

Gifts, Hospitality and Sponsorship Policy

Lead Policy Author & Job Title:	Fiona Jones, Corporate Financial Accountant/Fraud Liaison Officer Sandra Judt, Board Assurance Manager
Directorate responsible for document:	Finance & Procurement
Issue Date:	01 August 2021
Review Date:	01 August 2023



Policy Checklist

Policy name:	Gifts, Hospitality and Sponsorship Policy
Lead Policy Author & Job Title:	Corporate Financial Accountant/Fraud Liaison Officer Board Assurance Manager
Director responsible for Policy:	Director of Finance, Procurement and Estates
Directorate responsible for Policy:	Finance & Procurement
Equality Screened by:	N/A – policy update
Trade Union consultation?	Yes ☐ No ☒
Policy Implementation Plan included?	Yes ☐ No ☒
Date approved by Policy Scrutiny Committee:	01 August 2021
Date approved by SMT:	N/A – policy update
Policy circulated to:	Global email
Policy uploaded to:	Sharepoint, Trust website

Version Control

Version:	V2_0		
Supersedes:	Gifts, Hospitality & Sponsorship Policy V1_0		
Version History			
Version	Notes on revisions/modifications and who document was circulated or presented to	Date	Lead Policy Author
Version 2_0	Review and update in line with DoF Guidance 2/10 on the acceptance and provision of gifts and hospitality (amended as 10 July 2019)	01/02/2021	Fiona Jones, Fraud Liaison Officer S. Judt, Board Assurance Manager
Version 1_0	Gifts, Hospitality and Sponsorship Policy	01/12/2015	Vivienne Toal, Director of HROD

Contents

		Page
1.0	Introduction	4
2.0	Purpose and Aims	5
3.0	Policy Statement	6
4.0	Scope of Policy	7
5.0	Responsibilities	7
6.0	Legislative Compliance, Relevant Policies, Procedures and Guidance	14
7.0	Equality & Human Rights Considerations	14
8.0	Sources of Advice & Further Information	15
	Appendix 1	16
	Appendix 2	17
	Appendix 3	18
	Appendix 4	19
	Appendix 5	20

1.0 Introduction

- 1.1 This policy is intended to provide advice to Trust staff who in the course of their day to day work or as a result of their employment, either receive offers of gifts, hospitality or sponsorship or provide gifts and hospitality to others on behalf of the Trust.
- 1.2 All decisions by Trust staff on the provision or acceptance of gifts and/or hospitality must be able to withstand both internal and external scrutiny. They must be defensible as being:
- in the direct interest of the organisation;
 - proportionate to that interest;
 - within limits that are acceptable to the Trust Board.
- 1.3 This policy reflects the 'Seven Principles of Public Life' known as the Nolan Principles:
- Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

Appendix 1 outlines further details of the above Nolan Principles.

- 1.4 The Bribery Act 2010, introduced new statutory offences for activities in the public and private sectors including a new corporate offence. The Act also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

- 1.5 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.
- 1.6 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 staff to perform their duties impartially, honestly, with integrity, and in good faith. All Trust staff are required to familiarise themselves and comply with the requirements of this Policy.
- 1.7 If a Trust employee is found to be in breach of the Gifts, Hospitality and Sponsorship 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 third parties if they breach this policy.
- 1.8 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 on both individuals and the Trust.

2.0 Purpose and Aims

The purpose of this policy is to ensure that Trust employees are not placed in a position which raises or appears to raise, conflict in their progression of business activities.

It aims to:

- protect employees under the Bribery Act 2010 which makes it an offence to receive or offer a bribe (including certain levels of gifts and hospitality);
- promote high standards in public life, ensuring that staff and Board members follow the key characteristics of propriety as defined in the Nolan Principles.

