

Policy for the receipt of hospitality and gifts and general sponsorship

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Version History

V.	Date	Status and/ or amendments
V6	30/10/16	Update to reflect NHSE Guidance on Managing Conflicts of Interest June 2016.
V4	27/08/15	Further amendments based on learning from incidents in July 2015. Full cross referencing to other policies. Reference to employment requirements. Separation of gifts and hospitality. Clearer definitions of acceptable and excessive hospitality. Removal of inducements as these should be recorded as incidents and are covered under FBC03 standards of business conduct. Improved appendices for prospective and retrospective recording of gifts and hospitality.
V3	14/11/14	Further review in light of discussion at Audit Committee, requirements for best practice and need to address minor housekeeping issues including correct titles of staff with responsibilities for managing these issues.
V2	04/06/2014	Revised version approved by Audit Committee to include an appendix on working with the pharmaceutical industry and to introduce a "zero tolerance" approach to receipt of gifts

Equality Statement

Surrey Downs Clinical Commissioning Group (Surrey Downs CCG) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the 2010 Equality Act and seeks to promote equal opportunities for all. This document has been assessed to ensure that no-one receives less favourable treatment on grounds of their gender, sexual orientation, marital status, race, religion, age, ethnic origin, nationality, or disability.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the person requesting has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

Surrey Downs CCG embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

1. Equality Analysis

This policy has been subject to an Equality Analysis, the outcome of which is recorded below.

		Yes, No or N/A	Comments
1.	Does the document/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	This policy asks that all staff, no matter what their position within the organisation equally declare gifts of hospitality accepted or declined. No group of staff is more likely to receive a gift offer than another. Judgement to be applied in receiving gifts is equal for all staff.
3.	If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?	No	

4.	Is the impact of the document/guidance likely to be negative?	No	
5.	If so, can the impact be avoided?	N/A	
6.	What alternative is there to achieving the document/guidance without the impact?	N/A	
7.	Can we reduce the impact by taking different action?	N/A	

If you have identified a potential discriminatory impact of this procedural document, please contact as above.

Names and Organisation of Individuals who carried out the Assessment	Date of the Assessment
Cliff Bush, Lay Member	28/10/13
Justin Dix, Governing Body Secretary	

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1. Introduction

- 1.1. This policy defines the obligation of staff to ensure that they adopt the highest standards of behaviour in relation to gifts and hospitality. Receipt of such gifts and hospitality is a matter of general probity in addition to specific areas of business such as contracting, procurement and working with the pharmaceutical industry. This policy sets out NHS Surrey Downs' explicit procedure for Governing Body members, Surrey Downs GP Partners, GP Staff (working on CCG business) and Surrey Down CCG staff (including permanent, temporary, interim and Bank or agency staff, and clinical leads) in relation to any offers of gifts and hospitality and any sponsorship sought or offered. It requires all individuals to take a proactive approach and seek permission in all of the above areas, rather than reporting after the event which should be seen as the exception rather than the rule.
- 1.2. It should be noted that there are other policies relating to this policy namely:
 - CG06 Incident Reporting
 - CG08 Procurement Policy
 - FBC01 Fraud, Bribery and Corruption Policy
 - FBC03 Standards of Business Conduct
 - FBC04 Conflict of Interest
 - FBC05 Working with the Pharmaceutical Industry
 - HR03 Disciplinary Policy
 - HR09 Whistleblowing Policy
 - Appendix G of the CCG's constitution (Nolan Principles)
- 1.3. In addition staff should refer to their standard contract of employment which specifically prohibits staff from taking up other employment without the express permission of Surrey Downs CCG.
- 1.4. If any member of staff believes they or a colleague have been offered or accepted a bribe or inducement they should refer to policies FBC01 and HR09 and immediately report the matter to their line manager or other appropriate senior manager.
- 1.5. Staff who willfully disregard or disobey this policy will potentially be subject to disciplinary procedures under HR03 above.

2. General Principles

2.1. The NHS is a publicly funded organisation. In order to meet the highest standards of probity and retain public confidence, all employees have a duty to ensure that all funds are spent for the purpose for which they were intended. They also have a duty to comply with the CCG's constitution, and relevant policies concerning standards of conduct and fraud, bribery and corruption, together with all good business and corporate governance practices. Staff must:

- Ensure that the interests of patients remain paramount at all times;
- Be impartial and honest in the conduct of CCG business;
- Not seek any personal benefit in relation to their relationships with other agencies arising from their employment
- Use the public funds subscribed to them to the best advantage of the services, always ensuring value for money.

