

Standards of Business Conduct Policy

NHS Devon

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Policy Sponsor	Chief Communications and Corporate Affairs Officer
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11/12/2023	New Policy	1.0	
27/03/2025	Amendments made	2.0	Updates to names of decision-making groups and job titles. Update to Local Counter Fraud Service Officer contact. Update to reporting scheduled to NHS Devon Executive and Audit and Risk Committee. Reference to introduction of ESR Modules for Conflict of Interests training.

Equality, diversity and inclusion statement

Section 14Z35 of the National Health Service 2006 Act imposes the general inequality duty on Integrated Care Boards that they must have regard to the need reduce inequalities between those accessing health care services and in respect of the outcomes achieved for those who access health care services.

NHS Devon is committed to reducing health inequalities. These are unfair and avoidable differences in health across the population, and between different groups within society. These include how long people are likely to live, the health conditions they may experience and the care that is available to them. The conditions in which we are born, grow, live, work and age can impact our health and wellbeing. These are sometimes referred to as wider determinants of health.

We will ensure that we reduce inequalities by considering them as a key part of all our policies plans and monitoring process and by using an Equality and Quality Impact Assessment whenever we make changes to services

We are also committed to the promotion of equal opportunities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally

committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.

If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672
Email: icb.patientexperience@nhs.net

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1. Introduction

- 1.1 It is a long and well-established principle that public-sector organisations must be impartial and honest in their business and that their officers must act with integrity. As a publicly funded organisation NHS Devon aspires to the highest standards of corporate behaviour and responsibility.
- 1.2 The NHS Constitution sets out some of the key responsibilities of NHS staff. All officers, regardless of their role, are expected to act in the spirit set out in the seven principles of public life; the ‘Nolan Principles’ which are outlined in Appendix 1.
- 1.3 The Standards of Business Conduct Policy describes the standards and values which underpin the work of NHS Devon and reflects current guidance and best practice which all NHS Devon Board members, staff and decision-making groups should follow.

2. Purpose and objectives

- 2.1 This policy seeks to describe the public service values, which underpin the work of the NHS and to reflect the current guidance and best practice to which all individuals within NHS Devon must have regard when undertaking their role.
- 2.2 This policy will:
 - Set out a clear framework of the expected high standards of corporate behaviour and responsibility from NHS Devon Board members, staff and decision-making groups;
 - Support staff in ensuring that NHS Devon is impartial and honest in its business and that its staff act with integrity; and
 - Protect NHS Devon from any suggestion of corruption, partiality or dishonesty by providing a clear framework through which the organisation can provide guidance and assurance that its decision-makers conduct themselves appropriately.
- 2.3 This policy is supported by the Declaration of Interest, including Gifts, Hospitality and Sponsorship Standard Operating Procedure (SOP) owned by the Corporate Governance Team.
- 2.4 This policy applies to all NHS Devon employees including Members of the NHS Devon Integrated Care Board and of its committees. It also applies to any staff jointly appointed staff, including interims, agency workers, specialist contractors, consultants and secondees who carry out work for NHS Devon but are not directly employed by the organisation. It also applies to members of committees and advisory groups who are not directly employed by NHS

Devon and throughout this policy reference will be made to those who are and who are not employed by NHS Devon as officer.

3. Definitions

Terms	Definition
Third party	In this policy, “third party” refers to any individual or organisation that officers may come into contact with during the course of their work for NHS Devon, and includes actual and potential clients, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.
Joint Working	Joint working is defined as situations where, for the benefit of patients, organisations pool skills, experience and/or resources for the joint development and implementation of patient centred projects and share a commitment to successful delivery. Joint working agreements and management arrangements are conducted in an open and transparent manner.
Commercial sponsorship	Commercial sponsorship is defined as including: NHS funding from an external source, including funding of all or part of the costs of an officer, NHS research, 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.
Industry	Commercial and non-commercial organisations (including patient groups) external to NHS Devon.
Officer	An individual who is directly or not directly employed by NHS Devon but is involved in the delivery of its work.