3.0 Policy Statement

3.1 This policy has been compiled to ensure compliance with the 7 principles of Public Life drawn up by the Nolan Committee, contained in Appendix 1. All Trust staff must therefore apply the following principles in the conduct of their employment:

- they must not accept personal gifts, hospitality, sponsorship 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 report any knowledge or evidence of impropriety to a line manager;
- they must refer to their Head of Service when faced with a situation for which there is no adequate guidance;
- if in any doubt about accepting gifts, hospitality or sponsorship, they must seek advice from the appropriate Head of Service/Assistant Director, the Director with line management responsibility or Director of Finance, Procurement and Estates.

4.0 Scope of Policy

This policy must be adhered to by each member of the Trust Board, all staff and volunteers.

5.0 Responsibilities in relation to Gifts, Hospitality and Sponsorship

- Lead responsibility for policy monitoring and review lies with the Director of Finance, Procurement and Estates.
- Operational responsibility for implementation of the policy lies with managers under the leadership of their relevant director.
- The Board Assurance Manager is responsible for maintaining the Register of Gifts, Hospitality and Sponsorship.

5.1 Acceptance of gifts

5.1.1 Cash or Cash Equivalents

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

5.1.2 Non-Cash Gifts

Personal gifts of a small or inexpensive nature such as calendars or diaries or other simple or inexpensive items such as flowers and chocolates which have a value less than £50 can be accepted by an individual.

This type of gift can be easily distinguishable from more expensive or substantial items where the value exceeds £50.00 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, Procurement and Estates.

Non cash gifts of any value given for the benefit of patients and clients do not fall under this Policy, but are managed under the Charitable Trust Fund procedures and should be reported to **donations@southerntrust.hscni.net**

5.1.3 *Bequests*

Gifts, whether cash or non-cash, bequeathed to individual officers of the Trust through the provisions of a will, must also be declined. Instead, the service user or relative can be made aware of the range of Charitable Trust Funds which are managed by the Trust to receive cash donations for general or specific purposes.

5.1.4 *Exceptional Cases*

There may be 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 Trust Management will be notified of the offer. The appropriate form should be completed (Appendix 5) and the Trust's Director of Finance, Procurement and Estates will be asked to decide whether to:

- Return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted. A template is attached at Appendix 4 which should be tailored to each individual circumstance; or
- use the gift, if possible, in or by the Trust in accordance with the Charitable Trust Fund procedures.

Any acceptance or refusal of the gift should be recorded on the Trust's Gifts and Hospitality Register.

5.1.5 *Lectures, Conferences and Broadcasts*

Where gifts by the way of fees, ex gratia payments, vouchers or other gifts 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-HSC events. The following illustration is 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, voucher or other gift.

If further guidance is needed in this area, the Director of Finance, Procurement and Estates 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.

5.1.6 Trade, Loyalty or Discount Cards

Staff should refuse any trade, loyalty or discount cards which are offered as a direct result of their position of employment within the Trust and are not available to all Trust employees.

Please refer to the Anti Bribery policy for matters pertaining to any form of gift or hospitality, including discounts, offered by a current or potential supplier to an employee involved in procurement of goods or services on behalf of the Trust or its patients and clients.

Please refer to the Anti Fraud policy for matters pertaining to the use of personal loyalty cards in the conduct of Trust business, including purchases by or on behalf of Trust patients and clients.

Frequent Flyer cards used by airlines can be used by staff to avail of special departure lounges and priority booking and check-in. Staff must not make private use of any flights/air miles, which derive from flights paid for from the public purse.

5.1.7 Staff involved in the procurement or monitoring of a contract

Apart from trivial/inexpensive gifts as referred to in section 5.1.2, no gifts or hospitality of ANY kind from any source should be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier.

5.1.8 Hospitality received from third parties

The handling of offers of hospitality is recognised as being much more difficult to regulate, but it is an area in which staff must exercise careful judgment. It is recognised that it can be as embarrassing to refuse hospitality as it can be to refuse

a gift. There is also a need to distinguish between simple, low cost hospitality of a conventional type, for example, a working lunch or evening meal compared with more expensive and elaborate hospitality. There is clearly a need for a sense of balance. There is concern that acceptance of frequent, regular or annual invitations to events or functions, particularly from the same source and where a considerable degree of hospitality is involved, may severely test the principles stated earlier and should be refused. However, there may be instances where staff receive invitations to events run by voluntary organisations such as annual conferences or dinners. Attendance at such events is considered an integral element in building and maintaining relationships with these sectors and any hospitality received is likely to be reasonable and proportionate, and therefore acceptable.

