

# Patient and Client Council

Your voice in health and social care

## GIFTS AND HOSPITALITY POLICY

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## **1. Introduction:**

This policy is intended to provide advice to Patient and Client Council (PCC) 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 PCC.

All decisions by PCC 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 PCC Board.

## **2. Purpose:**

To ensure compliance with the 7 principles of Public Life drawn up by the Nolan Committee (see Appendix 1). All PCC 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 judgment 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 Function when faced with a situation for which there is no adequate guidance;
- if in any doubt, they must seek advice from the Head of Development and Corporate Services.

## **3. The scope:**

This policy will apply to all PCC staff. The policy is derived from the Standing Orders: Sections 7.7 to 7.10 and Section 10.3.

## **4. Principles/Objectives:**

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

## **5. Roles and Responsibilities:**

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

## **6. The definition and background of the policy:**

All decisions by PCC 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 PCC Board.

Under the Bribery Act 2010 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.

## **7. Policy / Guideline description:**

To provide advice to PCC 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 PCC.

### **ACCEPTANCE OF GIFTS**

#### **8. Cash or Cash Equivalent**

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 PCC should be declined.

#### **9. Non Cash gifts**

Gifts of a small or inexpensive nature (with an intrinsic value below £20) such as calendars or diaries, which bear the company logo and/or named 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 PCC's Head of Development and Corporate Services.

#### **10. Exceptional cases**

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 PCC Management will have to be sought as to whether or not the gift can be accepted. The PCC's Head of Development and Corporate Services 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 PCC.
- Donate the gift to a nominated charity

In these cases the gift must be recorded in the register and how it was disposed of.

## 11. 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 PCC resources, other than for example, use of an officially issued laptop at home, were used in the preparation. The guiding principle is that the PCC will seek to recover the costs of publicly funded resources used for any non-HSC events. The following examples are by way of illustration:

- if the preparation was performed wholly on PCC time, with the use of PCC resources, the Head of Development and Corporate Services 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 PCC 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 PCC facilities or equipment were used, then the Head of Development and Corporate Services 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 PCC resources, the individual officer may retain any fee, token or other gift presented at the event.

If further guidance is needed in this area, the Head of Development and Corporate Services should be consulted.

## 12. Trade or discount cards

Trade or discount cards, other than those negotiated by the PCC 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.

Frequent Flyer cards which are issued by airlines can be used to avail of special departure lounges and priority booking and check-in. **Staff must not make private use of any air miles which derived from flights paid for by public funds.**

## **HOSPITALITY RECEIVED FROM THIRD PARTIES**

### **13. 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 PCC 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 PCC 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 Function or the Head of Development and Corporate Services. In all instances where anything beyond conventional hospitality is offered, the approval of the Head of Development and Corporate Services should be sought. It is particularly important to ensure that the PCC 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**

### **14. Awards or prizes**

Staff should consult the Head of Development and Corporate Services 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 or payment for publication or invention to which other rules apply.

## **REGISTER OF GIFTS**

### **15. Register of gifts, hospitality and invitations**

In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the Head of Development and Corporate Services of all offers of gifts, (above £20, including multiple gifts from one source) awards and prizes made to members of the PCC Board, senior managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved (appendix 2) 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 each individual PCC staff to forward details of offers for inclusion in the PCC's gifts and hospitality registers held at the following locations:

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

The following paragraphs provide a guide for staff when considering the provision of hospitality, gifts or awards. If in doubt, the Head of Development and Corporate Services should be consulted before any expenditure is committed.

### **17. 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 reasonable and limited to light refreshments and written approval should be sought in advance from the Head of Development and Corporate Services.

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 Head of Development and Corporate Services. 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.

## **18. External hospitality**

The provision of hospitality by the PCC 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 PCC 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.

## **19. Other circumstances**

If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive or Head of Development and Corporate Services 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.

## **20. Authorisation and approval of hospitality**

The purchase of gifts and hospitality should follow the PCC'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 Head of Development and Corporate Services, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the PCC's Schedule of Delegated Authority.

## **21. Provision of gifts or awards**

Occasionally the PCC may wish to make a small presentation to speakers or other volunteers in acknowledgement of services provided to the PCC. Such gifts or awards should be of a token nature. Prior approval for the provision of gifts or awards is required from the Head of Development and Corporate Services and such approval should be formally documented.



## 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**

Directorate:			Division:				Year:				
<b>REGISTER OF GIFTS/HOSPITALITY/AWARDS ETC</b>											
Date of Event or Gift Offered	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/ Declined/ Returned	Entered by	Entered Date	File Ref: