



**Gifts and Hospitality and
Register of Members Interests Policy**

Printed copies must not be considered the definitive version

DOCUMENT CONTROL		POLICY NO.	001
Policy Group:	Corporate		
Lead Author:	Corporate Business Manager		
Lead Executive:	Director of Finance		
Scope: (Applicability)	Board wide	Version no.	2.0
Status:	Approved	Implementation date:	May 2010
Last review date:	August 2024	Next review date	August 2027
Approved by:	Board Management Team	Approval date:	September 2024
Equality Impact Assessed:	Yes	Equality Impact Assessment date:	August 2024
Data Protection Impact Assessed:	No – Not required	Data Protection Impact Assessment Date:	Not applicable

Policy on a page

Summary & Aim	Key Requirements
<ul style="list-style-type: none"> The Gifts and Hospitality Policy is intended to provide guidance to all NHS Dumfries and Galloway staff on the receiving of gifts and / or hospitality. The policy also provides guidance to staff on what the Register of Members Interests is and what information should be declared by staff. This policy is in place to protect both individuals and the organisation from any accusation of improper conduct. 	<ul style="list-style-type: none"> To ensure all employees, secondees and associates of NHS Dumfries and Galloway are aware of the requirements to declare gifts, hospitality and other interests. Raise awareness that staff are not allowed to accept money or monetary gifts of any description.
Target Audience	Previous Names
<p>All employees, Board Members secondees and associates of NHS Dumfries and Galloway, including agenda and locum staff.</p>	<p>No previous name.</p>

Equality and Diversity Statement
<p>NHS Dumfries and Galloway recognise that some communities within society are more likely than others to experience discrimination, prejudice and inequalities. The Equality Act 2010 specifically recognises the protected characteristics of age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership. The Fairer Scotland Duty, also requires NHS Dumfries and Galloway to actively consider how socio-economic disadvantage can be reduced when making strategic decisions.</p> <p>The New Armed Forces Covenant Statutory Duty places an expectation on NHS Dumfries and Galloway to consciously consider the Armed forces Covenant when developing, delivering and reviewing policies and decisions which may impact the Armed Forces community and help improve their access to public services.</p> <p>Consideration on all of the protected characteristics, the Fairer Scotland Duty and the Armed Forces Covenant are included within the Equality Impact Assessment process and documentation, which must be completed as part of the Policy Development Process.</p> <p>NHS Dumfries and Galloway is committed to promoting and advancing equality, removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those who do not. This applies both in the provision of services and as our role as a major employer. NHS Dumfries and Galloway believe that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discrimination practice.</p>

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1. PURPOSE AND RATIONALE

The 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 establishes guidance with regard to the Register of Interests. Staff must not canvas or seek out gifts and / or hospitality.

2. POLICY AIMS

The aims of this policy are as follows:

- a) to ensure staff are aware of their role and responsibility in declaring any offers of gifts or hospitality whether accepted or declined;
- b) to ensure staff are aware of the gifts or hospitality that must not be accepted at any time, for example money or monetary gifts;
- c) to ensure staff are aware of the need to declare any private interests that may impact on their current role within NHS Dumfries and Galloway;
- d) to raise awareness of the types of interests that should be declared, for example directorship within a company linked to the Board.
- e) to outline how the Board will use and publish the information declared.

3. POLICY SCOPE

The Gifts and Hospitality Policy applies to all NHS Dumfries and Galloway staff (whether on a permanent, temporary or bank contract) in all locations.

It sets out process to be followed when declaring gifts, hospitality or interests in line with the requirement set on the Board through the Bribery Act 2010 and the Code of Conduct from the Ethical Standards Commission.

4. DEFINITIONS

The table below outlines some of the reference that are made within this policy and the declaration templates, to give clarity on their meaning.

- **Gifts** – Any money, vouchers goods or services of any value that you are offered within the parameters of your working role for NHS Dumfries and Galloway.
- **Hospitality** - Generally defined as attendance at a social or leisure event or conference and can include meals, tickets to entertainment, social or sports events. Hospitality requires the host to be present at the event.

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- **A registerable Interest** - Any personal interest which may have a bearing on, or might reasonably be deemed by others to have a bearing on a staff member's impartiality in any matter relevant to their duties.
- **The Standards** - Standards of Business Conduct for NHS Staff [Section-C-Conduct-for-staff.pdf \(nhsdg.co.uk\)](https://www.nhs.uk/standards-of-business-conduct-for-nhs-staff/section-c-conduct-for-staff.pdf).
- **Register** - A document which records any declared interest or gift and hospitality offered and declined or accepted for staff and Board Members.
- **Undertaking** - A body corporate or partnership; or an unincorporated association carrying on a trade or business with or without a view to a profit.

