

# **Standards of Business Conduct for Staff**

## **(Governance Framework)**

<b>Lead Manager</b>	<b>Corporate Services Manager (Compliance)</b>
<b>Responsible Director</b>	<b>Director of Corporate Services and Governance</b>
<b>Approved by</b>	<b>NHSGGC Board</b>
<b>Date approved</b>	<b>25 June 2024</b>
<b>Date for Review</b>	<b>June 2025</b>
<b>Replaces previous version</b>	<b>Code of Conduct for Employees - October 2017</b>

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## 1. Introduction

The NHSGGC Standards of Business Conduct forms part of the Board's standard contract of employment for all staff and is an integral part of the NHSGGC Governance Framework. It provides instructions on those issues or matters which staff are most likely to encounter in carrying out their day to day duties.

These Standards build upon the Standards of Business Conduct for NHS Staff [NHS Circular MEL (1994) 48] which set out accepted practice in the NHS Scotland as a whole. However, professionally registered staff should also ensure they do not breach the requirements in respect of their Professional Codes of Conduct.

## 2. Scope

All staff, including permanent post-holders, Bank staff, Agency staff, Locums, other temporary staff and Honorary Consultants are required to adhere to this Policy and Guidance. Any advice on its application should be sought from your Line Manager/Head of Department/Director.

It is the responsibility of staff to ensure that they do not place themselves in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. This is of particular relevance to those who commit NHS resources directly (e.g. by the ordering of goods) or those who do so indirectly (e.g. by the prescribing of medicines). A comprehensive list of the types of interests covered by this Policy is provided in Section 5.

The NHS must be impartial and honest in the conduct of its business and its employees should remain beyond suspicion. Under the Bribery Act 2010, it is an offence to request, agree to receive or accept a bribe in return for improperly performing a function or activity.

Staff need to be aware that a breach of the provisions of this Act renders them liable to prosecution and may also lead to potential disciplinary action and the loss of their employment and superannuation rights in the NHS.

These Standards reflect the minimum standards of business conduct expected from all NHS staff. Any breaches of these Standards may lead to disciplinary action.

### 3. Key Principles

The Standards of Business Conduct for NHS Staff [NHS Circular MEL (1994) 48] provided guidance to staff in maintaining strict ethical standards in the conduct of NHS business: [1994\\_48.pdf \(scot.nhs.uk\)](#).

The NHSGGC Standards of Business Conduct aims to embed these well-established ethical standards into the organisation by ensuring that all staff:

1. Safeguard the interest of patients at all times;
2. Remain impartial and honest in the conduct of their business;
3. Use the public funds entrusted to them to the best advantage of the service, always ensuring value for money;
4. Do not abuse their official position for personal gain or to benefit their family and/or friends;
5. Do not seek to advantage or further their private business or other interests, in the course of their official duties.

### 4. Acceptance of Gifts and Hospitality

NHSGGC will comply with the Bribery Act 2010 (“the Act”). This commitment applies to every aspect of the Board’s activity, including dealings with public and private sector organisations and the delivery of care to patients.

The Act recognises a number of offences including the following:-

- The offering, promising or giving of a bribe (active bribery)
- The requesting, agreeing to receive or accepting of a bribe (passive bribery)

Any employee who commits active or passive bribery will be subject to disciplinary action. In addition, the matter will be referred to relevant authorities for criminal investigation. The maximum sentence for any individual convicted of bribery is 10 years.

The Act also recognises a further offence of corporate liability for failing to prevent bribery on behalf of a commercial organisation. For the purposes of the Act, NHS Boards are considered commercial organisations.

#### Gifts

NHSGGC staff can accept items that are reasonable and proportionate, such as:

- Small gifts of a promotional or advertising nature such as calendars, pens and diaries, from suppliers or hosts.

- Small gifts from patients and their families, such as flowers and chocolates, following treatment.
- Low value gifts to be shared among colleagues such as confectionary, sweets or cakes.

