

# **NHS Derby and Derbyshire Clinical Commissioning Group**

## **Gifts & Hospitality Policy**

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**VERSION CONTROL**

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## 1. INTRODUCTION

- 1.1 NHS Derby and Derbyshire Clinical Commissioning Group (the "CCG") is required to have procedures and guidance in place to record the receipt of gifts and hospitality made to members, staff and other individuals engaged on official business on behalf of the CCG.
- 1.2 A further requirement is that the CCG maintains a register of interests of those employed by or acting on behalf of the CCG.
- 1.3 The Gifts and Hospitality Policy should be read and operated alongside the CCG's 'Standards of Business Conduct and Conflicts of Interest Policy', 'Pharmaceutical Sponsorship Policy' and 'Fraud, Corruption & Bribery Policy', which is designed to contribute to the CCG's obligation to ensure adequate measures are in place to prevent acts of bribery within the meaning of the Bribery Act 2010. The Bribery Act 2010 created:
- 1.3.1 two general offences of bribery:
- (a) offering or giving a bribe to induce someone to behave, or to reward someone for behaving, improperly; and
  - (b) requesting or accepting a bribe either in exchange for acting improperly, or where the request or acceptance is itself improper; and
- 1.3.2 a new corporate offence: negligent failing by a company or limited liability partnership to prevent bribery being given or offered by an employee or agent on behalf of that organisation.

Any concerns or suspicions relating to bribery, corruption or fraud must therefore be reported to the group appointed Counter Fraud Specialist [counterfraud.360@nhs.net](mailto:counterfraud.360@nhs.net) – please refer to the Fraud, Corruption and Bribery Policy for full contact details.

Any suspicions or concerns of acts of fraud, bribery or corruption can also be reported online via <https://www.reportnhsfraud.nhs.uk/> or via the confidential NHS Counter Fraud Authority Fraud and Corruption Reporting Line on **0800 028 4060**. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced trained staff and any caller who wishes to remain anonymous may do so.

## 2. PURPOSE

- 2.1 This policy helps establish a culture of openness and transparency in the CCG's business transactions. To maintain public confidence the CCG must be able to demonstrate that its decision-making processes are not influenced by inappropriate

inducements. Gifts and hospitality should not be accepted other than in exceptional circumstances and as set out in this policy.

2.2 The CCG 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. The CCG will refer cases of potential fraud to the Local Counter Fraud Services for investigation. Where appropriate the Police will be involved.

2.3 Specifically the policy aims to ensure that all staff are clear about:

2.3.1 the guiding principles for the acceptance of gifts;

2.3.2 hospitality they are able to accept when away from the CCG; and

2.3.3 what hospitality they should provide for meetings, both internal and external to the CCG.

### **3. SCOPE**

3.1 This policy applies to all those who are employed by the CCG and/or act in an official capacity on its behalf. This includes:

#### **3.1.1 CCG Employees**

All employees, including:

- full and part time staff;
- any staff on sessional or short term contracts;
- any students and trainees (including apprentices);
- agency staff;
- seconded staff;
- any self-employed consultants or other individuals working for the CCG under a contract for services.

#### **3.1.2 Members of the Governing Body, Committees and Sub-Committees**

- Co-opted members.
- Appointed deputies.
- Any members of the committees/groups from other organisations.

#### **3.1.3 All member practices of the CCG**

- GP partners (or where the practice is a company, each director).

- Practice Managers.
- GP Leads.
- Any individual directly involved with the business or decision-making of the CCG.

All those mentioned in paragraph 3.1 will hereafter be referred to as “Individuals”.

3.2 It is the responsibility of all Individuals to familiarise themselves with this policy and comply with its provisions.

3.3 The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS organisations and general practitioners in relation to the receipt of gifts and hospitality and conflicts of interests:

- the CCG’s Constitution, in particular the section relating to conflicts of interest which describes, in generic terms, the types of conflicts of interest, as well as the CCG’s Standing Orders, Scheme of Reservation and Delegation of Powers and Standing Financial Instructions;
- Guidance issued by the NHS Commissioning Board;
- Code of Conduct for NHS Managers;
- General Medical Council: Good Medical Practice 2006;
- Nursing and Midwifery Council: Code of Professional Conduct;
- Sponsorship Policy;
- Standards of Business Conduct and Conflicts of Interest Policy;
- Raising Concerns at Work (Whistleblowing) Policy;
- Disciplinary Policy;
- Fraud, Corruption and Bribery Policy.

## **4. DEFINITIONS**

### **4.1 Gifts**

The definition of “Gifts” is any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value.

### **4.2 Hospitality**

The definition of “Hospitality” is food, drink, accommodation or entertainment offered or provided in the nature of the organisation’s business by anyone other than the employer. This can include offers of meals, refreshments, travel, accommodation, and

other expenses in relation to attendance at meetings, conferences, education and training events.

