
Trust Board Code of Conduct

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Trust Board - Code of Conduct

1. Introduction

High standards of corporate and personal conduct are an essential component of public services. As an NHS Trust, South West London and St Georges Mental Health NHS Trust is required to comply with the principles of best practice applicable to corporate governance in the NHS/health sector, including the promotion of high standards of conduct. The purpose of this Code is to provide clear guidance on the standards of conduct and behaviour expected of all Board directors.

The role of a Board Member carries with it certain obligations and responsibilities and each Board Member has a fiduciary duty to act in the best interests of the organisation.

This Code together with the NHS constitution, forms part of the framework designed to promote the highest possible standards of conduct and behaviour within the Trust. The Code is intended to operate in conjunction with the Monitor code of governance, the Trust's standing orders and other relevant codes of practice.

Directors are responsible for complying with the provisions of this Code whenever they conduct business of the Trust or act as its representative.

2. Principles of public life

In 1995, the Committee on Standards in Public Life (the Nolan Committee) identified seven principles of conduct underpinning public life "for the benefit of those who serve the public in any way" and recommended that public bodies should draw up Codes of Conduct incorporating these principles. In xx the definition of the principles were reviewed.

The principles of public life apply to anyone who serves as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, non departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

The seven Nolan Principles are as follows:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Scottish Executive took the Nolan Committee recommendations one step further with the introduction of the Ethical Standards in Public Life (Scotland) Act 2000 which brought in a statutory Code of Conduct for Board Members of Devolved Public Bodies and set up a Standards Commission for Scotland to oversee the ethical standards framework.

The Scottish Executive also identified nine key principles underpinning public life in Scotland, which incorporated the seven Nolan Principles and introduced two further principles, which are.

Public Service

Holders of public office have a duty to act in the interests of the public body of which they are a Board member and to act in accordance with the core tasks of the body.

Respect

Holders of public office must respect fellow members of their public body and employees of the body and the role they play, treating them with courtesy at all times.

3. General principles

Trust Boards have a duty to conduct business with probity, to respond to staff, patients and suppliers impartially, to achieve value for money from the public funds with which they are entrusted and to demonstrate high ethical standards of personal conduct. The general duty of the Trust Board and of each director individually, is to act with a view to promoting the success of the organisation so as to maximise the benefits for those who use its services, its staff and for the wider public. The Trust Board therefore undertakes to set an example in the conduct of its business and to promote the highest corporate standards of conduct. The Trust Board will lead in ensuring that the provisions of the NHS constitution, the standing orders, financial

standing instructions and accompanying scheme of delegation, conform to best practice and serve to enhance standards of conduct. The Trust Board expects that this Code will inform and govern the decisions and conduct of all directors.

4. Confidentiality & access to information

Directors must comply with the Trust's confidentiality policies and procedures. Directors must not disclose any confidential information, except in specified lawful circumstances.

Information on decisions made by the Trust Board and information supporting those decisions should be made available in a way that is reasonable. Positive responses should be given to reasonable requests for information and in accordance with the Freedom of Information Act 2000 and other applicable legislation and directors must not seek to prevent a person from gaining access to information to which they are legally entitled.

The Trust has adopted policies and procedures to protect confidentiality of personal information and to ensure compliance with the Data Protection Act, the Freedom of Information Act and other relevant legislation which will be followed at all times by the Trust Board and all staff.

5. Conflicts of interest

Directors have a statutory duty to avoid situations in which they have (or could be perceived to have) a direct or indirect interest that conflicts (or may conflict) with the interests of the Trust. Directors have a further statutory duty not to accept a benefit from a third party by reason of being a director or for doing (or not doing) anything in that capacity.

If a director has any direct or indirect interest in a proposed transaction or arrangement with the Trust, they must declare the nature and extent of that interest to the other directors. If such a declaration proves to be, or becomes, inaccurate or incomplete, a further declaration must be made. Any such declaration must be made to the Chairman or Director of Corporate Affairs/Trust Secretary at the earliest opportunity and before the Trust enters into the transaction or arrangement.

The chair will advise directors in respect of any conflicts of interest that arise during Trust Board meetings, including whether the interest is such that the director should withdraw from the meeting for the period of the discussion. In the event of disagreement it is for the Trust Board to decide whether a director must withdraw from the meeting. The Director of Corporate Affairs/Trust Secretary will provide advice on any conflicts that arise between meetings.

6. Register of interests

Directors are required to register all relevant interests pecuniary or otherwise in accordance with the Trust's Standing Orders and Standing Financial Instructions. It is the responsibility of each director to complete the relevant form annually and to advise the Director of Corporate Affairs of any changes in year. Failure to register a relevant interest in a timely manner may constitute a breach of this Code.

The register of interests will be submitted to the Trust's Audit Committee and the Board annually for the preceding year and will be publicised via the Trust website and in the Annual Report.

7. Gifts and hospitality

The Trust Board will set an example in the use of public funds and the need for good value in incurring public expenditure. All expenditure on hospitality should be capable of justification as reasonable in the light of the general practice in the public sector. The Trust Board is conscious of the fact that expenditure on hospitality or entertainment is the responsibility of management and is open to be challenge by the internal and external auditors and that ill-considered actions can damage the reputation of the Trust in the eyes of the immediate community and its wider stakeholders.

The Trust has adopted a policy on gifts and hospitality which will be followed at all times by directors and all employees. Directors must not accept gifts or hospitality other than in compliance with this policy and must advise the Director of Corporate Affairs/Trust Secretary of any gifts/hospitality received on the appropriate form.

Advice on the acceptance of gifts and hospitality should be sought from the Director of Corporate Affairs/Trust Secretary.

The register of gifts and hospitality will be submitted to the Trust's Audit Committee and the Board annually, for the preceding year and will be publicly available via the Trust website.

The Board should also take cognisance of the Trust Fraud, Corruption and Bribery Policy and is legally bound by the Bribery Act 2010, under which it is an offence for employees to pay or receive bribes.

8. Raising concerns

The Trust Board acknowledges that directors and staff must have a proper and widely publicised procedure for voicing complaints or concerns about maladministration, malpractice, breaches of this code and other concerns of an ethical nature. The Trust Board has adopted a policy (Guidance and procedure on raising concerns) which includes whistle-blowing and should be followed at all times by directors and all staff.

Where a member believes that a Board colleague is non compliant with all or part of this Code, they should raise the matter with the chairman of the Board. Where the chairman is the person who is alleged to have contravened the code, the concerns should be raised with the Senior Independent Director.

The Trust Board will seek to ensure that NHS resources are protected from fraud, corruption and bribery and that any incident of this kind is reported to the Local Counter Fraud Specialist in line with the Trusts Policy on Fraud, Corruption & Bribery.

9. Reimbursement of Expenses

The Trust will reimburse Board members' out-of-pocket expenses properly incurred whilst conducting business for the organisation, in line with the Trust's Expenses Policy. Board members must not seek reimbursement for any other activity.

Expense claims for Non Executive Directors should be submitted to the Director of Corporate Affairs/Trust Secretary on the prescribed form together with the relevant receipts. Expense claims for executive directors should be made via the Trust's e-expense system.

10. Personal conduct and behaviour

Directors are expected to conduct themselves in a manner that reflects positively on the Trust and should not behave in a manner that could reasonably be regarded as bringing the Trust into disrepute. Specifically directors must:

- Act in the best interests of the Trust and adhere to its values, policies and decisions;
- Act only in the interests of the Trust and the public and not on behalf of any constituency, political or interest group;
- Respect others and treat them with dignity and fairness;
- Seek to ensure that no one is unlawfully discriminated against and promote impartiality, equal opportunity and social inclusion;
- Be honest and act with integrity and probity;
- Contribute to the workings of the Trust Board in order for it to fulfil its role and functions;
- Recognise that the Trust Board is collectively responsible for the exercise of its powers and the performance of the Trust;
- Raise concerns and provide appropriate challenge regarding the running of the Trust or a proposed action where appropriate;
- Recognise the differing roles of the chair, senior independent director, chief executive, executive directors and non-executive directors;
- Make every effort to prepare for and attend meetings (Board and committees): non attendance of more than 3 meetings in a financial year without just cause will require a meeting with the Chairman.
- Adhere to good practice in respect of the conduct of meetings, exercising independent judgement, whilst respecting the views of others, in the public interest;
- Uphold the law in the exercise of their duties;
- Have regard to any relevant advice provided by the Trust's Director of Finance, Director of Corporate Affairs/Trust Secretary and /or legal advisor acting in pursuance of their duties;
- Not disclose information obtained in confidence or deemed to be of a confidential/sensitive/commercial nature, except where explicit consent has been given by an authorised person or where required to do so by law;
- Not use their position for personal advantage or seek to gain preferential treatment; nor seek improperly to confer an advantage or disadvantage on any other person; and
- Accept responsibility for their individual performance, learning and development.

11. Compliance

Members of the Trust Board will satisfy themselves that their actions in conducting Trust business fully reflect the organisational values, general principles and provisions in this code and, as far as is reasonably practicable, that concerns expressed by staff or others are fully investigated and acted upon. All directors, on

appointment, will be required to give an undertaking to abide by the provisions of this Code of Conduct.

Reviewed March 2015
Director of Corporate Affairs/Trust Secretary