5. DUTIES / RESPONSIBILITIES

5.1 Responsibilities

Chief Executive:

The Chief Executive has a responsibility as the Accountable Officer to ensure appropriate processes are in place for the registers of Gifts and Hospitality and Declarations of Interests are maintained.

Director of Finance:

The Director of Finance is responsible for reviewing and scrutinising the registers and will be vigilant for perceived conflicts of interest.

Workforce Director and Fraud Liaison Officer:

One highlighted, the Workforce Director and Fraud Liaison Officer will work together to consider whether investigation of any allegations of fraud or improper behaviour is suspected.

Corporate Business Manager:

The Corporate Business Manager is responsible for establishment of the register, promotion of the staff requirements around declaring gifts, hospitality or interests and ensure the register are kept up to date and reported to the relevant groups/committees throughout the year.

The Corporate Business Manager is also required to make the registers available to both Internal Audit and External Audit upon request.

Line Managers:

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:

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All staff 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 should contact the Corporate Business Manager or Corporate Business Support Team on dg.cbsteam@nhs.scot for advice.

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.

5.2 Legal Requirements and National NHS Guidance

The Board and all staff have a duty to follow the good practice procedures set out in the Bribery Act 2010, therefore, NHS Dumfries and Galloway has adopted a zero-tolerance policy to bribery.

Under the Bribery Act 2010, 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, which is available on the Board external website by clicking [Section-C-Conduct-for-staff.pdf \(nhsdg.co.uk\)](#).

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, e.g. the ordering of goods or services, or indirectly by policy development.

6. PROCESS / PROCEDURES

6.1 Register of Gifts and Hospitality – Procedures for Submission

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The information required for the Register of Gifts and Hospitality is set out in the declaration template at Appendix 1.

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 3 employees and authorised by their General Manager or Director, before submission to the Corporate Business Manager to record on the Board's Gifts and Hospitality register.

That being said, group declaration forms may be considered where a large number of staff have been given a gift to share or are attending an event, such as a training course or conference. Please check with the Corporate Business Manager prior to submitting a Group Declaration form on whether it is acceptable to do so and the additional information required on the form.

6.2 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 states that modest hospitality is an accepted courtesy of a business relationship. However, the recipient should not allow themselves to reach a position whereby they might be deemed by others to have been influenced in making a business decision as a consequence of accepting such hospitality.

All Gifts and Hospitality Forms, must be signed by the Line Manager and 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, e.g. 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.

Any and all hospitality accepted by NHS Dumfries and Galloway employees must be declared to their line manager, declarations completed and submitted to the Corporate Business Support Team within one week of the offer.

6.3 Unacceptable Hospitality

Any hospitality which does not fill the above criteria will be unacceptable. Any offers of vouchers for hospitality should be declined.

Any hospitality offered to NHS Dumfries and Galloway employees and declined must still be recorded in the register, via a completed declaration form.

6.4 Commercial Sponsorship

As a general principle, all offers received from commercial third parties must be refused. Attendance at relevant commercially sponsored conferences and

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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.

6.5 Acceptance of Gifts

Employees of NHS Dumfries and Galloway must not accept gifts which may be capable of being construed as 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 contractors or other organisations 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 declared whether accepted or 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 via a completed declaration form.

All Gifts and Hospitality Forms, must be signed by the recipient of the gift or hospitality and either a General Manager or Director within NHS Dumfries and Galloway and the forms submitted to the Corporate Business Support Team within one week of the offer.

In accordance with the Code of Conduct, Board Members are not permitted to accept any gifts or hospitality. Monitoring of this will be undertaken at the end of each year and reported back through Board Management Team and Audit and Risk Committee.

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 official contact has been made, 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

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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. 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, tickets to a sporting, cultural or social event may be acceptable if attendance is justified in the interest of NHS Dumfries and Galloway.

6.6 Monetary Gifts

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

If you are offered cash then you should politely decline and suggest it could be donated through the Board's Endowment Funds or an alternative charity.

6.7 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 have funded. 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.

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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 Support Team to record and reconcile, where appropriate.

The Corporate Business Manager will liaise with colleagues to reconcile ABPI information published with our Gifts and Hospitality Register and will escalate any areas of concern to Board Management Team. Where no declaration has been received, will contact the individuals direct to discuss and request submission of a completed form.

