

Clinical Commissioning Group

Before using this policy, please ensure that you are using the most up to date version

Gifts, Hospitality and Sponsorship Policy

1	SUMMARY	This policy defines NHS Enfield Clinical Commissioning Group's procedure for receipt of gifts, hospitality and sponsorships.			
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3	ACCOUNTABLE OFFICER:	Aimee Fairbairns - Director of Service Quality and Integrated Governance			
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4	APPLIES TO:	All ECCG Governing Body Members, staff and member practices			
5	GROUPS/ INDIVIDUALS WHO HAVE OVERSEEN THE DEVELOPMENT OF THIS POLICY:	Aimee Fairbairns – Director of Service Quality and Integrated Governance. Bridget Pratt – Governance and Risk			
6	GROUPS WHICH WERE CONSULTED AND HAVE GIVEN APPROVAL:	Chief Finance Officer, Chief Officer, Audit Committee Chair, CCG Chair, Head of QIPP, Clinical Director, Head of Communications & Engagement, Director of Quality & Integrated Governance, Director of Strategy & Partnerships, , Corporate Services Manager, Head of Prescribing, HR Business Partner, Staff Side Representative, Risk Manager & Governance Manager, Board Secretary.			
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12	DISSEMINATED TO:	All NHS Enfield CCG Governing Body members, staff and member practices
13	DATE OF IMPLEMENTATION:	30 July 2014
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Document Control

Date	Version	Action	Author
12.06.14	1	Revised Policy by combining Gifts, Hospitality, Sponsorship with Declarations of Interests	Bridget Pratt – Head of Governance & Risk
11.07.14	1.1	Further revision with comments from meetings so far and adding additional relevant sections from policies of other NHS organisations	Vivienne Ahmad – Interim Board Secretary
18.05.15	1.2	Main revisions proposed include removal of Conflicts of Interest/ Declarations of Interest as these will be part of the new CoI Policy. Reviewed by Directors meeting prior to submission to Audit Committee & Governing Body.	David Triggs – Board Secretary

“The CCG incorporates and support the human rights of the individual as set out in the European Convention on Human Rights and the Human Rights Act 1998

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1. Introduction

NHS Enfield Clinical Commissioning Group (hereafter referred to as “Enfield CCG” or “ECCG”) is committed to high standards of corporate and personal conduct based on the recognition that patients come first. This policy gives details of how gifts, hospitality and sponsorship must be declared and managed so that the CCG is protected from any perception of wrongdoing.

2. Purpose

Officers and members of public bodies are subject to the provision of special legislation and codes of conduct designed to protect the public interest and public confidence. In addition NHS bodies are expected to maintain compliance with the Department of Health’s core standards in relation to honesty, probity and accountability. This policy has been developed to ensure compliance with legislative requirements, the CCG Standing Orders, Reservation & Delegation of Powers, and Standing Financial Instructions. This policy should be read in conjunction with the Enfield CCG Conflicts of Interest Policy and the ECCG policy and guidance for joint working with the pharmaceutical industry.

The policy will ensure that Governing Body members, staff and member practices:

- Are aware of the need to act impartially in all of their work
- Protect themselves and their colleagues against the possibility of accusations of corruptive practice
- Uphold the established principles of business conduct within the NHS and the public sector
- Uphold the reputation of Enfield CCG and its staff in the way it conducts its business
- Uphold the principles of openness, honesty and probity.

3. Guiding Principles

NHS staff should ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties.

The aim of this policy is to ensure that Enfield CCG is impartial and honest in the conduct of its business. Having a policy and complying with the policy will help to protect staff from any corruption, and protect the reputation of the Enfield CCG.

It cannot cover all situations or circumstances and therefore staff are required to be thoughtful in their dealings in matters that might compromise their own or Enfield CCG’s reputation or ethical standards.

Any employee or member of Enfield CCG should treat with caution any offer or gift, favour or hospitality that is made to them personally. This includes offers of intangible gifts such as offers to receive indirect services, for example, house or

garden maintenance. Staff who are in doubt as to whether accepting or declining an offer of hospitality or a gift is appropriate should seek advice from their line manager and if further clarification is required from the Board Secretary.

