

POLICY NAME:	GIFTS AND HOSPITALITY
POLICY REFERENCE:	TW11-033
VERSION NUMBER :	6
APPROVING COMMITTEE:	AUDIT COMMITTEE
DATE THIS VERSION APPROVED:	February 2017
RATIFYING COMMITTEE:	PARC (Policy Approval and Ratification Committee)
DATE THIS VERSION RATIFIED:	February 2017
AUTHOR(S) (JOB TITLE)	ASSISTANT TRUST BOARD SECRETARY
DIVISION/DIRECTORATE:	CORPORATE
TRUST WIDE POLICY (YES/NO)	YES
Links to other Strategies, Policies, SOP's, etc.	Fraud Corruption and Bribery Policy & Response Plan, Standard Financial Instructions Standing Orders Code of Conduct Policy Commercial Representatives Policy Private Practice Policy

Date(s) previous version(s) approved: (if known)	Version: V3 V2 V4 V5	Date : March 2009 August 2007 September 2011 May 2013
DATE OF NEXT REVIEW:	February 2020	
Manager responsible for review: <i>N.B. This should be the Author's line manager</i>	TRUST BOARD SECRETARY	

**AT ALL TIMES, STAFF MUST TREAT EVERY INDIVIDUAL WITH RESPECT
 AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY.**

CONTENTS		PAGE NO.
1	INTRODUCTION	
2	POLICY STATEMENT	2
3	KEY PRINCIPLES	3
4	RESPONSIBILITIES	3
5	THE LAW AND RELATED POLICIES	4
6	BREACHES	5
7	HUMAN RIGHTS ACT	5
8	INCLUSION & DIVERSITY	5
9	MONITORING & REVIEW	5
10	ACCESSIBILITY STATEMENT	5

APPENDICES		
1	Declaration Form	6
2	Equality Impact Assessment Form	7
3	Monitoring & Review	11

1 INTRODUCTION

- 1.1 As a public sector organisation, Wrightington Wigan and Leigh NHS Foundation Trust (WWL) has a duty to ensure that its resources are utilised effectively. It must be impartial and honest in the conduct of its business and employees must be beyond suspicion.
- 1.2 All decisions by WWL 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.
- 1.3 This policy, which should be read in conjunction with the Trust's Standing Orders and Standing Financial Instructions, the Code of Conduct and Counter Fraud and Corruption policies, sets out the limited circumstances where offers of gifts or hospitality can be accepted and applies to all employees and Directors of WWL, where such offers have been received as a consequence of their Directorship of, or employment with, the Trust.
- 1.4 The policy also requires all offers of gifts or hospitality above £50 to be registered with the Trust Board Secretary, irrespective of whether the offer is accepted or not.
- 1.5 This policy does not apply to travelling at a supplier's expense to inspect equipment, which is governed by the terms of Standing Financial Instruction No. 8.3.6. Approval for such visits must be granted by Deputy Director of Operations or a more senior manager; however, such visits must also be registered with the Trust Board Secretary, in line with this policy, using the pro forma at Appendix 1.
- 1.6 This policy is not intended to cover working with commercial organisations (Commercial Sponsorship).

2 POLICY STATEMENT

2.1 Definition

For the purpose of this policy Gifts and Hospitality are defined as 'the receipt of entertainment (including meals and drinks), gifts or cash (or equivalent, i.e. cheques, vouchers, gift cards, lottery tickets or betting slips) for personal use or benefit which has no direct benefit to patient care or the business of the Trust'

2.2 General Principles

- 2.2.1 The Wrightington, Wigan and Leigh NHS Foundation Trust is a public service and, as such, the Trust expects and requires all Directors and employees to maintain the highest standards of integrity in all business and personal relationships arising from, or relating to, their duties to, or employment by the Trust.
- 2.2.2 The policy of WWL is to ensure that the actions of staff of WWL will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage, by any member of staff accepting gifts or hospitality from any such person or organisation. It will ensure that staff do not abuse their official position for personal gain and do not seek to advantage any private business or other interests in the course of their duties.
- 2.2.3 It will enable individual staff of WWL to work without fear of allegations of corruption. It will protect WWL from criticism from external bodies and ensure that there is no embarrassment to WWL from accusations and proven causes of wrongdoing. The policy

will re-assure the public that ethical standards are in place for all staff when dealing with the offers of gifts and hospitality.

3 KEY PRINCIPLES

- 3.1 The policy applies to all Directors and employees of the Trust, where they are acting in their Capacity as a Director or employee of the Trust.
- 3.2 For the avoidance of doubt, the policy does not apply to gifts and hospitality given by relatives or personal friends, excepting where they are given as an inducement to the Director or employee to act in a particular way in connection with their duties with the Trust. If in doubt staff should seek advice from their line manager or Trust Board Secretary.
- 3.3 Nor does the policy apply to invitations to Directors of employees to represent the Trust at NHS functions.
- 3.4 Failure to comply with the policy is a disciplinary matter and may result in disciplinary action being taken against anyone who fails to comply with the requirements of the policy. Such action may include dismissal.