4. Managing Standards of Business Conduct

4.1 Conflicts and Declarations of Interest

- 4.1.1 Officers are expected to act at all times with the utmost integrity and objectivity and in the best interests of the organisation in performing their duties, and to avoid situations where there may be a potential conflict of interest. Officers must not use their position for personal advantage or seek to gain preferential treatment. Any actual or potential interests which may be perceived as conflicting with that overriding requirement must be declared.

4.1.2 Further information about what constitutes a conflict of interest and how these should be managed can be found in the NHS Devon Conflicts of Interest Policy. The Conflicts of Interest Policy also addresses the management of the following:

- Managing Conflicts of Interest at meetings
- Managing Conflicts of Interest in the procurement process
- Gifts and Hospitality
- Meals and Refreshments
- Travel and Accommodation
- Outside employment
- Patents

4.1.3 Registers of these interests are maintained by the governance team who will formally record the declared interests of all decision-making officers. They will retain a record of historic interests for a minimum of six years after the date on which the interest expired. There may be occasions when an officer declares an interest which the governance team later decides is not material. In such an instance the declaration will be recorded but not published.

4.2 Working with Industry and Sponsorship

4.2.1 The Department of Health and Social Care recognises that joint working with the pharmaceutical industry or other third-party organisations, where the benefits to patient care and the difference it could make to their health and wellbeing are clearly advantageous, should be considered by NHS organisations and their employees.

4.2.2 *Commercial Sponsorship - Ethical Standards in the NHS* requires local arrangements to be developed in relation to commercial sponsorship within a national framework. This document recognises that there can be mutual benefit in partnership arrangements with organisations external to the NHS, but only if they are agreed within a framework with the necessary safeguards and checks.

4.2.3 Positively engaging with companies and practices may lead to larger, longer term collaborations that meet the needs of all parties; however; the benefits of greater collaboration must be weighed against any potential risks and it is essential therefore that all projects are subject to the widest scrutiny; that the business priorities of commercial organisations do not lead to a distortion of local priorities or investment; and that any such arrangements are fully transparent and deliver maximum benefits for patients and the health economy.

4.2.4 The principles underpinning sponsorship and joint working are at Appendix 2

4.2.5 Potential joint working arrangements and sponsorship will be considered through a process for consideration, approval, recording, monitoring and evaluation. Initial consideration is undertaken by the Working with Industry &

Sponsorship Group (Wwl&SG) which makes its recommendations to the NHS Devon Executive . Information as to the process to be followed in respect of joint working or sponsorship initiatives, including application form to be considered by the Wwl&SG can be found on the intranet [here](#).

4.2.6 One of the main ways in which officers may interact with industry is when an organisation sponsors an event or meeting; provides training or educational materials; offers gifts or hospitality; or offers to support other costs and equipment. The way in which such offers should be considered is set out in the NHS Conflicts of Interest Policy. However; as a general rule:

- Attendance at event or conference sponsored / hosted by an external organisation, e.g. clarify with the sponsor and record the sponsor's expectation from providing the sponsorship concerning attendance. If there are no known expectations from the sponsor the attendance can be acceptable but agreed by a line manager in advance and a declaration form completed.
- Offers of individual funding to allow officers to attend educational courses / obtain professional qualification - the offer should be declined and recorded on declaration form.

4.2.7 All offers of sponsorship, funding or gifts from pharmaceutical companies must comply with the current ABPI Code of Practice (available at <https://www.pmcpa.org.uk/the-code/>)

4.3 Bribery and Corruption

4.3.1 Under the Bribery Act (2010), it is a criminal offence for an employee to:

- offer, promise or give a bribe;
- request, agree to receive or accept a bribe; and
- make a representation that is false for personal or other gain or that puts NHS Devon at risk of loss.

4.3.2 It is also a criminal offence for NHS Devon to fail to prevent bribery.

4.3.3 Bribery can be money, gifts, hospitality or anything else that may be of benefit to the person, which in turn creates a conflict between his/her own interests and the interests of those that he/she is expecting to be serving.