## **5. RECEIPT OF GIFTS AND HOSPITALITY GUIDANCE**

### **5.1 Gifts**

#### **5.1.1 Overarching principles**

- (a) Individuals should not accept gifts that may affect, or be seen to affect their professional judgement. This overarching principle should apply in all circumstances.
- (b) Any monetary gift 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 team or individual who has designated responsibility for maintaining the register of gifts and hospitality and recorded on the register.

#### **5.1.2 Gifts from suppliers or contractors**

All gifts of any nature offered to Individuals by suppliers or contractors doing business (or likely to do business) with the CCG or GP Practice 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 £6). The Individual to whom the gifts were offered should also declare the offer to the Corporate Governance Manager so the offer which has been declined can be recorded on the register.

#### **5.1.3 Gifts from GP practices**

For teams within the CCG who work closely with GP practices, any gifts received of little financial value (i.e. less than £50) such as flowers, refreshments and small tokens of appreciation can be accepted, but must be declared.

#### **5.1.4 Gifts from other sources**

- (a) Gifts offered from other sources should also be declined if accepting them might give rise to perceptions of bias or favouritism, and a common sense approach should be adopted as to whether or not this is the case. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e. less than £50) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to staff for work well done. Gifts of this nature may be accepted and do not need to be declared, nor recorded on the register.

- (b) Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the CCG, not in a personal capacity. These should be declared.
- (c) 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).
- (d) 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.

## 5.2 **Hospitality**

A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or CCG.

### 5.2.1 Overarching principles

- (a) Individuals should not ask for or accept hospitality that may affect, or be seen to affect, their personal judgement.
- (b) A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, Individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or CCG.
- (c) Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the CCG might offer in similar circumstances (e.g. tea, coffee, light refreshments at meetings). A common sense approach should be adopted as to whether hospitality offered is modest or not.
- (d) 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.

### 5.2.2 Meals and Refreshments

- (a) Under a value of £25 may be accepted and need not be declared.
- (b) Of a value between £25 and £75 may be accepted and must be declared.
- (c) Over a value of £75 should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Gifts and Hospitality Register 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).

### 5.2.3 Travel and Accommodation

- (a) 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.
- (b) 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 the Gifts and Hospitality Register as to why it was permissible to accept travel and accommodation of this type.

## 5.3 **Sponsored events**

5.3.1 Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures the CCG's ability to take place, benefiting staff and patients. However, there is potential for conflicts of interest between the CCG and sponsor, particularly regarding the ability to market commercial products or services.

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

- (a) 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;
- (b) during dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
- (c) 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;
- (d) 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;
- (e) the involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
- (f) 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; and
- (g) Individuals should declare their involvement with arranging sponsored events for the CCG.

#### 5.4 Other forms of sponsorship

Organisations external to the CCG 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.

### 6. DECLARATION OF OFFERS AND RECEIPT OF GIFTS AND HOSPITALITY

The template form for declaring gifts and hospitality is included at Appendix 1. All hospitality or gifts declared must be promptly transferred to a register of gifts and hospitality (see Appendix 2 for template) that all CCGs should maintain. As a minimum, they should contain the following information:

- recipient's name;
- current position(s) held by the individual (within the CCG);
- date of offer and/or receipt;
- details of the gifts, hospitality or sponsorship;
- estimated value of the gifts, hospitality or sponsorship;
- details of the supplier/offeror (e.g. their name and the nature of their business);
- details of previous gifts and hospitality offered or accepted by this offeror/supplier;
- action taken to mitigate conflict, details of any approvals and details of the officer reviewing/approving the declaration made and date;
- whether the offer was accepted or not; and
- reasons for accepting or declining the offer.

All hospitality or gifts declared must be promptly (and no later than 28 days after the interest arises) transferred to the register of gifts and hospitality. This should include any gifts and hospitality declared in meetings.

### 7. REGISTER OF GIFTS AND HOSPITALITY

- 7.1 The CCG will maintain a register of gifts and hospitality (see Appendix 2 for template) of all Individuals listed in paragraph 3.1. The CCG will have robust processes in place to ensure that Individuals do not accept gifts and hospitality or other benefits, which might reasonably be seen to compromise their professional judgement or integrity.

- 7.2 All Individuals should consider the risks associated with accepting offers of gifts, hospitality, sponsorship and entertainment when undertaking activities for or on behalf of the CCG or their GP practice. This is especially important during procurement exercises, as the acceptance of gifts could give rise to real or perceived conflicts of interests, or accusations of unfair influence, collusion or canvassing.
- 7.3 The Corporate Governance Manager shall update the Gifts and Hospitality Register whenever a new or revised interest is declared. The Corporate Governance Manager must ensure that the register includes sufficient information about the nature of the declaration and the details of those reporting it.
- 7.4 Where an Individual has any queries with respect to gifts and hospitality they should seek advice from the Director of Corporate Delivery, Head of Governance or Corporate Governance Manager.
- 7.5 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an Individual's name and/or other information may be redacted from the publicly available register(s). Where an Individual believes that substantial damage or distress may be caused, to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing to the Director of Corporate Delivery. Decisions not to publish information must be made by the CCG's Conflicts of Interest Guardian. The CCG will retain a confidential unredacted version of the register(s), which will be confidentially presented at Audit Committee meetings.

## **8. PROVISION OF INTERNAL HOSPITALITY**

- 8.1 The Code of Accountability states that NHS monies for hospitality and entertainment should be used sparingly and modestly and only after each case has been carefully considered. All expenditure on these items should be capable of justification as reasonable in the light of the general practice in the public sector.
- 8.2 Whenever possible, meetings should be arranged within CCG premises. If this is not possible, NHS establishments should be the preferred choice of venue. If rooms are not available within NHS premises, the meeting should be arranged at the most economic rate, taking into account room rates and refreshment charges.

## **9. BREACHES OF THE POLICY**

- 9.1 Failure to comply with this policy will be addressed under the disciplinary processes of the CCG, or otherwise as set out in the CCG's Standing Orders.
- 9.2 Suspicion of fraudulent acts will be reported to the CCG's Local Counter Fraud Specialist for consideration of appropriate action. Any concerns or suspicions relating to fraud, corruption or bribery must therefore be reported to the CCG's

appointed Counter Fraud Specialist; Ian Morris (ian.morris7@nhs.net or 0115 8835319).

## **10. MONITORING AND REVIEW**

The policy will be reviewed on an annual basis by the CCG's Governance Committee and published on the CCG's website. Staff will be reminded of the policy and register at least annually.

## **11. DUE REGARD**

This policy has been reviewed in relation to having due regard to the public sector equality duty (PSED) of the Equality Act 2010 to eliminate discrimination; harassment; victimisation; to advance equality of opportunity; and foster good relations.

## **12. EQUALITY STATEMENT**

The CCG aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the equality act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. this document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identify, socio-economic status, immigration status and the principles of the human rights act.

In carrying out its function, CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all activities for which the CCG is responsible, including policy development, review and implementation.

If you have any concerns or issues with the contents of this policy or have difficulty understanding how this policy relates to you and/or your role, please contact the Director of Corporate Delivery.

**APPENDIX 1 – DECLARATION OF GIFTS AND HOSPITALITY FORM**  
**(including sponsorship and entertainment)**

<b>Name of recipient</b>	
<b>Job Title/Position</b>	
<b>Date of Offer</b>	
<b>Date of Receipt (if applicable)</b>	
<b>Details of gift/hospitality/sponsorship</b>	
<b>Estimated Value</b>	
<b>Supplier/Offeror Name and Nature of Business</b>	
<b>Details of Previous Offers or Acceptance by this Offeror/Supplier</b>	
<b>Action taken to mitigate conflict, details of any approvals and details of the officer reviewing and approving the declaration made and date</b>	
<b>Declined or Accepted?</b>	

<b>Reason for Accepting or Declining</b>	
<b>Other Comments</b>	

*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. The Gifts and Hospitality Register is published on the CCG's website.*

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 interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

**I do/do not** (delete as applicable) give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

**Signed:** ..... **Date:** .....

**Signed:** ..... **(Line Manager or Senior CCG Manager)**

**Position:** ..... **Date:** .....

Please return to Frances Palmer, Corporate Governance Manager. Email: [frances.palmer1@nhs.net](mailto:frances.palmer1@nhs.net)

NHS Derby and Derbyshire CCG, Scarsdale, Nightingale Close, Chesterfield S41 7PF

If you require assistance in completing this form please contact Frances Palmer, Corporate Governance Manager. Email: [frances.palmer1@nhs.net](mailto:frances.palmer1@nhs.net)

**APPENDIX 2 – TEMPLATE GIFTS AND HOSPITALITY REGISTER**

<b><u>NHS DERBY AND DERBYSHIRE CCG GIFTS &amp; HOSPITALITY REGISTER 2019/20</u></b>											
<b><u>Name of Recipient</u></b>	<b><u>Job Title/ Position</u></b>	<b><u>Date of Offer</u></b>	<b><u>Date of Receipt</u></b>	<b><u>Details of Gift / Hospitality/ Sponsorship</u></b>	<b><u>Estimated Value</u></b>	<b><u>Supplier/ Offeror Name and Nature of Business</u></b>	<b><u>Details of Previous Offers or Acceptance by this Offeror/ Supplier</u></b>	<b><u>Action taken to mitigate conflict, details of approvals and details of the officer reviewing and approving the declaration made and date</u></b>	<b><u>Accepted/ Declined</u></b>	<b><u>Reason for Accepting/ Declining</u></b>	<b><u>Comments</u></b>