4 RESPONSIBILITIES

4.1 Responsibility of the Trust Board

- 4.1.1 The responsibility for the provision of a gifts and hospitality policy rests initially with the Trust Board.
- 4.1.2 Trust Board will delegate monitoring of the policy to the Audit Committee to ensure that all staff are acting in accordance with this policy.
- 4.1.3 The Audit Committee will be responsible for reviewing the Register for the Receipt of Casual Gifts and Provision and Receipt of Hospitality. It is the responsibility of the Audit Committee to ensure that the organisation acts in an open, honest and equitable manner.

4.2 Responsibilities of the Chief Executive

- 4.2.1 To ensure that any new or revised Trust policy is presented to the appropriate committee for the required approval.
- 4.2.2 To be responsible for each policy and for allocating responsibility for writing the appropriate procedures etc.
- 4.2.3 To ensure that each policy is reviewed within its appropriate time frame and is then taken to the appropriate committee for approval.
- 4.2.4 To ensure that the policy displayed on the intranet is the current version.
- 4.2.5 The Chief Executive will oversee the introduction, operation and monitoring of the policy and will report to the Trust Board as required.
- 4.2.6 The Chief Executive will also ensure the provision of advice and guidance to managers on the application of this policy.

4.3 Responsibility of Managers

- 4.3.1 To take local decisions within the defined parameters of Trust policies and/or procedures.
- 4.3.2 To develop and establish local protocols/procedures/operating practices as required to ensure that all relevant offers of gifts and hospitality are registered.
- 4.3.3 To ensure that all policies are accessible to staff.
- 4.3.4 Managers should observe the requirements of this policy.
- 4.3.5 To ensure that employees are made aware of the procedure for registering gifts and hospitality.

4.4 Responsibility of Employees

- 4.4.1 All staff have a duty to read and work within current policies.
- 4.4.2 To be aware of the gifts and hospitality policy.
- 4.4.3 All offers of gifts or hospitality with a value in excess of £50, whether accepted or not, must be reported to the Trust Board Secretary using the approved declaration form (Appendix 1) drawn up for this purpose.

4.5 Responsibility of the Trust Board Secretary

- 4.5.1 A register of offers of gifts and hospitality will be kept by the Trust Board Secretary.
- 4.5.2 By maintaining such a register, this will seek to provide some protection to Directors and employees of the Trust from potential allegations of abuse of their official position.

5 THE LAW AND RELATED POLICIES

- 5.1 This policy has been written in line with the Bribery Act 2010, Fraud Act 2006 and Human Medicines Regulation Act 2012 and will be updated with any changes to UK and EU legislation.
- 5.2 It is an offence under the Bribery Act 2010 for an employee corruptly to accept any inducement or reward for doing, or by refraining from doing, anything in his or her official capacity, or corruptly showing favour or disfavour, in the handling of contracts.
- 5.3 It is of overriding importance to note that under the Bribery Act 2010, any money, gift or consideration received by an employee in the public services from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.
- 5.4 The following documents set out generic guidelines and responsibilities in relation to gifts and hospitality and should be read in conjunction with this policy:
 - 5.4.1 Standards of Business Conduct for NHS Staff (HSG(93) 5)
 - 5.4.2 Code of Conduct and Accountability in the NHS (EL(94)40)
 - 5.4.3 Principles of Conduct in Public Life (Nolan Principles)
 - 5.4.4 Code of Practice for the Pharmaceutical Industry 2015
 - 5.4.5 WWL Code of Conduct Policy
 - 5.4.6 WWL Counter Fraud, Corruption and Bribery Policy & Response Plan
 - 5.4.7 WWL Raising your Concerns (Whistleblowing) Policy
 - 5.4.8 WWL Disciplinary Policy and Procedures
 - 5.4.9 WWL Sales Representative Policy

6. BREACHES

- 6.1 Staff need to be aware that a breach of the provisions of Bribery Act 2010 may render them liable to prosecution. Any member of staff who fails to comply with requirements to declare interests and any gifts or hospitality received, or is found to have abused their official position, or knowledge, for the purpose of self-benefit, or that of family and friends may be liable to disciplinary action under the WWL NHSFT, disciplinary policy and procedure.
- 6.2 Under these Acts, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:
 - 6.2.1 Doing, or refraining from doing, anything in their official capacity.
 - 6.2.2 Showing favour or disfavour to any person in their official capacity.

- 6.3 Under the Bribery Act 2010, any money, gift or consideration received by an employee in public service from a person or organisation holding, or seeking to obtain, a contract will be deemed by the Courts to have been received corruptly, unless the employee can prove the contrary.
- 6.4 The Trust's Commercial Representatives Policy stipulates that Gifts or hospitality must not be used to unfairly influence any commercial or clinical decisions and therefore the potential for a conflict of interest must be avoided. Casual gifts by contractors or others must not in any way be connected with the performance of duties so as to constitute an offence under the law. Articles of low intrinsic value (i.e. Diaries or calendars), may be accepted. Such items do not require registration, unless the value exceeds £50.
- 6.5 The Trust will not provide legal assistance to any Director or employee under investigation, or charged, in connection with a criminal act, with regard to any matters relating to this policy.

7 HUMAN RIGHTS ACT

Implications of the Human Rights Act have been taken into account in the formulation of this policy and they have, where appropriate, been fully reflected in its wording.

8 INCLUSION & DIVERSITY

The Policy has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance and, as far as the author is aware, there is no impact on any protected characteristic.

9. MONITORING AND REVIEW

- 9.1 Implementation of this Policy will be overseen by the Audit Committee and will be monitored on an annual basis which will include an analysis of the entries in the Trust Register. A summary of the declarations will be provided to the Director of Finance and Information, for review.
- 9.2 Adherence to the Policy will be subject to internal audit, as part of the audit review of the Governance Statement.
- 9.3 The policy will be regularly reviewed, in order to ensure that it remains valid and reflects any subsequently issued NHS guidance or new legislation.

10 ACCESSIBILITY STATEMENT

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd.

For more details, please contact the HR Department on 01942 77(3766) or email equalityanddiversity@wwl.nhs.uk

Appendix 1

WRIGHTINGTON. WIGAN & LEIGH NHS FOUNDATION TRUST

**DECLARATION OF GIFTS OR HOSPITALITY
OFFERED TO TRUST DIRECTORS OR EMPLOYEES**

To be submitted to the Trust Board Secretary, The Elms, Royal Albert Edward Infirmary, Wigan, WN1 2NN, within 3 working days of an offer of a gift or hospitality with a monetary value in excess of £50. Also for any offer of cash, or any offer of hospitality not related to business meetings, or any gift with a monetary value in excess of £50, when accepted for use by the Trust or for fund raising purposes, or when travelling at a supplier's expense to inspect equipment.

FULL NAME	
JOB TITLE	
SPECIALTY	
DEPARTMENT/ DIRECTORATE	
TELEPHONE NUMBER (OFFICE)	
METHOD OF THE OFFER Eg, phone, personal visit, letter (copies of any relevant documentation to be attached)	
DATE OFFER MADE?	
FULL DETAILS AND VALUE AND NATURE OF THE GIFT OR HOSPITALITY OFFERED. If the exact value is unknown, please try to obtain this from whom the offer has been made by. Details to include Eg:. Flight to inspect equipment or lecture/presentation: was travel standard or 1 st class? Was the visit/lecture during Trust time? If yes, please confirm line manager authorisation was given. Was annual leave taken to attend event/hospitality	

<p>OFFER ACCEPTED? – YES / NO</p> <p>IF YES PLEASE INCLUDE THE RATIONALE FOR THE ACCEPTANCE OF THE GIFT AND THE DATE ACCEPTED.</p> <p>If gift donated to a fund raising event organised by the Trust, please provide details and a copy of the acknowledgement issued.</p> <p>If gift donated for use by the Trust, please provide details</p>	
<p>NAME AND ADDRESS OF COMPANY/ORGANISATION/ INDIVIDUAL MAKING THE OFFER or</p> <p>ROLE AND TITLE OF INDIVIDUAL MAKING THE OFFER</p>	
<p>DETAILS OF ANY CONTRACTS OR PROPOSED CONTRACTS BETWEEN THE OFFERER AND THE TRUST</p>	
<p>The information provided above is true and accurate. I wish the information to be included on the Register of Gifts and Hospitality. I understand that this Register will be made publicly available and considered by the Trust Board I am aware that if I intentionally provide false information, I may be subject to criminal proceedings or disciplinary proceedings being instigated against me.</p>	
<p>SIGNATURE OF PERSON MAKING THE DECLARATION</p>	
<p>Signature and authorisation of Line manager</p>	
<p>Annual leave taken to attend event/hospitality – <i>this insertion was a request from the audit committee for trips abroad etc and approval from line manager, especially when accepting fees for attendance</i></p>	
<p>DATE OF SUBMISSION OF PRO-FORMA</p>	

APPENDIX 2
Appendix 2

EQUALITY IMPACT ASSESSMENT FORM – STAGE 1
INITIAL ASSESSMENT (PART 1)

