



Warwickshire North
Clinical Commissioning Group



Coventry and Rugby
Clinical Commissioning Group

Gifts and Hospitality Policy

VERSION CONTROL

Version:	1.0
Ratified by:	NHS Coventry and Rugby (CRCCG) and NHS Warwickshire North CCG (WNCCG) Governing Bodies
Date ratified:	12 th July 2018
Name of originator/author:	Maria Maltby, Deputy Director of Corporate Affairs
Name of responsible committee:	CRCCG/WNCCG Audit Committees
Date issued:	12 th July 2018
Review date:	July 2021

VERSION HISTORY

Date	Version	Comment / Update
October 2017	0.1	Previous CCG policies updated to reflect closer working between CRCCG and WNCCG following approval of the CCGs' Managing Conflicts of Interest Policy in September 2017.
28 th June 2018	0.1	Audit Committee (CRCCG/WNCCG meeting in common) reviewed and approved the updated Policy.
12 th July 2018	1.0	CRCCG and WNNCG Governing Bodies approved the adoption of the Policy.

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1. Introduction

- 1.1. NHS Warwickshire North Clinical Commissioning Group and NHS Coventry and Rugby Clinical Commissioning Group (CCGs) are required to have procedures and guidance in place to record the offers and receipt of gifts and hospitality made to members, staff and other individuals engaged on official business on behalf of the CCGs. A further requirement is that the CCGs maintain a register of all types of interests and relationships of those employed by or acting on behalf of the CCGs. This policy should be read in conjunction with the CCGs' Managing Conflicts of Interest Policy.
- 1.2. The context of this policy is also shaped by the Bribery Act 2010 which revised the legal framework for combating bribery and corruption in the public and private sectors. This act makes it an offence to offer, seek, give or receive a financial or other advantage as a reward for an improper act, such as the award of a contract. Penalties for bribery offences can extend as far as an unlimited fine and / or up to ten years in prison. A gifts and hospitality policy is therefore a key tool in helping organisations demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.

2. Purpose

- 2.1. This policy sets out the standards and procedures which must be followed in respect of gifts and hospitality. It is intended to help members, staff, lay members and others working with the CCGs to understand their responsibilities in protecting themselves and the CCGs against any suggestion of impropriety or inappropriate behaviour.
- 2.2. This policy helps establish a culture of openness and transparency in the CCGs' business transactions. To maintain public confidence, the CCGs must be able to demonstrate that their decision-making processes are not influenced by inappropriate inducements. Gifts and hospitality should not be accepted other than in exceptional circumstances and as set out in this policy.
- 2.3. 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 or bribery to the CCGs' Local Counter Fraud Specialist for investigation. Where appropriate, the Police will be involved.
- 2.4. Specifically the policy aims to:
 - a) Ensure that members and staff are clear about the guiding principles for the acceptance of gifts;
 - b) Ensure that all members and staff are clear about hospitality they are able to accept when away from the CCGs;
 - c) Ensure that all members and staff are clear about what hospitality they should provide for meetings, both internal and external to the CCGs.

3. Scope

- 3.1. This policy applies to all those who are employed by the CCGs and/or act in an official capacity on their behalf. This includes:
 - **All CCG employees**, including:
 - All full and part time staff;

- Any staff on sessional or short term contracts;
- Any students and trainees (including apprentices);
- Agency staff; and
- Seconded staff

In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should make a declaration of interest in accordance with this policy, as if they were CCG employees.

- **Members of the Governing Body:** All members of the CCGs' committees, and any sub-groups, including:
 - Co-opted members;
 - Appointed deputies; and
 - Any members of committees/groups from other organisations.
- **All members of the CCGs** (ie, partners or directors within each practice): This includes each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act. Declarations should be made by the following groups:
 - GP Partners (or where the practice is a company, each director); and
 - Any individual directly involved with the business or decision-making of the CCGs

(Note: GPs and other staff within the CCGs' member practices are not required to declare offers/receipt of gifts and hospitality to the CCGs which are unconnected with their role or involvement with the CCGs. GP staff will however be expected to adhere to other relevant guidance issued by professional bodies.)

- 3.2. It is the responsibility of all individuals specified in 3.1 to familiarise themselves with this policy and comply with its provisions.
- 3.3. The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS organisations and general practitioners in relation to the receipt of gifts and hospitality conflicts of interests:
 - a) The CCGs' Constitutions, in particular sections relating to conflicts of interest which describe in generic terms the types of conflict of interest, as well as the CCG's Standing Orders, Scheme of Reservation and Delegation of Powers and Standing Financial Instructions;
 - b) Guidance issued by NHS England;
 - c) Code of Conduct for NHS Managers¹;
 - d) General Medical Council: Good Medical Practice 2006²;
 - e) Nursing and Midwifery Council: Code of Professional Conduct.
- 3.4. This policy complies with 'NHS England Managing Conflicts of Interest, Revised Statutory guidance for CCGs 2017' and 'Managing Conflicts of Interest in the NHS – Guidance for staff and organisations'.

¹ Code of Conduct for NHS Managers, Department of Health, Feb. 2007

² General Medical Council: Good Medical Practice 2006 Sec 73, 74, 75, 76

4. Definitions

- 4.1. A **'gift'** is defined as 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.
- 4.2. **Hospitality** means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education, and training events etc.

5. Receipt of Gifts and Hospitality

- 5.1 All individuals listed in paragraph 3.1 must not accept gifts, hospitality and benefits of any kind from a third party which might affect, or be seen to affect, their professional judgement. This is especially important during procurement exercises, as the acceptance of gifts could give rise to real or perceived conflicts of interests, or accusations of unfair influence, collusion or canvassing.

Gifts

- 5.2 Gifts from suppliers or contractors doing business (or likely to do business) with the CCGs should be declined, whatever their value (subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6). The person to whom the gifts were offered should also declare the offer to the Associate Director of Corporate Affairs so the offer which has been declined can be recorded on the gifts and hospitality register.
- 5.3 Gifts from other sources (eg, patients, families, service users) under a value of £50 may be accepted and do not need to be declared. A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value), however:
 - CCG staff should not ask for any gifts;
 - Gifts valued at over £50 should be treated with caution and only be accepted on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These should be declared by the individuals concerned.
 - Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.
- 5.4 Any personal gift of cash or cash equivalents (eg, vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCGs) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Associate Director of Corporate Affairs and recorded on the register.

Hospitality

- 5.5 Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes outside of 'traditional' working hours. As a result, CCG staff will sometimes appropriately receive hospitality. However, individuals should be able to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

- 5.6 Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
- 5.7 CCG staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement. 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.
- 5.8 Offers of meals and refreshments under £25 may be accepted and need not be declared. Offers of a value between £25 and £75 may be accepted and must be declared. Offers over a value of £75 should be refused unless (in exceptional circumstances) approval from the Chief Officer (Accountable Officer) is given.
- 5.9 A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

Travel and Accommodation

- 5.10 Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- 5.11 Offers which go beyond modest, or are of a type not usually offered by the CCGs need to be approved by the Chief Officer (Accountable Officer) and should only be accepted in exceptional circumstances and must be declared. A non-exhaustive list of examples includes:
- offers of business class or first class travel and accommodation (including domestic travel); and
 - offers of foreign travel and accommodation.

Individual Sponsorship

- 5.12 CCG staff, Governing Body and committee members, and GP member practices may be offered commercial sponsorship for courses, conferences, post/project funding, meetings and publications in connection with the activities which they carry out for or on behalf of the CCG or their GP practices. All such offers (whether accepted or declined) must be declared to the Associate Director of Corporate Affairs so that they can be included on the CCGs' gifts and hospitality register.
- 5.13 Individuals should only accept sponsorship to fund their attendance at relevant conferences, courses or work-related visits with the prior approval of the Chief Officer, who needs to ensure there can be no perception of a conflict of interest in relation to the motives of the organisation making the offer.

Sponsored Events

- 5.14 Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures their ability to take place, benefitting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest between the

organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result the CCGs will put in place safeguards to prevent conflicts occurring.

5.15 When sponsorships are offered, the CCGs will adopt the following principles:

- Sponsored events and the sponsors must be approved in advance by both the Associate Director of Corporate Affairs and the Head of Medicines Optimisation. The Head of Medicines Optimisation will specifically check that the sponsors and the products being promoted are in line with CCG guidelines.
- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in a clear benefit for the CCG 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 normally be supplied.
- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a 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 interest of transparency.
- The CCGs should make it clear that 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 involvement with arranging sponsored events to the Associate Director of Corporate Affairs.

5.16 The CCGs will maintain records regarding sponsored events in line with the above principles. The CCGs' Commercial Sponsorship Policy sets out the authorisation process for sponsorship.

5.17 **Other forms of sponsorship:** organisations external to the CCGs (or NHS) may sponsor posts or research. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage, or if sponsored posts cause a conflict of interest between the aims of the sponsor and the aims of the organisation, particularly in relation to procurement and competition. There needs to be transparency and any conflicts of interest should be well managed. If such circumstances arise the CCGs' Commercial Sponsorship Policy sets out how this will be managed.

Register of Gifts and Hospitality

5.18 All offers of gifts and hospitality should be notified to the Associate Director of Corporate Affairs as soon as reasonably practicable and by law within 28 days after the interest arises. The offer will be recorded on the CCGs' Register of Gifts and Hospitality. A template Declaration of Gifts and Hospitality Form can be found at **Appendix 1** and a template of the Register of Gifts and Hospitality can be found at **Appendix 2**.

- 5.19 The Register of Gifts and Hospitality will be published at least annually for decision making staff (see **Appendix 3** for definition) and made publicly available via the following methods:

Coventry and Rugby CCG	Warwickshire North CCG
<ul style="list-style-type: none"> • Published on the CCG's website: www.coventryrugbyccg.nhs.uk; • On request for inspection at the CCG's headquarters; • On request either by post to Parkside House, Quinton Road Coventry, CV1 2NJ or email to : contactus@coventryrugbyccg.nhs.uk 	<ul style="list-style-type: none"> • Published on the CCG's website: www.warwickshirenorthccg.nhs.uk; • On request for inspection at the CCG's headquarters; • On request either by post to NHS Warwickshire North CCG, Second Floor, Heron House, Newdegate Street, Nuneaton, CV11 4EL or email to: contactus@warwickshirenorthccg.nhs.uk.

- 5.20 Offers of gifts and hospitality for decision making staff will remain on the public register for a minimum of six months after the interest has expired. The CCGs will also retain a private record of historic offers/receipt of gifts and hospitality in line with the records retentions schedule of the Records Management Code of Practice.

6. Provision of Internal Hospitality

- 6.1 NHS monies for hospitality and entertainment should be used sparingly and modestly and only after each case has been carefully considered. All expenditure on these items should be capable of justification as reasonable in the light of the general practice in the public sector.
- 6.2 Whenever possible, meetings should be arranged within CCG premises. If this is not possible, NHS establishments should be the preferred choice of venue. If rooms are not available within NHS premises, the meeting should be arranged at the most economic rate, taking into account room rates and refreshment charges.

7. Equality and Diversity Statement

- 7.1 The CCGs are committed to ensuring that they treat their employees fairly, equitably and reasonably and that they do not discriminate against individuals or groups on the basis of any protected characteristic. An Equality Impact Assessment has been completed for this policy and can be found in **Appendix 4**.
- 7.2 If you have any concerns or issues with the contents of this policy or have difficulty understanding how this policy relates to you and/or your role, please contact the Deputy Director of Corporate Affairs.

8. Monitoring Compliance and Effectiveness of the Policy

- 8.1 The policy will be reviewed three years from the date of ratification by the CCGs' Governing Bodies or sooner if necessary. The Gifts and Hospitality register will be presented for review to the CCGs' Audit Committees twice yearly and published on the CCGs' websites. Staff will be reminded of the policy and register at least annually. The Deputy Director of Corporate Affairs (or nominated deputy) will review register entries on a regular basis and will address any inappropriate receipt of gifts/hospitality with the relevant person or manager.

Appendix 1 - Template Declaration of Gifts and Hospitality Form

Name:	
Relevant CCG:	Coventry and Rugby CCG / Warwickshire North CCG / Both CCGs <i>*Delete as appropriate</i>
Position within, or relationship with, the CCG (or NHS England in the event of joint committees:	

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offeror Name and Nature of Business	Details of Previous Offers or Acceptance by this Offeror/ Supplier	Details of the officer reviewing and approving the declaration made and date	Declined or Accepted?	Reason for Accepting or Declining	Other Comments

The information submitted will be held by the CCGs for personnel or other reasons specified on this form and to comply with the organisations' policies. This information may be held in both manual and electronic form in accordance with the General Data Protection Regulation. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and, in the case of decision making staff' (as defined in the statutory guidance on managing conflicts of interest for CCGs) may be published in registers that the CCGs hold.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, or internal disciplinary action may result.

[This paragraph applies to decision making staff only] 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 in the box below:

Employee/Member Signature:

Print Name:

Signature:

Date:

Line Manager or Senior CCG Manager

Print Name:

Signature:

Date:

Appendix 2 - Register of Gifts and Hospitality Template

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offeror Name and Nature of Business	Details of Previous Offers or Acceptance by this Offeror/ Supplier	Details of the officer reviewing and approving the declaration made and date	Declined or Accepted?	Reason for Accepting or Declining	Other Comments

Appendix 3 - Decision Making Staff

Each individual and their role within the CCGs will be considered individually and a decision recorded as to whether their declaration is to be published, however, the following non-exhaustive list describes who these individuals are likely to be:

- All governing body members;
- Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services such as working groups involved in service redesign or stakeholder engagement that will affect future provision of services;
- Members of the Primary Care Commissioning Committee (PCCC)/Joint Commissioning Committee;
- Members of other committees of the CCGs ie, Audit Committees, Remuneration Committee Finance and Performance/ Commissioning Finance and Performance, and Clinical Quality and Governance Committees;
- Members of new care models joint provider / commissioner groups / committees;
- Those at Agenda for Change band 8d and above;
- Management, administrative and clinical staff who have the power to enter into contracts on behalf of the CCG; and
- Management, administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.

Appendix 4 -

Appendix 5 - Equality Impact Assessment

Policy	Gifts and Hospitality	Person completing EIA	Maria Maltby, Deputy Director of Corporate Affairs
Date of EIA	April 2018	Accountable CCG Lead	Andrea Green

Aim of Work	To provide guidance to and ensure that NHS Warwickshire North Clinical Commissioning Group (WNCCG) and Coventry and Rugby Clinical Commissioning Group (CRCCG) are aware of the implications, restrictions and requirements around accepting gifts or hospitality.
Who Affected	All CCG staff, workers, Governing Body members, GP Partners and all other practice staff who have a role in the CCGs' business.

Protected Group	Likely to be a differential impact?	Protected Group	Likely to be a differential impact?
Sex	No	Age	No
Race	No	Gender Reassignment	No
Disability	Yes	Marriage and Civil Partnership	No
Religion / belief	No	Pregnancy and Maternity	No
Sexual orientation	No		

Describe any potential or known adverse impacts or barriers for protected/vulnerable groups and what actions will be taken (if any) to mitigate. If there are no known adverse impacts, please explain.

To ensure that individuals with specific disabilities can access the policy and its content, the document will be made available in alternative formats if required.