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Iechyd Cyhoeddus
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Public Health
Wales

Reference Number: PHW05
Version Number: v4
Date of next review: 25 March 2024

STANDARDS OF BEHAVIOUR POLICY

(incorporating Declarations of Interest, Gifts, Hospitality and Sponsorship)

Policy Statement

The Public Health Wales (PHW) Board is strongly committed to PHW being driven by the highest standards of public life and behaviours, including openness, honesty, integrity and accountability. The Board expects all employees and Non-Executive Directors to practice high standards of corporate and personal conduct, based on the recognition that the needs of Service Users must come first.

All Public Health Wales (PHW) employees and Non-Executive Directors must practice the highest standards of conduct and behaviour.

PHW has a zero tolerance policy on bribery and corruption.

It is the responsibility of each individual employee of PHW to ensure that they are familiar with the requirements of the policy and supporting guidance. The relevance of this information will vary depending on the individual's role, the Board Secretary can provide specific advice if needed.

Policy Commitment

Under this policy, Public Health Wales is required to outline the standards of conduct expected of all Public Health Wales all employees and Non-Executive Directors, regarding private interests and their interface with public service duties;

Aims of the Policy

The aims of this policy are:

- To ensure that Public Health Wales is open, transparent and honest in the way it conducts its business;
- To ensure that Public Health Wales safeguards against conflict or potential conflict between private interests and public duties all employees and Non-Executive Directors;
- To provide supporting information, and signpost the reader to related guidance, so that all employees and Non-Executive Directors are appropriately supported in delivering the requirements.
- To clearly outline the roles and responsibilities of those employed by the organisation;
- To outline the arrangements in place for ensuring that declarations can be made, and guide the individual to the correct process for making a declaration.

Standards of Behaviours:

This policy outlines principles of expected behaviour with regard to:

- to the acceptance of, and giving of, gifts and hospitality;
- honoraria and sponsorship;

- preferential treatment in private transactions;
- loyalty schemes as an incentive for entering into business transactions;
- Elections campaigns and political interests;
- Confidentiality.

Supporting Procedure

Within the supporting procedure (Declarations of Interest, Gifts, Hospitality, honoraria and sponsorship procedure (PHW-05-tp01) should be read in conjunction with this policy.

The procedure ensures that PHW:

- Guidance on the arrangements in place for ensuring that declarations can be made, and guide the individual to the correct process for making a declaration.
- Provide a mechanism for interests to be declared, recorded and monitored;
- Provide a mechanism for declaring, recording and monitoring gifts, hospitality honoraria and sponsorship;
- Provide a mechanism for declaring and recording sponsorship of corporate events; and
- Ensure that the declaration of interests register is regularly updated and published in accordance with the requirements of the Freedom of Information Act.

Scope

The requirement to comply with this procedure extends to all employees of Public Health Wales, this includes:

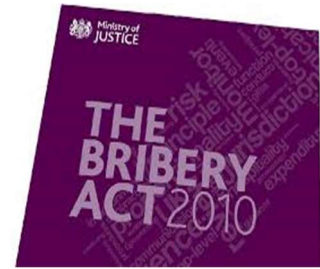
- Non-Executive Directors;
- Secondees;
- Agency workers;
- Those with honorary contracts;
- Those working in, or with bodies hosted by Public Health Wales;
- Advisors to the Board, Committees and other decision making bodies.

For the purpose of this procedure, the term 'all employees and Non-Executive Directors' is used to cover the list above.

Chief Executive Statement in support of anti-bribery

Public Health Wales operates the highest standards of conduct and integrity and has a **zero tolerance** policy on bribery and corruption.

The Bribery Act 2010 makes it a criminal offence to “give, promise or offer a bribe and to request, agree to receive or accept a bribe either at home or abroad”. The maximum penalty for bribery is 10 years imprisonment, with an unlimited fine.



This policy and the supporting procedure help to guard against the ‘corporate offence’ of failing to prevent bribery by the organisation through not having procedures in place. Public Health Wales may avoid conviction if it can show that it had such procedures in place.

The ‘corporate offence’ is not a standalone offence, but always follows from a bribery and/or corruption offence committed by an individual associated with the organisation in question.

Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to an event.

Standards of behaviour

The Welsh Government’s *Citizen-Centred Governance Principles* apply to all public bodies in Wales. These principles integrate all aspects of governance and embody the values and standards of behaviour expected at all levels of public services in Wales.

“Public service values and associated behaviours are, and must be at the heart of the NHS in Wales.”

The Board is strongly committed to Public Health Wales being value-driven, rooted in the *Seven Principles of Public Life*. The *Seven Principles of Public Life*, also known as *The Nolan Principles*, form the basis of Public Health Wales’ Standards of Behaviour requirements for its Board members and staff.

The Board expects all employees and Non-Executive Directors to practice high standards of corporate and personal conduct, based on the recognition that the needs of Service Users must come first.

Public Health Wales (PHW) has described its vision that underpin the way that services are provided and to support this, all employees must ensure that they carry out their roles with dedication and commitment to PHW and its core values.

All staff must have the highest standards of corporate and personal conduct and behave in an exemplary manner based on the following Seven Principles of Public Life:

Selflessness – Individuals should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or friends;

Integrity –	Individuals 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;
Objectivity –	In carrying out public business, including making public appointments, awarding contracts, recommending individuals for rewards and benefits, choices should be made on merit;
Accountability –	Individuals are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their position;
Openness –	Individuals 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 it;
Honesty –	Individuals have a duty to declare any private interests relating to their duties and to take steps to resolve any conflicts arising in a way that protects the public interest, and;
Leadership –	Individuals should promote and support these principles by leadership and example.

To uphold these principles you must:-

- Ensure that the interests of patients and the public remain paramount;
- Be impartial and honest in the conduct of your official business;
- Use NHS resources to the best advantage of the service and the patients, always seeking to ensure value for money;
- Not abuse your official position for personal gain or to benefit your family or friends;
- Not seek advantage or to further private business or other interests in the course of your official duties, and;
- Not seek or knowingly 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 PHW.

The Standards of Behaviour Policy (PHW-05) and the Declarations of Interest, Gifts, Hospitality, Honoraria and Sponsorship Procedure (PHW-05-TP01) outlines the arrangements within PHW to ensure that staff comply with these requirements, including recording and declaring potential conflicts of interest and handling of gifts, hospitality and sponsorship (even if these are declined).

It is your responsibility to ensure that you are familiar with the requirements of this Policy and the supporting guidance documents. The relevance of this information will vary depending on your role within PHW and your interests outside of your employment. If you need any further guidance please contact the Board Secretary.

In summary:-

Do:	Make sure that you are not in a position where your private interests and NHS duties may conflict.
	Declare any relevant interests (see the <u>Declarations of Interest, gifts, hospitality, Honoraria and sponsorship procedure</u> for guidance and examples of relevant interests)
	Remember that the need to declare an interest also includes those of your close family and possibly friends.

	Seek your manager's permission before taking any outside work, in accordance with employment terms and conditions.
	Obtain your Executive Director's permission before accepting any commercial sponsorship or hospitality
	Declare offers of gifts, hospitality or sponsorship using the appropriate form where required.
	Seek your manager's permission before taking any outside work, in accordance with employment terms and conditions.
	Obtain your Executive Director's permission before accepting any commercial sponsorship or hospitality;
	Declare offers of gifts, hospitality or sponsorship using the appropriate form where required.

Do not:	Accept any gifts from suppliers or commercial organisations unless they are of low value e.g. pens, diaries;
	Accept any gifts over the value of £25 from patients or their relatives, these should be politely declined;
	Accept any inappropriate hospitality or sponsorship from suppliers or commercial organisations;
	Abuse your position to obtain preferential rates for private deals;
	Unfairly advantage one competitor over another or show favouritism in your dealings with commercial organisations;
	Use NHS resources for your own private use.

Declaration of Interests

This policy includes declarations of interest, gifts, hospitality, Honoria and sponsorship. Interests which should be declared 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 promoting their professional career.
Non-financial personal interests:	Where an individual may benefit personally in ways which 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 another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision they are involved in making.

An interest may also be relevant for the purposes of this policy if there is "perceived" benefit.

An interest should also be declared if a close family member has any of the declarations above.

This policy does not cover research and development projects by commercial companies. All research sponsored by commercial companies, including the pharmaceutical industry, must undergo assessment by Public Health Wales' internal research and development approval process and NHS approvals as appropriate.

Gifts, hospitality and sponsorship are defined below:

- A **gift** is an item of value, given by a third party. Examples include vouchers, money, prizes in draws and raffles at sponsored events and any other item of value.
- **Hospitality** is defined as the provision of beverages, meals, accommodation, travel, entertainment (i.e. an invitation or ticket to a sporting event or theatre) or entry to an event or conference, regardless of whether provided during or outside normal working hours.
- **Sponsorship** is an offer of funding to an individual, team or to Public Health Wales from an external source, whether in cash, goods, services or benefits. It could include an offer to sponsor a research or operational post, staff training, attendance at a conference, costs associated with meetings, conferences or a working visit. The sponsorship may cover some or all of the costs.

This list is not exhaustive and offers of other benefits, goods or services will need to be considered on a case by case basis.

Elections

Public Health Wales employees are expected to adhere to the principles set out in the Welsh Government guidance to NHS employees on their role and conduct during election campaigns. The principles set out in this guidance apply to the NHS at all times, but particular note should be taken in the period between the start of formal campaigns and polling day.

The general principles that should be observed during the period of elections are that, as at other times, NHS staff should not engage in activities which could give rise to the criticism that individuals paid from public funds are being used for party political purposes, or which distract attention unduly to election campaigns.

All Employees and Non-Executive Directors are to follow these guidelines:

- The NHS and its constituent bodies have no party political affiliation. Nothing should be said or done by any employee or Non-Executive Director in their official capacity that suggests otherwise.
- NHS employees and Non-Executive Directors should not engage in activities which could give rise to the criticism that people paid from public funds are being used for party political purposes.
- No visits to PHW premises will be permitted by party political candidates and/or spokespeople for the purposes of personal canvassing. Party political meetings should not be held on NHS premises during the pre-election period.
- Political posters should not be displayed in public areas on NHS premises. Other posters and advertising material purporting to be apolitical and published by other groups should be carefully scrutinised to ensure that they cannot be regarded as favouring or opposing a particular candidate or party.
- Existing health promotion campaigns can continue, but new campaigns and all high profile publicity (large scale mail drops, posters and advertising) should be deferred until after the elections.

- Social and electronic media has become more important to political parties and organisations during the pre-election period and staff should comply with existing guidance around its use both professionally and personally.
- All enquiries from political parties and candidates should be directed to the Chief Executive's Office and treated even-handedly.
- All media enquiries should be directed through the Communications Team;
- Routine PHW Board meetings which would normally be held in public may be held in the pre-election periods. Any public lectures given for educational purposes by PHW employees on health matters need not be cancelled or postponed, but should avoid debate or speculation on the outcome of the election and any impact that might have on government health policy.
- NHS employees are free, in their private capacity, to engage in public debate or comment during the election period. However, they should not use NHS premises or equipment and should not make comments based on information not generally available to the public. It must be clearly stated that the views expressed are those of the individual and not of PHW. Depending on the nature of your role, you may wish to carefully consider voicing political affiliations.

A full copy of Welsh Government's guidance document on conduct during election campaigns (Welsh Health Circular WHC (2019) 036) is available via the following link:
<https://gov.wales/sites/default/files/publications/2019-11/uk-general-election-2019--guidance-for-nhs-wales.pdf>

CONFIDENTIALITY

As set out in employees' job descriptions, all employees may have access to confidential information about patients, staff or health service business. On no account must such information be divulged to anyone who is not authorised to receive it. Confidentiality of information must be preserved at all times whether at or away from work.