4.3.4 The Bribery Act (2010) also covers individuals who have an association with an organisation - an 'associated person'. This term is not just limited to NHS Devon Board members and officers, but any person, company or legal entity the carries out a service under the ICB's name, represents NHS Devon in an official capacity, acts on behalf of NHS Devon or in the place of other NHS Devon. The maximum penalty for bribery is 10 years imprisonment for individuals engaging in bribery and an unlimited fine for NHS Devon.

- 4.3.5 NHS Devon is keen to prevent fraud and encourages officers with concerns or reasonably held suspicions about potentially fraudulent activity or practice, to report these. Officers must inform the Chief Finance Officer or NHS Devon's Local Counter Fraud Specialist (LCFS) gareth.cottrell@nhs.net or anonymously by contacting the NHS Reporting Line on 0800 028 40 60 or via www.reportnhsfraud.nhs.uk. Officers must not ignore any suspicion and must not under any circumstances investigate the matter themselves or inform colleagues or members of the public about their suspicions.

4.4 Charitable Collections

Individual

- 4.4.1 Whilst NHS Devon supports officers who wish to undertake charitable collections amongst immediate colleagues, no reference or implication should be drawn to suggest that NHS Devon is supporting the charity.
- 4.4.2 Collection tins or boxes must not be placed in offices. With line management agreement, collections may be made among immediate colleagues and friends to support small fundraising initiatives, such as raffle tickets and sponsored events.
- 4.4.3 Permission is not required for informal collections amongst immediate colleagues on an occasion like retirement, marriage, birthday or a new job.

Organisational

- 4.4.4 Charitable collections which reference NHS Devon must be authorised and documented by the appropriate Executive in advance and reported to the Governance Team.

4.5 Political Activities

- 4.5.1 Any political activity should not identify an individual as an officer of NHS Devon. Conferences or functions run by a party-political organisation should not be attended in an official capacity, except with prior written permission from the relevant Executive Director.

4.6 Personal Conduct

Corporate Responsibility

- 4.6.1 All officers have a responsibility to respect and promote the corporate or collective decision of NHS Devon, even though this may conflict with their personal views. This applies particularly if NHS Devon is yet to decide on an issue or has decided in a way with which they personally disagree. Directors and officers may comment as they wish as individuals. However, if they decide to do so, they should make it clear that they are expressing their personal view and not the view of NHS Devon.

- 4.6.2 When speaking as a member of NHS Devon, whether to the media, in a public forum or in a private or informal discussion, officers should ensure that they reflect the current policies or view of the organisation. For any public forum or media interview, approval should be sought in advance.
- 4.6.3 All officers must ensure their comments are well considered, sensible, well informed, made in good faith, in the public interest and without malice and that they enhance the reputation and status of NHS Devon.
- 4.6.4 Officers must follow the guidance for communication with the media; disciplinary action may be taken if this is not followed.

Use of Social Media

- 4.6.5 Officers should be aware that social networking websites are public forums and should not assume that their entries will remain private. Officers communicating via social media must comply with the NHS Devon Social Media Policy.
- 4.6.6 Officers must not conduct themselves in a way that brings NHS Devon into disrepute or disclose information that is confidential to NHS Devon business, officers or patients.

Confidentiality

- 4.6.7 Officers must, at all times, operate in accordance with the Data Protection Act 2018 and UK General Data Protection Regulations, and maintain the confidentiality of information of any type, including but not restricted to patient information; personal information relating to officers; or commercial information.
- 4.6.8 This duty of confidence remains after officers (however employed) leave NHS Devon.
- 4.6.9 For the avoidance of doubt, this does not prevent the disclosure or information where there is a lawful basis for doing so (e.g. consent). Officers should refer to the suite of NHS Devon Information Governance policies for detailed information.

Lending or Borrowing

- 4.6.10 The lending or borrowing of money between officers is not permitted, whether informally or as a business.
- 4.6.11 It is a particularly serious breach of the NHS Devon Disciplinary Policy for any officer to use their position to place pressure on someone in a lower pay band, a business contract, or a member of the public to loan them money.