These gifts do not need to be registered.

Where an unsolicited, inappropriate or high value gift is received and the individual is unable to return it or the donor refuses to accept its return, the employee should report the circumstances to their line manager/Head of Department/Director who will ensure that the donor is advised of the course of action.

All unsolicited, inappropriate or high value gifts, whether accepted or declined, must be entered in the online [Gifts, Hospitality and Interests Portal](#).

**Under no circumstances should staff accept:**

- Gifts of cash or gift vouchers, regardless of the amount.
- Gifts of alcohol, hampers of food, jewellery, event tickets or other mid to high value articles that could be misinterpreted by the public or assume a more serious importance in any form of future enquiry or investigation.

Financial donations to a department fund (e.g. to support staff training) must be administered through the Board's Endowment Funds. Please refer to the Endowment Charter and Endowment Operating Instructions.

Gifts of equipment not for individual use *may* be accepted, provided that:-

- they are in no way related to purchasing decisions and do not commit NHSGGC to any obligations with the supplier or funder;
- they are entered in the on-line [Gifts, Hospitality and Interests Portal](#);
- a risk assessment is carried out before acceptance of NHSGGC's potential liabilities of accepting the asset (e.g. recurring maintenance or support costs);
- the budget holder's approval to accepting the gift is sought, particularly if there are any recurrent or non-recurrent costs associated with accepting the gift;
- they are recorded under the procedures for accepting donated assets and details notified to the Board's asset accountant.

## Hospitality

Modest hospitality may be acceptable provided it is normal and reasonable in the circumstances e.g. lunches in the course of a working visit. Any hospitality accepted should be similar in scale to that which NHSGGC as an employer would be likely to offer. **Hospitality in excess of this level should normally be declined.**

Should an individual wish to accept hospitality, then approval of the appropriate line manager/Head of Department/Director is required. All hospitality exceeding what the NHS would be likely to provide, whether accepted or declined, must be entered in the on-line [Gifts, Hospitality and Interests Portal](#).

It may not always be clear whether an employee is being invited to an event involving the provision of hospitality (e.g. a formal dinner) in a personal/private capacity or as a consequence of the position which they are employed by NHSGGC.

- If the invitation is the result of the employee's position within NHSGGC, only hospitality which is modest and normal and reasonable in the circumstances should be accepted. If the nature of the event dictates a level of hospitality which exceeds this, then the employee should ensure that their line manager/Head of Department/Director is fully aware of the circumstances and approves their attendance. An example of such an event might be an awards ceremony involving a formal dinner. If the line manager/Head of Department/Director grants approval to attend, the employee should declare their attendance for registration in the on-line [Gifts, Hospitality and Interests Portal](#).
- If the employee is invited to an event in a private capacity (e.g. as result of their qualification or membership of a professional body), they are at liberty to accept or decline the invitation without referring to their line manager/Head of Department/Director. The following matters should, however, be considered before an invitation to an individual in a private capacity is accepted:
  - The employee should not do or say anything at the event that could be construed as representing the views and/or policies of NHSGGC.
  - If the body issuing the invitation has (or is likely to have, or is seeking to have) commercial or other financial dealings with NHSGGC, then it could be difficult for an employee to demonstrate that their attendance was in a private and not an official capacity. Attendance could create a perception that the employee's independence had been compromised, especially where the scale of hospitality is lavish. Employees should therefore exercise caution before accepting invitations from such bodies and must inform their line manager/Head of Department/Director.

Where suppliers of clinical products provide hospitality, it should only be accepted in association with scientific meetings, clinical educational meetings or equivalent, which must be modest, normal and reasonable in the circumstances and in line with what NHS would normally provide and held in appropriate venues conducive to the main purpose of the event

It is the responsibility of the recipients of gifts and hospitality to declare all items of excessive value received, whether accepted or declined, via the on-line [Gifts, Hospitality and Interests Portal](#).

Where it is necessary to *provide* hospitality outside of an NHS facility, prior authorisation by the relevant Director is required. The hospitality provided should be on a modest scale. NHSGGC will not provide alcohol or tobacco as part of the hospitality.

## 5. Register of Staff Interests

To avoid conflicts of interest and to maintain openness and accountability, employees are required to register all interests that may have any relevance to their duties/responsibilities within NHSGGC. These include any financial interest in a business or any other activity or pursuit that may compete for a contract to supply goods or services or in any other way could be perceived to conflict with the interests of NHSGGC. The test to be applied when considering appropriateness of registration of an interest is to ask whether a member of the public acting reasonably might consider the interest in question could potentially affect the employee's responsibilities to the organisation and/or influence their actions. If in doubt, the employee should register the interest or seek further guidance from their line manager/Head of Department/Director.

Interests that it may be appropriate to register include:

- **Financial interests** – where an individual may get direct financial benefit from the consequences of a decision they are involved in making.
- **Non-financial professional interests** – where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or status or promoting their professional career.
- **Non-financial personal interests** – where an individual may benefit personally in ways that are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career.
- **Indirect interests** – where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial

personal interest who would stand to benefit from a decision they are involved in making.

- **Loyalty interests** - these relationships can be hard to define as they may often fall into the category of indirect interests. They are unlikely to be directed by any formal process or managed via any contractual means, however 'loyalty' interests can nevertheless influence decision making. In this context, a 'benefit' may be financial gain or avoidance of loss. Loyalty interests should be declared by staff involved in decision making where they:
  - Hold a position of authority in a commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions they take in their NHS role.
  - Sit on advisory groups or other paid or unpaid decision making forums that can influence how an organisation spends taxpayers' money.
  - Are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
  - Are aware that their organisation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

Specific areas where staff may derive personal benefit from official expenditure would include:

- **Patents/Intellectual property** - Staff should declare patents and other intellectual property rights they hold (either individually, or by virtue of their association with a commercial or other organisation), including where applications to protect have started or are ongoing, which are, or might be reasonably expected to be, related to items to be procured or used by the organisation.
- **Shareholdings/Other Ownership** - Staff should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the organisation. Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then management actions should be considered and applied to mitigate risks.

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

The above list is not exhaustive and should not preclude the registration of other forms of interest where these may give rise to a potential conflict of interests upon the work of NHSGGC. Any interests of a spouse, partner or civil partner, close relative or associate,



or persons living with the employee as part of a family unit, could also require registration if a potential conflict of interests exists.

All members of staff are responsible for entering their interests in the on-line [Gifts, Hospitality and Interests Portal](#).

**Declaration of an interest should be completed at the commencement of employment or on the acquisition of the interest. Any changes to interests should be notified at the earliest opportunity, or within 4 weeks of the change occurring.**

Entries made via the online Portal will be retained in respect of any registration for a period of 6 years after the registration ceases or the member of staff leaves.

## **6. Purchase of Goods and Services**

NHSGGC operates a Central Procurement Department to purchase the goods and services required for service delivery. With the exception of certain staff within Estates & Facilities, Pharmacy and Prescribing Services and eHealth, no other member of staff is authorised to make a commitment to a third party for the purchase of goods or services. The Procurement Department should be contacted for advice on all aspects of the purchase of goods and services.

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. They should also be aware of their responsibilities to comply with the Bribery Act 2010.

Fair and open competition between prospective contractors or suppliers for NHS contracts is a requirement of the NHSGGC Standing Financial Instructions (SFIs): [Financial Governance \(sharepoint.com\)](#) and of the Public Sector Procurement Regulations. This means that:

- No private or public company, firm or voluntary organisation which may bid for business should be given any advantage over its competitors, such as advance notice of NHSGGC requirements. This applies to all potential contractors, whether or not there is a relationship between them and the NHS employer, such as a long-running series of previous contracts.
- Each new contract should be awarded solely on merit in accordance with the NHS Board SFIs and relevant Board procedures.
- No special favour should 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. 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.

- All invitations to potential contractors to tender for business should include a notice warning tenderers of the consequences of engaging in any corrupt practices involving NHSGGC employees.

Staff should consult Sections 9 and 10 of the Standing Financial Instructions (SFIs): [Financial Governance \(sharepoint.com\)](#) for further information on the procedures to be followed to purchase goods and services.

## **7. Purchase, Sale and Lease of Property**

NHSGGC is authorised by the Scottish Government Health and Social Care Directorate to acquire, manage and dispose of property on behalf of Scottish Ministers, with appropriate officers being authorised in turn to execute instruments relating to these functions. The appropriate officers are the Chief Executive, Director of Finance, Medical Director, Chief Operating Officer and the Director of Estates and Facilities.

No other member of staff is authorised to make any commitment in respect of the purchase, sale or lease of property. Any proposed transaction must be referred to the Director of Estates and Facilities in the first instance.

## **8. Benefits Accruing From Official Expenditure**

The underlying principle is to obtain best value from public expenditure and as such decisions should not be determined by private/personal benefit.

Employees as individuals must not derive personal benefit from public expenditure. Staff should not use their official position for personal gain or to benefit their family and friends.

Employees should not seek nor accept preferential rates or benefits in kind for private transactions carried out with companies with which they have had or may have official dealings on behalf of the Board. This does not apply to concessionary agreements negotiated on behalf of NHS staff as a whole.

Staff should not collect air miles arising from official travel unless these are to be applied to future business travel.

A small number of staff might find their duties require them to make official purchases from retail outlets which promote loyalty schemes (e.g. loyalty cards). Staff should not

make purchase decisions which allow them to benefit personally from such schemes when they are applied to official expenditure.

## **9. Contracts and Agreements**

Where it is proposed to enter into an agreement with a non-NHS body (for example, a Service Level Agreement or a Memorandum of Understanding with a University), the legal status of the agreement needs to be considered. It is very likely that, to safeguard the interests of NHSGCC, a formal, legally binding document will be required which, among other matters, will specify the service to be provided and the payment to be made by NHSGCC. Input from the NHS Central Legal Office will be required to prepare such a document unless a pre-existing CLO-drafted generic 'style' template is available.

Where the agreement is commercial in nature, the Procurement Department must be involved at the earliest stage to ensure that all contractual issues are fully addressed.

It is recognised that each agreement may be different and staff should therefore contact the Procurement Department for advice at an early stage.

In cases of doubt, individuals should contact their line manager/Head of Department/Director or Head of Procurement for advice.

Staff should not enter or sign binding contractual agreements unless they have the authority to do so under the NHSGCC Scheme of Delegation: [Financial Governance \(sharepoint.com\)](#)

## **10. Secondary Employment**

Before taking up an offer of secondary employment outside of their NHSGCC contract, staff must obtain approval from their line manager/Head of Department/Director in the first instance. Any approval should be in writing and recorded on the employee's personal file. Approval is also required where the staff member is self-employed.

NHSGCC will require assurance that the secondary employment will not:

- Create a conflict of interest
- Interfere with or have a detrimental effect on the employee's duties
- Contravene the EU Working Time Directive
- Damage the reputation of NHSGCC

Consultant Grade, Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service may undertake private practice in accordance with their respective Terms and Conditions of Service.

All staff should note that it may also be appropriate to declare secondary employment in the on-line [Gifts, Hospitality and Interests Portal](#) (see Section 5).

## **11. Acceptance of Fees**

Where an employee, other than a member of Medical and Dental staff, is offered fees by outside agencies, including clinical suppliers, 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 their official duties, or draw on their official experience, the employee's line manager must provide written approval before any commitment is given by the employee.

Directors must obtain written approval from the Chief Executive and the Chief Executive must obtain written approval from the Chair of the Board before committing to such work.

In all cases, an assurance will be required that:

- The employee is not making use of his/her NHS employment to further his/her private interests
- Any outside work does not interfere with the performance of their NHS duties
- Any outside work will not damage the reputation of NHS GGC

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 in contracted hours, then any fee due is the property of NHS GGC and it should be NHS GGC (and not the employee) that issues any invoice required to obtain payment. The individual must not issue requests for payment in their own name and must pass the relevant details to the Directorate of Finance to allow the issue of an invoice and collection of the payment.

Employees should not commit themselves to any work which attracts a fee until they have obtained the required approval as described above. It is possible that an individual may undertake work and not expect a fee but then receive an unsolicited payment after the work in question has been completed. The fact that the fee is unsolicited is not relevant and the process as set out above will apply.

It is also possible that an individual may be offered payment in kind e.g. book tokens. However, the principles set out in this section will still apply. If it is not appropriate for the individual to retain the payment in kind, then the gifts or tokens should be handed over

to the individual's line manager/Head of Department/Director to be used for the benefit of the organisation as a whole.

A record in [Gifts, Hospitality and Interests Portal](#) should be made when a gift or token is handed over to a line manager/Head of Department/Director and the record should show how the gift or token is used.

A gift offered in respect of work undertaken as part of the employee's **normal** duties should be declined unless it is of minor in nature and of a low intrinsic value as per Section 4.

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 they are speaking on behalf of NHSGGC or in a private capacity.

It may not always be clear whether an individual is acting in a private capacity or as a representative of NHSGGC. An individual will be deemed to be acting in a private capacity where they are invited to speak because of their position within the organisation but is expected to express their personal thoughts and opinions on a subject. It is acknowledged that this may be a grey area and, in cases of doubt, employees should consult their line manager/Head of Department/Director. Directors in these circumstances should seek the endorsement of the Chief Executive.

Where an employee gives a lecture in a private capacity on a matter unrelated to the NHS and their job or profession (e.g. a hobby), they do not have to seek permission from his/her line manager/Head of Department/Director. In these circumstances, the individual should avoid referring to their official position with NHSGGC.

Consultant Grade, Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service may undertake additional work and receive fees in accordance with their respective Grade Terms and Conditions of Service.

Consultant staff may only accept fees for lecturing or other activity whilst on paid study leave with approval from the Chief of Medicine or relevant Director. This would not normally be granted if the fee is being paid by a supplier of medical products. In this circumstance, annual leave would need to be taken and any fee declared in the online [Gifts, Hospitality and Interests Portal](#).

## **12. Work Undertaken for Professional Bodies**

Consultant Grade, Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service should refer to their Terms and Conditions of Service for advice on additional work undertaken.

NHSGGC will require assurance that the employee's duties as an office bearer with the professional body will not interfere with their duties or damage the reputation of NHSGGC. The following matters will be agreed in writing before the individual takes up their duties with the professional body:

- The time off to be granted to allow the individual to fulfil his duties with the professional body
- Whether this time off is to be paid or unpaid
- The extent to which expenses will be met by NHSGGC in respect of travel and subsistence relating to the employee's work for the professional body
- The nature and extent of any support to be provided by NHSGGC in terms of secretarial duties, access to ICT, photocopying and printing etc
- Whether the costs of this support are to be charged to the professional body or met by NHSGGC

In deciding whether to allow an individual to act as an office bearer for a professional body and the level of financial and administrative support to be provided, the following questions will be considered:

- Will the employee's activities as an office bearer of the professional organisation benefit the NHS in general and NHSGGC in particular?
- Will the employee's activities interfere significantly with their NHS duties and/or the duties of any support staff that may be required to assist the individual?

Provided that the employee'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 should not be unreasonably withheld.

