

# Code of Conduct Policy



# Policy Approval

Version	Date	Approver Signature
1-0	27/01/12	Nick Gerrard

The document has been reviewed by the NHS Supply Chain Exec Team prior to approval.

## Contents

1	Introduction .....	2
2	Aims .....	3
2.1	Adherence to the Bribery Act (2010).....	3
3	Policy Statement.....	3
3.1	Equality and Diversity.....	4
3.2	Environment .....	4
4	Responsibilities.....	4
5	Requirements.....	5
5.1	Casual Gifts .....	5
5.2	Third Party Gifts .....	5
5.3	Declarations.....	6
5.4	Preferred Treatment in Private Transactions .....	6
5.5	The Award of Contracts .....	6
5.6	Rewards for Initiative .....	6
5.7	Commercial Sponsorship.....	7
5.8	Commercial Sponsorship of Posts or Other Deals – “Linked Deals” .....	7
5.9	Commercial In-Confidence.....	7
5.10	Patient Confidentiality .....	7
5.11	Customer Confidentiality .....	7
5.12	Warnings to Potential Contractors .....	7
5.13	Outside Employment.....	7
5.14	Personal Conflicts of Interest .....	7
5.15	Use of NHS Supply Chain Computers .....	8
5.16	Use of External Communication Sites (Social Media) .....	8
5.17	Insider Information .....	8
5.18	Recording and Monitoring .....	8
5.19	Company Property.....	8
5.20	Data Protection.....	9
5.21	Adherence to the Procedure.....	9
5.22	Adherence to Quality Processes and Procedures .....	9
6	Links to Other Policies.....	9
7	Additional Links .....	9

## 1 Introduction

Maintaining the trust and confidence of all parties with whom NHS Supply Chain staff come into contact, both internally and externally, is critical to the success of NHS Supply Chain. This trust and confidence is dependent upon high levels of professionalism of all NHS Supply Chain personnel and consistent processes and communications with all parties.

This document details the Code of Conduct for standards of business conduct relating to external (supplier and customer) relationships and colleagues across the NHS Supply Chain business. It is also supported by the NHSBSA Corporate Governance Framework (see Section 7 'Additional Links') and good practice in public sector organisations.

This policy outlines the requirements of all employees in relation to:

- Casual Gifts
- Third Party Gifts
- Declarations
- Preferred Treatment in Private Transactions
- The Award of Contracts
- Rewards for Initiative
- Commercial Sponsorship
- Commercial Sponsorship of Posts or Other Deals – “Linked Deals”
- Commercial In-Confidence
- Patient Confidentiality
- Customer Confidentiality
- Warnings to Potential Contractors
- Outside Employment
- Personal Conflicts of Interest.
- Use of NHS Supply Chain Computers
- Use of External Communication Sites (Social Media)
- Insider Information
- Recording and Monitoring
- Company Property
- Data Protection
- Adherence to the Procedure
- Adherence to Quality Processes and Procedures.

## 2 Aims

The aim of this policy is to provide a comprehensive understanding around the standards of business conduct procedure required of NHS Supply Chain employees.

It is an established principle that public sector bodies must be impartial and honest in the conduct of their business.

### 2.1 Adherence to the Bribery Act (2010)

It is an offence under the Bribery Act 2010 for an employee to accept reward for doing or refraining from doing anything in his/her capacity or to corruptly show favour or disfavour in the handling of contracts. Any breach of this Act will render employees liable to disciplinary action and/or prosecution.

## 3 Policy Statement

All NHS Supply Chain's employees including Committee Members and Executive and Non-Executive Board Members, are expected to adhere to the requirements of the Code and will regard the Code as the basis of best conduct in the Purchasing and Supply profession.

NHS Supply Chain will always seek to uphold and enhance its standing by requesting its employees:

- Maintain the highest possible standard of integrity in all their business relationships both inside and outside NHS Supply Chain.
- Reject any business practice which might reasonably be deemed improper and never using their organisation for personal gain.
- Declare any personal interest, whether financial or otherwise, in:
  - Any organisation with which, on behalf of NHS Supply Chain, they deal with.
  - Any organisation which has or seeks to have a contractual relationship with NHS Supply Chain.
- Ensure that professional positions are not used to gain preference in any private dealings with suppliers.
- Enhance the proficiency and stature of the profession and department by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour.
- Foster the highest possible standards of professional competence amongst those for whom they are responsible.
- Optimise the use of resources which they influence and for which they are responsible to provide the maximum benefit to NHS Supply Chain.
- Avoid placing NHS Supply Chain in any anti-competitive position, i.e. in breach of Competition Law and to advise the Procurement Director if any supplier shows anti-competitive behaviour comply with both the letter and the spirit of:
  - English law
  - Contractual obligations.

