

GIFTS AND HOSPITALITY POLICY

May 2016

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Responsible Officer	Lesley Mitchell, Director of Finance and Contracting

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INTRODUCTION

1. This policy is intended to provide advice to Trust staff who in the course of their day to day work or as a result of their employment, either receive offers of gifts and hospitality or provide gifts and hospitality to others on behalf of the Trust.
2. Unpaid Trust staff (volunteers) and external people acting on behalf of the Trust (for example, consultants, contracted staff etc) must also abide by this policy. If it is believed that an external person may have breached the policy, the matter should be reported to the appropriate Head of Service or Director of Finance who will take the matter forward with the individual or his/her company.
3. This policy should also be seen as applying to spouses, partners or other associates if it can be argued or perceived that the gift or hospitality is in fact for the benefit of the member of staff. (As per Circular HSS(F) 49/2009).
4. All decisions by Trust staff on the provision or acceptance of gifts and hospitality must be able to withstand both internal and external scrutiny. They must be defensible as being in the direct interest of the organisation, as being proportionate to that interest, and within limits that are acceptable to the Trust Board.
5. This policy aims to ensure that Trust employees and others acting on the Trust's behalf are not placed in a position which risks, or appears to risk, conflict in their progression of business activities. It aims to protect employees and appointees under the Bribery Act 2010 which makes it an offence to receive or offer a bribe (including certain levels of gifts and hospitality). Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.

PRINCIPLES

6. The fundamental principle is that no member of staff should do anything which might give rise to the impression that he/she has been/might be influenced by a gift, hospitality or other consideration to show bias for or against any person or organisation while carrying out official duties.
7. This policy has been compiled to ensure compliance with the 7 principles of Public Life drawn up by the Nolan Committee (see Appendix 1). All Trust staff must therefore apply the following principles in the conduct of their employment:-
 - they must not accept gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising their personal judgement or integrity;
 - they must not make use of their official position to further their private interests or those of others;
 - they must declare any private interests relating to their public bodies;
 - they must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the tax payer;

- they must refer to their Head of Department when faced with a situation for which there is no adequate guidance;
- if in any doubt, they must seek advice from the appropriate Head of Service or Director of Finance (see appendix 2).

LEGAL OBLIGATIONS

8. The Bribery Act 2010 repeals all previous corruption legislation and has introduced new statutory offences for activities in the public or private sector including a new corporate offence. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.
9. Under the Bribery Act 2010, it is an offence to:
 - Pay bribes – to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so.
 - Receive bribes – to receive a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.
 - ‘Relevant function or activity’ includes any function of a public nature and any activity connected with a business.
 - Fail to prevent bribery – an organisation is guilty of an offence if Trust personnel or a third party connected to it bribes another person intending to obtain or retain business or a business advantage.
8. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Trust or under its control. The Trust expects all staff and those working on the Trust’s behalf to perform their duties impartially, honestly, with integrity, and in good faith. They are required to comply with the requirements of the Trust’s Gifts and Hospitality Policy, which all staff should make themselves familiar with.
11. If a Trust employee is found to be in breach of the Gifts and Hospitality Policy, he/she may be liable to disciplinary action under the Trust’s Disciplinary Procedure, which may result in dismissal for gross misconduct. The Trust also reserves the right to terminate its contractual relationship with other parties if they breach this policy.
12. In addition to any disciplinary process and where the breach amounts to a criminal offence, this will be referred to the Police Service of Northern Ireland (PSNI). Conviction under the Bribery Act is punishable by imprisonment for a maximum term of 10 years for individuals and unlimited fines can be imposed both on individuals and the Trust.

ACCEPTANCE OF GIFTS

Cash or Cash Equivalents

13. Offers of cash or cash equivalents (e.g. lottery tickets, gift vouchers or gift cheques) made by suppliers, contractors, service users or their relatives to individual officers of the Trust should be declined. Instead, the supplier, contractor, service user or relative should be made aware of the range of Endowment and Gift (E&G) Funds which are managed by the Trust to receive cash donations for general or specific purposes. Details of the current E&G Funds are available from the Director of Finance.

Non Cash Gifts

14. Gifts of a small or inexpensive nature such as calendars or diaries or other simple or inexpensive items such as flowers and chocolates and have a value of less than £50 may be accepted by individuals without the need for these to be reported or approved in advance. This type of gift can be easily distinguishable from more expensive or substantial items which cannot on any account be accepted. If there is any doubt as to whether the acceptance of such an item is appropriate, the matter should be referred to the Trust's Director of Finance.
15. Apart from trivial/inexpensive seasonal gifts such as diaries etc no gifts or hospitality of any kind from any source can be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier.

Exceptional Cases

16. It is recognised that there are exceptional cases where refusal of a gift will clearly offend a donor, cause embarrassment or appear discourteous. In these cases the donor should be advised that the permission of Trust Management will have to be sought as to whether or not the gift can be accepted. The Trust's Director of Finance should be asked to decide whether to:
 - allow the recipient to accept the gift; or
 - return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
 - use or dispose of it, if possible, in or by the Trust.
17. Any acceptance or refusal of the gift should be recorded in the Trust's Gifts and Hospitality Register held in the Chief Executive's Office.

Lectures, Conferences and Broadcasts

18. Where gifts by the way of fees, ex gratia payments or book tokens for lectures, broadcasts or similar occurrences are offered, their acceptance should be based on how much of the preparatory work for the event was done in the employee's own time, how much in official working time and the extent to which the Trust resources, other than for example, use of an officially issued laptop at home,

were used in the preparation. The guiding principle is that the Trust will seek to recover the costs of publicly funded resources used for any non-HSC events. The following illustrations are by way of example:

- If the preparation was carried out entirely in the individual's own time (for example outside fixed sessional commitments for medical or other clinical staff) and the event took place in the employee's own time at no expense to the Trust, it would be acceptable for the individual officer to retain the whole fee, token or other gift;
- If the preparation was performed wholly on Trust time, with the use of Trust resources, the Director of Finance should be consulted to determine the need to charge the organisation or body a fee based on the salary costs of the individual and/or the use of resources. If the event is carried out within normal working hours then no gift or fee should be accepted. If the event is carried out in the employee's own time then a gift or token up to the value of £50 is acceptable;
- If the preparation was carried out and the presentation delivered in the officer's own time but Trust facilities or equipment were used, then the Director of Finance should be consulted to determine the need to charge the organisation or body a fee based on the use of resources. In addition to any charge for use of any Trust resources, the individual officer may retain any fee, token or other gift for presenting at the event up to the value of £75.

If further guidance is needed in this area the Director of Finance should be consulted.

Trade, Loyalty or Discount Cards

19. Trade, loyalty or discount cards, other than those negotiated by the Trust on behalf of its staff, by which an officer might benefit from the purchase of goods or services at a reduced price are classified as gifts and should be politely declined and, if already accepted, returned to the sender.

HOSPITALITY RECEIVED FROM THIRD PARTIES

20. The handling of offers of hospitality is recognised as being much more difficult to regulate but it is an area in which staff must exercise careful judgment. It is recognised that it can be as embarrassing to refuse hospitality as it can be to refuse a gift. There is also a need to distinguish between simple, low cost hospitality of a conventional type, for example, a working lunch or evening meal compared with more expensive and elaborate hospitality. There is clearly a need for a sense of balance. There is concern that acceptance of frequent, regular or annual invitations to events or functions, particularly from the same source and where a considerable degree of hospitality is involved, may severely test the principles stated earlier and should be refused. However, there may be instances where staff receive invitations to events run by voluntary organisations such as annual conferences or dinners. Attendance at such events is considered

an integral element in building and maintaining relationships with these sectors and any hospitality received is likely to be reasonable and proportionate, and therefore acceptable.

21. The main point is that in accepting hospitality staff need to be aware of, and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host. It is obviously easier to justify meetings which relate directly to the work of the Trust but where these happen outside working hours and on purely social occasions then they need to be justified as not being a personal gift or benefit. Where a contract is being negotiated, hospitality of any kind, including attendance of staff at seasonal events hosted by suppliers or contractors, should not be accepted.
22. As a general rule, invitations of hospitality which are extended to the Trust as a whole, can be accepted by a nominated officer and are less likely to attract criticism than personalised invitations to individual officers.
23. When in doubt about accepting hospitality or an invitation you should consult your Head of Service or the Director of Finance. In all instances where anything beyond conventional hospitality is offered, the approval of the Head of Service or the Director of Finance should be sought. It is particularly important to ensure that the Trust is not over represented at an event or function and care should be taken to ensure that this does not happen, for example, by enquiring from the host as to other staff who have received similar invitations.

AWARDS OR PRIZES

24. Staff should consult their Head of Service or the Director of Finance if they are offered an award or prize in connection with their official duties. They will normally be allowed to keep it provided:
 - there is no risk of public criticism;
 - it is offered strictly in accordance with personal achievement;
 - it is not in the nature of a gift nor can be construed as a gift, inducement of payment for publication or invention to which other rules apply.

SPONSORSHIP FOR ATTENDANCE AT COURSES AND CONFERENCES

25. Circular HSC(F)10-2016 provides guidance on sponsorship for public bodies. It notes that public bodies should always aim to prevent any actual or perceived conflicts of interest, or favoured treatment whether implied or otherwise. The offer of financial assistance or sponsorship by commercial or other organisations to attend **relevant** courses or conferences must be highlighted to your Head of Service or Director in advance on the appropriate form normally used for applying for permission to attend such events. **Such sponsorship is permitted on the understanding that its acceptance will not compromise in any way future purchasing decisions either directly or indirectly or not compromise in any way future purchasing decisions either directly or indirectly nor lead to any other conflict of interest involving the individual or the Trust.** The appropriate Head of Service or Director must review the nature and level of

sponsorship being offered before approving applications to attend courses or conferences. Any sponsorship that could be construed to be in direct conflict with the HSC aim of promoting the health and social well being of the Northern Ireland population should not be accepted in any circumstances e.g. from tobacco companies. The Director of Finance should be consulted for advice in cases of uncertainty.

REGISTER OF GIFTS, HOSPITALITY AND INVITATIONS

26. In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the Trust of all offers of gifts, awards and prizes made to members of the Trust Board, Directors, senior managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved should also be recorded. It is the responsibility of the individual Trust officer to forward details of offers to the Chief Executive's Office for inclusion in the Trust's Gifts and Hospitality Register.
27. The Office of the Chief Executive shall maintain the Register of Gifts and Hospitality in the prescribed format.
28. It is the responsibility of the individual Trust officer to forward details in writing of offers of gifts and hospitality (other than non-cash gifts with a value of less than £50) to the Office of the Chief Executive whether they have been accepted, declined or returned.
29. The Register will be subject to audit from time to time and can be viewed under Freedom of Information requests. The Trust's website will refer to the Register and that it can be accessed by contacting the Chief Executive's Office.

PROVISION OF HOSPITALITY, GIFTS AND AWARDS

30. The paragraphs below provide a guide for staff when considering the provision of hospitality, gifts or awards. If in doubt, the Director of Finance should be consulted before any expenditure is committed.

Internal Hospitality

31. Internal hospitality should be in accordance with the Trust's Hospitality Procedure.

External Hospitality

32. The provision of hospitality by the Trust to representatives of other organisations should be modest and appropriate to the circumstances. In all instances, the expenditure involved must constitute good value for money.
33. Hospitality should not be offered solely as a return gesture or be automatically recurrent on a regular basis unless circumstances indicate that it is appropriate to do so. The use of public monies for hospitality purposes at conferences and seminars should be carefully considered. The Trust needs to be able to demonstrate good value in committing public funds.

Other circumstances

34. If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive or Director of Finance before hospitality is provided and such approval should be formally documented.
35. It is recognised that there may be cases when, in the interests of the service, flexibility in interpretation of the rules may be necessary. Prior approval for such situations should be obtained in writing from the Chief Executive. Any request for approval of such instances should state why the request falls outside the boundaries of what is normally allowable and why it is considered necessary to provide such hospitality.

Authorisation and approval of hospitality

36. The purchase of gifts and hospitality should follow the Trust's normal procurement procedures and should comply with the requirements of the Mini-code.
37. Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive or Director of Finance, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the Trust's Schedule of Delegated Authority.

Provision of gifts or awards

38. Occasionally the Trust may wish to make a small presentation to speakers or other volunteers in acknowledgement of services provided to the Trust. Such gifts or awards should be of a token nature. Prior approval for the provision of gifts or awards is required from the appropriate Head of Service and such approval should be formally documented.

Review of Policy

39. This policy will be reviewed in three years following approval, or sooner in the event of significant change in legislation, guidance or Trust practices.

Equality and Human Resources Statement

40. The Western Health and Social Care Trust's equality and human rights statutory obligations have been considered during the development of this policy.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity - Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

Appendix 2

(To be completed by recipient)

GIFT / HOSPITALITY FORM

(AUTHORISATION / OFFER ACCEPTED / OFFER DECLINED)

Name of recipient:	
Name of ultimate recipient if not as above (ie if gift or hospitality passed onto someone else):	
Date of offer:	
Who made the offer:	
Description of the offer:	
Why was the offer made:	
Estimated / actual value of offer:	
State whether offer was declined:	
Is there a current / potential contract with the donor? If yes provide details:	
Signature of recipient: Date of Signature:	

Once completed please send to relevant Director or Director of Finance and Contracting, Trust HQ, Altnagelvin Hospital Site, Glenshane Road, Londonderry, BT47 6SB.