

**CONTROLLED DOCUMENT**

Staff Code of Conduct

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<b>CLASSIFICATION:</b>	Governance
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# **Staff Code of Conduct**

## **1 Introduction**

- 1.1 This Code of Conduct ('the Code') sets out the standards of conduct and personal behaviour required from staff of the University Hospitals Birmingham NHS Foundation Trust (the Trust).
- 1.2 This Code of Conduct applies to all staff, including bank staff. It additionally applies to those non-employees who are however engaged in delivering services or duties for the Trust, including agency staff, locums, volunteers, students and those on honorary contracts. For the remainder of this document, for ease the term 'staff' is used to refer to both employees and non-employees who are all required to adhere to this Code of Conduct.
- 1.3 The Code applies at all times when staff are carrying out Trust business or representing the Trust. This Code 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 divisions, departments or a particular office into disrepute.
- 1.4 Whilst it is fully anticipated that the standards contained in this Code will be complied with, the Trust considers an explicit Code of Conduct to be an essential guide for all staff, particularly for those who have recently joined the Trust or whose main contract of employment is with another organisation.
- 1.5 This Code provides instructions on those issues or matters which staff are most likely to encounter in carrying out their day to day duties. This Code provides the broad themes for expected conduct: it is not to be viewed as exhaustive, and is supplementary to (and therefore should be read in conjunction with) the:
  - 1.5.1 Trust's vision and values
  - 1.5.2 Trust Constitution
  - 1.5.3 Standing Orders/Standing Financial Instructions
  - 1.5.4 Gift, Hospitality and Sponsorship Policy
  - 1.5.5 Acceptable Use Policy (email; intranet; social media; devices, etc)
  - 1.5.6 Disciplinary Policy and Procedure
  - 1.5.7 Prevention of Bullying and Harassment At Work Policy
  - 1.5.8 Grievance Policy
  - 1.5.9 Whistleblowing Policy
  - 1.5.10 Dress Code Policy
  - 1.5.11 Study Leave Policy
  - 1.5.12 Media Policy
  - 1.5.13 Health & Safety Policy
  - 1.5.14 Being Open Policy

- 1.5.15 Recruitment and Selection Policy
  - 1.5.16 Motor Vehicle Policy (formerly known as 'Fleet Policy')
  - 1.5.17 Travel Expenses Policy (still in draft)
- 1.6 This Code has been designed to supplement rather than replace the codes of conduct and standards of behaviour defined by relevant professional bodies.

## **2 Guiding Principles and Values**

- 2.1 In undertaking their roles and responsibilities all staff must abide by the 'seven principles of public life' as amended by the Committee on Standards in Public Life, 'Standards matter', January 2013. These seven principles apply to all individuals holding 'public office', which includes those working in the NHS:

### **2.1.1 Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **2.1.2 Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **2.1.3 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.

### **2.1.4 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.

### **2.1.5 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.

### **2.1.6 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.

### **2.1.7 Leadership**

Holders of public office should promote and support these principles by leadership and example.

2.2 The NHS Constitution sets out key responsibilities for NHS staff:

- 2.2.1 To accept professional accountability and maintain the standards of professional practice as set by the appropriate regulatory body applicable to the profession or role;
- 2.2.2 To take reasonable care of health and safety at work for themselves, their team and others; and to co-operate with employers to ensure compliance with health and safety requirements;
- 2.2.3 To act in accordance with the express and implied terms of contract of employment;
- 2.2.4 Not to discriminate against patients and staff and to adhere to equal opportunities and equality and human rights legislation;
- 2.2.5 To protect the confidentiality of personal information that they hold;
- 2.2.6 To be honest and truthful in applying for a job and in carrying out that job.

2.3 All staff must further commit to and support the Core principles of the NHS set out in the NHS Constitution:

- 2.3.1 The NHS provides a comprehensive service available to all.
- 2.3.2 Access to NHS services is based on clinical need, not an individual's ability to pay.
- 2.3.3 The NHS aspires to the highest standards of excellence and professionalism.
- 2.3.4 The NHS aspires to put patients at the heart of everything it does.
- 2.3.5 The NHS works across organisational boundaries and in partnership with other organisations in the interest of patients, local communities and the wider population.
- 2.3.6 The NHS is committed to providing best value for taxpayers' money and the most effective, fair and sustainable use of finite resources
- 2.3.7 The NHS is accountable to the public, communities and patients that it serves.

2.4 Social media

- 2.4.1 The Trust recognises that social media is a platform which will allow it to interact with stakeholders in order to enhance its profile, provide information about the role and aims of the organisation, make

professional and developmental contacts and to gauge and understand the views of stakeholders such as patients. However, all staff must ensure that confidentiality and the reputation of the Trust are protected at all times.

2.4.2 Further details are contained in the Trust's Acceptable Use Policy.

### **3 Register of Staff Interests**

- 3.1 Staff must not engage in any other employment or have any outside business interests, whether financial or otherwise, which are prejudicial to the interests of the Trust, and/or may cause a conflict of interest, and/or may bring the Trust into disrepute.
- 3.2 The aim of a staff register is to identify those activities and interests which staff consider relevant because those interests might be interpreted as carrying a risk of bias in the conduct of the individual's duties.
- 3.3 The staff register is voluntary, i.e. staff will only have to declare relevant interests which in their own judgement might be perceived as interests relevant to their duties.
- 3.4 A compulsory register of interests exists for the Trust's board of directors and governors.
- 3.5 An interest need only be declared if the individual considers it relevant to their duties and there is therefore a risk of it being reasonably perceived as biasing their decisions while conducting those duties. As far as possible there should be a distinction between the criteria for declaring an interest and the fact that declaring an interest is a personal decision. The following notes are therefore designed to assist those making entries on the Register to decide as impartially as possible whether to record an interest:
  - 3.5.1 The test which applies is whether "an external observer, knowing the facts of the situation, would reasonably think that the person might be influenced by the interest";
  - 3.5.2 In case of doubt, the presumption is always in favour of declaring an interest: if a person is in doubt whether to register an interest, that means they should register it;
  - 3.5.3 Advice can be sought from the Corporate Affairs Team or HR.
- 3.6 The exact nature of the interest will vary according to personal circumstances but the following paragraphs provide examples of interests which should be declared if they may:
  - 3.6.1 prejudice the interests of the Trust,

- 3.6.2 cause a conflict of interest, and/or
  - 3.6.3 bring the Trust into disrepute.
- 3.7 Company: Any relationship with a named company with which the Trust might do business, including the Trust's own subsidiaries. Such interests would include:
- 3.7.1 ownership or part ownership;
  - 3.7.2 share-holdings or other beneficial interest such as options, warrants etc. (Only share-holdings above the 3% notifiable level need be declared);
  - 3.7.3 directorships
  - 3.7.4 paid employment
  - 3.7.5 partnerships, consultancy, or close family connection;
- 3.8 Other relevant employments;
- 3.9 Any position of authority held in another public body, trade union, charity, voluntary body; professional bodies, or other association, or external bodies;
- 3.10 Any connection with a voluntary or other body contracting for NHS services;
- 3.11 Any involvement in joint working arrangements with Clinical (or other) Suppliers;
- 3.12 Self-employment: names of any relevant client with whom the Trust might do business which accounts for more than 5% of your total annual earned income.
- 3.13 In all of the above, staff are not expected to quantify the extent of a financial interest, merely the fact that one exists.
- 3.14 The pro-forma (Annex A) for the staff register of interests consists of the following information:
- 3.14.1 Name
  - 3.14.2 Trust position held
  - 3.14.3 Any Trust budgets held or controlled
  - 3.14.4 Declaration of the nature of any possible conflict of interest, e.g. company; employment; public appointments; memberships; etc; other if not covered by these categories.
  - 3.14.5 Date and signature of the registrant

- 3.15 The full register will be held by the Corporate Affairs department and will be made available for inspection by the public upon request during office hours (9.00am-5.00pm). The Register is updated annually.
- 3.16 The Trust will not use information provided on the pro-forma for any other purpose than maintaining the Register.
- 3.17 Staff will be required to cooperate with the Trust in managing any actual or potential conflicts of interest. Failure to cooperate may result in disciplinary action.

#### **4 Purchase of goods and services**

- 4.1 Procurement of all goods and services for the Trust must be carried out in accordance with the Procurement Policy and associated procedure, Trust's Standing Orders and SFIs and where relevant, advice must be sought from the Procurement team.
- 4.2 All staff who are in contact with suppliers and contractors (including external consultants), and in particular those who are authorised to sign Purchase Orders, or place contracts for goods, materials or services are expected to adhere to professional procurement standards and the Bribery Act 2010.
- 4.3 Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of Standing Financial Instructions and of EC Directives on Public Purchasing for Works and Supplies. This means that:
  - 4.3.1 No private or public company, firm or voluntary organisation which may bid for NHS business must be given any advantage over its competitors, such as advance notice of NHS requirements. This applies to all potential contractors, whether or not there is a relationship between them and the Trust, such as a long-running series of previous contracts.
  - 4.3.2 Each new contract must be awarded solely on merit in accordance with the Trust SFIs, Standing Orders and relevant procedures.
- 4.4 No special favour may be shown to current or former employees or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or managerial capacity.
- 4.5 Contracts must be won in fair competition against other tenders and scrupulous care must be taken to ensure that the selection process was conducted impartially, and that staff who are known to have a relevant interest play no part in the selection.

## **5 Free samples**

Occasionally, a supplier may provide items/goods to the Trust free of charge. However staff are not authorised to accept free samples/gifts. If a trial for a particular product is required staff must engage with Procurement before any process is undertaken.

