

Standards of Business Conduct Annual Report 2014/15

Author	
Lisa Reid	Head of Governance and Assurance

1. Introduction

- 1.1 A full revision of the Standards of Business Conduct (the Standards) was last undertaken in March 2012. A further revision of the Standards is planned for Quarter 1 2015.
- 1.2 During 2014/15 the focus has been on embedding the Standards within the organisation and ensuring all staff are aware of both the Standards and the requirement to adhere to them.

2. Background

- 2.1 The Standards outline the principles by which the Trust, its management and staff make decisions and can be held accountable. They also include best practice guidance for business activities in addition to a description of the mechanism through which concerns may be dealt with in the event that an individual believes these practices are not being followed.
- 2.2 Specific guidance is provided for the declaration of gifts, benefits, hospitality or sponsorship, all of which should be declared and registered if they amount to more than £50. Gifts must also be declared if several small gifts from the same, or closely related source, total more than £200 in a 12-month period.
- 2.3 The adherence to the Standards engenders a strong corporate responsibility programme throughout the organisation, keeping our business well within legal requirements. It also provides a working environment in which all employees are able to feel confident about our standards of business practice. The Standards enable the Trust to continue to achieve financial and operating results while simultaneously adhering to high ethical standards that guide relationships with service users, employees, external partners and local communities.
- 2.4 Adherence to, and compliance with, ethical business conduct practices (and thereby the relevant legislation and regulation) is reliant upon effective communication throughout the organisation to ensure all staff understand their responsibilities in relation to the Standards of Business Conduct and related policies and procedures. Consequently, Table 1 highlights the (on-going) awareness campaign.

Table 1:

Standards of Business Conduct communication to staff

Aspect of Standards	Communication media	Dates of communications sent to staff
1. Alcohol & Substance Misuse	Emails, Lunchtime Lecture, PGME	06/02/15, 23/02/15
2. Anti-Fraud:	Emails, inSite (intranet)	30/08/14, 17/10/14, 17/11/14, 09/02/15
3. Bribery Act	Whilst there are no specific communications about this aspect of the Standards during 2014/15 they are covered on the Standards of Business Conduct inSite page.	
4. Conflicts of Interest		
5. Environment – Corporate Social Responsibility	Emails, inSite	11/2/14 Ongoing
6. Ethics	Whilst there are no specific communications about this aspect of the Standards during 2014/15 they are covered on the Standards of Business Conduct inSite page.	
7. Equality & Diversity		
8. Gifts / Sponsorship / Entertainment	Emails, InSite, Screensaver, word of mouth with wards.	12/12/14, 15/12/15 Ongoing
9. Charitable Donations	Email, Newsweek, inSite, word of mouth with wards.	Ongoing
10. Health of Employees	Email, InSite, Screensaver	31/03/15, 13/04/15
11. Procedures & Open Door Communication	Email, InSite, Team Brief	Team Brief, Dear Louise, LiA on the front of inSite, plus reminders via Chief Executive's weekly message to staff.
12. Health & Safety	Email, inSite, Screensaver	15/09/14, 18/12/14, 16/02/15, 24/02/15
13. Information Technology Security and Acceptable Use	Emails, InSite	06/01/15
14. Confidentiality	Email, posters, screensavers, inSite, Team Brief	01/09/14, Ongoing
15. Outside Interests	Whilst there are no specific communications about this aspect of the Standards during 2014/15 they are covered on the Standards of Business Conduct inSite page.	
16. Intellectual Property		

3. Overview of Achievements during the period 2014/15

3.1 The Company Secretary and the Head of Governance & Assurance were contacted during the year on numerous occasions for advice by staff from a variety of professional groups.

