

### SPONSORSHIP, GIFTS & HOSPITALITY POLICY

1	<b>POLICY DRAFTED BY:</b>	<b>GOVERNING BODY SECRETARY</b>
2	<b>ACCOUNTABLE DIRECTOR:</b>	<b>DIRECTOR OF QUALITY &amp; INTEGRATED GOVERNANCE</b>
3	<b>APPLIES TO:</b>	<b>ALL STAFF, MEMBERS OF THE GOVERNING BODY AND ITS COMMITTEES, AND CLINICAL LEADS</b>
4	<b>COMMITTEE &amp; DATE APPROVED:</b>	<b>AUDIT COMMITTEE 12 NOVEMBER 2015</b>
5	<b>VERSION:</b>	<b>2</b>
6	<b>RELATED DOCUMENTS:</b>	<b>CONFLICTS OF INTEREST POLICY ANTI-FRAUD POLICY BRIBERY POLICY MEDICINES POLICY</b>
7	<b>DATE OF IMPLEMENTATION:</b>	<b>12 NOVEMBER 2015</b>
8	<b>DATE OF NEXT REVIEW:</b>	<b>MAY 2017</b>

### DOCUMENT CONTROL

<b>Date</b>	<b>Version</b>	<b>Action</b>	<b>Amendments</b>
3 April 2013	1	Policy first implemented	N/A
12 November 2015	2	Policy approved by the Audit Committee	Updated from previous 'Gifts and Declarations of Interests Policy' (now two separate policies). Incorporates recommendations from Local Counter Fraud Service.

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## 1. SUMMARY

- 1.1.1. This document sets out Islington Clinical Commissioning Group's (the CCG's) policy for maintaining high ethical standards in the acceptance of gifts and hospitality. It also applies to offers of sponsorship.
- 1.1.2. The aim of this policy is to ensure that the CCG is impartial and honest in the conduct of its business. Having a policy and adhering to that policy will protect those to whom it applies from any suspicion of corruption, and protect the reputation of the CCG.
- 1.1.3. The policy explains what the CCG expects of organisations that work with the CCG in terms of standards of behaviour when conducting business. It also sets out the requirements with which each person that falls within its scope must comply to ensure they are not placed in a position which compromises, or appears to compromise, their integrity or that of the CCG. It cannot cover all situations or circumstances and therefore individuals are required to be thoughtful in their dealings in matters that might compromise their own or the CCG's reputation or ethical standards.

## 2. INTRODUCTION

- 2.1.1. The CCG's policy is underpinned by national guidance – HSG (93) 5 'Standards of Business conduct for NHS Staff, and in statute by the Bribery Act 2010.
- 2.1.2. The CCG is a public body and as such has a duty to ensure that:
- All its business dealing are conducted to the highest standards of openness, honesty and probity;
  - The interests of the CCG and patients come first; and
  - Public funds are properly safeguarded.
- In particular, staff should ensure they **do not**:
- Abuse their official position for personal gain or to benefit their family or friends;
  - Misuse any financial procedures of the CCG for personal gain;
  - Remove items of CCG property without authorisation; and
  - Seek to gain advantage or further private or business interests in the course of their official duties.
- 2.1.3. Staff are expected to comply with this policy and ensure they:
- Abide by the rules regarding the acceptance of gifts, hospitality and sponsorship;
  - Inform the Director of Quality and Integrated Governance if they suspect they have been offered a gift or hospitality or sponsorship with corrupt intent.
- 2.1.4. The Bribery Act does not aim to criminalise reasonable or proportionate hospitality or to prevent activities that benefit the CCG and patients. One of the objectives of this policy is to ensure that all those to whom it applies are aware of their responsibilities and when doing business they take appropriate action to ensure they do not engage in any corrupt activities that could damage the reputation of the CCG.

