

Gifts and Hospitality Policy

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Author(s) Contact(s) for further information about this document	Victoria Medhurst, Associate Director of Integrated Governance
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1 Introduction

1.1 The purpose of this policy is to set out the standards and procedures which must be followed in respect of gifts and hospitality. It is intended to help staff, Governing Body members and others working with the NHS Lewisham Clinical Commissioning Group to understand their responsibilities in protecting themselves and the CCG against any suggestion of inappropriate behaviour. The CCG must demonstrate that it has open and transparent decision-making processes which are not influenced by inducements of inappropriate offers of gifts, hospitality or commercial sponsorship.

2 Bribery Act 2010

2.1 The Bribery Act 2010 revised the legal framework to combat bribery in the public and private sectors. It makes it an offence to receive a financial or other advantage as a reward for an improper act such as the award of a contract. A gifts and hospitality policy is a key tool for organisations to demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.

3 Scope

3.1 This policy applies to the following people:

- All CCG employees, including:
 - All full and part time staff;
 - Any staff on sessional or short term contracts;
 - Any students and trainees (including apprentices);
 - Agency staff; and
 - Seconded staff.

In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should make a declaration of interest in accordance with this guidance, as if they were CCG employees.

- Members of the governing body: All members of the CCG's committees, sub-committees/sub-groups, including:
 - Co-opted members;
 - Appointed deputies; and
 - Any members of committees/groups from other organisations.
- Where the CCG is participating in a joint committee alongside other CCGs, any interests which are declared by the committee members should be recorded on the register(s) of interest of each participating CCG.
- All members of the CCG (i.e., each practice) This includes each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act. Declarations should be made by the following groups:
 - GP partners (or where the practice is a company, each director);

- Any individual directly involved with the business or decision-making of the CCG.

3.2 The policy should be read in conjunction with the following documents:

- NHS England 'Managing Conflicts of Interest: Revised Statutory Guidance for CCGs' June 2017
- NHS Lewisham CCG Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions
- NHS Lewisham Clinical Commissioning Group Anti-Fraud, bribery and corruption policy
- NHS Lewisham CCG Conflicts of Interest Policy
- NHS Lewisham CCG Procurement Policy
- NHS Lewisham CCG Disciplinary Policy

4 Policy Statement

4.1 This policy supports a culture of openness and transparency in NHS Lewisham Clinical Commissioning Group's business transactions. Gifts and hospitality should not be accepted other than in exceptional circumstances as set out in this policy.

4.2 NHS Lewisham Clinical Commissioning Group will view instances where this policy is not followed as serious and may take disciplinary action against individuals as a result, which may result in dismissal. NHS Lewisham Clinical Commissioning Group will refer cases of potential fraud to Local Counter Fraud Services for investigation. Where appropriate the Police will be involved.

4.3 NHS Lewisham Clinical Commissioning Group will ensure that all employees are aware of the existence of this policy by;

- Providing an introduction to the policy during induction for new starters to the organisation;
- Issuing an annual reminder of the existence and importance of the policy via internal communication methods; and
- Providing annual reports on entries into the register for the Audit Committee.

5 Definitions

5.1 The following definitions have been adopted by Lewisham CCG.

Gift

Any item of cash or goods, or any service provided, which is provided for personal benefit, free of charge or at less than commercial value.

Hospitality

Food, drink, accommodation or entertainment offered or provided in the nature of the organisation's business by anyone other than the employer.

6 Register of Gifts and Hospitality Guidance

Gifts

6.1 People working in the NHS offer support during significant events in people's lives. For this work they may sometimes receive gifts as a legitimate expression of gratitude. We should be proud that our services are so valued. But situations where the acceptance of gifts could give rise to conflicts of interest should be

avoided. CCG staff and members should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way.

- 6.2 Individuals to whom this policy applies need to consider the risks associated with accepting gifts or hospitality when undertaking activities on behalf of the CCG or their GP practice. Particular care should be taken in dealing with contractors, developers, and firms or individuals in a comparable position especially if a contract re-tender is imminent. Any gift or hospitality from current or prospective suppliers should be declared and recorded appropriately in accordance with this policy.
- 6.3 A quick reference guide is provided for those required to make declaration at Appendix 3 and if there is any doubt colleagues should seek advice from either their line manager, the Associate Director of Integrated Governance or the Conflicts of Interest Guardian.