- 31 declarations were made during 2014/15 for gifts, benefits, hospitality or sponsorship using the approved Standards declaration form which resulted in 31 declarations being approved (*a reduction in declarations made of 9 from 2013/14*), see appendix 1.
- Post Graduate Medical Education (PGME) recorded 16 sponsored consultant study leave episodes (*a reduction of 19 from 2013/14*), see appendix 2.
- PGME recorded 10 occasions (*no change from 2013/14*) for which companies provided a total of £2,200 of sponsorship (*an increase of £200 from 2013/14*) for the PGME Tuesday lunchtime lecture programmes, see appendix 3.
- PGME recorded sponsorship of lunches on 7 occasions (*a decrease of 13 events from sponsorship received in 2013/14*) from companies for the weekly Acute Medicine Teaching Programme, see appendix 4.
- PGME recorded sponsorship of lunches on 28 occasions (*a decrease of 13 events from sponsorship received in 2013/14*) from companies for the weekly Grand Rounds Teaching Programme, see appendix 5.

3.2 On 27th November 2014 the Care Quality Commission's (CQC) new regulation 'Fit and Proper Persons: Directors'¹ came into force. As of this date the Trust must comply with this regulation by ensuring that all newly appointed Executive and Non-Executive Directors appointed to the Board of Directors (including interim directors and associate director positions irrespective of their voting rights) meet the Fit and Proper Person criteria and do not meet any of the 'unfit' criteria. The regulation states that:

*'This means that board directors should be of **good character**, have **the required skills, experience and knowledge** and that their **health enables them to fulfil the management function**. None of the criteria of unfitness should apply, which include **bankruptcy, sequestration and insolvency, appearing on barred lists and being prohibited from holding directorships under other laws**. Directors should not have been **involved or complicit in any serious misconduct, mismanagement or failure of care in carrying on a regulated activity**.'*²

¹ Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 5

² CQC Regulation 5: Fit and Proper Persons: Directors, Final Guidance for NHS Bodies, November 2014, page 10.

The Trust has therefore amended its pre-recruitment checks for all directors to whom this new regulation applies to ensure the Chairman is able to provide the required assurance to the CQC that all directors meet the fitness test and do not meet any of the 'unfit' criteria. The organisation's adherence to this new regulation was tested as part of the CQC comprehensive inspection in February 2015.

Whilst members of the Council of Governors are not required a part of the CQC's regulation 5 to be 'fit and proper' the Trust's Provider Licence issued by the Foundation Trust regulator, Monitor, does require Governors to be 'fit and proper' as does Monitor's NHS Foundation Trust Code of Governance³, which states in B.2.2:

*'B.2.2. Directors on the **board of directors and governors on the council of governors should meet the "fit and proper" persons test described in the provider licence.** For the purpose of the licence and application criteria, "fit and proper" persons are defined as those without certain recent criminal convictions and director disqualifications, and those who are not bankrupt (undischarged). Trusts should also abide by the updated guidance from the CQC regarding appointments to senior positions in organisations subject to CQC regulations.'*

Provision B2.2 of Monitor's Code of Governance is known as a 'comply or explain' provision. This means that the Trust is required to either comply with B2.2 or to declare in its Annual Report why it has not complied with this provision. During 2014/15 the Trust complied with this provision in relation to both Governors and Directors.

3.3 All new employee contracts include a reference to the Standards i.e.:

Standards of business conduct

You have a responsibility to declare any private interest which conflicts, or appears to conflict, with your NHS duties. Where appropriate to your job you are required to comply with the Standards of Business Conduct for NHS Staff (HSG(93)5), a copy of which is available from the Department of Health Website www.dh.gov.uk / or the Human Resources Department.

The Trust operates a zero-tolerance approach to bribery and corruption. It is a condition of your continued employment with the Trust that you comply with all applicable legal requirements relating to anti-bribery and anti-corruption including the Bribery Act 2010. Your employment will be summarily terminated in the event that you are found to have failed to comply with the requirements of the Bribery Act 2010.

³ Updated in July 2014.

- 3.4 Those staff involved in procurement at the Trust are provided with advice to ensure they act in accordance with the Supplies Code of Conduct regarding their receipt of incentives e.g. loyalty points, staff contact with company representatives etc. This advice is formalised through the inclusion of detailed guidance within the Trust's '*Policy and Guidance for the Procurement and Payment of Goods and Services (Procurement Policy)*' which is aligned to, and compliant with, the revised Standards of Business Conduct 2012, version 7.
- 3.5 The Head of Governance & Assurance and the Communications Team have continued to work jointly during the year to maintain a Trust-wide communications plan to publicise the Standards. The plan included:
- In the run up to Christmas 2014 a sustained campaign raising awareness of the requirement to adhere to the Standards was undertaken aimed at all Staff including a dedicated part of the Team Brief in December and involving social media messaging for patients, relatives and carers as well as staff.
 - A dedicated intranet page for the promotion of the high standards of conduct expected of staff who work for, and individuals who do business with, the Trust. This page has been available since July 2012 and hosts The Rotherham NHS Foundation Trust Standards of Business Conduct, Frequently Asked Questions, Standards of Business Conduct decision tool and the declaration form.
 - All e-mail user communications relating to Standards of Business Conduct declarations and addressing the appropriate way to donate money to the Rotherham Health Foundation Charity were circulated.
 - Screensavers relating to the Standards of Business Conduct continued to be used.

4. The Way Forward for 2015/16

4.1 The Head of Governance & Assurance and Communications Team will continue to work jointly to further enhance the Trust-wide communications plan to publicise the Standards of Business Conduct. The 2015/16 plan will include:

- A campaign to introduce the revised Standards early in 2015/16 to all staff.
- A focussed campaign to raise awareness of the Standards amongst all medical staff including SAS doctors.
- Posters and display screens in reception areas aimed at both patients and individuals who do business with the Trust advising them of the gifts and hospitality Trust staff are able to accept and items which Trust staff will have to decline.
- Articles developed by relevant Trust experts for publication in the Weekly Bulletins relating to the policies that are referenced in the Standards to raise staff awareness.
- All staff communications relating to Standards of Business Conduct declarations and emphasising staff responsibilities with the Standards of Business Conduct.

4.2 All Trust policies are required to identify how adherence to the policy will be monitored and this includes those policies referenced within the Standards. The work of the Local Counter Fraud Specialist and Internal Audit are complementary to the Trust's own work programme to promote adherence by all staff to these Standards.

5. Conclusion

5.1 Overall the impact of the Standards on the declaration of gifts, benefits, hospitality or sponsorship has been positive as evidenced by the continued declarations made and enquires received relating to the Standards. As mentioned above, the Standards are underpinned by several Trust policies therefore publication of articles explaining the relevance of the policies to the Standards serve to enhance staff awareness and increase understanding.

6. Action required by the Audit Committee

6.1 The Audit Committee is invited to:

- Approve this annual report and support the further work to be undertaken to safeguard ethical business practice in the future.
- Note that this annual report will be published on the Trust's internet site following its approval.

Declaration of gifts, benefits, hospitality or sponsorship received 2014/15

Individual	Speciality	Title of event/gift/benefit	Sponsor	Location	Extent of Sponsorship including financial value	Duration
Consultant	ENT	Education meeting about tracheotomy valves	Fannin	Rotherham	Refreshments	No stated
Consultant	Paediatric Dentistry	Lunch and Learn	Glaxo Smith Kline	Barnsley	Provision of free CPD and lunch	Date to be confirmed
Consultant	ENT	Sheaffer Fountain Pen	Grateful patient	n/a	Sheaffer Fountain Pen (less than £50)	n/a
Infection control Co-ordinator	Microbiology	Launch of Community IV Therapy Pathway	Pfizer & Gilead	TRFT	Hospitality (£216.50 plus VAT for 50 people)	02/05/2014
Lead Specialist Nurse	Pain team	National Acute Pain Conference	NAPP Pharmaceuticals and Pfizer Pharmaceuticals	Chester	Delegate fees (Pfizer) and accommodation fees (NAPP) (circa. £500)	11 & 12 September 2014
Sister	Pain team	MSc in Pain Management at Cardiff University	NAPP Pharmaceuticals	Cardiff	Educational Grant to cover two thirds of the course fees (approx. £2520)	Sept 2014 to March 2017
Staff Nurse	CTR	MSc in Pain Management at Cardiff University	NAPP Pharmaceuticals	Cardiff	Educational Grant to cover two thirds of the course fees (approx. £2520)	Sept 2014 to March 2017