### **3. SCOPE**

- 3.1.1. This policy must be adhered to by all staff, members of the Governing Body and its committees, and clinical leads.
- 3.1.2. The term 'staff' includes individuals who are:
- employed under a contract of employment with the CCG;
  - unpaid volunteers of the CCG;
  - not employed by the CCG but who exercise functions on its behalf e.g. non-NHS contract staff, staff of the Commissioning Support Unit etc.
- 3.1.3. Where this policy covers individuals whose main employer is not the CCG it will seek assurance that their employing organisation has appropriate arrangements in place on bribery.
- 3.1.4. It also covers any persons associated with suppliers of goods or services to or on behalf of the CCG. The relevant executive director shall ensure that any person who is performing services on behalf of, or providing goods to, the CCG understands its policy.
- 3.1.5. Any breach of this policy will be taken seriously and in the case of staff may lead to disciplinary action up to and including dismissal as outlined in the CCG's disciplinary policy and procedures. Furthermore a breach of the provisions of the Bribery Act 2010 also renders individuals liable to criminal prosecution.
- 3.1.6. Where this policy is not adhered to in reference to cases of fraud and corruption non-compliance will be dealt with in accordance with the CCG's fraud policy.
- 3.1.7. For the purposes of this policy, the CCG has designated the Director of Quality and Integrated Governance as responsible for carrying out a range of functions. However it is important to note that none of the requirements in this policy contradicts or conflicts with an individual's rights as set out in the CCG's whistleblowing (raising concerns and freedom of speech) policy, nor is anything contained in this policy deemed as overriding the CCG's legal duty to comply with the Freedom of Information Act.
- 3.1.8. This policy is deemed to be an integral part of the CCG's Standing Orders and Prime Financial Policies, and should be read in conjunction with them. These documents also require individuals to act with integrity at all times.
- 3.1.9. It should be noted that this policy does not replace or substitute any professional or other codes of conduct that individuals are obliged to follow.

### **4. COMMUNICATION**

- 4.1.1. This policy and the associated declaration form will be made available on the CCG's intranet, or copies of the form can be requested from the Business Support Team. A copy of this policy will be given to Governing Body members on appointment.

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- 4.1.2. This policy will be drawn to the attention of newly appointed CCG employees in the staff induction programme. Reminders to raise awareness of key aspects of this policy will be sent via email or otherwise at least every six months.
- 4.1.3. Executive directors are responsible for the implementation of this policy, and for ensuring that all staff under their direction are made aware of this policy directly. Those teams involved in aspects of procurement will be asked to draw its content to the attention of suppliers and contractors where practicable and appropriate.
- 4.1.4. If staff are in any doubt about matters concerning this policy they should seek advice from their executive director in the first instance. Any individual who provides advice to staff under this policy should record the advice given in writing by either email or letter and keep a copy as this may be required for audit purposes.
- 4.1.5. Advice on this policy and its applicability should be directed to the Director of Quality and Integrated Governance.

## **5. MONITORING OF THE POLICY**

- 5.1.1. A Sponsorship, Gifts and Hospitality Register will be held centrally by the CCG Governing Body Secretary, recording all offers of gifts, hospitality and sponsorship accepted or refused by staff.
- 5.1.2. The Director of Quality and Integrated Governance will carry out a periodic review of the register, taking into account any significant changes to contracts or suppliers which may have resulted from, or be perceived to have links with, the disclosures made. A report of the review will be made annually to the Audit Committee.
- 5.1.3. Internal audit will be invited to undertake a periodic review of compliance with this policy.
- 5.1.4. The outcome of audit findings and monitoring will be incorporated into a biennial review of the policy.

## **6. DECLARATIONS OF SPONSORSHIP, GIFTS AND HOSPITALITY**

### **6.1. LEGAL POSITION – THE BRIBERY ACT 2010**

- 6.1.1. All those to whom this policy applies are required to exercise high standards of honesty and probity in the course of all their dealings on behalf of the CCG to avoid corrupt practices. Additional requirements are placed on individuals by the Bribery Act 2010.

The Bribery Act 2010 defines bribery as:

- Two general offences – (1) offering or giving a bribe to induce someone to behave, or reward someone for behaving, improperly and (2) requesting or accepting a bribe either in exchange for acting improperly, or where the request or acceptance is itself improper.
- A new corporate offence – negligently failing to prevent bribery by being given or offered a bribe by an employee or agent or other associated person on behalf of an organisation in order to obtain or retain business for that organisation;
- Bribing a foreign official.

- 6.1.2. An organisation has a defence against the corporate offence of failing to prevent bribery if it can show that it has in place 'adequate procedures designed to prevent persons associated with the organisation from undertaking such conduct'. Under Guidance published by the Secretary of State, evidence of 'adequate procedures' includes having in place a code of conduct that appropriately reflects the Guidance, and ensuring its personnel are fully conversant with the risks, and adequately trained.
- 6.1.3. Bribery is a damaging practice that affects both private and public sector organisations. The CCG has a zero tolerance approach towards bribery and will uphold all laws relevant to countering bribery and corruption.
- 6.1.4. If individuals have personal, financial or other problems they may be more vulnerable to offers of inducement which may come in the form of gifts, hospitality and sponsorship than they would otherwise be. It is in the interest of individuals to discuss such matters in confidence to avoid unwarranted suspicion.
- 6.1.5. All those covered by this policy are encouraged to raise concerns about any issue or suspicion of bribery at the earliest possible stage. If they are unsure whether a particular act constitutes bribery, or have any other queries relating to bribery, they should raise them with the Director of Quality and Integrated Governance.
- 6.1.6. Individuals should inform the Local Counter Fraud Specialist for the CCG or the Director of Quality and Integrated Governance as soon as possible if they are offered a bribe, or are asked to make one, or suspect that this may happen in the future or have knowledge of such activity.

## **6.2. POLICY**

- 6.2.1. Other than in limited circumstances (see section 6.4) the receipt of goods, hospitality, loans, benefits in kind and sponsorship that provide no direct benefit to the CCG is not acceptable and should generally be refused and declared. This includes but is not limited to:
- Goods or services for private use
  - Payment by business contacts to subsidise social events
  - Discounts on products – with the exception of those offered to all staff through the Media Team
  - Tickets to cultural or sporting events - with the exception of those offered to all staff through the Media Team
  - Use of a flat or other accommodation
  - The offer of a holiday or other similar inducement
  - Payment by suppliers in support of a specific event or work programme.
- 6.2.2. Any offer of money, whether in the form of cash, cheque or as vouchers for the purchase of goods, must be refused. Any such offer should be refused with a letter from the recipient explaining that he/she is prohibited from accepting money.
- 6.2.3. Where exceptionally a gift in kind is offered and accepted, the acceptance of that gift must be justified. In accepting a gift the recipient should think about the context in which the gift has been offered and/or the effect that accepting the gift will have on his/her position. Whether a gift is accepted or declined, it must be declared.
- 6.2.4. Offers to pay travel, subsistence and related costs to visit premises or attend

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events organised by a third party (e.g. a contractor or supplier) should be refused unless there is a clear benefit to the CCG and this can be demonstrated. Any offer must be declared whether it is accepted or refused.

6.2.5. Individuals should also pay particular attention to the circumstances in which hospitality is offered. For example, the acceptance of hospitality from an individual or organisation on the occasions listed below is never acceptable and offers must be refused and reported.

- During a related tendering exercise
- Where a related contract is due to come to an end
- Where the performance of a contract is in question
- 'Linked sponsorship arrangements' whereby external sponsorship is linked to the CCG procurement of goods and services
- Other circumstances where acceptance might compromise the individual or the CCG.

6.2.6. Where an individual believes an organisation has offered gifts, hospitality or sponsorship in expectation of something in return this must be reported to the Director of Quality and Integrated Governance, as this could be considered an inducement under the Bribery Act 2010.

### **6.3. REFUSING A GIFT OR OFFER OF HOSPITALITY OR SPONSORSHIP**

6.3.1. Any gift or offer should be refused within five working days and must be returned with a letter from the recipient explaining politely that he/she is prohibited from accepting gifts etc. The offer should be declared using the Sponsorship, Gifts and Hospitality Form at Appendix A, and a copy of the letter should be attached.

### **6.4. WHAT MAY BE ACCEPTED**

#### **6.4.1. Gifts from patients**

A gift from a patient up to a value of £25 (not money, vouchers or cheques) may be accepted when offered as a token of appreciation for services they have received – indeed in some circumstances it would be discourteous not to. These gifts do not need to be declared.

