

<b>Meeting: Governing Body</b>			
<b>Meeting Date</b>	26 September 2018	<b>Action</b>	Receive
<b>Item No.</b>	13e	<b>Confidential</b>	No
<b>Title</b>	Gifts and Hospitality Policy		
<b>Presented By</b>	Chris Wild, Audit Committee Chair		
<b>Author</b>	Emma Kennett, Corporate Affairs and Governance Manager		
<b>Clinical Lead</b>	_____		

### Executive Summary

The Clinical Commissioning Group (CCG) needs to have in place a policy for managing Gifts and Hospitality, which could be perceived as a conflict of interest.

The Gifts and Hospitality Policy has been updated to reflect: -

- Administrative requirements to include the new CCG Headquarters.
- The recommendations from MIAA following the end of year assessment including clarity in respect of information governance, data protection and GDPR.
- Inclusion of explicit reference to the Executive Team approval in the level of sponsorship of an event and where sponsorship is approved that all promotional material clearly reflects that the CCG is not endorsing the products of the sponsor.

The revised policy was reviewed by the Audit Committee on the 7<sup>th</sup> September 2018 and the proposed changes were supported.

### Recommendations

It is recommended that the Governing Body: -

- Approves the revised Gifts and Hospitality Policy.

### Links to CCG Strategic Objectives

To encourage people so that they want to, and do, take responsibility for their own health and well-being.	<input type="checkbox"/>
To drive and support system wide transformation.	<input type="checkbox"/>
To commission joined-up health and social care for people in Bury through a Single Commissioning Framework.	<input type="checkbox"/>
To achieve financial sustainability for the Bury health and social care economy.	<input type="checkbox"/>
To support the Locality Care Alliance to deliver high quality services in line with commissioner intentions.	<input type="checkbox"/>

To be a high-performing, well-run and respected organisation with an empowered workforce	<input checked="" type="checkbox"/>
Does this report seek to address any of the risks included on the Governing Body Assurance Framework? If yes, state which risk below:	No
GBAF not applicable	

Implications						
Are there any quality, safeguarding or patient experience implications?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
<i>If you have ticked yes provide details here. Delete this text if you have ticked No or N/A</i>						
Has any engagement (clinical, stakeholder or public/patient) been undertaken in relation to this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
<i>If you have ticked yes provide details here. Delete this text if you have ticked No or N/A</i>						
Have any departments/organisations who will be affected been consulted ?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Are there any conflicts of interest arising from the proposal or decision being requested?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Are there any financial Implications?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
<i>If you have ticked yes provide details here. Delete this text if you have ticked No or N/A</i>						
Has a Equality, Privacy or Quality Impact Assessment been completed?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Is a Equality, Privacy or Quality Impact Assessment required?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Are there any associated risks including Conflicts of Interest?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Are the risks on the CCG's risk register?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

<b>Governance and Reporting</b>		
<b>Meeting</b>	<b>Date</b>	<b>Outcome</b>
Audit Committee	7/9/18	Supported the proposed changes to the policy for recommendation to the Governing Body.

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# Gifts and Hospitality Policy

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<b>Version:</b>	4.1
<b>Ratified by:</b>	Governing Body
<b>Date ratified:</b>	xx September 2018
<b>Name of originator /author (s):</b>	Corporate Governance
<b>Responsible Committee / individual:</b>	Governing Body
<b>Date issued:</b>	September 2018
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<b>Target audience:</b>	NHS Bury Clinical Commissioning Group Members and Staff

## Further information regarding this document

<b>Document name</b>	Gifts and Hospitality Policy
<b>Category of Document in The Policy Schedule</b>	Governance
<b>Author(s) Contact(s) for further information about this document</b>	Corporate Governance <a href="mailto:Buccg.corporateoffice@nhs.net">Buccg.corporateoffice@nhs.net</a>
<b>This document should be read in conjunction with</b>	NHS England 'Managing Conflicts of Interest: Revised Statutory Guidance for CCGs' June 2017  NHS Bury Clinical Commissioning Group Standing Orders and Standing Financial Instructions  Conflict of Interest Policy
<b>This document has been developed in consultation with</b>	Audit Committee Senior Management Team
<b>Published by</b>	NHS Bury Clinical Commissioning Group <a href="#">NHS Bury Clinical Commissioning Group (CCG)</a> Townside Primary Care Centre 1 Knowsley Place, Knowsley Street, Bury, BL9 0SN <a href="http://www.buryccg.nhs.uk">www.buryccg.nhs.uk</a>
<b>Copies of this document are available from</b>	The Corporate Office, 5th floor, Townside Primary Care Centre

## Version Control

<b>Version History:</b>		
<b>Version Number</b>	<b>Reviewing Committee / Officer</b>	<b>Date</b>
<b>2.1</b>	Reviewed in light of NHS England Guidance on Conflicts of Interest	October 2016
<b>2.2</b>	Presented to Senior Management Team for Approval	31 <sup>st</sup> October 2016
<b>3.0</b>	Approved by Governing Body	23 <sup>rd</sup> November 2016
<b>3.1</b>	Reviewed in light of changes to Statutory Guidance published June 2017	June 2017

<b>4.0</b>	Approved by Governing Body	Sept 2017
<b>4.1</b>	Audit Committee and Governing Body	September 2018
<b>5.0</b>	To be updated	TBC

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# Gifts and Hospitality Policy

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## 1.0 Introduction

1.1 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, Governing Body members and others working with the NHS Bury Clinical Commissioning Group to understand their responsibilities in protecting themselves and the CCG 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, hospitality or commercial sponsorship.

- **Bribery Act 2010**

1.2 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.

## 2.0 Scope

2.1 This policy applies to the following people:

- All CCG Employees (including apprentices, agency staff and seconded staff);
- Any self-employed consultants or other individuals working for the CCG under a contract of services;
- Members of the Governing Body and its committees including co-opted members, appointed deputies and those attending from other organisations;
- All members of the CCG – this includes all providers of primary medical services. Declarations should be made by the following groups:
- GP partners (or where the practices is a company, each director);
- Any individual directly involved with the business or decision making of the CCG.

2.2 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 England 'Managing Conflicts of Interest: Revised Statutory Guidance for CCGs' June 2017
- NHS Bury Clinical Commissioning Group Standing Orders and Standing Financial Instructions
- NHS Bury CCG Conflict of Interest Policy

## 3.0 Policy Statement

3.1 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 the circumstances as set out in this policy.

- 3.2 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. NHS Bury Clinical Commissioning Group will refer cases of potential fraud to Local Counter Fraud Services for investigation.
- 3.3 NHS Bury Clinical Commissioning Group will ensure that all employees are aware of the existence of this policy by;
- Providing an introduction to the policy during induction for new starters to the organisation and facilitating mandatory annual training for employees;
  - Issuing an annual reminder of the existence and importance of the policy via internal communication methods; and
  - Providing regular reports on entries into the register for the Audit Committee.

#### **4.0 Definitions**

4.1 The following definitions as identified in the NHS England guidance have been adopted by Bury CCG.

- ***Gift***

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

- ***Hospitality***

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

- ***Sponsorship***

4.4 This is classed as sponsorship provided for attendance at courses, conferences, post/project funding, meetings and publications in connection with the activities which they carry out on behalf of the CCG or their GP practices.

4.5 Further guidance on what constitutes sponsorship in this context will be provided by the Corporate Affairs and Governance Manager.

#### **5.0 Gifts**

- ***Overarching Principles***

5.1 CCG Staff should not accept gifts that may affect, or be seen to affect their professional judgement.

- 5.2 Any personal gift of cash or cash equivalent must always be declined, whatever their value and source. Despite being declined the offer must be declared for inclusion on the public register. The form can be found at Appendix 1 to the policy.
- *Gifts from Supplier or Contractors*
- 5.3 Gifts from suppliers or contractors doing business (or likely to do business) with the CCG should be declined whatever their value. However, low cost promotional items like stationary below the value of £6 (estimated or known cost), are permissible and do not need to be declared.
- *Gifts from Other Sources (e.g. patients, families, service users)*
- 5.4 Individuals should not actively seek gifts. Where a gift is received and it is estimated to be below £50 this may be accepted and does not need to be declared. Gifts above this limit should be treated with caution and only be accepted on behalf of the organisation. This should be made clear to the person making the offer. All gifts above the £50 limit should be declared using the form at Appendix 1 and passed to your line manager for approval.