Gambling

- 4.6.12 No officer may bet or gamble when on duty or on NHS Devon premises, with the exception of small lottery syndicates or sweepstakes related to national events such as the World Cup or Grand National among immediate colleagues where no profits are made or the lottery is wholly for purposes that

are not for private or commercial gain (e.g. to raise funds to support a charity see section 5.4).

Trading on Official Premises

- 4.6.13 Trading on official premises is prohibited, whether for personal gain or on behalf of others. This includes but is not limited to flyers advertising services and/ or products in shared areas and catalogues in shared areas.
- 4.6.14 Canvassing within the office by, or on behalf of, outside bodies or firms (including non-NHS Devon interests of officers or their relatives) is also prohibited.
- 4.6.15 Trading does not include small tea or refreshment arrangements solely for officers.

Individual Voluntary Arrangements, County Court Judgment, Bankruptcy / Insolvency

- 4.6.16 Any officer who becomes bankrupt, insolvent, has an active County Court Judgment, or made individual voluntary arrangements with organisations must inform their line manager and the HR team as soon as possible. Officers who are bankrupt or insolvent cannot be employed, or otherwise engaged, in posts that involve duties which might permit the misappropriation of public funds or involve the approval of orders or handling of money.
- 4.6.17 An officer who is arrested, subject to continuing criminal proceedings, or convicted of any criminal offence must inform their line manager and the HR team as soon as is practicably possible. Cautions, penalty charge notices, and fixed penalty notices are not considered to be criminal convictions.

PREVENT

- 4.6.18 Any officer who has concerns regarding the possibility of a potential link to extremism or radicalisation in relation to the areas covered by this policy should refer to the NHS Devon PREVENT Policy which provides guidance on how to seek advice.

4.7 Publication

- 4.7.1 Declarations made in accordance with this policy by decision making officers will be published on the NHS Devon website. Registers of all officer declarations held by the governance team will be made available on request.
- 4.7.2 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register(s). Where an officer believes that substantial damage or distress may be caused to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such a request must be made in writing to the governance team, who will seek legal advice where required. All requests for non-publication will be considered by the Conflicts of Interest Guardian and the Director of Governance. Non-publication of interests would only be agreed as the

exception and information will not be withheld or redacted merely because of a personal preference. A confidential, un-redacted version of the register will be held securely by the governance team.

- 4.7.3 Officers should be aware that external organisations, e.g. Association of British Pharmaceutical Industries (ABPI), may also publish information relating to commercial sponsorship or other payments. The Governance Team will review such publications to ensure that appropriate internal declarations have been made in accordance with this policy and will take appropriate action where they have not.
- 4.7.4 Anonymised information relating to breaches and how those breaches have been managed will be published on the NHS Devon website quarterly and held on the website for a year.

4.8 Raising a Concern or Reporting a Breach

- 4.8.1 There may be occasions when breaches have not been identified, declared or managed appropriately and effectively. This may happen innocently, accidentally, or because of deliberate actions. Officers should speak up about any genuine concerns in relation to compliance with this policy. These concerns can be raised directly with the officer's line manager or alternatively the Director of Governance, the Chief Finance Officer or the Conflicts of Interest Guardian.
- 4.8.2 All reported concerns will be treated with the appropriate confidentiality and investigated in line with NHS Devon's policies and procedures.
- 4.8.3 Compliance with this policy will be monitored by the Governance Team who will report to the NHS Devon Executive on a six-monthly basis and on a six-monthly basis to the Audit & Risk Committee in respect of compliance together with any breaches and the impact of these breaches to ensure learning and improvement.
- 4.8.4 Significant breaches should be reported to the Audit & Risk Committee as soon as practicably possible, together with the action being taken to address it.
- 4.8.5 Officers must report any suspicions of fraud, bribery and corruption as soon as they become aware of them to the Counter Fraud Team to ensure that they are investigated appropriately and to maximise the chances of financial recovery.
- 4.8.6 Officers may also wish to report concerns via the Freedom to Speak Up Guardian.