Overarching principles:

- 6.4 CCG staff should not accept gifts that may affect, or be seen to affect, their professional judgement. This overarching principle should apply in all circumstances;
- 6.5 Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Services Officer who has designated responsibility for maintaining the register of gifts and hospitality and recorded on the register.

Gifts from suppliers or contractors:

- 6.6 Gifts from suppliers or contractors doing business (or likely to do business) with the CCG should be declined, whatever their value (subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6¹).
- 6.7 The person to whom the gifts were offered should also declare the offer to Corporate Services Officer who has designated responsibility for maintaining the register of gifts and hospitality so the offer which has been declined can be recorded on the register.

Gifts from other sources (e.g. patients, families, service users):

- CCG staff should not ask for any gifts;
- Modest gifts under a value of £50 may be accepted and do not need to be declared;
- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These should be declared by staff;
- A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value);
- 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

- 6.8 Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of 'traditional' working hours. As a result, CCG staff will sometimes appropriately receive hospitality. Staff receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

¹ NHS England Managing Conflicts of Interest: Revise Statutory Guidance for CCGs 2017
<https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>

6.9 Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events etc.

Overarching principles:

- CCG staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement;
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event;
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors, these can be accepted if modest and reasonable, but individuals should always obtain senior approval and declare these.

Meals and Refreshments:

- Under a value of £25 may be accepted and need not be declared;
- Of a value between £25 and £75 may be accepted and must be declared;
- Over a value of £75 should be refused unless (in exceptional circumstances) senior staff approval is given. A clear reason should be recorded on an 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 of 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 CCG itself might not usually offer, need approval by senior staff (e.g. the CCG governance lead or equivalent), should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on an organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type;
- A non-exhaustive list of examples includes:
 - Offers of business class or first class travel and accommodation (including domestic travel); and
 - Offers of foreign travel and accommodation.

7 Sponsored events

7.1 Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefiting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result there should be proper safeguards in place to prevent conflicts occurring.

7.2 When sponsorships are offered, the following principles must be adhered to:

- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS;
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;

- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event;
- 7.3 The involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
- CCGs should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event
 - Staff should declare involvement with arranging sponsored events to their CCG.

Other forms of sponsorship

7.4 Organisations external to the CCG or NHS may also sponsor posts or research. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage, or if sponsored posts cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition. There needs to be transparency and any conflicts of interest should be well managed. For further information, please see Managing Conflicts of Interest in the NHS: Guidance for staff and organisations.

8 Publication of a Register of Gifts and Hospitality

- 8.1 NHS Lewisham Clinical Commissioning Group has a Register of Gifts and Hospitality template (shown at Appendix 2), which is held by the Corporate Services Officer. A copy of the register is available and will be placed on the NHS Lewisham Clinical Commissioning Group's website and also included as part of the CCG's annual report and annual governance statement.
- 8.2 Any gift, item of hospitality or offer of sponsorship described above which must be declared will be included in the Gifts and Hospitality Register. The following information will be included in the register:
- recipient's name
 - current position
 - date of offer and/or receipt
 - details of the gift or hospitality offered
 - the person or organisation making the offer
 - if the gift or hospitality offered or declined
 - the estimated value of the gift or hospitality
 - details of previous gifts or hospitality offered by offeror/supplier
 - details of the reviewing officer
- 8.3 All persons who are required to make a declaration of gifts and hospitality are advised of the need to publish this in the public domain through the provision of a fair processing notice on the declaration form. Signing the form is the way in which the consent of the individual will be gained for the publication of this information.
- 8.4 The CCG does recognize however that there will be occasions when the publication of personal information could cause risk or harm to an individual. Those who are required to make declarations under the policy have the right to request that their information isn't published. Any decisions will be made by the CCG's designated senior member of staff responsible for Governance or the Conflicts of Interests Guardian (the Lay Member for Finance and Audit). Provisions will be made for the senior member of staff or the Conflicts

of Interests Guardian to seek legal advice if they deem it necessary. If the decision is made to withhold certain information a confidential copy of the register will still be retained by the Corporate Services Officer.

9 Responsibilities

9.1 The following roles and responsibilities have been determined to support the management of gifts and hospitality:

Audit Committee

The Audit Committee is responsible for ensuring that the policy is effectively managed and implemented along with receiving regular oversight reports.

