

**STAFF GUIDE TO CORPORATE GOVERNANCE**

**RESPONSIBILITIES**

**Including declaring interests, secondary employment/private practice, acceptance of gifts & hospitality, counter fraud**

If you require any further guidance in relation to the policies referred to in this leaflet, or corporate governance issues in general, please refer in the first instance to your line manager.

Advice is also available from the ICB Governance & Compliance Team

[hnyicb.declarationsofinterest@nhs.net](mailto:hnyicb.declarationsofinterest@nhs.net)

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| **INTRODUCTION**  The ICB appreciates that staff are generally impartial and honest in undertaking their work, however the organisation has a responsibility to ensure that it has arrangements in place to mitigate any potential risks.  This leaflet provides a summary of the main points from the ICB’s policies on **Code of Conduct and Behaviour, Conflicts of Interest & Counter Fraud, and Bribery & Corruption**. Staff must ensure they read and understand the full details included in these policies (available on the ICB’s [website](https://humberandnorthyorkshire.icb.nhs.uk/governance-publications/)) adhere to all the principles, and comply with any necessary actions expected of them.  Policies are in place to protect individuals as well as the ICB from accusations of wrongdoing and to alleviate the risk of any potential conflicts of interest between outside interests and the expected standards of business conduct.  ***Proven breaches of policies will be treated as misconduct and dealt with accordingly.***  **Some important things to remember:**   * a perception of wrongdoing, impaired judgement or undue influence can be as detrimental as any of them occurring. * for a conflict to exist, financial gain is not necessary. * if in doubt always declare an interest or report it.   **ANTI-FRAUD, BRIBERY & CORRUPTION**   * The Bribery Act 2010 makes it a criminal offence to give or offer a bribe, to request, offer to receive or accept a bribe at home or abroad. * Individuals can be confident that their reasonably held suspicions will be taken seriously and that no-one will suffer in any way as a result of reporting suspicion of fraud, bribery, or corruption.   **What Do I Need to Do?**   * Any potentially fraudulent activity should be reported **immediately** to the ICB’s Counter Fraud Specialist (CFS) Nikki Cooper ([nikki.cooper1@nhs.net](mailto:nikki.cooper1@nhs.net)) on 07872 988939, or email the Counter Fraud team at   [yhs-tr.counterfraudyork@nhs.net](mailto:yhs-tr.counterfraudyork@nhs.net) who will inform the Executive Director of Finance & Investment if the suspicion seems well founded and will conduct a thorough investigation.  You may also call the confidential NHS Fraud and Corruption Reporting Line on 0800 028 40 60 (available 24 hours a day) or online at [https://reportfraud.cfa.nhs.uk/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Freportfraud.cfa.nhs.uk%2F&data=05%7C01%7Cclaire.stocks%40nhs.net%7C0bf4942d20384d80d0f508db1c11ef9b%7C37c354b285b047f5b22207b48d774ee3%7C0%7C0%7C638134635570264831%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=7xxCZlGazjzsw3MyTgMKxKXUxttQMJLcVlaKED5ZNIo%3D&reserved=0). This would be the suggested contact if there is a concern that the LCFS or the Director of Finance themselves may be implicated in suspected fraud, bribery, or corruption.  All suspicions of fraud should be reported using the processes outlined above. However, to support employees in reporting suspicions, the ICB has a Freedom to Speak Up: Raising Concerns (Whistleblowing) policy which is available to all staff on the ICB [website](https://humberandnorthyorkshire.icb.nhs.uk/governance-publications/) | **DECLARATIONS OF INTEREST**  **Why Do I Need to Make Declarations?**   * ICBs must make arrangements to manage potential conflicts of interest as part of their Constitution and full details are contained in the ICB Conflict of Interest Policy. * ICBs must make arrangements to ensure individuals declare any conflicts of interest or potential conflict as soon as they become aware of it, and in any event within 28 days. * ICBs should ensure that, at least annually, staff are prompted to update their declarations of interest, or make a nil return. * ICBs should ensure that there are prompts embedded within the recruitment process to request declarations of interest prior to appointment (for Board Members, decision making staff 8as above), on appointment and on change of role. * Declared interests of the Board are included in the Annual Report and Accounts. This is published on the website, together with declared interests of decision-making staff. * The Conflicts of Interest policy is subject to audit * Please refer to the ICB Conflict of interest page for full details and the Conflict-of-Interest policy   <https://humberandnorthyorkshire.icb.nhs.uk/governance/conflicts-of-interest/>  **What Do I Need to Do?**   * Participate in ICB Awareness sessions. * On appointment, every year and/or when an interest is identified, complete and sign a Declaration of Interest pro- forma. A nil return must be completed, even if there are no interests to declare. * Ensure your details are kept up to date by reporting any changes/additions to the Governance & Compliance Team   [hnyicb.declarationsofinterest@nhs.net](mailto:hnyicb.declarationsofinterest@nhs.net) who maintains the register(s).   * If you have any concerns about conflicts of interest or feel that there may be a breach in the policy, contact the ICB’s Conflicts of Interest Guardian (Chair of the Audit Committee) or the Senior Governance Officer. |

# MANAGEMENT OF CONFLICT OF INTERESTS IN MEETINGS.

* The ICB must ensure that the chairs for all Board meetings and its committees must ensure declarations are recorded formally prior to, during and following the meetings.
* The chairs and secretariats are reminded to make full use of the chairs checklist at each agenda set meetings.
* ICBs are reminded that conflict of interest management is equally as important in the context of joint decisions with other partners.
* The chair of a meeting of the ICB’s board and its committees has ultimate responsibility for managing declared conflicts of interest /deciding whether there is a conflict of interest and taking the appropriate course of action to manage the conflict of interest.

## What Do I Need to Do?

* If you are aware of a conflict of interest in relation to one or more agenda items, this must be declared at the beginning of the meeting, and also in advance of the agenda item, which will be minuted.
* It if becomes apparent during the meeting, an oral declaration must be made, which will be minuted.
* Any interests which are declared at a meeting, individuals (including those employed by other organisations) must also

ensure that they comply with both the ICB’s and their employing organisation’s policies / professional codes of conduct with regard to the recording of declarations

## DECLARATIONS OF SECONDARY EMPLOYMENT/PRIVATE PRACTICE

* The ICB has a statutory duty to ensure that the 48-hour working time directive is not breached by its employees.

## What do I need to do?

* Inform your line manager of a secondary employment and obtain permission prior to any engagement.
* Ensure any conflicts of interest are identified and managed correctly.
* Complete an updated declaration of interest pro-forma.

## ACCEPTANCE OF GIFTS AND/OR HOSPITALITY

## What You Can Accept

## Gifts from suppliers or contractors

* Gifts of low value (up to £6), such as promotional items, can now

be accepted and do not need to be declared. However, all other gifts from suppliers or contractors must be declined and declared.

## Gifts from other sources (e.g., family members, patients, service users)

* Gifts of cash and vouchers to individuals must always be declined.
* Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the ICB, i.e., a charitable trust, and not in a personal capacity. These should always be declared.
* Modest gifts accepted under a value of £50 need not be declared.
* A common-sense approach to the value of the gift should be applied, i.e., using the actual value if known.
* Multiple gifts from the same source over a 12-month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

## Hospitality

* + Hospitality must only be accepted when there is a legitimate business reason, and it is proportionate to the nature and purpose of the event.

## Meals and refreshments:

* + Hospitality under £25 can be accepted and does not need to be declared. Hospitality between £25 and £75 can be accepted but must be declared. If the value of the hospitality is over £75, it should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the organisation’s register(s) of interest as to why it was permissible to accept.

A common-sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

## Travel and Accommodation

* + Modest offers to pay some or all the travel and accommodation costs related to attendance at events may be accepted and must be declared. Offers which go beyond modest or are of a type that the ICB itself might not usually offer, needs senior approval, and should only be accepted in exceptional circumstances, and must be declared. A clear reason for acceptance must be entered onto the ICB’s Gifts and Hospitality Register.

## What You Cannot Accept but Must Declare

* + All offers of cash or cash equivalents, (such as gift vouchers), whatever the value or source including remuneration to attend meetings in an ICB capacity.
  + All other gifts (other than gifts of low value) offered by existing suppliers/providers/contractors must be declined and declared.

**All offers declined must still be declared. The register of declared gifts and hospitality will be available on the ICB’s website.**

## Be Particularly Aware:

* + Before any arrangements are entered into around joint working or sponsorship, the approval process is included in the Code of Conduct and Behaviours, Conflict of Interest policy and Commercial Sponsorship and Joint Working with the

pharmaceutical medical appliances and health technology industries Policy must be followed.

* Particular caution should be exercised when hospitality is offered by actual or potential suppliers or providers/ contractors, these can be accepted if modest and reasonable, but individuals should always obtain senior approval and declare.

## OTHER DO’S AND DON’TS

* Only enter into contracts within the statutory framework set up by the 2006 Act, as amended by the 2012 Act. Contracts must comply with: -

1. ICB Standing Orders, Standing Financial Instructions and the Scheme of Financial Delegation (also known as Operational Scheme of Delegation.
2. The Health Care Services (Provider Selection Regime) Regulations 2023, Procurement Act 2023, Procurement Regulations 2024, associated statutory guidance and any other applicable law.
   * Do ensure all invitations to tender for ICB business require each bidder to give a written undertaking not to engage in collusive tendering or other restrictive practice and not to engage in canvassing the ICB, its employees or others.
   * Do guard against providing information on the operations of the ICB which might provide a commercial advantage to any organisation (private or NHS) in a position to supply goods or services to the ICB.
   * Do comply with the Nolan principles.
   * Do remember that anything you put in writing may be disclosed under the Freedom of Information Act.

**Conflicts of interest should be a standard agenda item for procurement and contract meetings, when procurement specifications are produced, bids are scored, and final procurement decisions are made. All decisions must be recorded.**

**Don’t take any part in the selection process as part of awarding contracts and tender processes if a personal interest or conflict of interest is known or could be perceived.**

**Don’t** divulge any information concerning the ICB which is not in the public domain to any unauthorised person. This includes patient data or personal data concerning staff as defined by the Data Protection Legislation and UK General Data Protection Regulations (GDPR).

## Useful links

<https://humberandnorthyorkshire.icb.nhs.uk/governance/conflicts-of-interest/>

<https://humberandnorthyorkshire.icb.nhs.uk/governance-publications/>

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