The main point is that in accepting hospitality staff need to be aware of, and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host. It is obviously easier to justify meetings which relate directly to the work of the Trust but where these happen outside working hours and on purely social occasions then they need to be justified as not being a personal gift or benefit. Where a contract is being negotiated, hospitality of any kind, including attendance of staff at seasonal events hosted by suppliers or contractors, should not be accepted.

As a general rule, invitations of hospitality which are extended to the Trust as a whole, can be accepted by a nominated officer and are less likely to attract criticism than personalised invitations to individual officers.

When in doubt about accepting hospitality or an invitation you should consult your Head of Service or the Director of Finance, Procurement and Estates. In all instances where anything beyond conventional hospitality is offered, the approval of the Head of Service or the Director of Finance, Procurement and Estates should be sought using the template at Appendix 5. 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.

5.1.9 Awards or Prizes

Staff should consult their Head of Service or the Director of Finance, Procurement and Estates 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.

5.1.10 Sponsorship for Attendance at Courses and Conferences

All offers of financial assistance or sponsorship by commercial or other organisations to attend **relevant** courses or conferences, involving an overall value in excess of £50, must be directed to the appropriate Director. The Director may accept such offers on behalf of the Trust provided that:

- the course or conference is one that the Trust would otherwise support
- the travel, accommodation and subsistence arrangements are in line with Trust guidance
- the sponsoring body does not nominate any particular individual (the Director will determine attendance in line with normal procedure)
- the sponsorship is not from a source that may be perceived to be in conflict with HSC aims and objectives, for example, from tobacco companies.

Travel paid for by third parties

All trips funded by a third party must be recorded on the Trust's Gifts, Hospitality and Sponsorship Register using the form included in Appendix 3.

5.1.11 Provision of Hospitality, Gifts and Awards

The paragraphs below outline the responsibilities on 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. The provision of hospitality, gifts and awards and/or the expenditure limits set out in Appendix 2 may be amended at any time in light of financial or other considerations. Such amendments will be issued by the Chief Executive's Office and will remain in force until formally further amended. If in doubt, the Director of Finance, Procurement and Estates should be consulted before any expenditure is committed.

a) 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.

Where hospitality is to be extended for internal meetings, it should be limited to light refreshments and subject to the maximum limit set out in Appendix 2. In such cases written approval should be sought in advance from the appropriate Head of Service using the request form available from Facilities Managers in each locality.

In relation to residential training courses/conferences it is normal practice for meals and light refreshments to be provided for delegates. Alcoholic beverages are not to be included in the cost of evening meal provided under Trust hospitality arrangements.

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

As a policy rule, the Trust does not sponsor, or take up invitations to sponsor tables at charitable or other events organised by external bodies.

b) External Hospitality

The provision of hospitality by the Trust to representatives of other organisations should be modest and appropriate to the circumstances. In all instances, the expenditure involved must constitute good value for money.

Hospitality should not be offered solely as a return gesture or be automatically recurrent on a regular basis unless circumstances indicate that it is appropriate to do so. The use of public monies for hospitality purposes at conferences and seminars should be carefully considered. The Trust needs to be able to demonstrate good value in committing public funds.

5.1.12 Other Circumstances

If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive or Director of Finance, Procurement and Estates 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.

5.2 *Authorisation and Approval of Hospitality*

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

Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive or Director of Finance, Procurement and Estates, authorisation for, and approval of, hospitality. Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive or Director of Finance, Procurement and Estates, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the Trust's Schedule of Delegated Authority and associated procedures.