Accountable Officer

The Accountable Officer has overall accountability and responsibility for implementation of this policy

Directors/Deputy Directors

Directors/Deputy Directors must ensure that managers within their directorate are made aware of the provisions set out within the policy and are implemented, in particular:

- Ensuring all employees are aware of their responsibilities, the law and the CCG's policy on acceptance of Gifts and Hospitality.
- Ensuring that breaches of policy are dealt with in a fair and consistent manner.

Associate Director of Integrated Governance

The Associate Director of Integrated Governance is responsible for:

- Advising staff on the contents of this policy;
- Ensuring that adequate records are established;
- Maintaining the Acceptance of Gifts and Hospitality Register, ensuring it is open for public inspection and scrutiny; and
- Preparation of the Gifts and Hospitality Reports and annual presentation to the Audit Committee.
- Coordination of information sharing and training to CCG staff to raise staff awareness of the Gifts and Hospitality policy.

Employees

All staff are responsible for:

- Following the policy.
- Declaring any receipt of gifts or hospitality covered within the confines of this policy.
- Ensuring any gifts which have been accepted are declared and reported to the Corporate Services Officer for entry onto the Gifts and Hospitality Register.

10 Breaches of the Policy

10.1 Non-compliance with this policy will be deemed as a disciplinary matter and breaches of the policy will be investigated and handled in accordance with the CCG's disciplinary procedure. Where it is proven that actual fraud has taken place then criminal charges may be brought.

11 Training

11.1 Training will be put in place and delivered across the organisation which will cover:

- Definitions of gifts and hospitality;
- How to report;
- When to report.

12 Monitoring Compliance and Effectiveness of the Policy

12.1 The policy will be reviewed at least every three years by NHS Lewisham Clinical Commissioning Group. The register will be presented for review to the CCG Audit Committee annually and published on the NHS Lewisham Clinical Commissioning Group website. Staff will be reminded of the policy and register at least annually. The CCG Corporate Services Manager will review register entries on a regular basis and will address any inappropriate receipt of gifts/hospitality with the relevant person or manager.

Appendix 1 - Declaration of Gifts and Hospitality

Recipient Name	Position	Date of Offer and Date Received	Details of Gift or Hospitality	Estimated Value	Supplier Name and Nature of Business	Details of Previous Offers made by this supplier	Details of officer reviewing and approving the declaration (name and date)	Declined or Accepted	Reason for accepting or declining	Other Comments

The information submitted will be held by the CCG for personnel or other reasons specified on this form to comply with the organisation’s Gift and Hospitality Policy. This information will 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 can confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the Corporate Services Officer as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make a full, accurate and timely declaration then civil, criminal, professional regulatory or internal disciplinary action may result.

I do/do not [delete as appropriate] give my consent for this information to be published on registers that the CCG holds. If consent is not given please give reasons below.

Signed:

Date:

Line Manager Signed:

Date:

Please return to Katie Hitchen, CorporateServicesOfficer, khitchen@nhs.net

Appendix 3 - Quick Examples and Guide

You are offered a complimentary ticket and accommodation to a conference which is hosted by a regional or national NHS body which relates to your role and is important for the work of the CCG. The value of the ticket and overnight stay roughly £150.

Principles to Consider:

As long as you can demonstrate that the event is in line with your work then it may be acceptable to attend, as long as express prior approval has been given by a member of the Senior Management Team.

This should be declared on the register.

You are sent a Christmas gift from a local supplier as a token of their appreciation for continued business. The value is £5.

Principles to Consider:

The gift is of a low value and they are a current supplier. This doesn't need to be reported.

However if the company sends multiple gifts to the CCG and their contract was due for renewal soon it may be prudent to register the gifts as a combined total.

	Acceptable	Potentially Acceptable Approval Needed	Unacceptable	Declarable
Gifts/Hospitality				
Low value promotional gifts: Diaries etc.	✓			
Token gifts given at courtesy visit	✓			
Gifts of low value from patients/relatives	✓			
Infrequent working lunch/breakfast	✓			
Formal dinners/evenings		✓		✓
Visits to view equipment/sites paid for by outside companies		✓		✓
Gifts from personal relatives or friends in relation to your work at the CCG.			✓	✓
Holiday accommodation			✓	✓
Attendance at sporting events			✓	✓
Attendance at cultural events			✓	✓
Offers of medical equipment (e.g. glucose monitors or demonstration inhalers given to GPs by pharmaceutical reps)			✓	✓