

HOSPITALITY, SPONSORSHIP AND GIFTS POLICY

Document Reference:	GOV11
Document Title:	Hospitality, Sponsorship and Gifts Policy
Version:	4.0
Supersedes:	3.0
Author:	Sarah Mattocks
Authors Designation:	Corporate Affairs and Governance Manager
Consultation Group:	Audit Committee
Date Ratified:	29 th November 2018
Review Date:	November 2019

Version Control

Version	Date	Author	Status	Comment / Details of Amendments
0.1	25.02.14	Anne Whittle	Draft	Policy drafted
1.0	17.03.14	Anne Whittle	Approved	Amended according to request from Audit Committee
2.0	06.05.16	Sarah Mattocks	Approved	Amended according to request from Audit Committee
3.0	November 2016	Sarah Mattocks	Final	Updated following new NHSE guidance
4.0	November 2018	Sarah Mattocks	Final draft	Updated following new NHSE guidance – submitted to Audit Committee for approval and to recommend to Governing Body
4.0	November 2018	Sarah Mattocks	Final	Amended following Governing Body approval

Circulation List

Prior to Approval, this Policy was circulated to the following for consultation:

- Audit Committee

Following Approval this Policy Document will be circulated to:

- All Governing Body Members
- All Membership Council Members
- All Sub-Committee Members
- All CCG staff

Equality Impact Assessment

This document has been impact assessed by the author on first draft whereby no issues were identified in relation to Equality, Diversity and Inclusion. No changes have been made to this policy which would have an impact on Equality and Diversity.

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1.0 Introduction

- 1.1 People who work in the public sector, including healthcare professionals and employees have always had to manage any offers of hospitality, sponsorship and gifts. Such gratuities can lead to conflicts or potential conflicts of interest which can be seen as acts of corruption by members of the public or competing companies which seek to provide services to the CCG. By recognising where and how they arise and dealing with them appropriately, NHS organisations will be able to ensure proper governance and transparency around managing hospitality, sponsorship and gifts.
- 1.2 The NHS Constitution contains principles and values which underpin the way in which public money is spent to provide good quality of care whilst ensuring value for money. NHS Greater Preston Clinical Commissioning Group (CCG) has adopted these principles and values, the Nolan principles of good governance, along with Standards for Members of NHS Boards and CCG Governing Bodies in England, which complement the Nolan principles.
- 1.3 This policy sets out how the CCG will manage the acceptance or refusal of hospitality, sponsorship and gifts during all aspects of the operation and functions of the organisation.
- 1.4 The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety and demonstrate transparency to the public and other interested parties.

2.0 Scope of the policy

- 2.1 This policy applies to NHS Greater Preston CCG. It will be the subject of a two-yearly review and amendment subject to change in legislation or guidance.
- 2.2 It applies to all employees and Governing Body members including elected and non-elected members. The roles covered by this policy will hereafter be referred to as CCG representatives.
- 2.3 The policy should be read in conjunction with the CCG policy for Managing Conflicts of Interest and the Anti-Fraud, Bribery and Corruption policy.

3.0 Statutory and national guidance

- 3.1 The Code of Conduct, Hospitality and Employee Procedures states that public organisations should develop and implement a gifts and hospitality policy whereby it either prohibits the giving or acceptance of all gifts, hospitality and donations, or puts in place a policy setting out acceptable limits for hospitality and gifts and

appropriate controls and monitoring mechanisms such as a declaration of gifts/hospitality register.

- 3.2 In the interests of transparency, NHS Protect recommends that the organisation register of hospitality be submitted to the Audit Committee (or equivalent) for scrutiny and publication along with the minutes of the meeting. It is recommended that this is done annually. The CCG's register of hospitality is submitted to the Audit Committee on a six monthly basis for scrutiny. A template for this register is included at Appendix 3 of this policy.
- 3.3 CCG representatives will be required to declare any offer, acceptance or refusal of hospitality, sponsorship or gifts. This should be managed by the appropriate senior manager.
- 3.4 Disciplinary procedures are in place, which enable the organisation to take appropriate disciplinary action against a CCG representative who commits a corrupt act. These procedures should be specified in contracts with the CCG. Suspected criminal acts such as fraud or bribery will be reported to the Local Counter Fraud Specialist and may result in criminal proceedings. Please refer to section 10 of this policy for the CCG's disciplinary procedure. The CCG's disciplinary procedure applies to employees only. The disciplinary procedure for office holders is contained within the constitution which is located on the CCG website.

4.0 Definition and examples of hospitality

- 4.1 Hospitality can be defined as offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events.
- 4.2 Overarching principles applying in all circumstances:
 - Staff should not ask for or accept hospitality that may affect, or be seen to affect, their professional judgement.
 - Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event.
 - Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors – these can be accepted if modest and reasonable but individuals should always obtain senior approval and declare these.
- 4.3 If hospitality is used in a meeting, it must be secondary to the purpose of the meeting. Working lunches should be considered only when a meeting takes place over the lunch-time period and when some of the people attending are from off-site and even then, should not be provided as a matter of course.

- 4.4 When considered essential, working lunches should be limited to sandwiches or a modest buffet type meal. Working lunches should follow healthy eating guidelines.
- 4.5 Working lunches should not be provided for meetings that are due to finish by 1.00pm or for meetings that are due to start after 1.00pm. The provision of alcoholic beverages is not permissible.

5.0 Definition and examples of Sponsorship

- 5.1 Sponsorship can be defined as a person or organisation that provides or pledges money or hospitality to help fund an event. Examples include payment for a venue or provision of a lunch or drinks at a meeting where CCG business is conducted.
- 5.2 Overarching principles applying in all circumstances:
- Sponsorship of events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS.
 - During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
 - No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied.
 - Sponsors or their representatives may attend or take part in events but they must not have a dominant influence over the content or the main purpose of the event.
 - The involvement of a sponsor in an event will always be clearly identified in the interest of transparency.
 - Sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.

6.0 Definitions and examples of Joint working

- 6.1 Joint working is defined as situations where, for the benefit of the patients, organisations pool skills, experience and or resource for the joint development and implementation of patient centered projects and share a commitment to successful delivery. Joint working is different to sponsorship, where private companies simply provide funds for a specific event or work programme.

7.0 Definitions and examples of Gifts

- 7.1 A gift is defined as 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.

- 7.2 Overarching principle applying in all circumstances:
- Staff should not accept gifts that may affect, or be seen to affect, their professional judgement.

8.0 What to do if offered hospitality

- 8.1 Hospitality may only be considered under the following limits:

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 form at appendix 1, a reference should be made to the ABPI Code of Practice for the Pharmaceutical Industry <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>.
- Over a value of £75* - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should 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).

Travel and accommodation:

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. All such costs must be within the agenda for change limits and any additional impositions from the Remuneration Committee.

- 8.2 Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by senior staff, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on an organisation's register(s) of interest as to why it was permissible to accept travel and accommodation of this type.
- 8.3 A non-exhaustive list of examples includes:
- offers of business class or first class travel and accommodation (including domestic travel), where this was of a greater value than a standard class ticket.
 - offers of foreign travel and accommodation.

9.0 What to do if offered sponsorship

- 9.1 Sponsorship may only be considered under the following circumstances:

- 9.1.1 Sponsorship of private companies, for example the pharmaceutical industry, to provide training to CCG staff or members will be assessed on a case by case basis by the respective CCG team and only permitted whereby the

training is assured to be non-promotional. Sponsorship by a group of companies rather than a single company will be preferred. A sponsorship proposal form should be completed (Appendix 2).

9.1.2 Commercial sponsorship from private companies, which meets the following principles:

- CCG Commissioning decisions must always be made in the best interests of patients and the service. The involvement of a commercial or other sponsor should not compromise the CCG, any member of staff or officer in undertaking their duties;
- Any arrangement must ensure that the CCG, any member of staff or officer are not put under any undue obligation to a sponsor (or that they become open to the accusation), that core business functions are not affected and that they remain impartial;
- No agreements will be entered into with sponsors whose products, policies or services are prejudicial to health, ethically unacceptable or conflict with the principles, policies and objectives of the NHS and CCG;
- The risks of being overly dependent on funding for a project include the possibility that the sponsor withdraws support must be considered at the outset of any proposal and consideration given as to how the project would be funded if this happened.

Sponsored research

9.2 Specifically, if the sponsorship involves funded research the following principles in addition to those outlined at 5.2 must be followed:

- Funding sources for research purposes must be transparent.
- Any proposed research must go through the relevant health research authority or other approvals process.
- There must be a written protocol and written contract between staff, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- The study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.
- Staff should declare involvement with sponsored research to their organisation.

Sponsored posts

9.3 Specifically, if the sponsorship involves funded posts the following principles in addition to those outlined at 5.4 must be followed:

- Staff who are establishing the external sponsorship of a post should seek formal prior approval from their organisation.

- Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and confirm the appropriateness of arrangements continuing.
- Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. For the duration of the sponsorship, auditing arrangements should be established to ensure this is the case. Written agreements should detail the circumstances under which organisations have the ability to exit sponsorship arrangements if conflicts of interest which cannot be managed arise.
- Sponsored post holders must not promote or favour the sponsor's specific products, and information about alternative products and suppliers should be provided.
- Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed in connection with the sponsored posts.

10.0 What to do if offered Joint working

This section of the policy (10.1) should be read in conjunction with the policy for consideration of primary care rebate schemes which is located on the CCG intranet.

- 10.1 In addition to the general principles outlined at 5.2 which must be adhered to, the following principles specific to the pharmaceutical industry must also be followed in the event of joint working:
- Professional and industry codes of conduct should be adhered to at all times
 - CCG employees will adhere to the CCG's Contract of Employment relating to Standards of Conduct.
 - The sponsoring pharmaceutical organisation will follow the ABPI Codes of Practice.
 - Partnership arrangements should avoid the direct promotion of pharmaceutical products.
 - Joint working should not undermine or conflict with the ethical requirements of any healthcare professional, including the duty of the clinicians to provide whatever treatment they consider clinically appropriate.
 - Patient and practice confidentiality will be upheld at all times. The Data Protection Act will be adhered to and, where access to patient records is necessary, a confidentiality agreement will be drawn up.
 - All projects and resulting data remain the intellectual property of the CCG, unless otherwise agreed and 'signed off' by the CCG Chief Officer.
 - Sponsorship and joint working arrangements should be at a corporate rather than at an individual member of staff level.
 - All pharmaceutical sponsorship will be reported on the ABPI annual return

10.2 All joint working arrangements, regardless of the industry, must ensure the following:

- Joint working and sponsorship arrangements are conducted in an open, decent, transparent and defensible way
- Partnerships are entered into are wholly for the benefit of the CCG patient population i.e. meet patient and NHS needs
- Potential partnership arrangements are assessed for their ability to provide sustainable clinical benefits, in a highly cost effective manner

10.3 When considering sponsorship from private companies / sponsored research/sponsored posts/joint working the process at appendix 4 of this policy must be followed. This process includes that all approved sponsorship will be submitted to the Audit Committee along with a copy of proposal for the Audit Committee to provide assurance on those approved meeting the principles at 5.2 of this policy.

11.0 What to do if offered Gifts

11.1 Gifts may only be considered under the following limits:

- Gifts from suppliers or contractors doing business (or likely to do business) with an organisation should be declined, whatever their value, a reference should be made to the ABPI Code of Practice for the Pharmaceutical Industry <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>. This would include all providers contracting with the CCG such as GP practices and acute Trusts. [CCG](#).
- Subject to this, 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.

11.2 This could include items such as:

- low value promotional gifts (such as calendars, diaries and other small gifts) inscribed with the provider's name;
- conventional personal gifts, such as flowers, fruit or confectionery of reasonable value – for someone who has been off work for a long time (for example through sickness or the birth of a child);
- team gifts of low value, such as confectionery, intended to be shared by the team.

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

- Gifts of cash and vouchers to individuals should always be declined.
- Staff should not ask for any gifts.

- Gifts valued at over £50 should be treated with caution and only be accepted on behalf of an organisation (i.e. to an organisation's charitable funds), not in a personal capacity. These should be declared by staff.
- Modest gifts accepted under a value of £50 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 should be treated in the same way as single gifts over £50 where the cumulative value exceeds £50.

11.4 You should not accept:

- gifts on a larger scale than those described above;
- goods or services provided by a business contact for personal benefit at nil or reduced cost (for example building or maintenance work);
- payment by business contacts to subsidise social events (such as Christmas parties)

12.0 Duties and responsibilities in declaring an offer of, acceptance or refusal of hospitality, sponsorship or gifts

12.1 Any offer of hospitality must be declared using the form at appendix 1.

12.2 Any offer of sponsorship must be declared using the forms at appendices 1 and 2.

12.3 Any offer of a gift over the value of £6 must be declared using the form at appendix 1.

12.4 All CCG representatives must take great care over offering or accepting offers of gifts, hospitality and entertainment that are in any way (currently or prospectively) linked to the organisation's business. This is to avoid anyone being put in a position where there is potential or actual conflict of interest, or which might be construed in that light.

12.5 You should:

- report immediately all offers of unreasonably generous gifts, following the relevant protocol (see declaration form at appendix 1);
- return promptly any unacceptable gifts, with a letter politely explaining the terms of this policy and stating that you are not allowed to accept them; and
- dispose of any gift that cannot be returned (such as perishables) at the discretion of a suitably senior member of staff. For example, it might be shared between junior staff or given to a charity. In these cases the supplier should also be informed, in writing, of the organisation's action.

13 Managing hospitality, sponsorship and gifts to protect the integrity of the decision-making process of the CCG

- 13.1 To support the CCG in delivering its statutory requirements the following features will need to be integral to the commissioning of all services.

14 Register of Hospitality, Sponsorship and Gifts

- 14.1 The Corporate Services Department, will maintain a Register of Hospitality, Sponsorship and Gifts declared by the CCG representatives, together with the date that the declaration was made.
- 14.2 All declarations contained in the Register will be published and made available to the public via the CCG website or on request .
- 14.3 The registers on the website will be correct as per the time of upload to the intranet, and will be refreshed on the website on a quarterly basis to reflect any changes since the last upload.
- 14.4 The registers will include details of previous gifts and hospitality accepted by the supplier as it is a rolling register.

15 Reporting of Hospitality, Sponsorship and Gifts

- 15.1 The Corporate Services Department will provide an update report of the Register of Hospitality, Sponsorship and Gifts to the Audit Committee at each meeting, outlining any new additions to the register for scrutiny by the committee.

16 Breaches of the policy

- 16.1 Failure to comply with this policy will be addressed under the disciplinary processes of the CCG, or otherwise as set out in the CCGs Standing Orders. Where suspicions of impropriety arise these will be reported to the CCG's Local Counter Fraud Specialist for consideration of appropriate action in accordance with the Anti-Fraud, Bribery and Corruption policy.

17 Review of the policy

- 17.1 The policy will be reviewed in accordance with the review date or earlier should the CCG become aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local / national directives that affect, or could potentially affect the policy.

Appendix 1 Declaration of Acceptance or Refusal of Hospitality, Sponsorship and Gifts

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offeror: Name and Nature of Business	Details of previous offers or Acceptance by this Offeror/ Supplier	Details of the officer reviewing and approving the declaration made and date	Declined or Accepted?	Reason for Accepting or Declining	Other Comments

The information submitted will be held by the CCG for personnel or other reasons specified on this form and to comply with the organisation's policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) May 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and in the case of 'decision making staff' (as defined in the statutory guidance on managing conflicts of interest for CCGs), may be published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

Decision making staff should be aware that the information provided in this form will be added to the CCG's registers which are held in hardcopy for inspection by the public and published on the CCG's website. Decision making staff must make any third party whose personal data they are providing in this form aware that the personal data will held in hardcopy for inspection by the public and published on the CCG's website and must inform the third party that the CCG's privacy policy is available on the CCG's website. If you are not sure whether you are a 'decision making' member of staff, please speak to your line manager before completing this form.

Signed:
Signed:
Position: (Line Manager or a Senior CCG Manager):

Date:
Date:

Please return to the CCG's Corporate Governance and Risk team

Appendix 2 Commercial sponsorship/ joint working proposal proforma

Event / project title:	
Sponsorship organisation:	
Nature of business:	
Lead contact details for sponsor:	
Financial value of sponsorship/project:	
Event / project description:	
Objectives of event / project:	
Predicted benefits and outcomes of event / project for the CCG:	

Predicted benefits and outcomes of event / project for the sponsor:	
Have any risks been identified:	
Submitted by (name):	
Job title:	
Date:	

All commercial sponsorship / joint working proposals must be approved by a member of the Management Executive Team

Appendix 3: Template Register of Gifts and Hospitality

Name	Position	Date of Offer	Declined or Accepted?	Date of Receipt (if applicable)	Details of Gift /Hospitality	Estimated Value	Supplier / Offeror Name and Nature of business	Reason for Accepting or Declining

Appendix 4 Sponsorship approval process

Any programme of work which involves sponsorship or joint working arrangements will be subject to the following process of approval:

1. The initiating officer will complete an initial assessment of the project, liaising as required with the company to discuss potential arrangements
2. The initiating officer will submit a written proposal on the required proformas (completing appendices 1 and 2 from this policy) to the respective Management Executive Team (MET) member.
3. The MET member should consider the information submitted within the proposal and make a recommendation to support or reject the proposal
4. When considering the proposal, particular attention should be given to the projects potential impact on the following areas;
 - a) Clinical effectiveness
 - b) Finance
 - c) Political implications
 - d) Organisational reputation
5. The approved sponsorship must be reported to the Audit Committee under the corporate registers.

The initiating officer will be responsible for describing how the clinical effectiveness and financial impact will be measured on the required proforma (Appendix 2). Any proposal highlighting a risk associated with political implications or organisational reputation, must be subject to further scrutiny and approval by the Governing Body.