## 6.0 Hospitality

- *Overarching Principles*
- 6.1 Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement. Acceptance must only come where there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- 6.2 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 prior approval in these circumstances.
- *Meals and Refreshments*
- 6.3 If a meal and associated refreshments falls under the value of £25 these may be accepted and need not be declared, between the value of £25 and £75 they may be accepted but must be declared on the form at Appendix 1 and passed to your line managers for checking. Offers over the value of £75 should be refused unless Executive approval is given. A clear reason must be entered on the register as to why approval was given.
- *Travel and Accommodation*
- 6.4 Modest offers to pay some or all travel and accommodation costs related to attendance at events may be accepted but must be declared.
- 6.5 Offers which go beyond modest, or are of a type that the CCG would not usually offer need approval by senior staff and should only be accepted in exceptional circumstances. A clear reason must be entered on the register as to why approval was given. Examples could include offers of business class travel or foreign travel.

## 7.0 Sponsorship

7.1 There may be times when sponsorship of NHS events or learning and development opportunities by external parties is justified. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market products and services. As a result there should be proper safeguards in place to prevent conflicts occurring.

7.2 When sponsorships are offered the following principles must be adhered to:

- Sponsorship of CCG events by external bodies should only be approved by a senior member of staff if the organiser can demonstrate a clear benefit to the CCG or wider NHS.
- During dealings with sponsors there must be no breaches of patient or individual confidentiality.
- No information should be supplied to the sponsor from which they could gain a commercial advantage.
- The involvement of a sponsor in an event should be clearly identified and the organiser must make clear that sponsorship does not equate to endorsement of the company or its products.
- Where sponsorship is accepted all promotional material will reflect the CCG is not endorsing the product or company.

7.3

- **Advice and Guidance**

If any individual requires advice and guidance on declarations to be made contact the Corporate Affairs and Governance Manager

7.4 The level of influence that a sponsor will have over the content of an event needs to be approved by the CCG's Executive Management Team in the first instance hence the appropriate advice and guidance should be sought prior to any sponsorship arrangements being made

## 8.0 Reporting Gifts and Hospitality

8.1 The individual to whom an offer of a gift/hospitality is made should declare the offer to the **Corporate Affairs and Governance Manager** at the earliest opportunity, but within at least 28 days of receipt, so that it can be recorded on the register. All offers declared need to be countersigned by the individual's line manager, with additional approval from Executives where the policy requires this.

8.2 GPs and other staff within the CCG's member practices are not required to declare offers/receipt of gifts and hospitality to the CCG which are unconnected with their role or involvement with the CCG.

## 9.0 Publication of a Register of Gifts and Hospitality

9.1 The CCG publishes a Register of Gifts and Hospitality (shown at Appendix 2),

which is held by the Corporate Affairs and Governance Manager. A copy of the register is available and will be placed on the NHS Bury Clinical Commissioning Group's website and also included as part of the CCG's annual report and annual governance statement.

9.2 Any gift, item of hospitality or offer of sponsorship described above which must be declared will be included in the Gifts and Hospitality Register. The following information will be included in the register:

- Recipient's name
- Current position
- Date of offer and/or receipt
- 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

9.3 All persons who are required to make a declaration of gifts and hospitality are advised of the need to publish this in the public domain through the provision of a fair processing notice on the declaration form. Signing the form is the way in which the consent of the individual will be gained for the publication of this information.

9.4 The CCG does recognise however that there will be occasions when the publication of personal information could cause risk or harm to an individual. Those who are required to make declarations under the policy have the right to request that their information isn't published in line with GDPR requirements.

9.5 The first stage is to complete the declaration form attached to the policy stating the reasons why publication may be detrimental. The form should be returned to the Corporate Affairs and Governance Manager. Any decisions will be made by the CCG's designated Conflicts of Interests Guardian (the Lay Member for Finance and Audit). Provisions will be made for the Conflicts of Interests Guardian to seek legal advice if they deem it necessary. If the decision is made to withhold certain information a confidential copy of the register will still be retained by the Corporate Affairs and Governance Manager.

9.6 Offers of gifts and hospitality will remain on the public register for six months (from the date of notification). The CCG will retain a private record for a minimum of six years after it is removed from the public register.

