



POLICY ON OFFER OR RECEIPT OF GIFTS, HOSPITALITY and SPONSORSHIP

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Responsible Committee (Approving Body):	Audit and Governance Committees (to go to Governing Bodies on this occasion for reasons of timeliness)
Approved:	12 th September 2017
Applicable to:	<ul style="list-style-type: none">• CCG employees and individuals working for the CCG under a contract for services• Members of the Governing Bodies and their committees and sub-committees, members of the Clinical Boards / Executive and members of the CCGs' other committees and sub-committees• CCG members: GP partners (or directors where the practice is a company) and any other practice staff involved with the CCG [in connection only with their role or involvement in with the CCG]
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Version Control

Please note that the CCGs' websites version is the only version that is maintained. Any printed copies should therefore be viewed as 'uncontrolled' and as such, may not necessarily contain the latest updates and amendments.

<i>Version and Date</i>	<i>Author</i>	<i>Description</i>	<i>Circulation</i>
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1.1 Aug 2017	Sarah Dick	Minor revisions following issue of revised CCG guidance – clarification that requirements related to CCG members only in relation to their connection with the CCG (and not more widely).	Governing Bodies for approval
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1 Purpose

The NHS Airedale, Wharfedale and Craven, NHS Bradford City and NHS Bradford Districts Clinical Commissioning Groups (CCGs) must demonstrate that they have open and transparent decision making processes which are not influenced by inducements of inappropriate offers of gifts, hospitality or sponsorship.

The purpose of this policy is to set out the standards and procedures which must be followed in respect of gifts, hospitality and sponsorship. It is intended to help individuals understand their responsibilities in protecting themselves and the CCGs or their GP practice against any suggestion of inappropriate behaviour.

The Bribery Act 2010 revised the legal framework to combat bribery in the public and private sectors. It makes it an offence to receive a financial or other advantage as a reward for an improper act such as the award of a contract. A gifts, hospitality and sponsorship policy is a key tool for organisations to demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.

2 Scope & Associated Documentation

This policy applies to:

- The CCGs' employees and individuals working for the CCGs under a contract for services
- Members of the Governing Bodies and their committees and sub-committees, members of the Clinical Boards / Executive and members of the CCGs' other committees and sub-committees (excluding Council of Members / Representatives)
- The CCGs' members: GP partners (or directors where the practice is a company) and any other practice staff involved with the CCGs – but only in connection with their role or involvement in with the CCG. This policy does not apply in any other situations (e.g. gifts, hospitality or sponsorship offered or received in connection with GP practice business) for these individuals.

The policy should be read in conjunction with the following documents:

- The CCGs' Standing Orders and Prime Financial Policies
- The CCGs' Policy on Business Conduct and Management of Conflicts of Interest
- The CCGs' Anti-Bribery, Fraud and Corruption Policy
- The CCGs' Whistleblowing and Raising Concerns Policy
- The CCGs' Disciplinary Policy and Procedure

Staff should also refer to their respective professional body codes of conduct relating to acceptance of gifts and hospitality.

3 Policy Statement

This policy supports a culture of accountability, probity and transparency in the CCGs' business transactions. All CCG decision-making will be undertaken without being influenced by inappropriate inducements of gifts, hospitality or sponsorship.

As statutory NHS bodies, the CCGs will embody public service values and principles in all business the organisations conduct. High standards of corporate and personal conduct based on the principle that *patients come first*, is a requirement for all members and employees of the CCGs.

The following principles will govern the activities of the CCGs:

- Accountability:** Everything done by members and employees of the CCGs must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.
- Probity:** There should be an absolute standard of honesty in dealing with the assets of the NHS and the CCGs. Integrity should be the hallmark of all personal conduct in decisions affecting patients, staff and suppliers, and in the use of information acquired in the course of the CCGs business.
- Transparency:** There should be sufficient transparency about the CCGs' activities to promote confidence between the CCGs and their staff, patients and the public.

The CCGs will view instances where this policy is not followed as serious and may take disciplinary action against individuals as a result, which may result in dismissal. The CCGs will refer cases of potential fraud to the Local Counter Fraud Specialist for investigation.

4 Definitions

The definition of 'Gifts' is:

Any item of cash or goods or any service, which is provided for personal benefit, free of charge or at less than its commercial value.

The definition of 'Hospitality' is:

Offers of meals, refreshments, travel, accommodation and other expenses in relation to attendance at meetings, conferences, education and training or other events.

The definition of 'Sponsorship' is:

Commercial funding for courses, conferences, post/project funding, meetings, publications, etc. in connection with CCG or GP practice activities.

