

# POLICY ON OFFER OR RECEIPT OF GIFTS, HOSPITALITY and SPONSORSHIP

NHS Bradford District and Craven Clinical Commissioning Group (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 sponsorship.

## Key information

Responsible director:	Helen Hirst – chief officer
Author:	Sarah Dick, head of corporate governance Sue Baxter, strategic head of assurance
Approval body:	Audit and governance committee
Date approved:	1 March 2021
Version:	V1.0
Review date:	1 April 2023

## Version control

<b>Version no.</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>	<b>Circulation</b>
1.0	March 2021	Sarah Dick Sue Baxter	Based on the policy of the previous CCGs. Amended for the new CCG and accessible content standards. Approved by audit & governance committee March 2021	Governing Body, CCG wide and website

# Contents

- Key information ..... 1
- Version control ..... 2
- 1 Introduction ..... 5
- 2 Scope of the policy ..... 5
- 3 Associated documentation ..... 5
- 4 Policy statement ..... 5
- 5 Aims and objectives ..... 6
  - 5.1 Accountability: ..... 6
  - 5.2 Probity: ..... 6
  - 5.3 Transparency: ..... 6
- 6 Definitions / explanation of terms ..... 6
  - 6.1 The definition of 'Gifts' is ..... 6
  - 6.2 The definition of 'Hospitality' is: ..... 6
  - 6.3 The definition of 'Sponsorship' is: ..... 6
- 7 Duties, accountabilities, roles and responsibilities ..... 7
  - 7.1 Audit and Governance Committee ..... 7
  - 7.2 The CCG's conflicts of interest guardian ..... 7
  - 7.3 Chief officer (accountable officer) ..... 7
  - 7.4 CCG chairs ..... 7
  - 7.5 Line managers ..... 7
  - 7.6 Head of governance ..... 8
  - 7.7 Governance and Corporate Managers ..... 8
  - 7.8 All Individuals ..... 8
- 8 Policy and procedure details ..... 8
  - 8.1 Gifts ..... 8
  - 8.2 Hospitality ..... 9
  - 8.3 Hospitality ..... 9
  - 8.4 Sponsorship ..... 9
- 9 Dissemination, implementation and training ..... 10
- 10 Review and monitoring ..... 11
- 11 Public sector equality duty ..... 11

12 References .....	12
13 Appendices .....	12
APPENDIX A: Declaration of Gifts, Hospitality & Sponsorship Form.....	13
APPENDIX B New Starter Policy Declaration Form .....	16

## 1 Introduction

NHS Bradford District and Craven Clinical Commissioning Group (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 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 CCG 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 organisation to demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.

## 2 Scope of the policy

This policy applies to:

- the CCG's employees and individuals working for the CCG under a contract for services
- members of the governing body and their committee and sub-committees, members of the executive and members of the CCG's other committees and sub-committees (excluding CCG council)
- the CCG's members: GP partners (or directors where the practice is a company) and any other practice staff involved with the CCG.

## 3 Associated documentation

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

- the CCG's standing orders and prime financial policies
- the CCG's policy on business conduct and management of conflicts of interest
- the CCG's anti-bribery, fraud and corruption policy
- the CCG's whistleblowing and raising concerns policy
- the CCG's disciplinary policy and procedure
- the CCG's policy on joint working with the pharmaceutical and related industries

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

## 4 Policy statement

As a statutory NHS body, the CCG will embody public service values and principles in all business the organisation 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 CCG.

## **5 Aims and objectives**

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

The following principles will govern the activities of the CCG:

### **5.1 Accountability**

Everything done by members and employees of the CCG must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

### **5.2 Probity**

There should be an absolute standard of honesty in dealing with the assets of the NHS and the CCG. 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 CCG business.

### **5.3 Transparency**

There should be sufficient transparency about the CCG's activities to promote confidence between the CCG and their staff, patients and the public.

The CCG 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 CCG will refer cases of potential fraud to the local counter fraud specialist for investigation.

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.

## **6 Definitions / explanation of terms**

### **6.1 The definition of 'Gifts' is**

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

### **6.2 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 any other event.

### **6.3 The definition of 'Sponsorship' is**

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

## 7 Duties, accountabilities, roles and responsibilities

### 7.1 Audit and Governance Committee

The audit and governance committee of the CCG is responsible for reviewing and approving this policy.

The audit and governance committee 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 committee will receive reporting on all gifts, hospitality or sponsorship declared on the CCG's register of gifts, hospitality & sponsorship.

### 7.2 The CCG's conflicts of interest guardian

The chair of the audit and governance committee acts as the CCG's conflicts of interest guardian and has a lead role in ensuring that the governing body and wider CCG 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 CCG's 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 CCG 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 interest

The CCG's conflicts of interest guardian is responsible for reviewing and authorising declaration of gifts, hospitality or sponsorship forms (see *Appendix 1*) for the CCG Chair

### 7.3 Chief officer (accountable officer)

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

### 7.4 CCG chair

The CCG chair is responsible for reviewing and authorising declaration of gifts, hospitality or sponsorship forms (see *Appendix 1*) for executive members, non-staff members of the governing body and the accountable officer.