## **10.0 Responsibilities**

10.1 The following roles and responsibilities have been determined to support the management of gifts and hospitality:

### **Audit Committee**

10.2 The Audit Committee is responsible for ensuring that the policy is effectively managed and implemented along with receiving regular oversight reports.

10.3 The Audit Committee has responsibilities in relation to information governance, data protection, data protection and confidentiality (GDPR). The Committee receives regular assurances from the Information Governance Operational Group in this regard.

10.4

#### **Accountable Officer**

10.5 The Accountable Officer has overall accountability and responsibility for implementation of this policy.

#### **Directors/Deputy Directors**

Directors/Deputy Directors must ensure that managers within their directorate are made aware of the provisions set out within the policy and are implemented, in particular:

- Ensuring all employees are aware of their responsibilities, the law and the CCG's policy on acceptance of Gifts and Hospitality.
  - Ensuring approval of the level of influence a sponsor will have over the content of an event.
- 10.6
- Ensuring that breaches of policy are dealt with in a fair and consistent manner.

#### **Corporate Affairs and Governance Manager**

The Corporate Affairs and Governance Manager is responsible for:

- Advising staff on the contents of this policy;
  - Ensuring that adequate records are established;
  - Maintaining the Gifts and Hospitality Register, ensuring it is open for public inspection and scrutiny; and
- 10.7
- Preparation of the Gifts and Hospitality Reports and presentation to the Audit Committee.

#### **Employees**

All staff are responsible for:

- Following the policy.
- Declaring any receipt of gifts or hospitality covered within the confines of this policy.
- Ensuring any gifts which have been accepted are declared and reported to the Corporate Affairs and Governance Manager for entry onto the Gifts and Hospitality Register.

### **11.0 Breaches of the Policy**

11.1 Non-compliance with this policy will be deemed as a disciplinary matter and breaches of the policy will be investigated and handled in accordance with the CCG's disciplinary procedure. Where it is proven that actual fraud has taken place then criminal charges may be brought. Anonymised details of breaches will be published on the CCG's website for the purpose of learning and development.

## **12.0 Training**

- 12.1 Training will be put in place and delivered across the organisation or through the NHS England training package (expected in 2017). The CCG will ensure all those whom this policy applies to will complete the mandatory training on a yearly basis and by the 31<sup>st</sup> January deadline set out in the guidance.

## **13.0 Monitoring Compliance and Effectiveness of the Policy**

- 13.1 The policy will be reviewed on an annual basis by NHS Bury Clinical Commissioning Group. 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.

## Declaration of Gifts, Hospitality and Sponsorship

Any offer of gifts, hospitality or sponsorship should be declared at the earliest opportunity, even if they have been declined, but at least within 28 days of receipt.

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### Section 1: To be Completed by Recipient

**Recipient Name**

**Position**

**Date of Gift Received**

**Date of Hospitality**

**Date when Sponsorship Applies**

**Estimated Value**

**Details of Gift or Hospitality**

**Supplier Name and Nature of Business**

**Details of Previous Offers Made by Supplier**

The information submitted will be held by the CCG for personnel or other reasons specified on this form to comply with the organisation's Gift and Hospitality Policy. This information will 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 can confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the Corporate Affairs and Governance Manager as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make a full, accurate and timely declaration then civil, criminal, professional regulatory or internal disciplinary action may result.

I **do/do not [delete as appropriate]** give my consent for this information to be published on registers that the CCG holds. **If consent is not given please give reasons below.**

**Reasons for refusing consent**

**Signed**

**Dated**

**Section 2: To be Completed by Reviewer of Declaration (usually line manager)**

**Offer to Declined or Accepted Including Reasons**

**Name**

**Designation**

**Signed**

**Dated**

**Section 3: To be completed by Executive member (Where applicable)**

In accordance with the Gifts and Hospitality Policy any offers hospitality above £75 or any offer of sponsorship requires Executive sign off before accepting.

**Offer to Declined or Accepted Including Reasons**

**Name**

**Designation**

**Signed**

**Dated**

Once completed, please return to the Corporate Affairs and Governance Manager,



## Appendix 2 – Register of Gifts and Hospitality

Name	Position	Date of Offer	Decline or Accepted	Date of Receipt (if applicable)	Details of Gift/Hospitality	Estimated Value	Supplier/Offeror Name and Nature of Business	Reason for Accepting or Declining