Individual	Speciality	Title of event/gift/benefit	Sponsor	Location	Extent of Sponsorship including financial value	Duration
Moving and Handling Specialist	Therapy Services	National Back Exchange Annual Conference	Sidhil Limited	Leicestershire	Conference and full accommodation fees (circa. £600)	29th September - 1st October 2014
Associate Director of Cancer Services/Lead Nurse	Cancer Services	Specialist Advisor to CQC	Care Quality Commission	Various	Backfill costs of £300 per day as Specialist Advisor paid by CQC to TRFT - audited through finance	Various (April and Aug 2014)
Service Manager	Directorate of Medicine	Business Skills Course: Working with Commissioners	Eli Lilley and Co Ltd	London	Travel, registration and accommodation (circa £500)	30/09/14 to 1/10/14
Consultant	Ophthalmology	EURETINA	ALIMERA SCEINCES	London	Travel, delegate fees and hospitality (circa £1000)	11-14 September 2014
Health Care Support Worker	Fracture Clinic	Orthopaedic and Trauma Alliance Conference	Promedics	Nottingham	Delegate Fees which includes hospitality (£225)	18-19 October 2014
Health Care Support Worker	Fracture Clinic	Orthopaedic and Trauma Alliance Conference	BSn Medical	Nottingham	Delegate Fees which includes hospitality (£225)	18-19 October 2014
Dental Nurse Team Manager	Dental Services	Doncaster Community Dental Services staff meeting "Lunch and Learn"	IVOCLAR VIVADENT	Doncaster	Lunch for 21 staff members approx. £105 in total	01/10/2014

Individual	Speciality	Title of event/gift/benefit	Sponsor	Location	Extent of Sponsorship including financial value	Duration
Head of Governance and Assurance	Corporate Services	Specialist Advisor to CQC	Care Quality Commission	Various	CQC reimburse TRFT for travel, accommodation and subsistence costs. They pay TRFT £300 per day for backfill costs.	Various
Locum SpR	A&E	Holds position as a Director of Mantra Medical Ltd (pre-market development company)	N/A	N/A	N/A	N/A
Corporate Affairs Officer	Corporate Affairs	Rotherham United Luncheon	Rotherham United Football Club	Rotherham	Hospitality £50	24/10/2014
Charity Development Officer	Corporate Affairs	Rotherham United Luncheon	Rotherham United Football Club	Rotherham	Hospitality £50	24/10/2014
Consultant Radiologist	Clinical Radiology	Unpaid leave to work with Telemedicine at their base in Australia	Telemedicine Clinic	Sydney, Australia	Travel approx. £1200, one month accommodation approx. 7,000AUD, salary 15,000AUD	01/01/15 one month (unpaid leave from hospital)
Infection control Co-ordinator	Infection Control department	Infection Control Doctors Network Joint Annual Meeting	Nordic Pharma Ltd	Rotherham	£165.25 plus VAT	27/11/14
Advanced Dietetic Practitioner	Nutrition and Dietetics	BAPEN Annual conference	B Braun	Harrogate	Course fees £390	14th and 15th October 2014

Individual	Speciality	Title of event/gift/benefit	Sponsor	Location	Extent of Sponsorship including financial value	Duration
Specialist Dietician	Nutrition and Dietetics	BAPEN Annual conference	Fresenius	Harrogate	Course fees £390	14th and 15th October 2014
Head of Procurement	Procurement department	Small gift hamper	Catering Consultancy Bureau	N/A	Gift hamper estimated cost £15 - to be donated to Hospital Charity	N/A
Head of Facilities Services	Facilities	Christmas Hamper	Catering Consultancy Bureau	N/A	Small Christmas biscuit hamper estimated cost less than £50	N/A
Admin Assistant	Facilities	Christmas Hamper	Catering Consultancy Bureau	N/A	Small Christmas biscuit hamper estimated cost less than £50	N/A
Director of Estates and Facilities	Facilities	Small food hamper	Catering Consultancy Bureau	N/A	Food hamper - estimated less than £50. Intention is to donate to hospital charity to raise funds	N/A
Advanced Dietitian	Nutrition and Dietetics	Fresenius Kabi Nutrition Service Study Day	Fresenius Kabi Nutrition Service	Coventry	Delegate fees, hospitality and accommodation (circa £500)	20th & 21st November 2014
Clinical Lead Podiatry and Orthotics	Podiatry	Provision of Lunchtime refreshments	Dermatronics	Rawmarsh Customer Service Centre	Provision of lunch to the value of £60	17th February 2015
Parkinson's Nurse	Health Care for Older People	Apomorphine in Parkinson's Masterclass	Britania Pharmaceuticals	Liverpool	Hotel overnight stay (£170-£200) / petrol allowance	12 and 13th March 2015

Individual	Speciality	Title of event/gift/benefit	Sponsor	Location	Extent of Sponsorship including financial value	Duration
Charity Development Officer	Corporate Relations	Complimentary tickets to Rotherham United Football Match	Rotherham United Football Club	Rotherham	Circa £25	17/02/2015
Trust Chairman	Board of Directors	Complimentary tickets to Rotherham United Football Match	Rotherham United Football Club	Rotherham	Circa £25	17/02/2015

Declaration of Consultant Sponsored Study Leave 2014/15

Speciality	Location	Duration (days)	Title of Event	Extent of sponsorship	Sponsor	Authorised by: Clinical Director / Medical Director/Other
Ophthalmology	Unknown	1	The Cutting Edge of VR	Travel & Accommodation	Alcon	Other
Ophthalmology	Unknown	1	Botulinum Toxin Training Day	Travel & Accommodation	Merz Pharma	Other
PGME	London	2	NACT UK Council	Travel & Accommodation	PG Dean	Other
PGME	London	1	NACT UK Council	Travel & Accommodation	PG Dean	Other
PGME	London	1	NACT UK Council	Travel & Accommodation	PG Dean	Other
PGME	London	1	NACT UK Council	Travel & Accommodation	PG Dean	Other
Anaesthetics	Rotterdam	1	Teaching Cadavec Lab	Travel & Accommodation	Teleflex	Other
O&G	London	2	Basic Practical skills	Travel & Accommodation	RCOG	CD
Haematology	Unknown	1	Schwartz Rounds Training	Fee, Travel & Accommodation	McMillan Foundation	CD
Geriatrics	London	1	Astellas Bladder Masterclass	Fee, Travel & Accommodation	Astella	CD
Geriatrics	Birmingham	2	Osteoporosis Conference 2014	Fee	Eli-Liby	CD
Geriatrics	Unknown	2	Positive Steps in PD	Accommodation & subsistence	TEVA	CD

Speciality	Location	Duration (days)	Title of Event	Extent of sponsorship	Sponsor	Authorised by: Clinical Director / Medical Director/Other
Geriatrics	London	2	Diabetes UK	Fee, Travel & Accommodation	MSD	CD
Haematology	Istanbul	3	EBMT	Fee, Travel & Accommodation	EBMT	CD
T&O	Oxford	2	Cadaver Course	Travel & Accommodation	Arthrex	CD
Geriatrics	Barcelona	2	Masterclass in Non-Valvular Atrial Fibrillation	Fee, Travel & Accommodation	Bristol-Myers-Squibb	CD

N.B. The financial value of sponsorship for consultant sponsored study leave has not been reported historically. Whilst the form used to record study leave was amended to collect the financial value of sponsorship at the beginning of 2014/15 this information was not completed by the individuals completing the forms. This data will be included in the 2015/16 Standards of Business Conduct Annual Report.