If a gift from a patient is offered as a token of appreciation but is judged to have a value of above £25 the recipient must discuss with their line manager whether it can be accepted. Gifts of over £25, whether accepted or refused, must be entered on to the Sponsorship, Gift and Hospitality Register.

These items should generally be retained in the workplace.

Where an individual believes they have been offered a generous gift to secure preferential treatment for a patient the gift should both be refused and declared, and the Director of Quality and Integrated Governance should be informed.

#### **6.4.2. Gifts from external organisations**

Small, unsolicited tokens to a value of £25 may be accepted. This might include:

- Inexpensive or trivial promotional material such as diaries, calendars, mugs or other stationery goods which display the provider's name where the intention is general advertising not specifically related to the CCG.
- A conventional personal gift such as chocolates or flowers.

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- Work-related publications.

These items should generally be retained in the workplace and do not need to be declared.

If several small tokens are given to an individual or department from the same or a closely related source within any one year this matter should be referred to the line manager who should discuss the issue with the Director of Quality and Integrated Governance as soon as possible. It should also be noted that although the current limit is set at £25, the acceptance of any gift may require an explanation, even if it is of a lower value.

There are occasions when it would not be proper to refuse a gift, for example if the CCG deals with a foreign company or organisation where the 'cultural custom and practice' is to exchange gifts. In these circumstances guidance should be sought from the Director of Quality and Integrated Governance. However, any significant gifts which cannot be refused should be disposed of appropriately – given to charity for example – and the disposal declared along with the acceptance of the gift.

#### 6.4.3. **Hospitality**

This policy does not apply to hospitality provided to those authorised to attend externally organised courses, conferences or seminars paid for by the CCG, providing that the hospitality is included in the overall cost of the attendance fee and available to all the attendees or, if a 'large event', available to the majority of attendees.

It also does not apply to permissible expense incurred whilst on official business.

Hospitality must be secondary to the purpose of any meeting or event, and should only be accepted where there is a genuine link to the CCG's working arrangements and/or a bona fide business purpose can be demonstrated. Some examples include:

- Attending a corporate reception/event to network
- A meeting/event hosted by one of the CCG's external partners to develop a sounder working relationship
- An industry or society function. (If one attends a function as a registered member of that society there is no requirement to declare);
- Speaking in a professional capacity at a conference or event.

The level of hospitality offered should be proportionate and not give rise to inference of impropriety. It must be reasonable and appropriate to both the occasion and to the business conducted by the CCG; and the costs involved must not exceed that level which the recipients would normally incur when paying for themselves, or that which could not be reciprocated by the CCG.

As with gifts, individuals are expected to use their judgement when they are offered and accept hospitality from external organisations. They must be able to demonstrate that the appropriateness and/or frequency of hospitality can be justified.

Any payment received by an individual for speaking at conferences in CCG time should be paid to the CCG.

### 6.5. **DECLARING A GIFT OR AN OFFER OF SPONSORSHIP OR HOSPITALITY**

- 6.5.1. Any offer of a gift or hospitality must be declared, whether accepted or refused, using the Sponsorship, Gifts and Hospitality Form attached as Appendix A. This is also available on the intranet.

## **7. RELATED POLICIES**

7.1.1. This policy should be read in conjunction with the following NHS Islington Clinical Commissioning Group policies and procedure documents:

- Conflicts of Interest Policy
- Bribery Policy
- Anti-Fraud Policy
- Medicines Policy
- Prime Financial Policies
- Standards of Business Code of Conduct.

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Appendix: A

## REGISTER OF SPONSORSHIP, GIFTS AND HOSPITALITY DECLARATION FORM

Date sponsorship, gift or hospitality received	Details of sponsorship, gift or hospitality	Reason for acceptance / refusal

I confirm that the information provided on this declaration form is true and complete.

Signed: \_\_\_\_\_

Countersigned: \_\_\_\_\_ (Line Manager)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please return to: Governing Body Secretary  
Islington Clinical Commissioning Group  
Ground Floor  
338-346 Goswell Road  
London, EC1V 7LQ