And where employed as a professional role that they act within the relevant professional practice guidelines. In Particular, where employees hold CIPS qualifications:

- The Chartered Institute of Purchasing & Supply guidance on professional practice.

- Ensure that all suppliers are treated in a fair, honest and respectable fashion.
- Ensure that common courtesy will be extended at all times, e.g. meetings will begin and finish on time and adequate refreshments will be provided.
- Promote the adoption of minimum labour standards and worker rights throughout supply chains in line with principles set out in International Labour Organisation conventions on human and employee rights.
- Incorporate sustainable procurement considerations into procurement processes. Staff will also promote energy and resource efficiency through waste reduction, the recycling of products such as paper, toner cartridges and cardboard, and the considered use of electrical items.

### 3.1 Equality and Diversity

In accordance with the NHS Supply Chain Equality & Diversity policy, this Code of Conduct will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.

### 3.2 Environment

We acknowledge the impact of our business activities on the environment and are committed to improving our environmental track record through precautionary measures and the use of environmentally friendly technology.

As part of the DHL corporate group, we advocate and support the dissemination of environmentally and socially exacting standards throughout the world. We consider our employees' commitment and active involvement to be an important platform for our efforts and a significant source of innovation.

## 4 Responsibilities

Employees are responsible for:

- Ensuring they read and gain understanding of the code of conduct policy and adhere at all times to the policy and any other related documents which may be issued (all policy documents are saved on our shared drive under 'Human Resources' and 'Policies').
- Ensuring their conduct is in accordance with the company's policies and procedures and local site agreements/arrangements.
- Ensure they do not place themselves in a position that risks or appears to risk conflict between their private interests and their NHS Supply Chain duties.
- Seeking further advice if they are unsure of any aspect of the procedure.
- To report any known or suspected deviations from the procedure to their manager or HR Business Partner.
- Ensuring their behaviour and attitude complies with the company's Vision and Values, and the Code of Conduct.
- In the course of your employment you may be required to work to a set of operational, quality or other processes, work instructions guideline and policies.

Any doubts or queries about the content of this procedure or any course of action to be taken should be referred to your line manager.

### Line Managers are responsible for:

- Ensuring that all employees know and understand the company rules and procedures (including those employees whose first language is not English, or who have a disability or impairment).
- Ensuring compliance with the company's policies and procedures.
- Ensuring compliance with the application of the law.
- Having respect for all individual(s) involved.
- Maintaining integrity through fair and equal treatment.
- Undertaking the appropriate training in order to be able to apply the rules and the procedures regarding standard business conduct.

### Human Resources are responsible for:

- Periodically reviewing and if necessary revising policies and procedures in the light of any developments in employment legislation, good employment practice and application of the policies in practice.
- Providing professional help and advice on all aspects in order to ensure that a fair, reasonable and consistent process is followed.
- Providing expert guidance in cases that are particularly complex, difficult or which may require external legal advice.

## 5 Requirements

### 5.1 Casual Gifts

NHS Supply Chain requires employees to declare any gifts and hospitality received in the line of business to their line manager. This is to ensure transparency in all company business. All offered and received gifts and hospitality must be recorded on the central 'Hospitality Log', stored on the 'Common' drive (S), at the following location:

<\\dcd-2.isis.logistics.nhs.uk\common\PROCUREMENT\BACK 2 BASICS\HOSPITALITIES\Hospitality Record 2011.xls>

When receiving such gifts or hospitality you must inform the person who is providing the gift that our policy is to record these items in a hospitality log and may at your line managers discretion need to be returned or rejected.

### 5.2 Third Party Gifts

A third party gift may, or may not, be treated as a taxable benefit in kind depending upon the following factors:

- What the gift is (e.g. a cash payment, a good or a service).
- The total value of the gift (including VAT).
- Why the gift has been given (e.g. as a reward for past or future services or a genuine goodwill gesture).
- Who the gift has been provided by (directly and indirectly).

