
Hospitality Policy

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Hospitality Policy

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- 1 Code of Conduct for NHS Managers, Department of Health, Oct 2002

1. Introduction

The purpose of this policy is to set out the standards and procedures which must be followed in respect of gifts and hospitality. It is intended to help staff, lay members and others working with the NHS Bury Clinical Commissioning Group to understand their responsibilities in protecting themselves and the NHS Bury Clinical Commissioning Group against any suggestion of inappropriate behaviour. The CCG must demonstrate that it has open and transparent decision-making processes which are not influenced by inducements of inappropriate offers of gifts and hospitality.

1.1 Bribery Act 2010

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 and hospitality 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

The policy applies to all employees of the NHS Bury Clinical Commissioning Group including, Governing Body members, Lay representatives and members of staff when undertaking work for the PCT and temporary and contract staff.

The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS organisations in relation to gifts and hospitality:

- NHS Bury Clinical Commissioning Group Standing Orders and Standing Financial Instructions
- Code of conduct for NHS Managers 2002 [1]
- Conflict of Interest Policy

2.1 Policy awareness

NHS Bury Clinical Commissioning Group will ensure that all employees are aware of the existence of this policy. 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
- Regular reports on entries into the register for the NHS Bury Clinical Commissioning Group Governing Body and Audit Committee
- Staff should also refer to their respective professional codes of conduct relating to the acceptance of gifts and hospitality.

3. Policy Statement

This policy supports a culture of openness and transparency in NHS Bury Clinical Commissioning Group's business transactions. Gifts and hospitality should not be accepted other than in exceptional circumstances as set out in this policy. The NHS Bury Clinical Commissioning Group 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 NHS Bury Clinical Commissioning Group will refer cases of potential fraud to the National Commissioning Governing Body and the Local Counter Fraud Services for investigation. Where appropriate the Police will be involved.

4. Definitions

4.1. Definition of a gift

Items of any value offered or provided in the nature of the organisation's business by anyone other than the employer.

4.2. Definition of hospitality

Food, drink, accommodation or entertainment offered or provided in the nature of the organisation's business by anyone other than the employer.

5. Receipt of Gifts and Hospitality Guidance

Although the offer of casual gifts by contractors, organisations, firms or individuals may not be in any way connected with the performance of official duty so as to constitute an offence, the offer should be nevertheless, as a general rule be declined.

5.1 Exceptions

The only exceptions to the rule are:

- Casual Gifts, including gifts from patients small gifts of office equipment or stationary given by way of trade advertisements to a range of officers or for use in the office. Nothing more elaborate than calendars, pocket diaries, rulers or blotters would fall within this exception.
- Small gifts of only token value given on the conclusion of an official courtesy visit, e.g. to a factory on other premises.
- Gifts to a member of staff or a member of their family where the donor is a personal friend.

Extreme care needs to be taken with gifts in this category, bearing in mind the legal position described above. The section is about officers' interests and deals with the

need to let senior officers know, in certain circumstances, about certain friendships with people likely to do business with the CCG.

Gifts which do not fall clearly within these exceptions and which are offered in person to a member of staff should be politely declined and the person or organisation offering it should be told of the CCG's rule about gifts.

If a gift outside the exceptions arrives without warning, it must be handed over to the appropriate senior manager to decide whether the gift should be returned (or passed to some good cause) and to ensure that the donor is informed of what has happened.

These rules apply also, of course, to offers made by firms to members of staff of discounts going beyond those on general offer

6. Cash

Under no circumstances must personal gifts of cash be accepted.

7. Hospitality

Offers of hospitality should always be approached with caution. CCG Governing Body members and members of staff should ask themselves what a member of the public, who may be critical or suspicious, might think; and offers of hospitality where suggestion of improper influence is possible must be refused. Hospitality should only be accepted when it is reasonably incidental, and on a scale appropriate to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it, and might later be thought to have affected an officer's impartiality in dealing with official matters.

Some offers of hospitality are clearly unacceptable: offers of holiday accommodation are one example. Invitations to sporting fixtures or evenings at the theatre are acceptable only when they are clearly required for the conduct of CCG business. Any hospitality on a lower scale than this may also be unacceptable. No absolute dividing line can be laid down. Therefore, clearance from the Executive Member/Accountable Officer should always be obtained prior to acceptance.

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 CCG. Particular care should be taken in dealing with contractors, developers, and firms or individuals in a comparable position.