FOR USE WITH POLICY'S AND SOP'S

Division:	Corporate	Department:	Executive
Title of Person(s) Completing Form	Assistant Trust Board Secretary	New or Existing Policy?	Existing
Title of Policy being assessed:	Gifts & Hospitality	Implementation Date (Policy)	
What is the main purpose (aims / objectives) of this policy?	The Trust has has a Gifts and Hospitality Policy since 2007. This update ensures that the Trust remains compliant with its responsibilities in relation to gifts and hospitality.		
Will patients, carers, the public or staff be affected by this policy? Please delete as appropriate.	Patients	Yes	All
	Carers	Yes	
	Public	Yes	
	Staff	Yes	
	If staff, how many individuals / Which Groups of Staff are likely to be affected? The policy applies to all staff		
Have patients, carers, the public or staff been involved in the development of this policy? Please delete as appropriate.	Patients		No
	Carers		No
	Public		No
	Staff	Yes	
	If yes, who have you involved and how have they been involved: Draft policy reviewed at Audit committee		
What consultation method(s) did you use?	<i>For example: focus groups, face-to-face meetings, questionnaires etc.</i> Draft policy taken for comment at Audit committee		
How are any changes / amendments to the policy communicated?	Global Email to launch new policy. Reminder to be included in CEO Team Brief.		

QUESTIONS YOU MUST CONSIDER when completing the following Equality Impact Assessment Table:

- Are there any barriers which could impact on how different groups might benefit from this policy?
- Does this policy promote the same choices for different groups as everybody else?
- Could any of the following group's experience of this policy be different?
- Does this policy address the needs and potential barriers of these groups?

EQUALITY IMPACT ASSESSMENT TABLE – POLICIES (PART 2)

Equality Group	Positive Impact	Negative Impact	Reason/Comments for Positive Impact	Reason/Comments for Negative Impact	Resource Implication
	High Low None	High Low None	<u>(Why it could benefit any / all of the Equality Groups)</u>	<u>(Why it could disadvantage any / all of the Equality Groups)</u>	Yes / No
Men					
Women					
Younger People (17-25) and Children					
Older People (60+)					
Race or Ethnicity					
Learning Difficulties					
Hearing Impairment					
Visual Impairment					
Physical Disability					
Mental Health Need					
Gay/Lesbian/Bisexual					
Transgender					
Faith Groups (specify)					
Marriage & Civil Partnership					
Pregnancy & Maternity					
Carers					
Other Group (specify)					
Applies to ALL Groups	None	None			No

High: There is significant evidence of a negative impact or potential for a negative impact.

Low: Likely to have a minimal impact / There is little evidence to suggest a negative impact.

None: A Policy with neither a positive nor a negative impact on any group or groups of people, compared to others.

INITIAL ASSESSMENT (PART 3)

- (a) In relation to each group, are there any areas where you are unsure about the impact and more information is needed?

Not applicable

- (b) How are you going to gather this information?

- (c) Following completion of the Stage 1 Assessment, is Stage 2 (a Full Assessment) necessary?

Have you identified any issues that you consider could have an adverse (negative) impact on people from the following Equality Groups?

(Please **delete YES/NO** as appropriate)

Age (Younger People (17-25) and Children / Older People (60+))		NO
Gender (Men / Women)		NO
Race		NO
Disability (Learning Difficulties / Hearing Impairment / Visual Impairment / Physical Disability / Mental Illness)		NO
Religion / Belief		NO
Sexual Orientation (Gay / Lesbian / Bisexual)		NO
Gender Re-assignment		NO
Marriage & Civil Partnership		NO
Pregnancy & Maternity		NO
Carer		NO
Other		NO

Any other comments

Assessment completed by (Job Title): Assitant Trust Board Secretary
Date Completed: January 2017

If 'NO IMPACT' is identified **Action: No further documentation is required.**

If 'YES IMPACT' is identified **Action: Full Equality Impact Assessment Stage 2 form must be completed. Refer to link below:**

http://intranet/Departments/Equality_Diversity/Equality_Impact_Assessment_Guidance.asp

PLEASE RETURN A COPY OF THE COMPLETED ASSESSMENT FORM (STAGES 1, 2 & 3) VIA E-MAIL TO:

DEBBIE JONES, EQUALITY AND DIVERSITY PROJECT LEAD (for Service related policies)

debbie.jones@wwl.nhs.uk

lyndsay.wallwork, EQUALITY AND DIVERSITY PROJECT LEAD (for HR / Staffing related policies)

lyndsay.wallwork@wwl.nhs.uk

POLICY MONITORING AND REVIEW ARRANGEMENTS

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
9	Monitoring and review of Gifts and Hospitality Policy	Annual Review of Gift and Hospitality Register	Board Secretary	Annual/ 5 times a year	Audit Committee	Report of Register	TB Secretary Office.