## 5.3 Declarations

Employees should make their manager aware of:

- Any personal interest which may affect or be seen by others to affect a member's impartiality in any matter relevant to his or her duties should be declared.
- Any personal interest, whether financial or otherwise, in any organisation with which, on behalf of NHS Supply Chain, they deal with or any organisation which has or seeks to have a contractual relationship with NHS Supply Chain.
- Any potential conflicts of interest and any private business dealings. In line with the Theft & Fraud Policy employees must also declare a personal interest where one exists and be prepared to withdraw from those dealings if required.
- Where it appears that a conflict of interest may exist.
- If, during the course of their employment or between checks, they obtain a new criminal conviction. Any matters disclosed by the employee or revealed through a Disclosure will be discussed with the employee to determine their suitability to continue working in the role. Such matters will be dealt with sensitively and in the strictest confidence.

Depending upon the nature of the conviction, the matter may be dealt with in accordance with the Company's Disciplinary procedure. Failure to reveal such information may also lead to disciplinary action being taken, during which the normal appeals procedure applies.

## 5.4 Preferred Treatment in Private Transactions

Employees must not seek preferential rates or other benefits for private transactions with any company which they have had or may have, dealings with in their capacity as NHS Supply Chain employees.

## 5.5 The Award of Contracts

In the awarding of contracts employees should:

- Avoiding placing NHS Supply Chain in any anti-competitive position, i.e. in breach of Competition Law and to advise the Procurement Director if any supplier shows anti-competitive behaviour.
- Complying with both the letter and the spirit of:
  - English law
  - Contractual obligations.
- Ensuring that all suppliers are treated in a fair, honest and respectable fashion.

## 5.6 Rewards for Initiative

Employees acting on behalf of NHS Supply Chain should always identify any potential intellectual property rights (IPR) as and when they arise, so that they can be protected and exploited properly, and thereby ensure the correct rewards and benefits (such as royalties) in respect of work commissioned from third parties, or work carried out in the course of duties.

(Guidance on developing and using Intellectual Property Rights can be found in the Master Service Agreement held on shared drive under Legal Main information in section 50 page 117 but also referred to on page 30,112 &116 – Employees should always seek advice from line manager or the legal team if in any doubt in specific cases).

## 5.7 Commercial Sponsorship

Acceptance by staff of commercial sponsorship for the attendance at relevant conferences and courses is acceptable, but only where the employee seeks permission in advance from line manager and the manager is satisfied that acceptance will not compromise the business. Managers should consult the Compliance Director before agreeing to ensure adequate safeguards are in place.

## 5.8 Commercial Sponsorship of Posts or Other Deals – “Linked Deals”

Under no circumstances should employees agree to “linked deal” whereby sponsorship is linked to the purchase of particular products, or to supply from particular sources.

## 5.9 Commercial In-Confidence

Staff should refrain from using or making public, internal information of a “commercial in-confidence” nature, particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition. This principle applies to all customers’ suppliers and or private competitors.

## 5.10 Patient Confidentiality

Staff will respect patient confidentiality and ensure appropriate levels of safeguards are in place to prevent risk.

Staff will act in a open, honest and well researched manner when dealing with complaints from patients, their career or relatives, ensuring a full explanation of what has happened and advising what will done to deal with poor service performance.

## 5.11 Customer Confidentiality

Staff should refrain from making public NHS Trust financial or sensitive information of a “commercial inconfidence” nature, particularly if its disclosure would prejudice the principle of a professional relationship between NHS Supply Chain and the NHS Trust.

## 5.12 Warnings to Potential Contractors

All invitations to potential contractors must include a notice warning of the consequences of engaging in corrupt practices.

## 5.13 Outside Employment

Employees must not engage in any employment outside of NHS Supply Chain that is in direct competition or conflict of interest to NHS Supply Chain. Employees must register the employment and obtain permission from HR before accepting the employment.

## 5.14 Personal Conflicts of Interest

As mentioned in 5.3, NHS Supply Chain require all directors, officers, committee members and employees to maintain high ethical standards in handling conflicts of interest. They should disclose any relationship with persons or firms with whom we do business (‘business partners’), which might give rise to a conflict of interest, to a supervisor. Such relations may include, but this list is not exclusive, in particular a relationship by blood or marriage, partnership, participation or an investment in business partners.