However, it will not always be possible, or even desirable to reject offers of hospitality on a modest scale. Acceptable examples would include official hospitality of a drink

and a sandwich following a site visit; or a working lunch of a modest standard to enable the parties to continue to discuss business.

The decision whether to accept or not must depend upon the circumstances in each case. Where it is clearly evident that the work of the CCG would be facilitated, invitations to attend reception, luncheons, cocktail parties and the like may be accepted under the following rules:

- No member of staff below the rank of Executive Member or equivalent may accept an invitation without first obtaining the approval of a senior officer at that level or above. In exceptional circumstances where it is not possible to seek prior approval, the facts should be reported immediately afterwards.
- Invitations involving attendance outside normal working hours may be accepted only on the authority of a Executive Member.

8. Sponsorship

Where an organisation or individual seeks to provide sponsorship to NHS Bury Clinical Commissioning Group the principles set out in this policy concerning the acceptance of gifts or hospitality apply. Particular care must be taken when contractors or potential contractors are offering sponsorship, to avoid the appearance that providing sponsorship is linked to the awarding of any contract or other advantage. Sponsorship should not be accepted where it could subject NHS Bury Clinical Commissioning Group to criticism for giving preferential treatment to one supplier above another.

8.1 Sponsorship approval

Any offers of sponsorship must be approved by the Chief Finance Officer of NHS Bury Clinical Commissioning Group in advance.

Specific guidance on pharmaceutical sponsorship is contained with the Position Statement - Pharmaceutical Sponsorship Policy for Working with Non-NHS Organisations. Further advice in relation to pharmaceutical sponsorship should be sought from Medicines Management Team.

If there is any doubt about whether gifts, hospitality or sponsorship should be accepted, advice should be sought in advance from the Chief Finance Officer of the CCG.

9. Register of Gifts and Hospitality

NHS Bury Clinical Commissioning Group has established a Register of Gifts and Hospitality, which is held by the CCG Governance Manager. A copy of the register is available from the Governance Manager will be placed on the NHS Bury Clinical Commissioning Group's website at the end of each financial year.

Any gift, item of hospitality or offer of sponsorship must be declared by the individual who received the offer for inclusion in the Gifts and Hospitality Register. All offers must be reported regardless of whether the item was accepted. This information will be recorded in the register. The following information will be included in the register:

- the person or organisation making the offer
- the member of staff to whom the offer was made
- the gift or hospitality offered or declined
- the estimated value of the gift or hospitality

If after referring to the above guidance, it is necessary for a member of staff to declare an acceptance or refusal of gifts or hospitality, a declaration form must be completed promptly. The declaration form is attached at Appendix 1 of this policy or can be obtained from the CCG Governance Manager.

The declaration form must be returned to the CCG Governance Manager either by email from the individual making the declaration or as a signed hard copy. The CCG Governance Manager will ensure that the entry is added to the Gifts and Hospitality Register.

10. Implementation and Compliance of the Policy

10.1. Responsibilities of Managers

NHS Bury Clinical Commissioning Group managers must ensure members of staff are aware of the policy and the process to be followed.

10.2. Responsibilities of all employees

It is the responsibility of all staff, Lay and Governing Body members, to familiarise themselves with this policy and comply with the provisions set out in it.

11. Monitoring Compliance and Effectiveness of the Policy

The policy will be reviewed on an annual basis by the NHS Bury Clinical Commissioning Group Governing Body. The register will be presented for review to the CCG Audit Committee twice yearly and published on the NHS Bury Clinical Commissioning Group website. Staff will be reminded of the policy and register at least annually. The CCG Governance Manager will review register entries on a regular basis and will address any inappropriate receipt of gifts/hospitality with the relevant person or manager.

12. Training

Training to support implementation of this policy will be in accordance with NHS Bury Clinical Commissioning Group's Training Needs Analysis and the Learning and Development and Policy where relevant.

Include any committee or persons responsible for training to implement the policy, what training will be provided, frequency of training and to what timescales. Include monitoring process for training.

Gifts and Hospitality Declaration

Date Received	Name Of Recipient	Position / Base	Description of Gift / Hospitality / Sponsorship received.	Approximate Value	Organisation Providing Gift / Hospitality / sponsorship	Indicate Whether the Offer Was Accepted Or Refused

*Please include the estimated cost of travel, overnight accommodation, food provided etc etc

Return to
Board Secretary
21 Silver Street,
Bury,
BL9 0EN

Name
Position
Signature
Date