Every employee or member of Enfield CCG is personally responsible for all decisions connected with the acceptance or offers of gifts or hospitality and for avoiding the risk to public confidence. Openness in declaring and recording these matters is a safeguard for staff who might otherwise be perceived to be receiving a personal and direct benefit in contravention of the CCG's Constitution. Failure to comply with this policy may result in disciplinary action being taken against the individual concerned.

4. Legislation

NHS and other public bodies are subject to the provision of special legislation, guidelines and codes of conduct designed to protect the public interest and public confidence. This particular legislation is contained in:

- The Code of Conduct for NHS managers (Department of Health – October 2002)
- Department of Health circular HSG (93) 5 'Standards of Business Conduct for NHS Staff'
- Companies Act 2006 – Directors Duties (The duty not to accept benefits from third parties: Section 176 of CA 2006)
- The ABPI Code of Professional Conduct relating to hospitality / gifts from pharmaceutical / external industries.

- **The Health and Social Care Act 2012** sets out clear requirements for CCGs to make arrangements for managing conflicts of interest and potential conflicts of interest, and to ensure they do not affect or appear to affect the integrity of the CCG's decision making processes. This policy meets the legal duty under Section 140 (conflicts of interest) of the National Health Service.

- **The Bribery Act 2010** which came into force on 1 July 2011 provides a modern legal framework to combat bribery not only in the UK but internationally. The Bribery Act defines Bribery as:

Two general offences:

1. Offering or giving a bribe to induce someone to behave, or reward someone for behaving, improperly
2. Requesting or accepting a bribe 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 by an employee or agent or other associated person on behalf of that organisation in order to obtain or retain business for that organisation.

Bribing a foreign official.

Under the Bribery Act, any money or consideration received by an employee from a person or company seeking a contract within Enfield CCG will have been deemed to have been received under a bribe.

Enfield CCG asserts that bribery and corruption are incompatible with good governance and the delivery of good healthcare. All staff who deal with private companies should make clear

to them that Enfield CCG has appropriate systems in place to detect any corrupt payments, benefits or other actions and will take appropriate preventative and enforcement measures.

The Bribery Act does not aim to criminalise reasonable or proportionate hospitality or to prevent activities that benefit Enfield CCG and its patients. One of the objectives of this Policy is to ensure that staff are aware of their responsibilities and when doing business they take appropriate action ensure they do not engage in any corrupt activities that could damage the reputation of Enfield CCG.

Staff should inform the Board Secretary 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.

5. Definitions

Hospitality	Hospitality includes the reception and entertainment of principals, guests or visitors, through membership clubs, conventions, attractions, special events, and other services such as food or entertainment.
Corruption	In the context of the policy this can be described as an impairment of integrity, virtue, or moral principle; inducement to wrong by improper or unlawful means (as bribery) or a departure from the original or from what is pure or correct.
Gift	Gift is something given voluntarily without payment in return, as to show favour toward someone, honour an occasion, or to make a gesture of reward for assistance rendered; a present.
Register of Gifts & Hospitality	This document is a record of any declarations made by staff in relation to gifts and/or hospitality whether this is accepted or declined.
Bribery	This is defined within the Bribery Act as a financial or other type of advantage that is offered or requested intending to induce another person to perform improperly one of their functions in their position of trust or responsibility, or as a reward for improper performance. In essence, bribery is offering an incentive or reward to someone to do/for doing something that they would not normally do.
Sponsorship	Sponsorship is a cash and/or in-kind fee paid. It includes an offer by the sponsor to make a donation to the cause with purchase of its product or service. Unlike philanthropy, money spent this way is a business expense, not a donation, and is expected to show a return on investment.

6. Roles and Responsibilities

6.1. NHS Enfield CCG Governing Body

ECCG Governing Body members are responsible for ensuring that they comply with this policy by making declarations on an annual basis. They should also highlight any further declarations as they may arise outside of this process.

6.2. Chief Officer

The Chief Officer has overall responsibility for ensuring that all Enfield CCG staff comply with this policy by making declarations as and when they arise.