NHSGGC will not pay or reimburse the costs of subscriptions to professional bodies. It is the responsibility of each employee to meet the cost of their membership of the relevant organisation(s).

If an employee wishes to apply for study leave to attend an event organised by a professional body of which they are a member or any other event as part of a programme of CPD, they should submit a formal application for study leave to their line manager/Head of Department/Director. The HR Department can advise on the authorisation process. If the application for study leave is granted, it may be granted with or without reimbursement of travel expenses in respect of his/her attendance at the event at the discretion of their line manager.

Reimbursement of expenses associated with study leave taken by Consultant Grade, Hospital Medical and Dental Staff and Doctors and Dentists in Public Health Medicine and the Community Health Service will be in accordance with their respective Terms and Conditions of Service.

If any employee chooses to attend in an event organised by a professional body of which they are a member in their own time, any travel expenses will be met by the employee and not NHSGGC.

## **13. Working with Suppliers of Clinical Products**

### **Declaring Interests**

Further to the universal principles set out in Section 5 of this Policy, this section should also be read and understood by staff working with suppliers of clinical products.

Should suppliers of clinical products approach NHS staff, including honorary contract holders, for advice, this may be construed as a commercial interest, in potential conflict with public duties. Therefore, all individuals providing comparable advice to the Board, for example through their participation in Advisory Committees, must declare any relevant interests and must withdraw or modify their participation, as necessary, in meetings, consultation exercises and other relevant fora.

This requirement to declare an interest also applies to any individuals, including patient and lay representatives, who provide advice and/or influence decisions made by Advisory Committees and other relevant bodies.

Staff should be aware that the requirements for declaration at meetings are also applicable to independent primary care contractors directly involved with NHS decision making on the procurement of medicines and other clinical products, those undertaking research and innovation and those participating in Board Committees, for example, on issues related to the General Pharmaceutical Services Regulations. Community pharmacists and other independent primary care contractors who have commercial relationships with a wide range of suppliers, will require to declare relevant interests if they are involved with Board committees where particular products are being considered for inclusion in local policies.

It is the responsibility of the employee to declare any relevant interest to the Chair of any Board Standing Committee/Professional Advisory Committee/decision making group that they sit on so that the Chair is aware of any conflict which may arise. These Declarations of Interest will be recorded in the Minutes of the meeting.

### **Meeting with Suppliers**

Interactions with suppliers of clinical products must follow the principles laid out in this document and, where appropriate, the Association of British Pharmaceutical Industry (ABPI) [Code \(pmcpa.org.uk\)](http://pmcpa.org.uk):

- Meetings should only involve those whose roles justify their participation.
- Individuals should obtain approval from their line manager/ clinical director or equivalent before participation. It is acceptable to arrange prior approval up to an agreed level of interaction, as part of the annual job planning, performance review or appraisal process, as appropriate for different professions.
- Only senior staff should participate in one to one meetings with representatives.
- Staff taking part in such meetings should ensure there is a clear understanding of the purpose of the meeting, including the aims and the potential outcomes which benefit the NHS and patients.
- No commercial commitments should be made during the course of such a meeting. Any appropriate recommendations should be referred to NHSGGC Procurement.

## **Samples**

This refers to pharmaceuticals or any other clinical product including dressings, sundries, products for wound care and stoma care, equipment and devices. Samples should **not** be accepted from suppliers at any time. The exceptions are medicines or devices/ medical technology provided as part of a clinical trial or clinical evaluation study which have received prior Research & Innovation Management Team approval to commence.

Any requirements for pre-packed medication, for example, to be used as starter packs in compliance with the Formulary, should normally be satisfied through NHS Manufacturing Units. Advice should be sought from local pharmacy departments.

Leased devices and equipment should be inspected, approved and regulated via normal NHS procedures.