5.3 *Provision of Gifts or Awards*

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

5.4 *Register of Gifts, Hospitality and Sponsorship*

In order to counter any possible accusations or suspicions of breach of the rules of conduct, a Register of Gifts, Hospitality and Sponsorship is maintained by the Board Assurance Manager in the Office of the Chair & Chief Executive. All offers of gifts, awards, sponsorship, prizes, invitations and substantial hospitality made to any member of the Trust Board and Trust staff **over the value of £50** must be reported using the form included in **Appendix 3**. Details should include: where the offer originated, to whom it was made, the amount and a note of the action taken, i.e.

accepted/refused/returned and the estimated value. It is the responsibility of the individual member/ officer to forward these details to the Board Assurance Manager

The Register will be published on the Trust's website. It will be subject to audit from time to time and can be viewed in Freedom of Information requests.

5.5 *Recording of Hospitality provided by the Trust*

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

6.0 *Legislative Compliance, Relevant Policies, Procedures and Guidance*

- The Bribery Act 2010
- SH&SCT Bribery Policy
- SH&SCT Anti Fraud Policy

7.0 *Equality & Human Rights Considerations*

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

Using the Equality Commission's screening criteria, no significant equality implications have been identified. The policy will therefore not be subject to an equality impact assessment.

Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

8.0 Sources of Advice & Further Information

Line-managers should be contacted in the first instance, in relation to any specific queries on the content of this policy. Managers / Heads of Service / Assistant Directors should then escalate queries which they are unable to address to their Director. Further advice for Directors is available from the Director of Finance, Procurement and Estates.

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.

PRESCRIBED MAXIMUM EXPENDITURE LIMITS FOR THE PROVISION OF HOSPITALITY.

1. Hospitality for Internal Meetings:

Maximum Limit: £5 per head.

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

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

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

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

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

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

APPENDIX 3

NOTIFICATION OF OFFERS OF GIFTS /HOSPITALITY/AWARDS / SPONSORSHIP OVER £50 IN VALUE

As per the Gifts and Hospitality and Sponsorship Policy, all offers of personal gifts, awards, prizes, invitations, hospitality, sponsorship of courses, conferences and meetings with an estimated value of over £50 must be reported on the proforma. Donations received via cash or cheque for the Charitable Trust Funds , do not need to be recorded.

DIRECTORATE:

MONTH :

Date of event/gift offered	Offered to	Offered from	Description of offer and reason	Details of contracts current or potential	Est value of offer (£)	Action taken (Accepted/ refused/ returned)

This proforma must be completed and forwarded to Sandra Judt, Board Assurance Manager, via email @ Sandra.Judt@southerntrust.hscni.net in the Chair and & Chief Executive's office to update the Trust wide Gifts, Hospitality and Sponsorship Register

APPENDIX 4

TEMPLATE FOR RETURN OF OFFER OF GIFT/HOSPITALITY

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

Contact name

Contact details etc

Date

Dear

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

On account of public confidence, perception is as important as reality and because of this I am obliged to return your offer of.....

This is not meant in any way to offend or imply that your [gift/hospitality] was offered in anything but the utmost of good faith, but is designed to protect both individual members of staff and the Southern Health and Social Care Trust. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.

There are Charitable Trust Funds managed by the Trust to receive cash donations. Should you wish to make a donation, please contact donations@southerntrust.hscni.net

Yours

GIFT/HOSPITALITY APPROVAL FORM

APPENDIX 5

PART 1 – To be completed by recipient of gift/hospitality

GIFT/HOSPITALITY AUTHORISATION FORM	
Name of person to whom offer made:	
Date of event or gift offered:	
Name of originator of offer:	
Description of offer and reason:	
Estimated/actual value of offer:	
State whether the offer was declined:	
Is there a current/potential contract with the donor? If yes, provide details:	
Signature of recipient:	Signed: Date:

PART 2 – To be completed by Director of Finance & Procurement/Head of Service

GIFT/HOSPITALITY AUTHORISATION FORM	
(OUTCOME)	
Decision: (Approved/Not Approved)	
Reason why approval has/has not been granted:	
Is gift being returned? (If so, letter as per Appendix 4 should 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 Director of Finance & Procurement/Head of Service:	Signed: Date: