



Torbay and South Devon
NHS Foundation Trust

Gifts and Hospitality Policy

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Document Information

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Links or overlaps with other policies:			
Fraud and Bribery Prevention Policy			
Standards of Business Conduct Policy			
Conflicts of Interest Policy			
<p>The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): Sexual Orientation; Gender; Age; Gender Reassignment; Pregnancy and Maternity; Disability; Religion or Belief; Race; Marriage and Civil Partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.</p> <p>The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis. For more information about equality analysis and Equality Impact Assessments please refer to the Equality and Diversity Policy.</p>			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
v0.1	Created	15.12.15	New Trust Policy post integration	CoSec
v1.1	Draft	Sep 17	New legislation	CoSec / Counter Fraud
V2.1	Draft	March 2019	New process of declaring gifts and hospitality	CoSec/Counter Fraud

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1. Statement/Objective

This policy provides guidance and support on how to deal with issues around gifts and hospitality. Section 7 of the bribery act places an onus on organisations to ensure they have adequate anti-bribery policies and procedures. The act creates a corporate offence of 'failing to prevent a bribe' and therefore Torbay and South Devon NHS Foundation Trust ('the Trust') has a zero tolerance towards bribery.

A separate policy is available regarding bribery and fraud prevention and declarations of interest.

2. Roles and Responsibilities

This policy applies to all employees of the Trust to include Board members and temporary staff and any other person associated with the Trust, including volunteers.

2.1 Staff

All staff have a duty to familiarise themselves with the contents of this Policy and to declare the receipt of any gifts and hospitality using the Declare system accessed via the ICON page.

If you are unsure of whether you need to declare any item, please refer to your line manager or contact the Company Secretary for further guidance. Contact details are provided at Appendix 1.

2.2 Managers

All Managers have a duty to consider any requests from staff to accept gifts and hospitality promptly and to ensure that staff submit their declaration using the Declare system.

If you require any further guidance on whether to authorise a declaration submitted by a member of staff, please contact the Company Secretary for further guidance. Contact details are provided at Appendix 1.

3. Acceptance of Gifts

- 3.1 A gift means 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. Situations where the acceptance of gifts could give rise to conflicts of interest should be avoided, whether that is in the staff members NHS role or in another capacity. Acceptance of any gift(s) that meet the criteria below must be disclosed using the Declare system accessed via the ICON intranet.

Staff should be mindful that even gifts of a small value may give rise to perceptions of impropriety and might influence behaviour if not handled in an appropriate way.

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

Gifts from suppliers or contractors:

- Gifts from suppliers or contractors doing business (or likely to do business) with an organisation must be declined, whatever their value.
- However, low cost branded promotional aids may be accepted where they are under the value of a common industry standard of £6 in total, and need not be declared.

Gifts from others sources (e.g. patients, families, service users):

- Gifts of cash and vouchers to individuals must always be declined.
- Staff must not ask for any gifts.
- Gifts valued at over £50 must be treated with caution and may only be accepted on behalf of the organisation and not in a personal capacity. These must be declared using the Declare system accessed via the ICON intranet.
- Gifts accepted under a value of £25 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).
- Multiple gifts from the same source over a 12 month period must be treated in the same way as single gifts over £25 where the cumulative value exceeds £25.

- 3.2 Bequests in wills are not uncommon in the health and social care sector, however the Trust is clear that staff must at no time be involved in the preparation, influencing or witnessing of a will on behalf of a service user or patient. Staff must be vigilant at all times to ensure that their actions do not indicate in any way the offer of preferential treatment at any time in return for gifts or other inducements of this kind.

3.3 Should a member of staff be named in a will, advice should be sought from the Company Secretary as to acceptance of the bequest. The Trust will consider the circumstances of the bequest in every case. All bequests to staff from service users and patients must be disclosed to the Trust using the Declare system via the ICON intranet.

4. Acceptance of Hospitality

4.1 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, staff will sometimes appropriately receive hospitality.

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. All declarations of hospitality and/or sponsorship must be disclosed using the Declare system via the ICON intranet.

4.3 Partners organising meetings are permitted to provide appropriate hospitality and/or meet any reasonable, actual costs, which may have been incurred. If none is required, there is no obligation, or right, to provide any such hospitality, or indeed any benefit of equivalent value.

4.4 Hospitality must be secondary to the purpose of the meeting. The level of hospitality offered must be appropriate and not out of proportion to the occasion; and the costs involved must not exceed that level which the recipients would normally adopt when paying for themselves, or which could be reciprocated by the NHS. It should not extend beyond those whose role makes it appropriate for them to attend the meeting

4.5 Staff receiving hospitality must always be prepared 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.

4.6 Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published proceedings.

4.7 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 using the Declare system via the ICON intranet.

4.8 Offers which go beyond modest, or are of a type that the organisation itself would not usually offer, need approval by senior staff, and must only be accepted in exceptional circumstances. Such offers must be declared using the Declare system via the ICON intranet.

4.9 A clear reason must be recorded on an organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type. A

non-exhaustive list of examples includes: offers of business class or first class travel and accommodation (including domestic travel). Offers of foreign travel and accommodation.

4.10 Meals and refreshments:

- 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 using the Declare system via the ICON intranet.
- Over a value of £75 - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason must be recorded on an organisation's register(s) of interest as to why it was permissible to accept.
- 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).

The £75 value has been selected with reference to existing industry guidance issued by the Association of the British Pharmaceutical Industry.

5. Equality and Diversity Exceptions

None identified.

6. Review

- 6.1 A review of this document will be conducted every two years or following a change to associated legislation or national/local terms and conditions of service and is the responsibility of the Company Secretary.

7. Appendices

1. Contacts

Useful contacts

Title	Name	Telephone No.
Director of Finance	Paul Cooper	01803 655761
Company Secretary	Jane Downes	01803 655029
Corporate Governance Manager	Monica Trist	01803 655409