



## Gifts and Hospital Policy

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Printed copies must not be considered the definitive version

<b>DOCUMENT CONTROL</b>		<b>POLICY NO.</b>	01
<b>Policy Group</b>	Corporate		
<b>Author</b>	L Geddes		
<b>Reviewer</b>	L Geddes J Ace L Fitzpatrick		
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## 1. PURPOSE AND SCOPE

The NHS Dumfries and Galloway Gifts and Hospitality Policy is intended to provide guidance to all NHS Dumfries and Galloway staff on the receiving of gifts and / or hospitality and to establish guidance with regard to the NHS Dumfries and Galloway Register of Gifts and Hospitality and the Register of Interests. Staff must not canvas or seek gifts and / or hospitality.

The provisions of the policy shall be held to apply to all employees, secondees and associates of NHS Dumfries and Galloway. There is no seniority threshold.

## 2. POLICY AIMS

This policy is in place to protect both individuals and the organisation from any accusation of improper conduct.

## 3. RESPONSIBILITIES AND ORGANISATIONAL ARRANGEMENTS

### 3.1 Responsibilities

It is the responsibility of the **Chief Executive** as Accountable Officer to ensure the register of Gifts, Hospitality and Interests is maintained.

The **Director of Finance** is responsible for the monitoring and scrutiny of the register and will be vigilant for perceived conflicts of interest. The register will be reviewed annually by Internal Audit (as arranged by the Director of Finance) and will be available to the External Auditors.

The **Workforce Director** will be responsible for investigating where an individual is suspected to have behaved improperly; this is a staff governance issue.

The **Corporate Business Manager** is responsible for establishment of the register and that it is kept up to date. However, the responsibility for submitting information lies with the individual member of staff.

**Line managers** must adhere to the code and ensure that staff they manage are aware and comply with the provisions of the Gifts and Hospitality Policy and the related Standards of Business Conduct for NHS Staff.

**All employees** of NHS Dumfries and Galloway have a personal responsibility to accept only gifts / hospitality as deemed acceptable in this policy. If employees have any doubt about whether an item should or should not be recorded, they are advised to record it and to retain a copy of the entry for future reference. The importance of this cannot be overstated to protect individuals from allegations in the future.

**Staff** should be aware that a breach of the provisions under legislation may make them liable to prosecution and may also lead to loss of their employment and pension rights.

### 3.2 Legal Framework and National NHS Guidance

Under the Prevention of Corruption Acts 1906 and 1916, it is an offence for employees to corruptly accept any gifts or consideration as an inducement or reward for:

- doing, or refraining from doing, anything in their official capacity; or
- showing favour or disfavour to any person in their official capacity.

Further, under the Act, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract **will be deemed to have been received corruptly unless the employee proves the contrary.**

NHS Circular MEL (1994) 48 sets out the requirements for Standards of Business Conduct for NHS staff and the content of this circular is reflected in the current NHS Dumfries and Galloway Standards of Business Conduct for NHS Staff. More recently NHS Circular HDL (2003) 62 provided guidance on joint working between NHS Scotland and the Pharmaceutical Industry, which required Health Boards to establish a central Register of Hospitality and Interests for staff.

NHS guidance also sets out that it is the responsibility of staff to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. This applies to both staff who commit resources directly, eg the ordering of goods or services, or indirectly by policy development.

### 3.3 Acceptable Hospitality

Hospitality is generally defined as attendance at a social or leisure event or conference (or an occasion which could be perceived as such an event) where the attendance is being funded by a third party. NHS guidance provides that modest hospitality is an accepted courtesy of a business relationship. However, the recipient should not allow themselves to reach a position whereby he or she might be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than NHS Dumfries and Galloway would be likely to provide in return.

All Gifts and Hospitality Forms, must be signed by either a General Manager or Director within NHS Dumfries and Galloway.

Advice should always be sought from your Line Manager prior to acceptance or refusal of the hospitality being offered.

Staff may accept modest hospitality, provided it is normal and reasonable under the circumstances, eg lunches in the course of working visits may be acceptable if of a similar scale to that which NHS Dumfries and Galloway would offer in return. The acceptable limit for a meal is £25. Staff should decline all other offers of hospitality.

Any and all hospitality accepted by NHS Dumfries and Galloway employees must be declared to their line manager.

### **3.4 Unacceptable Hospitality**

Any hospitality which does not fill the above criteria will be unacceptable. The only exception is where the hospitality has been approved in writing, in advance, by the Chief Executive or appropriate Director. Such hospitality must be declared on the Submission Form at appendix B.