6.3. All Enfield CCG Staff and Governing Body Members

All Enfield CCG staff are responsible for ensuring that they comply with this policy by completing the relevant documentation as circulated by the Board Secretary on an annual basis. They should also highlight any further declarations as they arise outside of this process.

6.4. The Audit Committee

The Audit Committee is responsible for implementing and monitoring the process for declarations of gifts, hospitality and sponsorship.

6.5. Member Practices and Locality Clinical Leads

All member practices are responsible for keeping themselves informed about the contents of this policy and the guidance from the NHS England with regard to the management of conflicts of interest. Locality Clinical Leads have a particular responsibility to ensure that Enfield CCG business conducted at locality level observes the standards set out in this policy to the same degree of rigour as expected at CCG Governing Body level.

The Board Secretary will be responsible for maintaining a Register of Interests at locality level.

Locality Clinical Leads are responsible for ensuring that declarations of interest are made at the commencement of locality meetings and in relation to each item where a member considers that he or she may have a conflict of interest. The Board Secretary must be notified of all declaration of interest.

7. Who this Policy applies to:

This policy must be adhered to by all staff (whole or part time) and the Governing Body and Committee Members.

The term Staff includes individuals who are:

- Employed under a contract of employment with Enfield CCG
- Unpaid volunteers of Enfield CCG
- Not employed by Enfield CCG but who exercise functions on behalf of e.g. non-NHS contract staff

Where this Policy covers individuals whose main employer is not Enfield CCG, it will seek assurance that their employing organisation has in place adequate procedures which are designed to prevent instances relating to Bribery.

It also covers any persons associated with suppliers of goods or services to or on behalf of Enfield CCG. (For the purposes of this policy, this relates to persons associated with subsidiaries and controlled entities, Joint Venture partners, advisors, distributors and agents of intermediaries). The CSU, on behalf of the Enfield CCG, shall ensure that any person who is performing services or providing goods to Enfield CCG understands the CCG's Gifts, Hospitality and Sponsorship Policy.

Any breach of this Policy will be taken seriously and may lead to disciplinary action up to and including dismissal as outlined in Enfield CCG's disciplinary policy and procedures. Furthermore staff are advised that a breach of the provisions of the Bribery Act 2010 also renders them liable to criminal prosecution.

Where this Policy is not adhered to in reference to cases of fraud and corruption non-compliance by staff will be dealt with in accordance with the Enfield CCG counter fraud policy.

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 Enfield 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.

Staff should note that this Policy does not replace or substitute any professional or other codes of conduct that members of staff or individuals connected with Enfield CCG are obliged to follow.

8. Policy Procedural Requirements

8.1. Hospitality

8.1.1. Hospitality offered or received by Enfield CCG, its employees, Governing Body members or others acting on its behalf

When accepting or offering hospitality to individuals or organisations outside Enfield CCG, Governing Body members and staff need to be aware of, and guard against, the dangers of misrepresentation or perception of favouritism in business dealings. Hospitality should be justifiable to Enfield CCG's auditors and other stakeholders as reasonable in the light of accepted practice in the public sector and Enfield CCG's objectives.

Staff should pay particular attention to the circumstances in which hospitality is offered. For example the acceptance of hospitality from an individual or organisation on some occasions is never acceptable and in such circumstances offers must be refused and recorded in the register e.g.

- 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 Enfield CCG procurement of goods and services
- Other circumstances where acceptance might compromise the member of staff or the Enfield CCG.

8.1.2. Declaration of Gifts and Hospitality

The general approach should be to register all Offers of gifts and hospitality. In particular offers of gifts or hospitality which are, or appear to be, of a value in excess of £25 must be declared, whether accepted or declined. Declarations should be made via the form

attached at Appendix 3 and forwarded within 5 working days to the Board Secretary. This declaration will be used to make an entry in the Register of Gifts & Hospitality.

8.2 Gifts

The general principle should be for staff and members of the Governing Body not to accept gifts. However, low value items such as pens, calendars and mugs may be acceptable. If in doubt, consult your line manager or seek further clarification from the Board Secretary and if you remain in any doubt the default position should be to refuse the gift and declare the gift in the Register of Gifts and Hospitality.

Gifts that have a value in excess of £25 should be declined and recorded in the Register.

There may be circumstances following discussion with your line manager where it is appropriate to share a gift with colleagues e.g. a tin of sweets, a box of chocolates or flowers or to gift these to a charitable organisation.

8.3 Gifts and Payments for other Activities

During the course of their work, Enfield CCG staff and office holders, for example members of the Governing Body, may receive gifts and / or payment for interviews, broadcasts, talks, lectures, undertaking surveys and written work including articles and books. Whilst involvement in interviews, broadcasts and so on is often considered as career development, all staff need to be aware that the acceptance of gifts and payments has the potential for bringing adverse scrutiny by the public and /or media.

Staff/ office holders are therefore advised to declare such gifts/payments.

If a person works for another organisation in addition to ECCG, it will first of all need to be determined whether or not ECCG's policy is applicable to that work.

The gift/payment may be kept by the person concerned if:

- The contribution was made in a personal capacity and this was made explicit in the interview/presentation/survey and so on.
- The contribution was made in a professional capacity and was not carried out in normal working hours.
- The subject was unconnected with normal duties.
- Preparation, etc. was not carried out in normal working hours.
- No Enfield CCG resources were used to prepare and deliver the interview, broadcast, survey and so on.
- Membership of Enfield CCG was not an integral part of the interview, broadcast, survey and so on.
- The appropriate line manager had given prior approval for the interview/presentation, where required.

If the line manager is not satisfied that the above conditions applied, then the gift/payment should be retained by Enfield CCG.

In respect of written material such as books and articles, where payments are made and/or royalties received, the Board Secretary must be contacted.

Advice will then be sought to determine whether the retention of payments is permissible, depending on the extent to which the intellectual property which the member of staff has invested in the writing of the book/article has stemmed from their status as a member of staff or member of Enfield CCG.

It is acknowledged that some members of staff may be required to write articles for professional and career development purposes. Whilst this is acceptable to Enfield CCG, public concerns may be raised where payment is received and staff are therefore encouraged to declare accordingly.

Where staff believe an organisation has offered gifts or hospitality in expectation of something in return this must be reported to the Board Secretary as this could be considered an inducement under the Bribery Act 2010.

8.4 Procedure for Refusing / Returning a Gift or Hospitality

- If there is any doubt about whether a gift or hospitality may be accepted, the offer should be politely and tactfully refused. In all cases a record should be kept of all gifts or hospitality offered and whether they were accepted or not. In the case of a refused gift, a letter should be written accompanying the gift thanking the individual or company for the offer and stating that Enfield CCG does have a relevant policy in place and the reason(s) why it must be returned.
- In those cases where it is judged that refusal may cause offence, the individual should discuss with their line manager on how to take the matter forward e.g. forwarding the gift to an appropriate charity or deserving cause.

In the event of any employee receiving a gift without warning which does not fall in any of the exceptions outlined below, this should immediately be given to his/her line manager. The line manager will be responsible for deciding whether the gift should be returned or whether it could be forwarded to an appropriate charity or other deserving cause. In such cases, the line manager concerned should inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

8.5. Sponsorship

8.5.1 Approval process for commercial sponsorship

Collaboration with pharmaceutical or other commercial organisations (e.g., providers of IT equipment or medical devices) can be beneficial to achieving the aims of the NHS in terms of encouraging innovation and developing education and training opportunities for healthcare professionals. This policy should be read in conjunction with the CCG document "Policy and guidance for joint working with the pharmaceutical industry".

8.6 Financial Irregularities

If, under any circumstances, financial irregularities are suspected, Enfield CCG's Local Counter Fraud Specialist (LCFS) should be contacted. Reference should be made to the CCG Anti-Bribery and Anti-Fraud Policies.

8.7 Communication and Training

- 8.7.1 Newly appointed staff will be made aware of this policy via their job descriptions as part of the induction process. Newly appointed Governing Body members will be given a copy of the Policy upon their appointment and will be informed of the Policy as part of the induction process. Reminders to raise awareness on key aspects of this policy e.g. declaration of interest reminders will be sent via email or otherwise at least every six months.
- 8.7.2 The Chair of the Governing Body, Executive Directors, managers and equivalent staff have responsibility for implementation and for ensuring that staff under their direction are made aware of this policy. Staff involved in aspects of procurement will draw the Policy and its content to the attention of suppliers and contractors.
- 8.7.3 Staff and members of the Governing Body will receive regular updates/reminders to maintain awareness of the Policy. Attention will be drawn to the [ECCG Anti-Fraud and Anti-Bribery policies](#).