3. Specific requirements

3.1. The process set out in this policy primarily requires all individuals to:

- Declare the offer of trivial gifts (accepted or declined);
- Seek permission to receive substantial gifts, hospitality and any sponsorship;
- Declare & report unsolicited substantial gifts to allow the subsequent management of the incident to take place.

The general requirement to seek permission before accepting substantial gifts or soliciting sponsorship is absolute and breaches will be treated as a disciplinary matter. FBC05 contains further specific information on sponsorship of events by the pharmaceutical industry and application forms for this purpose.

3.2. Unsolicited gifts

3.2.1. Unsolicited gifts are inevitable. Examples of unsolicited gifts normally include

- items sent by some suppliers (typically at Christmas e.g. food items)
- trivial and often corporately branded items such as pens, mugs and stationary
- flowers or other gifts of a "thank you" nature from suppliers or members of the public

3.2.2. All such unsolicited gifts should be documented and handed in to the corporate office for recording on the gifts and hospitality register. They will then be disposed of in a way that can be shown to avoid any individual having received a personal benefit. This disposal will be the decision of the Chief Finance Officer or his or her nominated manager to whom this is delegated but will normally involve passing the items to one of the CCG's nominated charities or using it e.g. in a raffle that supports fundraising for such causes. In rare situations a gift may need to be

destroyed.

- 3.2.3. In working with suppliers, any instances of gifts even where accepted should be politely communicated back to the supplier with a request that such gifts are not made in future.

3.3. Definition of Trivial gifts

- 3.3.1. Staff should not accept any gifts other than trivial gifts that can be used within the organisation and provide no benefit to the individual - for example, the receipt of items such as pens, stationary or calendars. These gifts should still be declared on the form at Appendix A of this policy.
- 3.3.2. A trivial gift or collection of items should by definition have a low monetary value, i.e. normally less than £10.

3.4. Process for approval and recording gifts & hospitality etc

- 3.4.1. If an individual is offered a gift, the employee must provide the relevant executive director with the details and seek permission on the appropriate form to receive the gift (Annex B).
- 3.4.2. If an individual accepts a gift or cannot decline an unsolicited gift (an example being items that are delivered to the CCG's premises or the individual's home), the employee must hand the items to the Governing Body Secretary and make a declaration using form in Appendix A, so that details may be entered in the CCG's Register of Gifts and Hospitality.
- 3.4.3. Where a gift is accepted in error or because of circumstances as set out above, the individual must make a declaration using the form in Appendix A and included a comment on how the matter was dealt with. This will include any learning, subsequent training and possibly (in extreme circumstances) disciplinary action.
- 3.4.4. Where the offer a gift is declined, the individual must make a declaration using the form in Appendix A. Some individuals hold posts that will receive many spurious offers of gifts that are routinely declined. The management time for recording these "declines" would be disproportionate. Therefore the declining of a gift should be registered when there is a perceived or actual conflict including:
- When the offer is bespoke for a particular individual/designation (rather than a blanket mailshot);
 - When the offer has a particular intention eg. Influence a procurement
- 3.4.5. The CCG's Register of Gifts, Hospitality and Sponsorship will be

presented to the Audit Committee at each meeting so that its completeness and timeliness can be monitored.

- 3.4.6. Directors may use their discretion about approving the receipt of gifts, etc, but must follow the process outlined above.

3.5. **Acceptable hospitality**

- 3.5.1. For these purposes hospitality includes food, drink, accommodation and services ancillary to an event.
- 3.5.2. Hospitality should by definition be predictable as it will relate to a planned event such as a workshop, conference or meeting.
- 3.5.3. It is not necessary to seek permission first nor make a declaration for normal hospitality received as part of a business event including biscuits, sandwiches, coffee, soft drinks etc. If the hospitality proposed or offered is significantly more generous than that routinely offered by the CCG for a similar event then a declaration must be made.
- 3.5.4. For more substantial hospitality the prior approval should accompany approval of the event e.g. training, conference etc. The hospitality element should be declared using the form in Appendix A.
- No individual shall accept any hospitality which is unreasonable or excessive. A general guide is that hospitality would be of a scale that the CCG would normally provide for a similar event; and
 - be perceived by a fair-minded member of the public, knowing the facts of the matter, as neither improper nor suspicious; and
 - would be considered reasonable in the context of the CCG's position as an organisation with a commitment to fairness as set out in FBC03 Standards of Business Conduct and Appendix G of the constitution, the Nolan Principles.
- 3.5.5. In some instances hospitality will accompany a formal occasion e.g. formal dinner with speakers, reception drinks at a conference. Again the hospitality should be proportionate and not constitute an improper level of hospitality.
- 3.5.6. In particular the location and services provided should be proportionate to the subject matter e.g. standard conference hotels and without access to services which could be construed as an inducement.
- 3.5.7. In the case of an Executive Director or Member of the CCG, the Director must first obtain the approval of the Chief Officer, or in the case of the Chief Officer or Governing Body member, must first obtain the approval of the Chair (the Chair may use his/her discretion about the receipt or

declining of gifts, etc, but must follow the process outlined above).