Any significant hospitality offered to NHS Dumfries and Galloway employees and declined must also be recorded in the register.

### **3.5 Commercial Sponsorship**

As a general principle, all offers received from commercial third parties must be refused. Attendance at relevant commercially sponsored conferences and courses is acceptable but only where acceptance will not and cannot be seen as compromising purchasing or other decision in any way. Receipt or provision of such sponsorship must be recorded in the Register.

Employees must pay particular attention to the circumstances in which hospitality is offered; the provision of hospitality by an individual or organisation during a tendering process or where a contract is shortly to end, or where performance of the contract is in question or in any other circumstances where acceptance might compromise the position of the employee or of NHS Dumfries and Galloway, is not acceptable.

### **3.6 Acceptance of Gifts**

Employees of NHS Dumfries and Galloway must not accept gifts which may be or be capable of being construed as being able to influence a purchasing decision or cast doubt on the integrity of such decisions. Gifts which could place an individual in a position of conflict between their private interests and their NHS duties must be politely but firmly declined. Casual gifts offered by contracts or others must also be politely declined except where they are of low intrinsic value. MEL (1994) 48 notes that staff may accept such gifts of low intrinsic value, such as diaries or calendars or small tokens of gratitude from patients or their relatives. NHS guidance notes that any gifts of higher value offered or received must be declined.

Where it is difficult to decide whether a gift should be accepted or not, advice should be sought from your line manager. Gifts that are declined must be recorded in the register.

All Gifts and Hospitality Forms, must be signed by either a General Manager or Director within NHS Dumfries and Galloway.

Advice should always be sought from your Line Manager prior to acceptance or refusal of the gift being offered.

In exceptional circumstances, such as a public presentation, where refusal of a gift over the acceptable limit would be difficult, employees must declare the gift on the attached form within seven days of receipt.

When deciding whether to accept a gift, reward, benefit or other item of hospitality from a member of the public or an organisation with whom (or with which) official contact has been made with, consideration should be given to the following key themes:

- **Type:** A distinction can be drawn between gifts, which in general should be refused (although there are exceptions) and conventional hospitality, which normally may be accepted.
- **Relationship:** The danger of creating an apparent obligation or embarrassment varies according to the relationship between the department and the outside body. It is particularly acute where the relationship is, or could be, contractual or regulatory. Contacts which are merely promotional or information gathering are less sensitive.
- **Legitimate Interest:** There is a clear obligation on both NHS Dumfries and Galloway and the outside body concerned to be able to demonstrate that the contact is legitimate in terms of normal working relationships. Your official position must, therefore, accord with this obligation.
- **Value:** Gifts and benefits of a trivial or inexpensive nature or promotional gifts intended as advertising material of little value can be distinguished from more substantial offers. All gifts which have a retail value of clearly under £15, and which are acceptable in terms of the other criteria, may be accepted through agreement with the Line Manager. Gifts, which have a retail value of more than £15 must be reported to the Line Manager and approval sought from a General Manager or Director before they are accepted or declined.

For hospitality there is a similar distinction on the basis of value, as between, for instance, working lunches and more expensive social or sporting functions, travel and accommodation.

- **Frequency:** Acceptance of regular invitations, particularly from the same source, would breach the required standards of conduct. Isolated acceptance of, for example, a meal or tickets to a sporting, cultural or social event may be acceptable if attendance is justified in the interest of NHS Dumfries and Galloway.

### **3.7 Monetary Gifts**

The acceptance or giving of cash or cash equivalents, including gift vouchers to any value is not acceptable under any circumstances.

### **3.8 Register of Gifts and Hospitality – Procedures for Submission**

The information required for the Register of Gifts and Hospitality is set out on the Declaration Form (appendix B), which is available on the intranet. Submissions should be made as soon as is practically possible and no later than a month following receipt.

The Submission Form should be used to record the offer of gifts or hospitality whether accepted or declined.

One form should be submitted per employee, for example if a gift is received for 3 members of staff, a separate form should be completed by each of the three employees and authorised by their line manager or senior manager, as appropriate, before submission to the Corporate Business Manager.

An outline of the process for recording gifts or hospitality, whether accepted or declined can be found at Appendix A.

### **3.9 Pharmaceutical Company Contributions**

From June 2016, pharmaceutical companies will be required to publish details of payments they make (in cash or 'in kind') to individual healthcare professionals for services they provide. These services include sponsorship, consultancy and associated fees relating to their participation in events such as 'Pharmaceutical Advisory Boards'. Information will be available through a publicly searchable database on the Association of British Pharmaceutical Industry (ABPI) website.