## 5.15 Use of NHS Supply Chain Computers

All computer and communications equipment is provided for business purposes. However, it is accepted that it may be appropriate for staff to make limited use of I.T. equipment and facilities for personal use out of normal work hours. Authorisation should be sought from your line manager.

It must be stressed that personal use of the Company's I.T. resources are subject to the restrictions and working practices detailed in the IT policy. In particular, employees working from home should also be aware that they are covered by this policy and the other associated policies.

## 5.16 Use of External Communication Sites (Social Media)

NHS Supply Chain respects an employee's right to a private life however; NHS Supply Chain must also ensure that confidentiality and its reputation are protected.

Employees should be aware that social networking websites are a public forum and should not assume that their entries on any website will remain private. Employees using these websites, e-mail, mobile phones etc outside work must not; conduct themselves in a way that brings the NHS Supply Chain into disrepute; disclose information that is confidential or related in any way to NHS Supply Chain business.

If any opinions are expressed on any topic related to your employment at NHS Supply Chain it is your responsibility to ensure that the opinion is not misunderstood as being an official NHS Supply Chain opinion.

## 5.17 Insider Information

Any person with inside information is prohibited by law to buy or sell DHL stock by using this information. Additionally if in the course of your work you come across any information that is likely to affect the stock price of any company. You are prohibited to use this information to gain any advantage.

Employees are at risk of civil and criminal penalties should they disclose non-public information that an investor could use to buy or sell securities. Trading with such information is illegal whether employees trade for their own benefit or others trade for them.

## 5.18 Recording and Monitoring

All declarations made by employees will be held centrally by Human Resources. The information will be available for public access whilst adhering to Data Protection principles.

Each individual declaration will be reviewed by your line manager and all declarations will be reviewed periodically by HR.

## 5.19 Company Property

The use of company property, including labour, supplies, equipment, buildings or other assets for personal benefit is prohibited where not explicitly allowed by agreement. Each employee has a responsibility to safeguard and make proper use of Deutsche Post DHL property. Intellectual property is a valuable asset and must be protected from unauthorized use or disclosure. Such property includes trade secrets, confidential information, copyrights, trademarks, logos, but also customer lists, business opportunities and product specifications, whether owned by Deutsche Post DHL – affiliated companies or business partners.

## 5.20 Data Protection

Our employees shall not disclose information that is not known to the general public for personal gain or the benefit of anyone other than the company. Such information includes technical data, financial data, operating data, customer information, memoranda or other information regarding the company's business and operational activities and future plans. Employees will adhere to relevant laws and company regulations with respect to personal data, which require employees to protect personal data of legal (where legally on par) and individual natural persons, including employees, shareholders and customers.

## 5.21 Adherence to the Procedure

Any breach to this Code of Conduct will in accordance with your contract of employment be deemed to be a serious offence and a fundamental breach in trust and confidence in accordance with the Disciplinary policy. Any doubts or queries about the content of this procedure or any course of action to be taken should be referred to either your line manager or H.R.

## 5.22 Adherence to Quality Processes and Procedures

In the course of your employment you may be required to work to a set of processes, work instructions guideline and policies. Any breach to these will in accordance with your contract of employment be deemed to be a serious offence and a fundamental breach in trust and confidence in accordance with the Disciplinary policy. Any doubts or queries about the content of this procedure or any course of action to be taken should be referred to either your line manager or H.R.

## 6 Links to Other Policies

- Disciplinary
- Expenses
- Equality and Diversity
- I.T. Policy
- Theft and Fraud
- Whistle Blowing
- DHL Corporate Code of Conduct Policy.

## 7 Additional Links

- Master Service Agreement
- OJEU Regulations ([www.ojec.com](http://www.ojec.com))
- CIPS Guide to Professional Practice/Ethical Code of the Institute of Purchasing and Supply ([www.cips.org/aboutcips/whatwedo/codeofprofessionalethics](http://www.cips.org/aboutcips/whatwedo/codeofprofessionalethics))
- NHSBSA Corporate Governance Framework (<http://www.nhsbsa.nhs.uk/511.aspx>).