7 CONSULTATION

Consultation on the Gifts and Hospitality Policy was led by the Lead Author and included:

- a) Short Life Working Group, with representation from Endowments, Financial Governance and Staff Side.
- b) Board Management Team
- c) Health and Social Care Leadership Group
- d) Staff Side Representatives
- e) Area Partnership Forum Members
- f) Internal Audit

8 TRAINING AND SUPPORT

There are no specific training requirements associated with the implementation of this document, however, staff can refer to the supporting documents detailed in section 12.3. Should a staff member require any assistance with the processes set out in the Gifts and Hospitality Policy they can contact the Corporate Business Support Team for support on dq.cbsteam@nhs.scot

9 MONITORING

9.1 The monitoring arrangements for this Policy are set out in the table below.

Element to be monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
% of declaration forms completed correctly	Review of all declarations received	Corporate Business Manager	Board Management Team	6 monthly
			Audit and Risk Committee	Annually
% declarations received re ABPI	Review of all declarations received against ABPI website	Corporate Business Manager	Board Management Team	6 monthly
			Audit and Risk Committee	Annually

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Title: Gifts and Hospitality Policy

Date: September 2024

Version: 2.0

Lead Author: Corporate Business Manager

The only current version of this policy is on the intranet

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Element to be monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
% gifts / hospitality accepted appropriately	Review of all declarations received	Corporate Business Manager	Board Management Team	6 monthly
			Audit and Risk Committee	Annually
% gifts / hospitality declined appropriately	Review of all declarations received	Corporate Business Manager	Board Management Team	6 monthly
			Audit and Risk Committee	Annually

In addition to the above, a copy of the full register will be shared with the Procurement Team on a monthly basis and will be made available for Internal and External Auditors to review, as requested.

10 EQUALITY IMPACT ASSESSMENT

As part of the process for reviewing and developing this policy an Equality Impact Assessment was undertaken, which did not highlight any issues or actions that had to be progressed.

All Equality Impact Assessments are published on our external website, which can be accessed by clicking [here](#).

11 DATA PROTECTION AND CONFIDENTIALITY IMPACT ASSESSMENT

A Data Protection Impact Assessment was not undertaken when reviewing this policy as the document did not review or handle confidential or personal information.

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12. DOCUMENT CONTROL SHEET

12.1 Document Amendment History

Version	Section(s)	Reason for update
1.0	All	Policy last reviewed November 2000 and review overdue.
1.2	All	Annual Policy Review
1.3	All	Annual Policy Review 2013
1.4	All	Annual Policy Review 2014
1.5	All	Annual Policy Review 2015
1.6	All	Annual Policy Review 2016
1.6	3.7	Clarification included in section 3.7 in relation to receiving monetary gifts or equivalent – October 2020
2.0	All	Transfer to new Policy Template and full review of all sections

12.2 Distribution

Name	Responsibility	Version number
Corporate Business Manager	Update the policy register	2.0
Corporate Business Manager/ Communications Team	Place on external website.	2.0
Board Management Team	Dissemination to all staff through line management	2.0

12.3 Associated documents

- NHS Dumfries and Galloway Corporate Code of Governance – [click here](#)
- NHS Circular MEL (1994) 48 - [click here](#)
- NHS Circular MEL (1994) 80 - [click here](#)

12.4 Action Plan for Implementation

Action	Lead Officer	Timeframe
Update policy register	Corporate Business Manager	September 2024
Place on internet	Corporate Business Manager	September 2024
Dissemination to senior staff through line management	Board Management Team	September 2024
Use policy	All 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

Date Offered:	
Recipient:	
Job Title:	
Department / Directorate:	
Offered by:	
Company Name:	
Reason Offered:	
Description of gift / hospitality:	
Estimated Value:	
<ul style="list-style-type: none"> ❖ Cash or cash equivalents (including gift vouchers) must never be accepted. ❖ Gifts valued in excess of £15 must be declared, including those declined. ❖ Hospitality valued in excess of £25 must be declared, including those declined. 	
Does acceptance present an actual or potential conflict of interest? Yes <input type="checkbox"/> No <input type="checkbox"/> 	
Description of interest:	
Decision: Accepted <input type="checkbox"/> Declined <input type="checkbox"/> Date received: <input style="width: 100px;" type="text"/>	

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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.

Signature of recipient:**Date:**

Supporting documentation should be attached where available in support of the declaration.

Section C – Approval from General Manager or Director

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

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

For Internal Use Only

Gifts and Hospitality Register updated:**Name (please print):****Job Title:****Signature:****Date registered:**