### 7.5 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.

## 7.6 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, local counter fraud specialist, etc.).

The head of governance will ensure all entries on the CCG's register of gifts, hospitality & sponsorship are reported to the audit and governance committee.

## 7.7 Governance and Corporate Managers

The governance and corporate managers are 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 CCG's websites is up-to-date.

## 7.8 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:

- CCG employees and individuals working for the CCG under a contract for services
- members of the governing body and the CCG's committees and sub-committees
- the CCG's members: GP partners (or directors where the practice is a company) and any other practice staff involved with the CCG

# 8 Policy and procedure details

## 8.1 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 CCG's 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

## 8.2 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

## 8.3 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

## 8.4 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 CCG or their GP practice. All such offers (whether accepted or declined) must be declared so that they can be included on the CCG's 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

## 9 Dissemination, implementation and training

This policy is available to the public and all relevant individuals and organisations via the CCG's website.

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. (See Appendix B for the new starter policy declaration form)
- annual reminder of the existence and importance of the policy via internal communication methods and the GP practice bulletin

NHS England has developed an on-line training package on conflicts of interest. Three levels of training are available relating to an individual's role and the extent of their involvement with conflicts of interest management. Only the first module is mandatory and only for those deemed as 'decision-taking\*'; this training must be repeated on an annual basis compliance with the uptake of module one of the training will form part of the CCG's performance assessment by NHS England.

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

\*'Decision-taking staff' have been defined by the CCG as: staff Band 8A and above, governing body and senior leadership team, executive members, associate clinical directors, associate leadership team and chair of the CCG council.

## 10 Review and monitoring

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 committee will receive reporting on all gifts, hospitality or sponsorship declared on the CCG's register of gifts, hospitality & sponsorship.

The audit and governance committee will also receive reporting on the outcome of the CCG's 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 CCG 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 committee. Monitoring of the implementation of and compliance with this policy will be monitored as follows:

<b>Monitoring Criteria</b>	<b>Methodology</b>	<b>Frequency of Monitoring</b>	<b>Responsible Office</b>	<b>Reporting Committee</b>
All new declarations of gifts, hospitality and sponsorship to be reported to the audit and governance committee	gifts and hospitality register to be checked against reports to audit and governance committee	Annually	head of governance	audit and governance committee

## 11 Public sector equality duty

[The Equality Act 2010, available on the GOV.UK website](#), includes a general legal duty to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by 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 share it

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage or civil partnership (only in respect of eliminating discrimination)
- 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 CCG do need to be able to demonstrate they have paid due regard to the general duty.

The policy establishes how the CCG 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

## **13 Appendices**

Appendix A – Declaration of Gifts and Hospitality and Sponsorship Form

Appendix B – New Starter Policy Declaration Form

## APPENDIX A: Declaration of Gifts, Hospitality & Sponsorship Form

All offers of Gifts, Hospitality & Sponsorship must be notified to the CCG as soon as practicable and no later than 28 days after the offer was made. Any changes to the original offer must also be notified within the same timescales.

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 and General Data Protection Regulations. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

Decision taking staff (defined as: staff Band 8A and above, Governing Body and Executive Members, Clinical Speciality Leads and Chairs of Councils of Members / Representatives) should be aware that the information provided in this form will be added to the CCG's registers which are held in hardcopy for inspection by the public and published on the CCG's website. Decision taking staff must make any third party whose personal data they are providing in this form aware that the personal data will held in hardcopy for inspection by the public and published on the CCG's website and must inform the third party that the CCG's privacy information notice is available on the CCG's website. If you are not sure whether you are a 'decision taking' member of staff, please speak to your line manager before completing this form.

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 (see note below). If consent is NOT given please give reasons:

Note: 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 (via this form). Decisions not to publish information must be made by the CCG's Conflicts of Interest Guardian who will seek appropriate legal advice where required and the CCG will retain a confidential, un-redacted version of the register.

**Person offered gift / hospitality / sponsorship**

I confirm that I have read the CCG's 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 CCG's 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:

FAO: Corporate Governance Team

Level 1

Scorex House

West 1 Bolton Rd

Bradford

BD1 4AS

Alternatively email: [sarah.dick@bradford.nhs.uk](mailto:sarah.dick@bradford.nhs.uk) / [stacey.fleming@bradford.nhs](mailto:stacey.fleming@bradford.nhs) / [Beverley.denton@bradford.nhs.uk](mailto:Beverley.denton@bradford.nhs.uk)

## APPENDIX B New Starter Policy Declaration Form



### New Starter Policy Declaration Form

I declare that I have read and understood the CCG's:

- Conflicts of Interest & Standards of Business Conduct
- Policy on the Offer and Receipt of Gifts, Hospitality & Sponsorship

Name:

Role:

Signature:

Date:

**Please return this form to HR for retention on your personal file:**  
[hssystemsteam@bdct.nhs.uk](mailto:hssystemsteam@bdct.nhs.uk)