should not initiate discussions about providing their Private Professional Services for NHS patients, nor should they ask other staff to initiate such discussions on their behalf.

8.7 Shareholdings and other ownership interests

Staff should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the organisation using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>

There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions should be considered and applied to mitigate risks.

The relevant declaration form on the online register used to declare shareholdings and other ownership interests will be subject to review and includes the following information:

- Staff name and their role with the organisation
- Nature of the shareholdings/other ownership interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

8.8 Intellectual Property

All intellectual property rights that is copyright, design rights and the right to patent inventions relating to anything created or invented by an employee in the course of their duties normally belong automatically to the Trust. Employees are not entitled to use, sell or otherwise exploit the rights of any such thing without the written permission of the Trust. This includes developing or extending Trust activities in your own time.

Employees may hold patents or IP from previous roles. This may constitute

an interest and must be declared using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk>.

Staff must notify their line manager and seek prior permission from the Company Secretary before entering into any agreement with bodies regarding product development, research, work on pathways etc., where this impacts on the Trust's own time, or uses its equipment, resources or intellectual property rights.

Where holding of patents and other intellectual property rights give rise to a conflict of interest then the general management actions should be considered and applied to mitigate risks.

The relevant declaration form on the online register used to declare intellectual property interests will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- A description of the patent/intellectual property.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code)

8.9 Loyalty interests

Loyalty interests should be declared by Staff using the appropriate declaration form on our online register: <https://lancsteaching.mydeclarations.co.uk> where they:

- Hold a position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.
- Sit on advisory groups or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers' money.
- Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- Are aware that their organisation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

The relevant declaration form on the online register used to declare loyalty interests will be subject to review and includes the following information:

- Staff name and their role with the organisation.
- A description of the loyalty interest
- Relevant dates
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this Code).

9. MANAGEMENT OF INTERESTS – ADVICE IN SPECIFIC CONTEXTS

9.1 *Strategic decision making groups*

In common with other NHS bodies, the Trust uses a variety of different groups to make key strategic decisions about things such as:

- Entering into (or renewing) large scale contracts.
- Awarding grants.
- Making procurement decisions.
- Selection of medicines, equipment, and devices.

The interests of those who are involved in these groups should be well known so that they can be managed effectively. For this organisation these groups include:

- Board of Directors
- Board Committees
- Executive Committee
- Divisional Boards

These groups should adopt the following principles:

- Members of such groups should consider conflicts of interest when appointing new members.
- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of interests with these recorded accordingly in the minutes.
- Members should take personal responsibility for declaring interests at the beginning of each meeting and as they arise.
- 'Declaration of Interests' should be a standing agenda item for every meeting.
- Any new interests identified should be added to the organisation's register(s).

If a member has an actual or potential interest the chair, on the advice of the Company Secretary, should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:

- Requiring the member to not attend the meeting.
- Excluding the member from receiving meeting papers relating to their interest.
- Excluding the member from all or part of the relevant discussion and decision.
- Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate.
- Removing the member from the group or process altogether.

9.2 *Procurement*

Procurement should be managed in an open and transparent manner, compliant with procurement and other relevant law, to ensure there is no discrimination against or in favour of any provider. Procurement processes should be conducted in a manner that does not constitute anti-competitive behaviour - which is against the interest of patients and the public.

Those involved in procurement exercises for and on behalf of the organisation should keep records that show a clear audit trail of how conflicts of interest have been identified and managed as part of procurement processes. At every stage of procurement steps should be taken to identify and manage conflicts of interest to ensure and to protect the integrity of the process.

The Lancashire Procurement Cluster (LPC) procures goods and services for and on behalf of the organisation and the LPC is hosted by East Lancashire Hospitals NHS Trust. As such, those involved in procurement exercises for and on behalf of the organisation should adhere to this Code of Business Conduct and the arrangements in the Standards of Conduct Policy (Procurement section) in place at East Lancashire Hospitals NHS Trust, as amended from time to time.

10. CONCERNS AND CONSEQUENCES FOR BREACH

- 10.1 There will be situations when interests will not be identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of the deliberate actions of staff or other organisations. For the purposes of this Code of Business Conduct these situations are referred to as 'breaches'.
- 10.2 Staff that have any concerns relating to a declaration of interest or a suspected breach should report it to the Company Secretary's office as soon as possible. If staff feel unable to do this they can contact the Freedom to Speak up (FTSU) team on freedomtospeakup@LTHTR.nhs.uk. Staff should report any suspected breaches or suspicions or allegations of fraud, bribery or corruption without fear of reprisals (see Raising Concerns at Work policy).
- 10.3 Any concerns of fraud, bribery or corruption should be reported to the Trust's Chief Finance Officer or directly to the Trust's Anti-Fraud Specialist on 0151 285 4500. Alternatively referrals can be reported through the confidential fraud hotline on 0800 028 4060 or online through the NHS Counter Fraud Authority at: www.cfa.nhs.uk/reportfraud. Further guidance on reporting concerns can be found under the Anti-Fraud, Bribery & Corruption policy or the Raising Concerns policy.
- 10.4 The organisation will investigate each reported breach according to its own specific facts and merits, and give relevant parties the opportunity to explain and clarify any relevant circumstances.