NHS Dumfries and Galloway has an obligation to record all payments, donations, grants or benefits in kind received from Pharmaceutical companies on the Board's Gifts and Hospitality Register and to reconcile the payments with the information published on the ABPI website.

With this in mind, staff are required to complete a Gifts and Hospitality Declaration Form for any such contributions offered, whether they are accepted or declined, and submit it to the Corporate Business Manager to record and reconcile, where appropriate.

## 4 MONITORING

The **Director of Finance** is responsible for the monitoring and scrutiny of the register and will be vigilant for perceived conflicts of interest.

As part of the overall monitoring of the Gifts and Hospitality Policy, a copy of the full register will be taken through Management Team for review and scrutiny on a six monthly basis. The paper will capture the analysis from a sample check of the declaration forms, to ensure that the requirements of the Gifts and Hospitality Policy has been adhered to.

## 5 EQUALITY AND DIVERSITY

NHS Dumfries and Galloway is committed to having due regard to the aims of the Public Sector Equality Duty which are to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

Being open and accountable and providing access to information is fundamental to the concepts and aims of the Equality Act 2010. To demand fair and equitable services, the public need to know the standards they can expect and have the evidence to demonstrate the extent to which they are being met.

An impact assessment has been carried out on this policy.

## 6 FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

NHS Dumfries and Galloway is required, under the terms of the above Act, to maintain a Publication Scheme approved by the Scottish Information Commissioner. The Model Publication Scheme 2014 has been adopted by NHS Dumfries and Galloway and a Guide to Information Available through the Model Publication Scheme 2014 has been published. Under the terms of this Scheme the Board is required to publish a range of information including Register of Interests.

## 7. DOCUMENT CONTROL SHEET

### 1. Document Status

<b>Title</b>	Gifts and Hospitality
<b>Author</b>	Laura Geddes
<b>Approver</b>	Jeff Ace and Area Partnership Forum
<b>Document reference</b>	01
<b>Version number</b>	1.6

### 2 Document Amendment History

Version	Section(s)	Reason for update
1.0		Policy last reviewed November 2000 and review overdue.
1.2		Annual Policy Review
1.3		Annual Policy Review 2013
1.4		Annual Policy Review 2014
1.5		Annual Policy Review 2015
1.6		Annual Policy Review 2016

### 3. Distribution

Name	Responsibility	Version number
Corporate Business Manager	Update the policy register	1.6
Corporate Business Manager / Communications Team	Place on intranet and generate a flash ad.	1.6
Management Team	Dissemination to all staff through line management	1.6