3.6. Monetary gifts and reimbursements

- 3.6.1. Under no circumstances will staff accept personal gifts of a financial nature.
- 3.6.2. If a supplier offers to pay expenses, these should be agreed in advance and the employee should claim them from the CCG on the normal forms, arranging for subsequent reimbursement from the supplier in order to provide a clear audit trail for the payments.

4. Sponsorship – Courses and Conferences

- 4.1. Acceptance of commercial sponsorship for staff to attend relevant courses (including in relation to clinical techniques, procedures, products or drugs, or any study leave) and conferences is acceptable, but only when sponsorship and any associated hospitality are reasonable, and only when any implications associated with impartiality and proper conduct are satisfied. 'Sponsorship' includes provision of, or reimbursement for, accommodation, travel and meals. These requirements also apply to commercial sponsorship to fund courses and conferences arranged by the CCG.
- 4.2. The form for authorising sponsorship is set out in the separate policy FBC05 working with the pharmaceutical industry as this is where the bulk of sponsorship occurs.
- 4.3. Occasionally, commercial sponsorship might be provided for a whole department encompassing a number of staff. In these circumstances, it is the responsibility of the relevant Director as applicable to complete the Hospitality, Gifts, Rewards and/or Inducements Received Pro-forma, suitably amended to record the number of staff and forward to the Governing Body Secretary for inclusion in the Register of Gifts, Hospitality and Inducements.

5. Role of Executives and Heads of Service

- 5.1. It is the responsibility of the Chief Finance Officer to ensure that staff are made aware of the policy and its content, and each Director must ensure that Heads of Service and all staff, clinical and non-clinical, are made aware of its provisions and that they are adhered to at all times. It is the responsibility of the Governing Body Secretary to ensure that all members of the Governing Body are aware of this policy.

6. Scheme of Publication under Freedom of Information provisions

- 6.1. Staff should note that the information contained with the CCGs Registers will be subject to publication and possible further detailed disclosure to any member of the public on request.

7. Failure to Comply with the Policy

- 7.1. The CCG's financial policies have been adopted by the Governing Body and are mandatory for all Directors and Employees of the CCG. The policy on the Receipt of Gifts, Hospitality and Inducements form an integral part of the SFIs and is, therefore, also mandatory. Failure to comply is a disciplinary offence and, if appropriate, a referral will be made to the Local Counter Fraud Specialist.

8. Monitoring and training

- 8.1. This policy and attendant register will be monitored by the Audit Committee with the register presented at each meeting.
- 8.2. Training will be provided to staff at induction and through teams, prioritising particular teams such as medicines management, primary care and continuing health care where there is more regular contact with suppliers.

APPENDIX A

Declaration of Gifts, Hospitality & Sponsorship for Surrey Downs CCG

Name:		Title Forename Surname – Practice / Department					
Position within, or relationship with the CCG:			Position / Relationship				
Detail of Gift etc:		Contact Email:		Contact Email.			
Type (Gift, Hospitality, Sponsorship, Honorarium)	Date (Offered or receipt)	Giver / Supplier (Name of the organisation and nature of business)	Description of Gift etc (including for indirect Interests, details of the relationship with the person)	Estimated value	First gift from giver?	Was the gift etc accepted or declined?	Reason for Acceptance / Decline
Choose a type	Date	Organisation	Description.	Value	Y/N	Accepted?	Reason
Choose a type	Date	Organisation	Description.	Value	Y/N	Accepted?	Reason
Choose a type	Date	Organisation	Description.	Value	Y/N	Accepted?	Reason
Choose a type	Date	Organisation	Description.	Value	Y/N	Accepted?	Reason

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the offer is made. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

I Do / Do not give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

Reason for no consent.

Declarer Signature:

A copy of the email used to send this Form will be used as your signature.

Date:Date

Please return to **Justin Dix** at roi@surreydownsccg.nhs.uk

Annex B

Request for permission to accept an offer of hospitality or gift

Name of person making request:	
Job Title:	
Date of application:	
Date(s) when hospitality / gift would be received:	
Nature of hospitality / gift / sponsorship etc:	
Please set out (a) full details of the supplier (b) the rationale for the offer and its acceptance or refusal and (c) the approximate value ("less than").	
Signature of applicant:	
Outcome:	Agreed / not agreed
Signed (line manager / other)	
Name of authorising manager:	
Job title:	