5 Offer and Receipt of Gifts, Hospitality and Sponsorship

If there is any doubt about whether gifts, hospitality or sponsorship should be accepted, advice should be sought in advance of receipt from the Head of Governance, who will take further advice as required from the Accountable Officer, Clinical Chair or Conflicts of Interest Guardian.

5.1 Gifts

The overarching principle applying in all circumstances is that individuals should not accept gifts that may affect, or be seen to affect, their professional judgement.

Other gifts from suppliers or contractors linked (currently or prospectively) to the CCGs' business:

- Should be declined. The person to whom the gift(s) were offered should complete a Gifts, Hospitality or Sponsorship Form (see Appendix 1) in order that the declined offer can be recorded on the Register of Gifts, Hospitality & Sponsorship.
- The exception to the above is low-cost branded promotional aids (stationery, calendars, pens, etc.) which may be accepted if they are under the value of the common industry standard (as per the Association of the British Pharmaceutical Industry), which is currently £6. Such gifts do not need to be declared.

Gifts offered from other sources (e.g. patients, families, service users, etc.)

- Gifts of cash or cash equivalents (e.g. vouchers, offers of remuneration for services) to individuals should always be declined.
- Gifts valued at over £50 should be treated with caution and only accepted on behalf of an organisation, not in a personal capacity. These gifts should be declared.
- Modest gifts under a value of £50 can be accepted and do not need to be declared.
- Multiple gifts from the same source over a 12 months period should be treated in the same way as a single gift over £50, where the cumulative value exceeds £50.

5.2 Hospitality

Overarching principles applying in all circumstances:

- Individuals should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
- Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors – these can be accepted if modest and reasonable but individuals should always obtain senior approval and declare these. Care should be taken to consider any particular sensitivities, for example if a contract re-tender is imminent.

Hospitality:

- Under a value of £25 – may be accepted and need not be declared.
- Of a value between £25 and £75 – may be accepted and must be declared.
- Over a value of £75 – should be refused unless (in exceptional circumstances) senior approval is given in advance; a clear reason should be recorded on the

Register of Gifts, Hospitality & Sponsorship as to why it was permissible to accept.

5.4 Sponsorship

Consideration should be given to the implications of any proposed sponsorship deal as high ethical standards must be adhered to at all times. Staff should consider the deal's cost and benefits and an awareness of bias generated through sponsorship and where this might impinge on professional judgement and impartiality.

CCG staff, governing body and committee members and GP member practices may be offered commercial sponsorship for courses, conferences, project funding, meetings and publications in connection with the activities which they carry out for or on behalf of the CCGs or their GP practice. All such offers (whether accepted or declined) must be declared so that they can be included on the CCGs' Register of Gifts, Hospitality & Sponsorship (where appropriate, consideration should also be given to recording such offers on the Register of Interests).

If such offers of sponsorship are reasonably justifiable and otherwise in accordance with this policy, then they may be accepted, subject to senior approval in advance.

The following principles apply to sponsorship:

- Sponsorship by external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the organisation and the NHS.
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information should be supplied to the sponsor from which they could gain a commercial advantage and information which is not in the public domain should not be supplied.
- At the CCG's discretion, sponsors or their representatives may attend or take part in the event, but they should not have dominant influence over the content or the main purpose of the event.
- The involvement of a sponsor in an event should always be clearly identified in the interests of transparency.
- Sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.
- Staff should declare their involvement with arranging sponsored events to the CCG.

6 Register of Gifts, Hospitality or Sponsorship

Any gifts, hospitality or sponsorship (other than low value items or modest hospitality as set out elsewhere in this policy) must be declared by the individual who received the offer for inclusion in the CCGs Register of Gifts, Hospitality or Sponsorship. All offers must be reported regardless of whether the item was accepted. The following information will be included in the register:

- The member of staff to whom the offer was made
- Date of offer and / or receipt
- The person or organisation making the offer
- The gift, hospitality or sponsorship offered or declined
- The estimated value of the gift, hospitality or sponsorship
- Details of previous gifts, hospitality or sponsorship offered or accepted by this individual / organisation
- Details of the officer reviewing and approving the declaration made
- Whether the offer was accepted or not
- Reasons for accepting or declining the offer

Line managers are responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for members of staff and contractors.

The CCG Chairs are responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for Clinical Board / Executive members, non-staff members of the Governing Body and the Accountable Officer.

The CCGs' Conflicts of Interest Guardian is responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for the CCG Chairs. The declaration form is attached at *Appendix 1* of this policy or can be obtained from the Governance Manager.

The completed declaration form must be forwarded to the Governance Manager for inclusion in the CCGs' Register.

The Register of Gifts, Hospitality or Sponsorship will be published on the CCGs' website and is also available for inspection by members of the public at the CCGs' headquarters.

In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and / or other information may be redacted from the publicly available registers. Where an individual believes that substantial damage or distress may be caused to him / herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing (using the form attached at *Appendix 1*). Decisions not to publish information must be made by the CCGs Conflicts of Interest Guardian who will seek appropriate legal advice where required. The CCGs will retain a confidential, un-redacted version of the register.

7 Managing and Reporting Breaches of this Policy

Any breaches or potential breaches identified will be immediately notified to the CCGs' Conflicts of Interest Guardian and will be fully investigated by the Head of Governance or, if more appropriate, independently by the CCGs' internal auditors or legal advisors. Full and confidential records of any investigation will be maintained. Reports arising from the investigation of breaches or potential breaches of the conflict of interest policy and any resulting actions to be taken will be approved by the CCGs' Conflicts of Interest Guardian.

The Head of Governance will ensure that any breaches of this policy identified are reported to the CCGs Audit and Governance Committees, along with a lessons learnt review.

All material breaches of this policy identified will also be reported:

- To NHS England (Regional Director).
- Anonymously on the CCGs websites.
- To the relevant regulator where a breach of this policy relates to a regulated healthcare professional.

When determining the materiality of a breach, the following points will be considered:

- The nature, seriousness and consequences of the breach;
- Has anyone gained an unfair advantage as a result of the breach?
- Has any final decision been made that was contaminated by the breach? When was that decision made? This has a potential impact in relation to time limits for bringing potential judicial review claims.
- Is there any appearance of bias in the decision-making as a result of the breach, in particular were any gifts / hospitality / sponsorship not declared / not dealt with appropriately?
- Has any legally binding contract been entered into by the CCGs as a result of the decision? If so, the following points will be considered:
 - o The length and value of the contract
 - o The consequences of terminating the contract, including considerations of continuity and safety of services to patients and the implications of entering into any interim service provision arrangements.

8. Responsibilities

Audit and Governance Committees

The Audit and Governance Committee of each CCG is responsible for reviewing and approving this policy.

The Audit and Governance Committees will seek assurance that there are systems and processes in place to manage offers of gifts, hospitality or sponsorship appropriately and to declare these in accordance with this policy.

The Audit and Governance Committees will receive reporting on all gifts, hospitality or sponsorship declared on the CCGs' Register of Gifts, Hospitality & Sponsorship.

The CCGs' Conflicts of Interest Guardian

The Chair of the Audit and Governance Committee acts as the CCGs' Conflicts of Interest Guardian and has a lead role in ensuring that the Governing Bodies and wider CCGs behave with the utmost probity at all times. The Chair of the Audit and Governance Committee oversees key elements of governance including the appropriate management of conflicts of interest in line with national guidance.

The Conflicts of Interest Guardian in collaboration with the CCGs' Head of Governance will:

- Act as a conduit for GP practice staff, members of the public and healthcare professionals who have any concerns with regards to conflicts of interest (including in relation to gifts, hospitality or sponsorship);
- Be a safe point of contact for employees or workers of the CCGs to raise any concerns in relation to this policy;
- Support the rigorous application of conflicts of interest principles and policies;

- Provide independent advice and judgement where there is any doubt about how to apply conflicts of interest policies and principles in an individual situation;
- Provide advice on minimising the risks of conflicts of interests.

The CCGs Conflicts of Interest Guardian is responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for the CCGs Chairs

Chief Officer (Accountable Officer)

The Accountable Officer will ensure that there are systems and processes in place to support the implementation of this policy.

CCG Chairs

The CCGs' Chairs are responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for Clinical Board / Executive members, non-staff members of the Governing Bodies and the Accountable Officer.

Line Managers

Line managers must ensure members of staff and contractors are aware of the existence of this policy and the process to be followed.

Line managers are responsible for reviewing and authorising Declaration of Gifts, Hospitality or Sponsorship forms (see *Appendix 1*) for members of staff and contractors.

Head of Governance

The Head of Governance is responsible for supporting individuals and advising on the application of this policy. Where required, the Head of Governance will seek further advice on behalf of the CCG (e.g. from legal advisors, the CCGs' Conflicts of Interest Guardian, Local Counter Fraud Specialist, etc.).

The Head of Governance will ensure all entries on the CCGs' Register of Gifts, Hospitality & Sponsorship are reported to the Audit and Governance Committee.

Governance and Corporate Manager

The Governance and Corporate Manager is responsible for ensuring that all declaration forms received are transferred to the Register of Gifts, Hospitality or Sponsorship on a timely basis and that the version of the Register held on the CCGs' websites is up-to-date.

All Individuals

It is the responsibility of all individuals to familiarise themselves with this policy and comply with the provisions set out in it.

'All individuals' refers to:

- CCGs employees and individuals working for the CCGs under a contract for services
- Members of the Governing Bodies and the CCGs' committees and sub-committees

- The CCGs' members: GP partners (or directors where the practice is a company) and any other practice staff involved with the CCGs

9. Implementation, Dissemination and Training

This policy is available to the public and all relevant individuals and organisations via the CCGs websites.

Notification that the policy has been updated and a summary of the key changes made will be sent to all those to whom this policy applies.

The following will be undertaken to ensure awareness:

- Introduction to the policy during local induction for new starters to the organisation.
- Annual reminder of the existence and importance of the policy via internal communication methods and the GP Practice Bulletin

NHS England is currently developing an on-line mandatory training package on conflicts of interest (including coverage of requirements for gifts, hospitality and sponsorship) for CCG staff, Governing Body and committee members. This is scheduled to be available during 2017. Three levels of training are proposed relating to an individual's role and the extent of their involvement with conflicts of interest management. The training package will be undertaken annually and upon induction for new appointments. Compliance with the uptake of training will form part of the CCGs' performance assessment by NHS England.

Any individuals who consider themselves in need of immediate training or further guidance should contact the Head of Governance.

10. Monitoring Compliance and Effectiveness of the Policy

This policy will be reviewed every two years. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance. Any changes to the policy will be approved by the Audit and Governance Committee.

The Audit and Governance Committees will receive reporting on all gifts, hospitality or sponsorship declared on the CCGs' Register of Gifts, Hospitality & Sponsorship.

The Audit and Governance Committees will also receive reporting on the outcome of the CCGs' annual audit of the publication of member practice Registers of Gifts, Hospitality & Sponsorship. This report will also be shared with the Primary Care Contracting team.

The CCGs monitor and review their performance in relation to the policy through a programme of internal and external audit work and through the oversight of the CCG Audit and Governance Committees. Monitoring of the implementation of and compliance with this policy will be monitored as follows:

Monitoring Criteria	Methodology	Frequency of Monitoring	Responsible Officer	Reporting Committee
All new declarations of gifts, hospitality and sponsorship to be reported to the Audit and Governance committees	Gifts and Hospitality Register to be checked against reports to Audit and Governance Committees	Annually	Governance Manager	Audit and Governance Committee

11. Public Sector Equality Duty

The Equality Act 2010 includes a general legal duty to:

- Eliminate unlawful discrimination, harassment victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not have it

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Public bodies have to demonstrate due regard to the general duty. This means active consideration of equality must influence the decisions reached that will impact on patients, carers, communities and staff.

It is no longer a specific legal requirement to carry out an Equality Impact Assessment on all policies, procedures, practices and plans but, as described above, the CCGs do need to be able to demonstrate they have paid due regard to the general duty.

The policy establishes how the CCGs will ensure best practice is followed in managing offers and receipt of gifts, hospitality or sponsorship and sets out the safeguards that will be put in place to ensure transparency, fairness and probity in decision-making. It is not believed that this policy will impact on or affect differently or adversely any of the groups with protected characteristics.

12. References

The following key documents informed the content of this policy:

- NHS England, Managing Conflicts of Interest in the NHS, Guidance for Staff & Organisations, February 2017
- NHS England, Managing Conflicts of Interest: Revised Statutory Guidance for CCGs, June 2017

APPENDIX A: Declaration of Gifts, Hospitality & Sponsorship Form

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality / Sponsorship	Estimated Value	Supplier / Offeror Name and Nature of Business	Details of Previous Offers or Acceptance by this Offeror/ Supplier	Declined or Accepted?	Reason for Accepting or Declining

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

I do / do not (delete as applicable) give my consent for this information to published on registers that the CCG holds. If consent is NOT given please give reasons:

Person offered gift / hospitality / sponsorship

I confirm that I have read the CCGs' Policy on Receipt of Gifts, Hospitality and Sponsorship and have complied with its requirements.

Signed: _____

Dated: _____

Name (printed): _____

Role: _____

Line Manager

I confirm that I have read the CCGs' Policy on Receipt of Gifts, Hospitality and Sponsorship and have approved / not approved (please delete as appropriate) the acceptance of this gift / hospitality / sponsorship.

Signed: _____

Dated: _____

Name (printed): _____

Role: _____

Please return to this form to:

Sarah Dick, Head of Governance
Millennium Business Park
Station Road
Steeton BD20 6RB

Email: sarah.dick@awcccg.nhs.uk