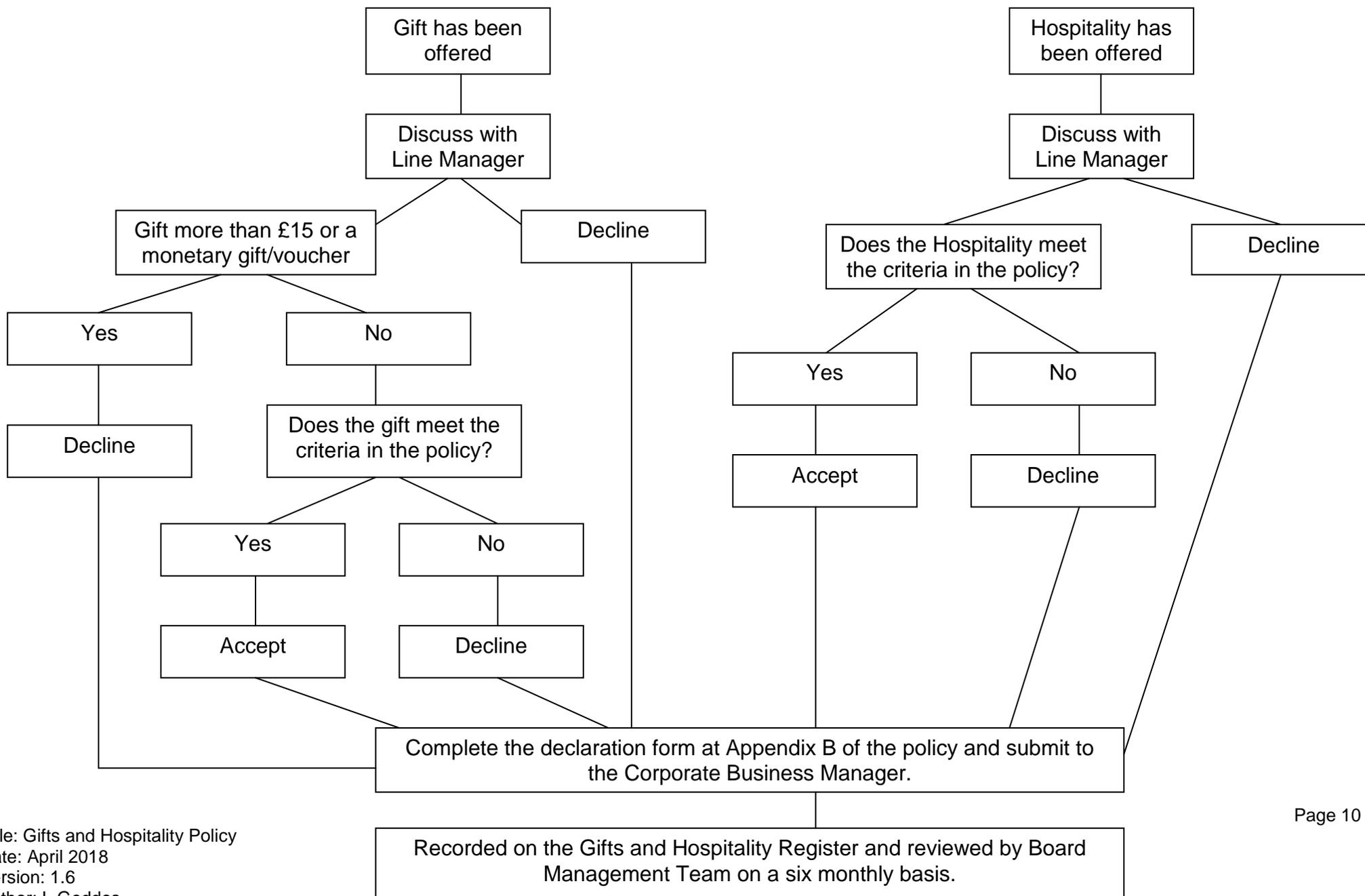
### 4. Associated documents

NHS Dumfries and Galloway Corporate Code of Governance  
 NHS Circular MEL (1994) 48  
 NHS Circular MEL (1994) 80

### 5. Action Plan for Implementation

Action	Lead Officer	Timeframe
Update policy register	Corporate Business Manager	June 2016
Place on intranet	Corporate Business Manager	June 2016
Dissemination to senior staff through line management	Management Team	June 2016
Use policy	All Staff	

# Gifts and Hospitality Process for Staff



## GIFTS AND HOSPITALITY DECLARATION FORM

Sections A and B of this form should be completed by the recipient to declare gifts and hospitality accepted or declined and should be done so within one month of the offer or as soon as practicable thereafter. Section C should be completed by the approving line manager / Director as appropriate/

### Section A

<b>Date Offered:</b>	
<b>Recipient:</b>	
<b>Job Title:</b>	
<b>Department / Directorate:</b>	
<b>Offered by:</b>	
<b>Company Name:</b>	
<b>Reason Offered:</b>	
<b>Description of gift / hospitality:</b>	
<b>Estimated Value:</b>	
<ul style="list-style-type: none"> <li>❖ Cash or cash equivalents (including gift vouchers) must never be accepted.</li> <li>❖ Gifts valued in excess of £15 must be declared, including those declined.</li> <li>❖ Hospitality valued in excess of £25 must be declared, including those declined.</li> </ul>	
Does acceptance present an actual or potential conflict of interest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Description of interest:</b>	
Decision: Accepted <input type="checkbox"/> Declined <input type="checkbox"/> Date received: <input type="text"/>	

**Section B****Recipient Declaration:**

The Bribery Act 2010 makes it a criminal offence to request, agree to receive or to accept a bribe. In making this declaration you are confirming compliance with the NHS Dumfries and Galloway Gifts and Hospitality Policy.

<b>Signature of recipient:</b>	
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<b>Date:</b>	
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Supporting documentation should be attached where available in support of the declaration.

**Section C – Approval from General Manager or Director**

<b>Name of approver (please print):</b>	
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<b>Job Title:</b>	
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<b>Signature:</b>	
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<b>Date form approved:</b>	
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**Comments**

**Additional comments in relation to this declaration should be provided below:**

**For Internal Use Only****Gifts and Hospitality Register updated:**

<b>Name (please print):</b>	
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<b>Job Title:</b>	
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<b>Signature:</b>	
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<b>Date registered:</b>	
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