9. Monitoring and Implementation of this policy

Managers will use the policy assurance form (Appendix 2) to document embedding of this policy. This policy will be implemented through the usual Enfield CCG communication process at corporate and locality level. Those departments involved in aspects of procurement will be asked to draw its content to the attention of suppliers and contractors where practicable and appropriate.

The monitoring of compliance with this policy is the responsibility of line managers. Regular updates will be given to staff and Governing Body members

10. References

- The Code of Conduct for NHS managers (Department of Health – October 2002)
- Department of Health circular HSG (93) 5 'Standards of Business Conduct for NHS Staff'
- Companies Act 2006 – Directors Duties (The duty not to accept benefits from third parties: Section 176 of CA 2006)
- Money Laundering Act 1998
- Proceeds of Crime Act 2002
- The ABPI Code of Professional Conduct relating to hospitality/gifts from pharmaceutical/external industry
- The Healthy NHS Board : Principles for Good Governance (NHS Leadership Council – February 2010)
- Managing Conflicts of Interest – Technical Appendix 1 (NHS England – February 2012)
- Model Conflicts of Interest Policy for Clinical Commissioning Group Board Members (Institute of Chartered Secretaries & Administrators – February 2012)
- Bribery Act 2010
- Managing Conflicts of Interest: Statutory Guidance for CCGs – 18 December 2014
- Enfield CCG Conflicts of Interest Policy
- Enfield CCG Anti-Fraud and Anti-Bribery Policy
- Policy and Guidance for Joint Working with the Pharmaceutical Industry

Appendix 1: Equality Impact Assessment Tool

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

The Equality Impact Assessment Tool ensures relevant equality and equity aspects of documents have been addressed either in the main body of the document or in a separate equality & equity impact assessment (EEIA). The checklist is to enable the policy lead and the relevant committee to see whether a full EEIA is required and to give assurance that the proposals will be legal, fair and equitable.

	Challenge questions	Yes/ No	What positive or negative impact do you assess there may be?
1.	Does the proposal affect one group more or less favourably than another on the basis of:		
	▪ Age	No	
	▪ Disability	No	
	▪ Gender re-assignment	No	
	▪ Marriage & Civil Partnership	No	
	▪ Pregnancy & Maternity	No	
	▪ Race	No	
	▪ Religion or belief	No	
	▪ Sex	No	
	▪ Sexual orientation (including lesbian, gay bisexual and transgender people)	No	

Appendix 2: Policy Acceptance Form

*(Confirmation that staff have read and accepted the requirements/terms detailed within the policy)**

(Title of document)

Department: Extension:.....

I have read and understood the above document and agree to abide by its content.

Name	Signature	Date

*To be retained in staff folder

Appendix 3: Declaration of Hospitality, Gifts and Sponsorship Form

Name and / or company of person offering gift / hospitality	Date Gift or Hospitality Received	Nature of gift / hospitality offered	Offer accepted or declined?	Value (estimate if unknown)	Other information (e.g. if gift was shared, put aside for raffle, etc.)	Learning/Actions Arising: _____ _____ [Please complete & state None if nothing/no action]

'I certify that the information I have given in this declaration form is correct and to the best of my knowledge. Should it later be discovered that I have given false information in order to obtain an advantage, I understand that my employment/contract could be terminated by dismissal and that I may be subject to criminal investigation.'

Name of employee.....Signature of Employee.....Date.....

Name of Line Manager.....Signature of Line Manager.....Date.....

Chief Officer / Chief Finance OfficerSignature..... .Date.....

This form must be completed and returned to the Board Secretary within five working days of offer / receipt of the hospitality or gift.

Please return this form to: The Board Secretary, Holbrook House, Cockfosters Road, Barnet, EN4 0DY