4.9 Failure to comply with the Standards of Business Conduct Policy

- 4.9.1 Failure by an officer to comply with the requirements set out in this policy may result in action being taken in accordance with the relevant organisational disciplinary procedure. Such disciplinary action may include termination of employment (where applicable).
- 4.9.2 Where the failure to comply relates to an officer that is not a direct employee of NHS Devon, this may result in action being taken in accordance with the relevant engagement procedures (e.g. termination of a secondment agreement).
- 4.9.3 Any financial or other irregularities or impropriety which involve evidence or suspicion of fraud, bribery or corruption by any officer, will be reported to the Counter Fraud team in accordance with Standing Financial Instructions and the Fraud, Bribery and Corruption policy, with a view to an appropriate investigation being conducted and potential prosecution being sought.

5. Accountabilities, duties and responsibilities

Chief Executive Officer	The Chief Executive Officer has ultimate accountability for the strategic direction and operational management of NHS Devon, including compliance with all legal, statutory and policy requirements.
Policy Sponsor	The Policy Sponsor is responsible for: <ul style="list-style-type: none"> ensuring that policy is appropriate for consideration for approval; endorsing this policy ahead of submission for approval; with the Policy Lead, maintaining and updating procedures/protocols and other supporting documents for this policy.
Policy Lead / Author	It is the responsibility of the Policy Lead / author to: <ul style="list-style-type: none"> ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements and advice from clinical bodies; to complete a QEIA and Implementation Plan where required undertake a fair and proportionate consultation period with the relevant stakeholders as part of the document's development to ensure that the policy is in alignment with NHS Devon's strategy and values ensure that the policy is developed, approved, disseminated and monitored as set out in the document; with Policy Sponsors, maintaining and updating procedures / protocols and other supporting documents for this policy;

	<p>As Director of Governance, the Policy Lead is also responsible for (in conjunction with the Conflicts of Interest Guardian:</p> <ul style="list-style-type: none"> • Considering any requests for non-publication of interests. • Following any investigation into a potential breach: <ul style="list-style-type: none"> ○ Deciding if there has been or is potential for a breach and if so what the severity of the breach is. ○ Assessing whether further action is required in response; this is likely to involve any officer involved and their line manager, as a minimum. ○ Considering who else inside and outside the organisation should be made aware. ○ Taking appropriate action.
Conflicts of Interest (Col) Guardian	<p>This role is undertaken by a Non-Executive Director of the NHS Devon Board and further strengthens scrutiny and transparency of NHS Devon's decision-making processes.</p> <p>The Col Guardian is supported by the Director of Governance to:</p> <ul style="list-style-type: none"> • Act as a conduit for officers, members of the public and healthcare professionals who have any concerns regarding Col. • Be a safe point of contact for officers to raise concerns in relation to this policy. • Support the rigorous application of Col principles and policies. • Provide independent advice and judgement to officers where there is any doubt about how to apply Col policies and principles. • Provide advice on minimising the risks of Col. <p>In conjunction with the Director of Governance, the Guardian is also responsible for considering any requests for non-publication of interests and actions following any investigation into a possible breach.</p>
Audit & Risk Committee	<p>Reports in relation to conflicts of interest and standards of business conduct (including Gifts and Hospitality, and Sponsorship and Joint Working) will be received by NHS Devon's Audit and Risk Committee for assurance.</p>
NHS Devon Executive	<p>Reports in respect of compliance with the Standards of Business Conduct policy, together with any breaches and the impact of those breaches to ensure learning and improvement.</p>
Working with Industry & Sponsorship Group	<p>Reviews applications for sponsorship and joint working agreements (making recommendations to the NHS Devon Executive) and monitors compliance with this policy.</p>

Governance Team	Ensuring that the Standards of Business Conduct Policy is implemented by teams across NHS Devon and that compliance is monitored and reported.
Line Managers	Line managers have a responsibility to ensure their staff comply with NHS Devon policies and standards within their areas of responsibility including Standing Financial Instructions.
All Officers	Employed or engaged staff have a duty to comply with NHS Devon policies and standards, including Standing Financial Instructions, as outlined in their contracts of employment and codes of conduct.

6. Impact assessments

- 6.1 A Quality Equality Impact Assessment (QEIA) has been completed in respect of this policy. No concerns were highlighted.

7. Implementation

- 7.1 NHS Devon staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the NHS Devon Intranet.
- 7.2 NHS Devon Senior Managers, or their designated representatives, will implement this policy by:
- Notifying all staff of its existence. New staff will be informed of this policy as part of their induction.
 - Destroying all superseded paper-based versions of the policy and electronic versions retained in their area.
 - Having adequate knowledge of, and / or access to, all relevant legislation in order to ensure that compliance with such legislation is maintained.
 - Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance.
- 7.3 Training in respect of conflicts of interest forms part of the training programme for all NHS Devon staff and takes the form of on-line modules which can be accessed via the Electronic Staff Record.
- Module 1 – covers what conflicts of interest are; how to declare and manage conflicts of interest, including individuals' responsibilities; and how to report any concerns. (This is mandatory training for all staff and is required to be completed on an annual basis.)
 - Module 2 – provides further information on managing conflicts of interest throughout the whole commissioning cycle and in recruitment processes. (Agreement is being sought as to the staff this module applies to. It is also required to be completed on an annual basis)

- 7.4 In addition to the mandatory training, the Governance Team will provide awareness sessions to staff via Staff Briefings and articles in the Staff Bulletin.
- 7.5 This policy is subject to approval of the NHS Devon Board following recommendation from Audit & Risk Committee.
- 7.6 This policy will be reviewed annually, or sooner if required, in order to ensure that it is current, relevant and reflects the strategic aims, objectives, organisational structures and responsibilities of NHS Devon.

8. Monitoring compliance and effectiveness

- 9.1 The Chief Executive will review compliance and effectiveness of the Standards of Business as part of the Annual Report process.
- 9.2 Compliance with this policy will be monitored by the Governance Team who will report to the NHS Devon Executive on a six-monthly basis and on a six-monthly basis to the Audit & Risk Committee in respect of compliance together with any breaches and the impact of these breaches to ensure learning and improvement.
- 9.3 Any trends resulting from non-compliance will be raised with officers through management routes.

9. References

9.1 Other related policy documents

- Anti-Fraud and Bribery Policy
- Freedom to Speak Up Policy
- Conflict of Interests Policy
- Procurement Policy for all ICB Expenditure
- Social Media Policy
- Standing Financial Instructions
- Scheme of Reservation and Delegation.

9.2 Legislation and statutory requirements

- Bribery Act 2010: <https://www.legislation.gov.uk/ukpga/2010/23/contents> and www.gov.uk/government/publications/bribery-act-2010-guidance
- Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents www.gov.uk/guidance/equality-act-2010-guidance
- European Public Contracts Regulations 2015: www.legislation.gov.uk/uksi/2015/102/contents/made and

<https://www.gov.uk/government/publications/public-contracts-regulations-2015-for-nhs-commissioners>

- Fraud Act 2006: www.legislation.gov.uk/ukpga/2006/35/contents
- Freedom of Information Act 2000: [Freedom of Information Act 2000 \(legislation.gov.uk\)](http://legislation.gov.uk) and [What is the Freedom of Information Act? | ICO](http://www.ico.org.uk)
- Health and Care Act 2022: [Health and Care Act 2022 \(legislation.gov.uk\)](http://legislation.gov.uk) and <https://nhsproviders.org/topics/governance/health-and-care-act-2022>
- Medicines (Monitoring of Advertising) Regulations 1994: <https://www.legislation.gov.uk/uksi/1994/1933/made>
- The Money Laundering Regulations 2007: [The Money Laundering Regulations 2007 \(legislation.gov.uk\)](http://legislation.gov.uk)
- National Health Service Act 2006: [National Health Service Act 2006 \(legislation.gov.uk\)](http://legislation.gov.uk)
- Public Contracts Regulations 2015: <https://www.legislation.gov.uk/uksi/2015/102/contents/made>
- Proceeds of Crime Act 2002: [Proceeds of Crime Act 2002 \(legislation.gov.uk\)](http://legislation.gov.uk)
- NHS England: Managing Conflicts of Interest: Statutory Guidance: <https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

9.3 **Best practice recommendations and other key guidance**

- NHS England - Standards of Business Conduct for NHS Staff: www.england.nhs.uk/publication/standards-of-business-conduct-policy/
- NHS England Guidance on Appearance of Bias: <https://www.england.nhs.uk/professional-standards/medical-revalidation/ro/con-of-int/>
- Commercial Sponsorship – Ethical Standards for the NHS: <https://data.parliament.uk/DepositedPapers/Files/DEP2009-1886/DEP2009-1886.pdf>
- Association of the British Pharmaceutical (ABPI) Code of Practice: <https://www.abpi.org.uk/reputation/abpi-2021-code-of-practice/>
- Department of Health - Confidentiality: NHS Code of Practice: www.gov.uk/government/publications/confidentiality-nhs-code-of-practice

- General Medical Council (GMC) : www.gmc-uk.org/guidance/good_medical_practice.asp www.gmc-uk.org/guidance/ethical_guidance.asp
- Good Governance Standards of Public Services: www.jrf.org.uk/report/good-governance-standard-public-services
- Department of Health. *Best Practice Guidance on joint working between the NHS and pharmaceutical industry and other relevant commercial organisations* 2008. https://www.networks.nhs.uk/nhs-networks/joint-working-nhs-pharmaceutical/documents/dh_082569.pdf.

APPENDIX 1 – Nolan Principles

1. Selflessness

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

2. Integrity

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

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. Leadership

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

APPENDIX 2 – Principles of Sponsorship and Joint Working

Working in the interests of patients to deliver high quality care

- Joint projects between NHS Devon and industry must be for the benefit of their populations
- Any joint project must adequately respect and safeguard confidential patient information in line with the NHS Devon policy on confidentiality and the Data Protection Act 2018, incorporating the UK General Data Protection Regulations.
- Joint working between NHS Devon and industry must promote evidence-based medicine and support only those drugs and treatments that have an acceptable evidence base and which have local formulary approval where applicable.

Supporting the delivery of NHS Devon's strategic objectives and local needs

- NHS Devon will take a whole-systems approach to joint working. This will ensure that only arrangements that benefit the whole NHS are approved. Arrangement which would lead to higher costs or a reduction in quality in other areas of the NHS or shift the balance of investment in service in a manner not consistent with local priorities, are not acceptable.
- NHS Devon will not undertake joint working or accept sponsorship from industry to support projects that are contrary to their strategic priorities
- The continuity of any services funded through sponsorship or joint working must be fully considered before entering into any arrangements.

Selection and approval of sponsorship and joint working partners

- Where sponsorship or joint working is being sought by NHS Devon, the opportunity to participate should be offered to an appropriate range of companies within the pharmaceutical industry
- All joint working or sponsorship must be assessed and declared.
- NHS Devon may pursue joint working with any interested company of good standing regardless of its size.
- No preferential access to NHS Devon is to be given to any commercial company unless this is necessary as part of a specific NHS Devon approved project.

Transparency and openness

- All relationships with industry must be handled in an open and transparent manner as befits publicly funded bodies
- Joint working or sponsorship will not be accepted for projects that have the prime objective of increasing the usage of a specific brand of pharmaceutical or other product
- Collaborative working arrangements should take place at a corporate, rather than an individual, level

Relationship between NHS Devon and industry

- NHS Devon seeks to develop long term relationships with industry and will look favourably on undertaking joint projects with companies that have a proven history of ethical and productive joint working

- NHS Devon will preferentially support sponsorship and joint working that develops the expertise and capabilities of the employees and organisations within the health and social care community to provide high quality care for their populations
- All joint working projects and associated materials must comply with the current Association of the British Pharmaceutical Industry (ABPI) code of practice, whether or not the company is a member of the ABPI
- Any learning or products (such as protocols, guidelines, intellectual property) developed through joint working will be the property of NHS Devon unless specifically agreed otherwise in a signed contract with the company(ies) and may be shared with other NHS organisations.
- NHS Devon will consider supporting the dissemination of lessons learned from joint working but retain the right of approval of associated literature and material.