Declaration of PGME sponsorship received for the PGME Tuesday lunchtime lecture programme during 2014/15

Date of Sponsorship	Company	Amount Sponsored
10/06/2014	A Menarini	£200
24/06/2014	Tillotts and Chiesi	£200 each (total £400)
01/07/2014	MSD and A Menarini	£200
15/07/2014	MJN	£200
17/02/2015	MDU Services Limited	£200
03/03/2015	Bristol-Myers. Squibb Pharmaceuticals Ltd	£200
10/03/2015	Norgine	£200
17/03/2015	TEVA UK	£200
17/03/2015	Chiesi Limited	£200
24/03/2015	Astra Zenca UK	£200

Declaration of PGME sponsorship received for Acute Medicine teaching programme 2014/15

Date	Subject	Company	Amount Sponsored
02/05/2014	Sepsis	Teva	£125
09/05/2014	Anaphylaxis	Boehringer	£125
16/05/2014	DKA guidelines	MSD	£125
27/06/2014	abnormal thyroid function tests	Chiesi	£125
04/07/2014	Joint pain and swelling	Boehringer	£125
11/07/2014	Heart Failure	MSD	£125
18/07/2014	Pyrexia unknown origin	Mead Johnson Nutrition	£125

Declaration of PGME sponsorship received for the Grand Round teaching programme 2015/15

Date	Subject	Presenter	Sponsor	Amount Sponsored
01/09/2014	Microbiology	Professor W Al-Wali	GSK	£200
08/09/2014	Rheumatology	Dr G Smith	A Menarini	£200
15/09/2014	Rehab Medicine	Dr B Davies	Merz	£200
22/09/2014	Histopathology	Dr A Nijhawan	GSK	£200
29/09/2014	Respiratory	Dr V Athey	Boehringer	£200
06/10/2014	Gastroenterology	Dr M Yousif	Tillotts	£200
13/10/2014	Stroke Care	Dr J Okwera	Boehringer	£200
20/10/2014	Palliative Care	Dr R Broadhurst	MSD	£200
03/11/2014	HCOP – Bone Health	Dr N Athavale	A Menarini	£200
10/11/2014	Acute Medicine	Dr A Arefin	A Menarini	£200
17/11/2014	Diabetes/Endocrinology	Dr S Muzulu	Boehringer	£200
24/11/2014	Cardiology	Dr S Smith	Boehringer	£200
01/12/2014	G U Medicine	Dr N Gupta	A Menarini	£200
08/12/2014	Haematology	Dr A Alfred	A Menarini	£200
15/12/2014	Dermatology	Dr A Muncaster	Meda	£200
13/04/2015	Histopathology	Dr Ali Hussein	Novartis	£200
20/04/2015	Rheumatology	Dr Fawthrop	Bayer	£200
27/04/2015	Palliative Care	Dr F Hendry	GSK	£200
11/05/2015	Neurology	Dr Hafiz	Boehringer	£200
18/05/2015	Acute Medicine	Dr Arefin	NAPP	£200

Date	Subject	Presenter	Sponsor	Amount Sponsored
01/06/2015	Cardiology	Dr T Mwambingu	GSK	£200
08/06/2015	Gastroenterology	Dr B Hoeroldt	Astrazeneca	£200
15/06/2015	Respiratory	Dr J Miles	A Menarini	£200
22/06/2015	Microbiology	Professor W Al-Wali	MSD	£200
29/06/2015	Endocrinology	Dr S Muzulu	Boehringer	£200
06/07/2015	Dermatology	Dr A Muncaster	MSD	£200
13/07/2015	Haematology	Dr R Went	A Menarini	£200
20/07/2015	Acute Medicine	Dr A Arefin	Boehringer	£200