

CONTROL RECORD

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Author	Sue Laing, Corporate Services and Facilities Manager		
Assisted in the Development of the document			
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Date of Ratification 05.09.11

The current versions of all policies can be accessed at the NHS Sheffield Intranet Site at <http://www.sheffield.nhs.uk/policies/>

STOP! - Have you got the most up to date version of this policy?

Always Check <http://www.sheffield.nhs.uk/policies/corporate.php> before reading further.

VERSION CONTROL				
Version	Date	Author	Status	Comment
3	September 2011	Sue Laing		

This policy / service has been reviewed in accordance with Equalities Legislation on race, disability, age, gender, sexual orientation and gender identity, faith and belief.



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Document Control Information

Date of Issue	Version Number	Status
May 2010	V2	Draft
August 2011	V2.1	Draft
September 2011	V3	Final

Table of revisions

Date	Section Revision	Author
August 2011	Introduction – include reference to Clinical Commissioning Group (CCG)	Sue Laing
	Delete reference to Provider Services	Sue Laing
August 2011	The Law include ref to Bribery Act 2010 – page 7	Sue Laing
August 2011	Responsibilities - page 7	Sue Laing
August 2011	Include Chiefs of Services	Sue Laing
August 2011	Include reference to Company Secretary	Sue Laing
August 2011	Appendix 1 – changes to declaration form	Sue Laing
September 2011	6 Responsibilities – reference to Cluster Chief Executive	Sue Laing

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Policy for the Acceptance of Gifts and Hospitality

1 Introduction

Primary Care Trusts (PCTs) are required to have in place a policy on the acceptance of gifts and hospitality, and as a public sector organisation, the PCT has a duty to ensure that its resources are utilised effectively. The arrangements outlined within this policy apply to all staff employed by NHS Sheffield and for those carrying out work on behalf of or at the request of the PCT will be expected to conform with this policy.

2 Purpose

The purpose of this policy is to provide guidance to staff on the action that can, or should, be taken in the event that they are offered gifts and/or hospitality. There is a limited set of exceptions and this policy sets out the standards and procedures that staff should follow to protect both them and the organisation.

3 Policy Statement

This policy supports a culture of openness and transparency in the PCT's business transactions. The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS Trusts in relation to gifts and hospitality:

- Standards of Business Conduct for NHS Staff¹
- Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions²
- Code of Conduct for NHS Managers³
- Commercial Sponsorship – Ethical Standards For The NHS
- The Bribery Act 2010

The policy should also be read in conjunction with the PCT's Commercial Sponsorship Policy.

4 Scope

- 4.1 The policy applies to all employees of NHS Sheffield and any staff who are seconded to the PCT, contract and agency staff and any other individual working on PCT premises.
- 4.2 The policy also applies to members of the Board and its Committees.
- 4.3 Staff employed by the PCT should also refer to their respective professional codes of conduct relating to the acceptance of gifts and hospitality.

¹ Standards of Business Conduct for NHS Staff – HSG(93)5, Department of Health, Jan 1993
<http://www.dh.gov.uk/en/AdvanceSearchResult/index.htm?searchTerms=Standards+of+Business+Conduct+for+NHS+Staff>

² Sheffield PCT Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions – see paragraph 29 <http://www.sheffield.nhs.uk/about/resources/sosfi0411.pdf>

³ Code of Conduct for NHS Managers, Department of Health, Oct 2002
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH_4097226

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5 The Law

5.1 Under the Bribery Act 2010 (Act) it is an offence for employees to:

- Pay bribes: to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so; and/or to
- Receive bribes: to receive a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.
- Fail to prevent bribery: an organisation is guilty of an offence if an associated person, ie someone who performs services on behalf of the organisation, bribes another person intending to obtain or retain business or a business advantage.

“Relevant function or activity” includes any function of a public nature and any activity connected with a business. The employee performing the activity is required to perform it in good faith or impartially or be in a position of trust. Conviction under the Act is punishable by imprisonment for a maximum term of 10 years.

5.2 In certain circumstances, these offences could be committed as a result of a gift consideration being accepted by a friend or relative as well as by a member of staff.

6 Responsibilities

Cluster Chief Executive

The Chief Executive has overall accountability and responsibility for implementation of this policy.

Chief Operating Officer

The Chief Operating Officer has delegated responsibility for day-to-day management of the Acceptance of Gifts and Hospitality Policy.

Directors/Associate Directors/Chiefs of Service/ Heads of Service

Directors/Associate Directors/Chiefs of Service / Heads of Service must ensure that managers within their directorate, clinical and non clinical are made aware of the provisions set out within the policy and is implemented within their directorate, in particular:

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

Company Secretary

The Company Secretary 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.
- Preparation of the Gifts and Hospitality Annual Report and presentation to the Board

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Managers

Managers are responsible for ensuring that their staff are aware of, and adhere to, the policy.

Employees

All staff are responsible for following the policy and for declaring any receipt of gifts or hospitality covered within the confines of this policy.

7 Equality and Diversity

The PCT is committed to:

Eliminating discrimination and promoting equality and diversity in its policies, procedures and guidelines, and

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

To ensure the above, this policy has been Equality Impact Assessed.

8 Receipt of Gifts and Hospitality Guidance

8.1 Casual Gifts, including gifts from patients

Any gift, or offer of a gift which is perceived to exceed £25 must be declared and entered onto the Gifts and Hospitality Register.

Casual gifts by contractors or others, e.g. at Christmas time, must not be in any way connected with the performance of duties. Items of low intrinsic value such as diaries and other items of work related stationery and equipment may be accepted and need not be recorded in the Register.

It is acceptable to receive other small value items, for example from a patient or relative in appreciation of the treatment and care received, or seasonal items, if it is made clear to the person offering the gift or hospitality that it is accepted on behalf of the team or department (and indeed, is shared with colleagues) or is donated to the PCT's Charitable Fund.

In cases of doubt advice must be sought from your line manager and in no case, must a gift be accepted without prior written approval of the Manager if the estimated value of the gift exceeds £25. If a gift falls outside of identified 'small value items' and arrives without warning, it must be handed over to the appropriate Director who will decide whether the gift should be returned (or passed on to a charity or good cause) and will ensure that the donor is informed of what has happened.

8.2 Cash

Under no circumstances must staff accept personal gifts of cash, even below the £25 limit. It is permissible for staff to accept cash donations to the Trust's charitable funds, subject to a receipt being issued and the cash being banked through the PCT's finance department.

8.3 Hospitality

All offers of hospitality should be approached with caution. Modest hospitality, for example, a drink and sandwich during a visit or a working lunch is normal and reasonable and does not

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require approval of a manager. Offers of hospitality relating to theatre evenings, sporting fixtures, or holiday accommodation, or other hospitality must be declined.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public body and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the PCT. Particular care must be taken when dealing with contractors, developers and firms or individuals in a comparable position.

9 Register of Gifts and Hospitality

If after referring to the above guidance, it is necessary for a member of PCT staff to declare an acceptance **or refusal** of gifts or hospitality, the following steps should be taken to ensure full compliance with this policy:

- Inform your manager or director
- In cases of doubt ask for guidance on acceptance or refusal of the gift or hospitality
- Complete the proforma attached at Appendix 1 of this policy, supplying full detail of the gift/hospitality and estimated value.

The completed form should be returned to the Company Secretary who will ensure the information is documented within the Acceptance of Gifts and Hospitality Register. A copy of the register is available on the intranet <http://nww.sheffield.nhs.uk/about/publications.php>

The Company Secretary will prepare the Gifts and Hospitality Report which will be submitted to the Board/CCG as necessary.

10 Breaches of Policy

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

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Appendix 1 - Declaration of Offers and Receipt of Gifts and Hospitality Form

SECTION 1: Personal Details			
Title:		Surname:	
		Forename:	
Directorate/Service:			Location:
Job Title:		Telephone:	
SECTION 2: Receipt/Offer of Hospitality and Gifts			
Nature of Benefit offered:			
VALUE:			
Company or individual from which offer received:			
Name of company representative (if applicable):			
Was the gift/hospitality accepted?		YES/NO	
Signed		Date:	
SECTION 3: Authorisation (For Completion by Line Manager/Supervisor)			
Title:		Surname:	
		Forename:	
Directorate/Service:			Location:
Post:			
Signed		Date:	
SECTION 4: AUTHORISATION BY COMPANY SECRETARY			
Signed		Date:	
Name:		Job Title:	
Date entered onto Gifts and Hospitality Register		Reference No	

Return completed form to: Company Secretary, 722 Prince of Wales Road, Darnall, Sheffield S9 4EU

Appendix 2 - Full equalities impact assessment

Directorate:

Corporate Services

Service:

Corporate Services

Piece of work being assessed:

Policy for the Acceptance of Gifts and Hospitality

Aims of this piece of work:

Name of lead person:

Sue Laing

Other partners/stakeholders involved:

Date of assessment:

Sept 2011

Who is intended to benefit from this piece of work?

All staff.

Single Equality Scheme strand	Baseline data and research on the population that this piece of work will affect What is available? What does it show? Are there any gaps? Use both quantitative and qualitative research and user data Include consultation with users if available	Is there likely to be a differential impact? Yes or no
Gender		
Race		
Disability		
Sexual orientation		
Age		
Religion/belief		
Human Rights	Will this piece of work impact on anyone's human rights?	

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Equalities Impact Assessment Action Plan

Strand	Issue	Action required	How will you measure the impact/outcome?	Timescale	Lead