## **6 Secondary employment**

- 6.1 Staff employed on contracts of employment, other than medical or dental Staff, must inform their line manager of any secondary employment.
  - 6.1.1 Staff are responsible for ensuring that their hours worked across all employment does not exceed the 48-hour limit of the Working Time Directive.
  - 6.1.2 Staff are responsible for not engaging in any secondary employment or business interest which is prejudicial to the interests of the Trust, and/or may cause a conflict of interest, and/or may bring the Trust into disrepute.
  - 6.1.3 Staff are required to advise their line manager if they, a close relative, partner or associate has a controlling interest in a business or in any activity or pursuit which may compete for a NHS contract to supply either goods or services to the Trust.
  - 6.1.4 Staff are required to inform their line manager of secondary employment in any other healthcare organisation, whether NHS or independent sector/provider of temporary staffing etc.
- 6.2 Medical and Dental Staff may undertake private practice in accordance with their respective Terms and Conditions of Service.

## **7 Acceptance of fees**

- 7.1 Where a staff member is offered fees by outside agencies, including a clinical supplier, for undertaking work or engagements (e.g. radio or TV interviews, lectures, consultancy advice, membership of an advisory board etc.) which have a bearing on his/her official duties, or draw on his/her official experience, the individual's line manager must be informed and written authority be obtained as follows:
  - 7.1.1 from the appropriate Divisional Director or Director of Operations for staff within the operational divisions;
  - 7.1.2 the appropriate Board Director for all other staff;
  - 7.1.3 the Chief Executive for all Executive Directors.

- 7.2 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:
- 7.2.1 the individual concerned is not making use of his/her NHS employment to further his/her private interests;
  - 7.2.2 any outside work does not interfere with the performance of his/her NHS duties;
  - 7.2.3 any outside work will not damage the Trust's reputation.
- 7.3 Nothing in this section impinges upon the undertaking of private practice by Medical and Dental Staff, in accordance with their respective Terms and Conditions of Service.
- 7.4 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.
- 7.5 Certain other provisions apply specifically to the provision of lectures or interviews. A lecturer/interviewee should ensure that the audience is made aware of whether he/she is speaking on behalf of the Trust or in a private capacity.
- 7.6 It may not always be clear whether an individual is acting in a private capacity or as a representative of the Trust. An individual will be deemed to be acting in a private capacity where he/she is invited to speak because of his/her position within the Trust but is expected to express his/her personal thoughts and opinions on a subject. It is acknowledged that this may be a grey area and, in cases of doubt, staff should consult the respective Director (see 7.1).
- 7.7 Where an individual gives a lecture in a private capacity on a matter unrelated to the NHS and the individual's job or profession (e.g. a hobby), he/she does not have to seek permission from the relevant Director. In these circumstances, the individual should avoid referring to his/her official position with the Trust.

## **8 Work undertaken for professional bodies**

- 8.1 If an employee wishes to serve as an office bearer with a professional body of which he/she is a member, the individual's line manager must be informed and written authority be obtained as follows:
- 8.1.1 From the appropriate Divisional Director or Director of Operations for staff within the operational divisions;

- 8.1.2 the appropriate Board Director for all other staff;
  - 8.1.3 the Chief Executive for all Executive Directors.
- 8.2 Any approval should be in writing and recorded on the individual's personal file. As part of the approval process, the approving Director will require assurance that the individual's duties as an office bearer with the professional body:
  - 8.2.1 will not interfere with his/her duties with the Trust, and
  - 8.2.2 will not damage the Trust's reputation.
- 8.3 Provided that the individual's activities in respect of the professional organisation will not interfere unreasonably with his/her duties and the duties of any relevant support staff, permission to act as an office bearer for a professional organisation will not be unreasonably withheld.
- 8.4 Nothing in this section impinges upon the undertaking of private practice by Medical and Dental Staff, in accordance with their respective Terms and Conditions of Service.
- 8.5 The following matters will be agreed in writing before the individual takes up his/her duties with the professional body:
  - 8.5.1 The time off to be granted to allow the individual to fulfil his duties with the professional body;
  - 8.5.2 Whether this time off is to be paid or unpaid;
  - 8.5.3 The extent to which expenses will be met by the Trust in respect of travel and subsistence relating to the individual's work for the professional body;
  - 8.5.4 The nature and extent of any support to be provided by the Trust in terms of secretarial duties, access to email/internet, photocopying, printing and faxes etc;
  - 8.5.5 Whether the costs of this support are to be charged to the professional body or met by the Trust.
- 8.6 Unless the individual's job description requires membership with the professional body in question, the Trust will not pay or reimburse the costs of subscriptions to this professional body. It is the responsibility of each individual to meet the cost of his/her membership of the relevant organisation(s).

- 8.7 If an individual wishes to apply for study leave to attend an event organised by a professional body of which he/she is a member or any other event as part of a programme of continuing professional development, he/she should submit a formal application for study leave to his/her line manager/Head of Department/Director in line with the Study leave policy.
- 8.8 Any associated travel expenses might be approved in line with the Trust's Travel Expenses policy.

## Annex A

## Staff Register of Interests Pro-forma

NAME	TRUST POSITION HELD	TRUST BUDGET HELD OR CONTROLLED (if applicable)	NATURE OF CONFLICT	DATE AND SIGNATURE