Following investigation the organisation will:

- Decide if there has been or is potential for a breach and if so the what severity of the breach is.
- Assess whether further action is required in response – this is likely to involve any staff member involved and their line manager, as a minimum.
- Consider who else inside and outside the organisation should be made aware
- Take appropriate action as required (as set out below).

- 10.5 Failure to comply with and meet the standards and requirements contained in this Code of Business Conduct may result in disciplinary action against the member of Staff, or action for breach of contract, or in the case of governors action for breach of the Governor Code of Conduct. Breaches of this Code of Business Conduct may also equate to criminal offences and the Trust's Anti-Fraud Specialist or other relevant authorities may be notified. Where appropriate, the Trust will report any breaches by regulated healthcare professionals to the relevant regulator if it believes that the staff member has acted improperly, so that these concerns can be investigated.
- 10.6 Sanctions should not be considered until the circumstances surrounding breaches have been properly investigated. However, if such investigations establish wrong-doing or fault then the organisation can and will consider the range of possible sanctions that are available, in a manner which is proportionate to the breach. This includes:
- Employment law action against staff, which might include
 - o Informal action (such as reprimand, or signposting to training and/or guidance).
 - o Formal disciplinary action (such as formal warning, the requirement for additional training, re-arrangement of duties, re-deployment, demotion, or dismissal).
 - Reporting incidents to the external parties described above for them to consider what further investigations or sanctions might be.
 - Contractual action, such as exercise of remedies or sanctions against the body or staff which caused the breach.
 - Legal action, such as investigation and prosecution under fraud, bribery and corruption legislation.
- 10.7 An anonymised report on breaches, impact of these, and actions taken is prepared and presented to the Audit Committee as and when they occur, and made available on the Trust's website for inspection by the public.

11. AUDIT AND MONITORING

This Code of Business Conduct will be reviewed every three years unless an earlier review is required. This will be led by the Company Secretary. Compliance against this Code will be monitored through the online portal. The Audit Committee shall receive an annual report on declarations of interest, gifts and hospitality, including compliance with this code.

12. TRAINING

The online register also includes a number of useful training materials, user guides and resources, including a video on how to use the online register: <https://player.vimeo.com/video/259832236?autoplay=1> The Trust also provides training on declaring interests via the Corporate Induction and the Staff Handbook.

The Company Secretary is responsible for providing advice and support to Staff on how to declare interests. Queries can be issued to the Company Secretary via the 'Support' tab on the online register or via email on Company.Secretary@lthtr.nhs.uk.

13. DOCUMENT INFORMATION

ATTACHMENTS

Appendix Number	Title
Appendix 1	Equality, Diversity & Inclusion Impact Assessment Form

OTHER RELEVANT / ASSOCIATED DOCUMENTS

Unique Identifier	Title and web links from the document library
TP-148	Corporate Advertising and Sponsorship Policy
HRP-02	Raising concerns at work policy and procedure - Freedom to speak up (incorporating whistleblowing)
HRP-13	Disciplinary Policy & Procedure
TP-73	Anti-fraud, bribery & corruption policy
HRP-38	Code of conduct for employees
	Standing Financial Instructions
	Standing orders (board of directors)

SUPPORTING REFERENCES / EVIDENCE BASED DOCUMENTS

References in full

Number	References
1	HM Government (2010) <i>The Bribery Act 2010</i> . https://www.legislation.gov.uk/ukpga/2010/23/contents
2	HM Government (1994) <i>The Medicines (Advertising) Regulations 1994</i> . https://www.legislation.gov.uk/uksi/1994/1932/contents/made
3	NHS England (2017) <i>Managing Conflicts of Interest in the NHS Guidance for staff and organisations</i> . https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf
4	ABPI The Code of Practice for the Pharmaceutical Industry (2021) https://www.abpi.org.uk/publications/code-of-practice-for-the-pharmaceutical-industry-2021/

CONSULTATION WITH STAFF AND PATIENTS

Enter the names and job titles of staff and stakeholders that have contributed to the document

	Date Consulted
Senior Leadership Team	March 2023
Executive Team	March 2023
Board of Directors	April 2023

DISTRIBUTION PLAN

Dissemination lead:	Jennifer Foote
Previous document already being used?	Yes
If yes, in what format and where?	Heritage

Proposed action to retrieve out-of-date copies of the document:	Removal from heritage
To be disseminated to:	Trust wide
Document Library	Yes - Heritage
Proposed actions to communicate the document contents to staff:	This document will be disseminated as follows:

	<ul style="list-style-type: none"> • Include in the LTHTR weekly Procedural documents communication– New documents uploaded to the Document Library • Include on 'my declarations' online portal • All existing staff and all new starters going forward will receive log-in details to the 'my declarations' online portal • Include on intranet 'Declarations' page • Include on website 'Declarations' page • Via Trust Global Email • Via NewsBite • Via Mandatory Training
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Equality, Diversity & Inclusion Impact Assessment Form

Department/Function	Corporate			
Lead Assessor	Jennifer Foote			
What is being assessed?	Code of Business Conduct			
Date of assessment	March 2023			
What groups have you consulted with? Include details of involvement in the Equality Impact Assessment process.	Equality of Access to Health Group	<input type="checkbox"/>	Staff Side Colleagues	<input type="checkbox"/>
	Service Users	<input type="checkbox"/>	Staff Inclusion Network/s	<input type="checkbox"/>
	Personal Fair Diverse Champions	<input type="checkbox"/>	Other (Inc. external orgs)	<input type="checkbox"/>
	Please give details: None – N/A			

1) What is the impact on the following equality groups?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> ➤ Advance Equality of opportunity ➤ Foster good relations between different groups ➤ Address explicit needs of Equality target groups 	<ul style="list-style-type: none"> ➤ Unlawful discrimination, harassment and victimisation ➤ Failure to address explicit needs of Equality target groups 	<ul style="list-style-type: none"> ➤ It is quite acceptable for the assessment to come out as Neutral Impact. ➤ Be sure you can justify this decision with clear reasons and evidence if you are challenged
Equality Groups	Impact (Positive / Negative / Neutral)	Comments:
Race (All ethnic groups)	Neutral	<ul style="list-style-type: none"> ➤ Provide brief description of the positive / negative impact identified benefits to the equality group. ➤ Is any impact identified intended or legal?
Disability (Including physical and mental impairments)	Neutral	
Sex	Neutral	
Gender reassignment	Neutral	
Religion or Belief (includes non-belief)	Neutral	
Sexual orientation	Neutral	
Age	Neutral	
Marriage and Civil Partnership	Neutral	
Pregnancy and maternity	Neutral	

Other (e.g. caring, human rights, social)	Neutral	
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2) In what ways does any impact identified contribute to or hinder promoting equality and diversity across the organisation?	N/A
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3) If your assessment identifies a negative impact on Equality Groups you must develop an action plan to avoid discrimination and ensure opportunities for promoting equality diversity and inclusion are maximised. <ul style="list-style-type: none"> ➤ This should include where it has been identified that further work will be undertaken to further explore the impact on equality groups ➤ This should be reviewed annually. 		
ACTION PLAN SUMMARY		
Action	Lead	Timescale

HOW THE NHS CONSTITUTION APPLIES TO THIS DOCUMENT

WHICH PRINCIPLES OF THE NHS CONSTITUTION APPLY? Click here for guidance on Principles	Tick those which apply	WHICH STAFF PLEDGES OF THE NHS CONSTITUTION APPLY? Click here for guidance on Pledges	Tick those which apply
1. The NHS provides a comprehensive service, available to all. 2. Access to NHS services is based on clinical need, not an individual's ability to pay. 3. The NHS aspires to the highest standards of excellence and professionalism. 4. The patient will be at the heart of everything the NHS does. 5. The NHS works across organisational boundaries. 6. The NHS is committed to providing best value for taxpayers' money. 7. The NHS is accountable to the public, communities and patients that it serves.	✓ ✓ ✓ ✓ ✓ ✓ ✓	1. Provide a positive working environment for staff and to promote supportive, open cultures that help staff do their job to the best of their ability. 2. Provide all staff with clear roles and responsibilities and rewarding jobs for teams and individuals that make a difference to patients, their families and carers and communities. 3. Provide all staff with personal development, access to appropriate education and training for their jobs, and line management support to enable them to fulfil their potential. 4. Provide support and opportunities for staff to maintain their health, wellbeing and safety. 5. Engage staff in decisions that affect them and the services they provide, individually, through representative organisations and through local partnership working arrangements. All staff will be empowered to put forward ways to deliver better and safer services for patients and their families. 6. To have a process for staff to raise an internal grievance. 7. Encourage and support all staff in raising concerns at the earliest reasonable opportunity about safety, malpractice or wrongdoing at work, responding to and, where necessary, investigating the concerns raised and acting consistently with the Employment Rights Act 1996.	✓ ✓ ✓ ✓ ✓ ✓
WHICH AIMS OF THE TRUST APPLY? Click here for Aims	Tick those which apply	WHICH AMBITIONS OF THE TRUST APPLY? Click here for Ambitions	Tick those which apply
1. To offer excellent health care and treatment to our local communities. 2. To provide a range of the highest standard of specialised services to patients in Lancashire and South Cumbria. 3. To drive innovation through world-class education, teaching and research.	✓ ✓ ✓	1. Consistently deliver excellent care. 2. Great place to work. 3. Deliver value for money. 4. Fit for the future.	✓ ✓ ✓ ✓