## **Partnership working at corporate level**

In developing a joint working agreement at corporate level, consideration should be given to the following:

- The costs and benefits of any arrangement.
- Likely impact on purchasing decisions across the NHS structure, with such decisions being based on best clinical practice and value for money.
- Joint working linked to the purchase of particular products or services, or to supply from particular sources, is not permitted unless as a result of an open and transparent tendering process for a defined package of goods and services. In particular, no sponsorship, funding or resources should be accepted from a



supplier who is actively engaged, or shortly to be engaged, in a potential supply to the Board unless it can clearly be demonstrated that the sponsorship has not influenced the procurement decision. It should be assumed that influence will be perceived unless it can be clearly demonstrated it was not.

- A requirement that all participants observe Data Protection legislation and respect patient confidentiality.
- The employment or seconding of any person as a result of the agreement is covered by Section 11 of this Policy.
- Participants are made fully aware of the duration of the project with a clear definition of (1) the 'exit strategy' and (2) the implications for both patients and the service once the project comes to an end.
- The need to declare the agreement on the online [Gifts, Hospitality and Interests Portal](#).

Any possible partnership should always be discussed with the relevant line manager/Head of Department/Director before proceeding beyond the initial stages.

Procurement teams (and in the case of medicines, Pharmacy teams) will work with suppliers to establish the best arrangements for the supply of clinical products, in line with the Board's Standing Financial Instructions (SFIs): [Financial Governance \(sharepoint.com\)](#) and Public Sector Procurement Regulations.

No commercial relationships can be entered into other than by staff with formal delegated authority. Any discussion on commercial matters should be referred to the relevant Procurement or Pharmacy teams.

### **Industry sponsored research & innovation**

NHSGGC, in collaboration with its academic partners, wishes to enhance patient care through advancement in clinical practice and acknowledges the support that companies who supply novel clinical products provides to research and innovation.

Research partnerships need to meet the rigorous requirements of clinical relevance and governance as set out in current guidelines and legislation. All projects must be formally approved by the relevant Research Ethics Committee(s), Medical Healthcare regulatory Authority (where relevant) and the Research & Innovation management team. All activity needs to be appropriately costed and invoiced through the Research & Innovation Finance.

All industry sponsored research/clinical trials and innovation projects are registered By the Department of research & innovation on behalf of the board.

If a product is subject to transfer from a research setting to commercial use, this should be planned through a formal agreement for service development, with an agreed funding stream. This should be progressed through NHSGGC managed entry processes for new products, procedures and services. Medicines are subject to an established process of 'managed introduction', given the role of (1) the regulatory authorities in marketing authorisation at a European or UK level; (2) the Scottish Medicines Consortium; and (3) the Area Drug and Therapeutics Committee.

Trial subjects/patients should be informed that NHSGGC cannot guarantee that a new medicine or device will be available in clinical practice following clinical trial activity, compassionate use prescribing or 'expanded access' programme (or equivalent). Such availability is dependent on marketing authorisation and national guidance (e.g. Scottish Medicines Consortium and/or National Institute for Health and Clinical Excellence), in addition to individual patient circumstances.

Market research activities, post marketing surveillance studies, clinical assessments and the like must be conducted with a primarily scientific or educational purpose and must not be disguised promotion. These may require approval from Research & Innovation and/or the Director if the relevant department. In the event that this activity involves a non-Formulary medicine, NHS prescribing should be conducted in line with accepted prescribing policies in acute services or primary care.

### **Intellectual Property Rights (IP)**

All activity relating to IP must comply with the NHSGGC Intellectual Property Policy.

## **14. Directorship and Membership of Companies**

As NHSGGC becomes increasingly involved in partnership working with other agencies, employees may be asked to hold a Directorship with a Company which has been established to progress a particular project. It is important that all staff are aware of the legal position.

NHSGGC has limited powers to become involved in the conduct of a Company as a subscriber to the Memorandum and Articles of Association or by being entitled to nominate Directors to the Board of Directors of a Company. While there is the power to form companies to provide facilities or services under the National Health Service (Scotland) Act 1978 as amended, such powers will only be exercised in very limited circumstances with the consent of Scottish Ministers. NHSGGC can, however, participate in a Company providing that it does not nominate a Director or take any steps which could be construed as entering into the day to day control and direction of a Company. NHSGGC could send a representative to Board meetings to act as an observer if this was acceptable to the Company and provided it is made explicit to the

Company Secretary that the employee is not participating in the Company as a Director or Member of the Company.

Staff should be aware that as Members of a voluntary association there is a potential for unlimited liability on the part of individual employees and of NHSGGC as their employer. While this risk could be addressed by the Association granting an indemnity to the individuals and NHSGGC in respect of any claims arising, this indemnity would only be worthwhile if there was some significant financial backing to meet the claim, or related claims. If the voluntary association had little or no funds, such an indemnity could in fact be worthless. On balance, therefore, it is recommended that the Board and its officers normally take an advisory role in respect of a voluntary association rather than become a full member.

If an individual in a private capacity was appointed to the Board of a Company or becomes a member of a voluntary association, they must comply with NHSGGC's requirements in respect of secondary employment and declaration of interests. They should make it explicit to the body concerned that they are not representing the views of NHSGGC. Furthermore, they should also not act as an investigator in any trial of the company's product (e.g. medicine, devices, diagnostic tests) that may be active within NHSGGC.

Individuals should seek advice and also the written approval of the Chief Executive before responding to an invitation to join a Company or the controlling body of a voluntary organisation.

## **15. Conduct During Election Campaigns**

During election campaigns:

- NHSGGC will ensure even-handedness in meeting requests for factual information from individual candidates and those from different political parties
- Care will be taken over announcements of decisions made by NHSGGC to avoid accusations of political controversy or partisanship
- Care will be taken in respect of paid publicity campaigns to ensure they are not open to criticism of being undertaken for party political purposes
- Care will also be taken in relation to any publications planned by NHSGGC during the pre-election period for example, pieces of research which may be open to political interpretation
- NHSGGC will ensure that it does not do anything that could reasonably be construed as politically motivated

- Employees will not engage in activity that could reasonably be regarded as taking a political stance

The Freedom of Information (Scotland) Act 2002 remains in operation during the election period. NHSGGC will continue to respond to FOI requests in accordance with the legislation and associated FOI Policy: [Freedom Of Information Policy - NHSGGC](#)

## 16. Contact with the Media

If an employee is contacted direct by the media they should not enter into any discussions or make any comment and instead refer the enquiry to the NHSGGC Press Office (0141-201-4429 (24 hours), [Press.Office@ggc.scot.nhs.uk](mailto:Press.Office@ggc.scot.nhs.uk)). They should also inform their line manager/Director so they are aware of the approach.

Employees must not invite journalists, photographers or camera crews onto any NHSGGC premises without the prior agreement of the NHSGGC Press Office and the relevant line manager/Director.

Employees are also reminded that in dealings with the media they should never pass over any copies of NHSGGC-owned material (e.g. reports or data) which are obtained as part of their normal employment.

Where an employee exercises the right in a private capacity to publish an article, give an interview or otherwise participate in a media event or debate in a public forum (including online), they should make it clear that they are acting in a private capacity and any opinions expressed are not necessarily those of NHSGGC.

Staff are also reminded of their expected professional and personal behaviours in the use of social media as set out in the NHSGGC policies available here: [Social Media and Personal Workplace Relationships - NHSGGC](#)

## 17. Reporting Breaches

Should employees have concerns about potential non-compliance with these Standards, they can raise these in confidence via the NHSGGC Whistleblowing Procedures: [Speak Up! - NHSGGC](#)

Specific concerns of a financial nature, should be reported immediately in accordance with the NHS Fraud Policy: [Fraud \(sharepoint.com\)](#)