

## **GIFTS AND HOSPITALITY POLICY**

<b>Title:</b>	Gifts and Hospitality Policy		
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<b>Ownership:</b>	Finance and IT Directorate		
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<b>Key Words:</b>	Gifts and Hospitality		
<b>Other Relevant Policies/Documents:</b>	Whistleblowing Policy Standing Orders, Standing Financial Instructions and Scheme of Delegation. NIAS HSC Trust Management Statement. Code of Conduct for HPSS Managers Standards of Business Conduct for HPSS Staff		

### Version Control for Drafts:

Date	Version	Author	Comments
Sept 2008	01	Paul Nicholson	The Gifts and Hospitality Policy was adopted, subject to benchmarking maximum expenditure limits with other HSC Trusts. Published September 2008
Nov 2009	02	Paul Nicholson	Reviewed and updated in line with HSS(F) 35/2009 and inclusion of Proforma for the acceptance of gifts and hospitality and format of Register of Gifts and Hospitality. Minor amendment to be presented to Audit Committee – 03/12/2009. Published March 2010
Dec 2015	03	Paul Nicholson	Reviewed annually and no material updates required. Updated formally for review by Audit Committee in October 2015 and consideration by Trust Board in December 2015. Main changes to legislative basis and additional information on what hospitality is considered modest. (This policy is based on the Financial Governance Model Documents issues under HSS(F) 13/2007 and as such does not completely follow the format prescribed in the Trust's Policy on Development, Approval and Review of Trust Policies Version 1.0 approved in September 2014).

## **1.0 INTRODUCTION/PURPOSE OF THE POLICY**

### **1.1 Background**

1.1.1 This policy is intended to provide advice to Trust staff, other personnel and third parties 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.

1.1.2 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.

### **1.2 Purpose**

1.2.1 This policy aims to ensure that NIAS employees and appointees 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).

## **2.0 SCOPE**

2.1 This policy applies to all Trust staff, other personnel and third parties.

## **3.0 PRINCIPLES**

3.1 This policy has been compiled to ensure compliance with the Seven 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 Line Manager or Director of Finance.

## **4.0 LEGAL OBLIGATIONS**

4.1 The Bribery Act 2010, which became effective from 1 July 2011, repeals all existing 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.

4.2 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.

4.3 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 personnel(1) and third parties(2) to perform their duties impartially, honestly, with integrity, and in good faith. All Trust personnel and third parties are required to comply with the requirements of the Trust’s Gifts and Hospitality Policy, which all staff should make themselves familiar with.

4.4 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 personnel and/or third parties if they breach this policy.

4.5 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 to individuals and the Trust.

### 4.6 Note

4.6.1 “Personnel” includes, for example, senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, i.e. GP’s, pharmacists, dental practitioners, opticians, finance professionals, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors or any other person associated with the Trust.

4.6.2 “Third Party”, means any individual or organisation’s personnel coming into contact with the Trust, for example actual and potential clients, other Trusts, suppliers, distributors, business contacts, agents, advisers and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

## **5.0 ACCEPTANCE OF GIFTS**

### **5.1 *Cash or Cash Equivalent*s**

5.1.1 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 Charitable Funds which are managed by the Trust to receive cash donations for general or specific purposes. Details of the current Charitable Funds are available from the Director of Finance.

### **5.2 *Non Cash gifts***

5.2.1 Gifts of a small or inexpensive nature such as calendars or diaries or other simple or inexpensive items such as flowers and chocolates can be accepted. 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.

### **5.3 *Exceptional cases***

5.3.1 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.

### **5.4 *Lectures, Conferences and Broadcasts***

5.4.1 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 (or after deduction for) 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 (or after deduction for) any charge for use of any Trust resources, the individual officer may retain any fee, token or other gift for presenting at the event.
- 5.4.2 If further guidance is needed in this area, the Director of Finance should be consulted. In all instances, employees should be aware of the requirements of the Trust in respect of spare time activities and secondary employment.

## **5.5 Trade or Discount Cards**

- 5.5.1 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.

## **6.0 HOSPITALITY RECEIVED FROM THIRD PARTIES**

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 6.4 When in doubt about accepting hospitality or an invitation you should consult your Line Manager or the Director of Finance. In all instances where anything beyond conventional hospitality is offered, the approval of the Line Manager 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.

## **7.0 AWARDS OR PRIZES**

- 7.1 Staff should consult their Line Manager 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.

## **8.0 SPONSORSHIP FOR ATTENDANCE AT COURSES AND CONFERENCES**

- 8.1 The offer of financial assistance or sponsorship by commercial or other organisations to attend **relevant** courses or conferences must be highlighted to your Line Manager 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 Line Manager or Director must review the nature and level of sponsorship being offered before approving applications to attend courses or conferences.
- 8.2 Any sponsorship that could be construed to be in direct conflict with the 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.

## **9.0 REGISTER OF GIFTS, HOSPITALITY AND INVITATIONS**

- 9.1 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. Details should include: where the offer originated, to whom it was made, and a note of the action taken, i.e. accepted/refused/returned. It is the responsibility of the individual Trust officer to forward details of offers to the Director of Finance for inclusion in the Trust's gifts and hospitality register.
- 9.2 Proforma for the documentation of any offer of gifts and hospitality, which must be completed by the individual Trust officer and forwarded to the Director of Finance, are set out in Annex A. The Register will be held in the format outlined in Annex A. Further guidance and template letters are included in HSS(F) 35/2009.

## **10.0 PROVISION OF HOSPITALITY, GIFTS AND AWARDS**

- 10.1 Paragraphs below provide a guide for staff when considering the provision of hospitality, gifts or awards. Appendix 2 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.

### ***10.2 Internal Hospitality***

- 10.2.1 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.
- 10.2.2 The provision of hospitality by the Trust should be modest, for example biscuits not buns, and appropriate to the circumstances. In all instances, the expenditure involved must constitute good value for money. Where hospitality is to be extended for internal meetings, it should be limited to modest light refreshments and written approval should be sought in advance from the appropriate Line Manager or Director if expenditure is estimated to exceed the maximum limit (currently £5 per head) set out in Appendix 2. A proforma approval form is set out in Appendix 3.
- 10.2.3 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.

10.2.4 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 Line Manager or Director. Beverages provided with lunches should be restricted to tea, coffee, water or fruit juice. A proforma approval form is set out in Appendix 3.

10.2.5 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.

### **10.3 External Hospitality**

10.3.1 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.

10.3.2 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. Written approval should be sought in advance from the appropriate Line Manager or Director. A proforma approval form is set out in Appendix 3.

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

### **10.4 Other Circumstances**

10.4.1 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.

10.4.2 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.

### **10.5 Authorisation and Approval of Hospitality**

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



10.5.2 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.

**10.5.3 Appropriate approvals should be obtained prior to the hospitality being provided. The provision of external hospitality should have the approval of the relevant Director and be of the form contained in appendix 3.**

## **10.6 *Provision of Gifts or Awards***

10.6.1 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 Line Manager and such approval should be formally documented.

## **11.0 IMPLEMENTATION OF THE POLICY**

### **11.1 Dissemination**

11.1.1 This policy will be disseminated to all staff via email and will be included on the Trust's intranet site.

### **11.2 Resources**

11.2.1 There are no identifiable resources required for implementation of this policy.

### **11.3 Exceptions**

11.3.1 There are no exceptions to this policy.

## **12.0 MONITORING**

12.1 All Trust policies will be monitored to ensure compliance with this policy through the policy development and review process.

## **13.0 EVIDENCE BASE/REFERENCES**

13.1 HSS(F) 13/2007 Financial Governance Model Documents  
HSS(F) 35/2009 Hospitality Registers

## **14.0 CONSULTATION PROCESS**

14.1 Senior Executive Management Team  
Senior managers  
Trade Union Representatives

## **15.0 APPENDICES / ATTACHMENTS**

15.1 Appendix 1: The Seven Principles of Public Life

Appendix 2: Prescribed Maximum Expenditure Limits for the Provision of Hospitality

Appendix 3: Proforma Approval for the Provision of Hospitality

Annex A Templates Gift/Hospitality Forms and Register

## **16.0 EQUALITY STATEMENT**

16.1 In line with duties under Section 75 of the Northern Ireland Act 1998; Targeting Social Need Initiative; Disability Discrimination Act 1995 and the Human Rights Act 1998, an initial screening exercise, to ascertain if this policy should be subject to a full impact assessment, has been carried out.

16.2 The outcome of the screening exercise for this policy is:

Major impact

Minor impact

No impact.

## **17.0 SIGNATORIES**

\_\_\_\_\_  
Lead Author Date: \_\_\_\_\_

\_\_\_\_\_  
Lead Director Date: \_\_\_\_\_

### **Review of Policy**

This policy will be reviewed every three years or at times considered necessary as a result of operational changes, legislative changes or risk assessments have occurred.

**Date of Issue: December 2015**

**Date for Review: November 2018**

## **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**

**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 - £5 per delegate
- Evening Meal - £15 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.

Where the prescribed maximum expenditure limits are exceeded for genuine business reasons (for example, the choice of venue is beyond the employees control or cheaper venues were not available) additional support may be agreed by the appropriate Line Manager or Director. This should be provided in advance and documented in the approval form.

Expenditure should be supported by receipts.

**APPENDIX 3**

**PROFORMA APPROVAL FOR THE PROVISION OF HOSPITALITY**

This form should be completed IN ADVANCE of hospitality being provided when:

- Hospitality extended for internal meetings is estimated to exceed maximum limits (currently £5 per head)
- Hospitality for non residential events is provided where alternative provision is not available.
- Where hospitality is to be offered to external representatives

1. Requesting Manager: .....

2. Type of hospitality proposed and appropriateness of extending hospitality:

3. The venue, scale and cost of hospitality (please refer to prescribed maximum limits):

4. Delegates/Guest List

Hospitality Approved/Declined (please delete as appropriate):

Signed .....

Date .....

*Guidance on the completion of this form can be found in the Trusts Gifts & Hospitality Policy  
Completed, approved forms should be returned to the requesting manager and appended to orders in the Eproc system*

**Annex A**

**Part 1 to be completed by recipient. Part 2 to be completed by approving officer)**

<b>GIFT/HOSPITALITY FORM A1 (Part 1) (AUTHORISATION/OFFER ACCEPTED/OFFER DECLINED)</b>	
Name of recipient:	
Name of ultimate recipient if not as above (i.e. if gift or hospitality passed on to someone else):	
Date of offer:	
Who made the offer:	
Description of offer:	
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:

**Annex A (continued)**

**Part 1 to be completed by recipient. Part 2 to be completed by approving officer)**

<b>GIFT/HOSPITALITY FORM A1 (Part 2) (AUTHORISATION/OFFER ACCEPTED/OFFER DECLINED)</b>	
Reasons why approval has/has not been granted:	
Is gift being returned? If so, a letter should be issued (template at Annex B HSS(F) 35/2009 to be used)	
Has the gift been used or disposed of? If so give details:	
Has the gift been donated to a nominated charity?	
Has the Gifts and Hospitality register been updated?	
Signature of Approving Officer:	Signed: Date:

**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 i.e. Accepted / Refused / Returned	Entered by	Entered Date	File Ref: