Belfast Health and Social Care Trust

TYPE OF DOCUMENT	√☐ Trust Policy for approval by Trust Policy Committee ☐ Patient based standard, guideline or policy for approval by Standards and Guidelines Committee
TITLE	**Gifts and Hospitality**

Summary	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.
Purpose	To ensure compliance with the "Seven Principles of Public Life" drawn up by the Nolan Committee. To ensure compliance with DAO (DFP) 10/06. 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
Operational date	April 2010
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Version Number	Version 2.0
Supersedes previous	
Director Responsible	Director of Finance
Lead Author	[redacted]
Lead Author, Position	Finance Department
Additional Author(s)	[redacted] Head of Office (Acting), Chief Executive's Office
Department / Service Group	Finance
Contact details	[redacted]

Reference Number	TP015/08
Supercedes	BSHCT Gifts and Hospitality Policy April 2008

Date	Version	Author	Comments

Policy Record

		Date	Version
Author (s)	Approval		
Director Responsible	Approval		

Approval Process – Trust Policies

Policy Committee	Approval	18.01.10	
Executive Team	Authorise	27.01.10	
Chief Executive	Sign Off	27.01.10	

Approval Process – Clinical Standards and Guidelines

Standards and Guidelines Committee	Approval
Policy Committee	Approval
Executive Team	Authorise
Appropriate Director	Sign Off

Full Description

Reference No: TP015/08

1. Title: Gifts and Hospitality Policy

2. Introduction:

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.

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.

3. Purpose:

To ensure compliance with the "Seven Principles of Public Life" drawn up by the Nolan Committee (see Appendix 1). To ensure compliance with DAO (DFP) 10/06. 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

4. The scope:

This policy will apply to all Trust staff.

5. Principles/Objectives:

This policy has been compiled to ensure compliance with the "Seven Principles of Public Life" drawn up by the Nolan Committee (see Appendix 1). To ensure compliance with DAO (DFP) 10/06. 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;
- all gifts offered (apart from those which are trivial or inexpensive) even if declined/returned need to be recorded in the Service Group/ Corporate Group Hospitality & Gifts register
- 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

6. Roles and Responsibilities:

It is the responsibility of all Trust employees to adhere to this policy.

7. The definition and background of the policy:

To provide advice to Trust staff who 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.

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.

8. Policy / Guideline description:

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.

9. Policy statements:

General Principles

As with all public expenditure, hospitality expenditure should be value for money and incurred in accordance with the principles of regularity and propriety. Any hospitality offered should further the Government or taxpayers interest and involve no reasonable suspicion that personal judgment or integrity has been compromised (i.e. a common sense test).

The fundamental principle is that no member of staff should do anything that might give rise to the impression that he or she has been or might be included by a gift or hospitality or other consideration to show bias for or against any person or organisation while carrying out official duties.

Cash or Cash Equivalents

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

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.

Apart from trivial/inexpensive seasonal gifts, such as diaries, no gifts or hospitality of ANY kind from any source should 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.

Guidance on the Acceptance of Gifts or Hospitality

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.

In these circumstances, when gifts (apart from those which are trivial or inexpensive for which approval is not required as above) are received, the approval of the Service Manager (Approving Officer) should be sought using the Trust Gift/Hospital Approval Form (see Appendix 2).

In each case submitted to him/her the Service Manager/Approving Officer will decide in writing or email, whether to:

a) allow the recipient to keep the gift;
b) return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted. The DHSSPS suggested template has been attached at (Appendix 3) which should be tailored to suit each individual circumstance;
c) use or dispose of it, if possible in or by the Trust; or
d) donate the gift to a nominated Charity.

The Service Manager/Approving Officer will ensure that the details of the case and his/her decision are recorded in the Gifts and Hospitality Register (see below and Appendix 4). It should be noted that 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.

Lectures, conferences and broadcasts

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-HPSS 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 in the employee's own time then in addition to any charge for the use of Trust resources, the individual officer may retain any fee, token or other gift for presenting at the event.

- 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.

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

Trade or discount cards

Trade 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

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.

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.

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.

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

Staff should consult their Head of Service or their 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

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 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 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 HPSS 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 AWARDS

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.

Service Group/Corporate Groups will maintain Registers of Gifts, Hospitality and Awards which will be subject to periodic review by Internal/External Audit. The Registers are subject to Freedom of Information (FOI) queries and staff should bear this in mind when deciding on the acceptance of any gift or hospitality.

It is the responsibility of the individual Service Manager/ Trust officer to forward details of offers to the Service Group Director/Corporate Director for inclusion in the Trust's Service Group/Corporate Group Gifts, Hospitality and Award Register. The approved Trust template for the Register is attached at Appendix 4).

PROVISION OF HOSPITALITY, GIFTS AND AWARDS

The following paragraphs provide a guide for staff when considering the provision of hospitality, gifts or awards. Appendix 5 sets out maximum expenditure limits that have been prescribed by the Trust Board for such occurrences. If in doubt, the Director of Finance should be consulted before any expenditure is committed.

Internal Hospitality

This should only be considered in clearly defined circumstances. For example, where meetings outside of normal working hours cannot be avoided (early morning or after normal working hours) or where staff are required to travel to attend meetings in circumstances where a lunch time break is not possible or where the meeting is likely to last for more than 3 hours.

Where hospitality is to be extended for internal meetings, it should be limited to light refreshments and written approval should be sought in advance from the appropriate Head of Service if expenditure is estimated to exceed the maximum limit set out in Appendix 5.

In relation to residential training courses/conferences it is normal practice for meals and light refreshments to be provided for delegates. The provision of beverages, including alcohol, is permissible with evening meals up to a limit of one-third of the total cost of the meal.

In relation to non-residential events, lunch may be provided where it facilitates the running of the course or where alternative provision is not available. Written approval should be sought in advance from the appropriate Head of Service. Beverages provided with lunches should be restricted to tea, coffee, water or fruit juice.

All hospitality expenditure should be allocated specific financial coding to assist in the collation of management information and to facilitate the monitoring and control of the use of this facility.

External hospitality

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.

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.

Expenditure on external hospitality should be clearly identified as such and charged to a specific hospitality expense code.

Other circumstances

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.

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

The purchase of gifts and hospitality should follow the Trust's normal procurement procedures and should comply with the requirements of mini-code.

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

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.

10 Implementation / Resource requirements:

Responsibility of Service Groups/Corporate Functions

11 Source(s) / Evidence Base

Legacy Trust Policies

12 References, including relevant external guidelines:

Under the Prevention of Corruption Acts of 1906 and 1916 it is an offence for an officer in his or her official capacity;

- to corruptly accept any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in that capacity;
- to show favour or disfavour to any person; or
- to receive money, gifts or consideration from a person or organisation holding or seeking to obtain a Government contract.

All these are deemed by the Courts to have been received corruptly unless it can be proven otherwise.

13 Consultation Process:

Executive Team

14 Equality and Human Rights screening carried out:

In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, the Belfast Trust has carried out an initial screening exercise to ascertain if this policy should be subject to a full impact assessment.

Not Applicable

☐ Screening completed
No action required.

☐ Full impact assessment to be carried out.

[redacted]

Deputy Chief Executive/ Director of Finance

Date: 27 January 2010

[redacted]

Chief Executive

Date: 27 January 2010

APPENDIX 1

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 on to someone else):

.....

Date of offer:

.....

Who made the offer:

.....

Description of 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:

Signed: .....

Date: .....

Appendix 3

Template for Return of Offer of Gift/Hospitality

(The content of this template should be tailored to suit each circumstance)

Contact name:
Name of company:
Address of company:

Name of Business:
Manager/Head of Division:
Office Address:

Date:

Dear

The Belfast Health and Social Care Trust operates a Gift and Hospitality Policy to ensure high standards of propriety in the conduct of its business.

On account of public confidence, perception is as important as reality and because of this I am obliged to return your offer of **INSERT: Name of gift / hospitality**.
This is not in any way meant to offend or to imply that your (gift/hospitality) was offered in anything but the utmost good faith, but is designed to protect both individual members of staff and the Belfast health and Social Care Trust. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.

Yours.....

Service Group: **Area:** **Year:**

REGISTER OF GIFTS / HOSPITALITY / AWARDS ETC

Date of offer	Offered to	Ultimate recipient (if different)	Offered from	Description of Offer	Reason for Offer	Details of Contracts – current or potential	Est./ actual value of Offer £	Action taken ie; Accepted/ Refused/ Returned	Entered by	Entered date	File Ref:

APPENDIX 5

PRESCRIBED MAXIMUM EXPENDITURE LIMITS FOR THE PROVISION OF HOSPITALITY.

1. Hospitality for Internal Meetings:

Maximum Limit: £5 per head.

2. Residential or Non-Residential Events Organised by the Trust:

Lunch	- £10 per delegate
Evening Meal	- £20 per delegate
Beverages supplied with meals	- one third of cost of meal.

3. Extension of Hospitality to Individuals External to the Trust:

Lunch	- £20 per Head
Evening Meal	- £30 per Head
Beverages	- one third of cost of meal

4. Provision of Nominal Gifts to Guest Speakers, Volunteers etc:

Small gifts or gift tokens may be provided to a maximum value of £50.