Any breach of such confidentiality is considered a serious disciplinary offence, which may be liable to dismissal and/or prosecution under current statutory legislation (The Data Protection Act/ General Data Protection Regulations (2016) or any subsequent legislation to the same effect) and the Disciplinary Policy. Any breach of confidentiality may lead to disciplinary action and may be regarded as gross misconduct justifying summary dismissal.

Where employees are unsure about the use or sharing of patient identifiable information, advice should be sought from PHW's Caldicott Guardian.

Supporting Procedures and Written Control Documents

This policy will be supported by the Declarations of Interest, Gifts, Hospitality and Sponsorship Procedure. The procedure provides a framework to ensure that conflict or potential conflict of private interests and public duties of all employees and Non-Executive Directors should not occur.

It outlines the standards of conduct expected of all employees and Non-Executive Directors, regarding private interests as they relate and interface with public service duties. The procedure also provides a mechanism for Public Health Wales and guidance for staff in relation to declaring, recording and monitoring interests, gifts, hospitality and sponsorship.

This policy should also be read in conjunction with the following documents:

- Concerns, Complaints and Claims Handling (Putting Things Right) Policy
- Counter Fraud Policy

- Disciplinary Policy and Procedure
- Procedure for NHS Staff to Raise Concerns
- Public Health Wales Standing Orders and Reservation and Delegation of Power
- Standard Financial Instructions (SFIs)
- Board Etiquette

There are other relevant Public Health Wales people policies that provide for elimination of conflicts of interest in other situations e.g. guidance governing appointment panels.

The need to establish and maintain a process for the declaration of interests, gifts, hospitality, honoraria and sponsorship is referred to in the following guidance and legislation:

- Bribery Act 2010
- Standards of Business Conduct (DGM(93)84) and Code of Conduct and Accountability WHC(2006)90
- The NHS and Sponsorship by the Pharmaceutical Industry WHC (2005) 016
- Public Health Wales National Health Service (Membership and Procedures) Regulations 2009
- Equality Act 2010
- Managing Welsh Public Money, 2016
- Public Health Wales Standing Orders and Reservation and Delegation of Power
- The Association of British Pharmaceutical Industry (ABPI) (2016) Code of Practice for the Pharmaceutical Industry

This policy and supportive procedure has been developed in accordance with the requirements of the above.

Equality and Health Impact Assessment	Equality and Health Impact Assessment undertaken. Document available at on the policies pages of the website.
Approved by	Board
Approval Date	25 March 2021
Review Date	25 March 2024
Date of Publication:	26 March 2021
Group with authority to approve supporting procedures	Board
Accountable Executive Lead	Helen Bushell Board Secretary and Head of Board Business Unit
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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Board Business Unit](#)

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments

1	N/A	17 October 2011	17 October 2011	New policy
2	January 2017	26 January 2017	26 January 2017	Public Health Wales address has been updated from 14 Cathedral Road to Capital Quarter 2. Reference to Whistleblowing policy in paragraph 1 amended to 'Procedure for NHS Staff to Raise a Concern'. Sentence added to paragraph 5.4 to reiterate the need to declare, even if there is doubt. Paragraph added to section 5.4.1 about the pharmaceutical industry code of practice. Reference to HR Officer amended to HR Business Partner in section 6.2 'members of the Executive Team' added to paragraph 6.3.2 Reference to 'staff e-bulletin' changed to 'staff news' in paragraph 10
3	August 2017	30 November 2017	19 December 2017	Extensive amendments made to policy. High level policy statement identified. Detailed information and guidance, which appeared in original policy, has been moved to a supporting, more detailed, procedure, which accompanies this policy. Inclusion of suggested amendments received during consultation
3	September 2019			Website links updated
4	October 2020			Major revision to the Declaration of interest policy, to expand the remit to become a standards of behaviour policy. The main additions as a result of this are the inclusion of election and confidentiality as components of this policy.