

Policy Title: Gifts, Hospitality and Sponsorship Policy

Policy Number: SWLCCG/CG02

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Approved By	SWL Audit Committees in Common
Applies To	South West London CCG (the CCG), Governing Body Members, Committee Members and all staff working for, or on behalf of the CCG.

Effective Date	01/04/2020
Review Date	31/10/2022

Controlled Document

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Target Audience	Governing Body Members, Committee Members and all staff working for, or on behalf of, NHS South West London CCG.
Brief Description	This Policy sets out the principles by which we will provide guidance and advice to staff that, in the course of their day-to-day work or as a result of their employment either receive offers of gifts, hospitality, sponsorship, or provide gifts, hospitality or sponsorship to others in connection with the CCG.
Action Required	Ensure that the contents of this Policy are shared and made available to all SWL CCG staff and Office Holders.

Contents

1. Introduction.....	4
1.1 Introduction	4
1.2 Policy Statement.....	4
1.3 Legal, Statutory, Mandatory, and Best Practice Requirements.....	5
2. Definitions.....	6
3. Responsibilities	7
3.1 Lead Manager.....	7
3.2 All Staff	7
3.3 All Line Managers	7
3.4 Senior Responsible Officer	7
3.5 Directors	7
3.6 Audit Committee	7
3.7 Chairs of other committees and working groups.....	7
3.8 Corporate Team.....	7
3.9 All Staff and Office Holders.....	7
4. Gifts, Hospitality and Sponsorship.....	7
4.1 Overarching Principles Policy (Refer 7.2 – External References).....	7
4.2 Gifts from suppliers or contractors:	8
4.3 Gifts from other sources (e.g. patients, families, service users):.....	8
4.4 Lectures, conferences and broadcasts	8
4.5 Trade or discount cards	8
4.6 Hospitality and invitations received from third parties	8
4.7 Travel and Accommodation	9
4.8 Awards or prizes	9
4.9 Exceptional cases	10
4.10 Refusal of offers of hospitality & gifts	10
4.11 Business arrangements & Collaborative partnerships	10
4.12 Hosting events & meetings	10
4.13 Hospitality and Gifts Register.....	11
4.14 Declarations of interest and gifts and hospitality.....	11

Gifts, Hospitality and Sponsorship Policy

5. Review	13
6. Linked Policies/Guidance	14
7. Equality Impact Assessment	14
8. Change History.....	15
9. Appendix 1 - Working with Industry	16
10. Appendix 2 - Checklist.....	19
11. Appendix 3 - Notification for Entry on Register.....	20
12. Appendix 4 -Hospitality and Gifts Register	21
13. Appendix 5 - Equality Impact Assessment	22

1. Introduction

1.1 Introduction

The purpose of this policy is to recognise that there are considerable benefits to be gained by establishing better working relationships with external organisations. However, NHS South West London Clinical Commissioning Group (Hereby known as the CCG) has to be seen to deal appropriately with the subject of hospitality and the acceptance of gifts. Gifts include cash, shares, gifts in kind and other items with a financial value. Gifts also cover an individual being given preferential treatment because of their relationship with an external organisation.

As a public body, the CCG has a duty to ensure fairness and honesty in its relationships with suppliers, contractors, service providers and service users or any other person or organisation with whom the CCG have (or might have) business connections.

All employees and others acting on behalf of the CCG must uphold the highest standards of business conduct within such relationships. This is important to ensure that no employee, especially those responsible for making decisions in relation to purchases, procurement and commissioning, acts in any way that is inconsistent with the organisation's objectives or compromises the integrity of the business by accepting a gift in circumstances where it could influence, or be perceived to influence, that employee's business actions or decisions.

1.2 Policy Statement

All decisions by the CCG 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 CCG.

The policy provides guidance and advice to staff that, in the course of their day-to-day work or as a result of their employment either receive offers of gifts, hospitality, sponsorship, or provide gifts, hospitality or sponsorship to others in connection with the CCG. It also provides guidance on the application of the Bribery Act 2010.

This policy will reflect the guidance as laid down in the Standing Orders, Standing Financial Instructions, detailed scheme of delegation for the CCG, and also needs to be read in conjunction with:

- The national guidance contained in HSG 93(5) "Standards of Business Conduct for NHS Staff", The Code of Conduct for NHS Managers 2002), and the ABPI Code of Professional Conduct relating to hospitality/gifts from pharmaceutical/external industry; (see section 7.2)
- Principles of Public Life drawn up by the Nolan Committee; and
- Other policies & codes referred in Section 9 of this Policy.

A breach of this policy may lead to formal disciplinary action, which may include dismissal. A breach of the Bribery Act 2010 could lead to legal action being taken.

These aims and objectives of the policy are to ensure that:

- All staff comply with the 7 principles of Public Life drawn up by the Nolan Committee:

- Propriety and transparency are embedded in the organisation through having clear guidelines in place for all staff about the receipt of hospitality and gifts;
- There is accountability of hospitality and gifts through the audit of a register held by the organisation. This register will be available to the public;
- Staff comply with legal obligations under the Bribery Act 2010 (refer Section 1.6).

All CCG staff must therefore apply the following principles in the conduct of their employment:

- They must not accept gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising their personal judgement or integrity;
- They must not make use of their official position to further their private interests or those of others;
- They must declare any private interests which are relevant and material relating to the position they hold in the NHS;
- They must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the taxpayer;
- They must refer to their line manager / director when faced with a situation for which the guidance available requires further interpretation.

If in any doubt, they must seek advice from Director Of Finance, Board Secretary or Corporate Affairs.

1.3 Legal, Statutory, Mandatory, and Best Practice Requirements

1.3.1 The Bribery Act 2010

The Bribery Act 2010, which repealed previous corruption legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

Under the Act, Bribery is defined as “Inducement for an action, which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges”. Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

To demonstrate the organisation has sufficient and adequate procedures in place and to demonstrate openness and transparency, all staff are required to comply with the requirements of this Policy and the CCGs Standing Financial Instructions, Standing Orders, Anti-Bribery Policy and Fraud Policy & Response Plan. A detailed explanation of duties with regard to bribery is contained in the Anti-Bribery Policy. Should members of staff wish to report any concerns or allegations they should contact their Local Counter Fraud Specialist.

1.3.2 Freedom of Information Act 2000

Staff should note that under the Freedom of Information Act 2000, the information contained within the CCG’s Hospitality and Gifts Register will be subject to disclosure to any member of the public on request.

1.3.3 Scope

This policy covers all business activities of employees or others acting on behalf of CCG. This policy is applicable to all employees, contracted staff and staff on honorary contracts whose payroll costs are partially or fully funded by a third party under a formal arrangement. It is also applicable to trainee professionals and students hosted for the provision of work or vocational experience, including temporary staff, volunteers and other people engaged to work on CCG's business

Where this policy refers to "staff", it means all of the people to whom this policy applies. Every member of staff is responsible for ensuring that they do not compromise their position in taking decisions on behalf of CCG through accepting hospitality, gifts or any favour, which might be deemed inappropriate under independent scrutiny.

2. Definitions

The following terms are used in this document:

Hospitality

Hospitality includes, for example, invitations or offers of food, refreshments, transport, accommodation and the use of facilities, equipment or services.

Gifts

Gifts includes, for example, offers of cash or cash equivalents (e.g. gift vouchers, lottery tickets, or trade cards) and non-cash gifts e.g. wine and spirits, hampers, electrical goods by suppliers, contractors, service users or their relatives.

Sponsorship

This refers to both external and internal sponsorship of events, where (a) sponsorship is received from a non-NHS source or (b) events organised by other parties are sponsored by CCG.

Bribery

Bribery is the practice by which a person who can take decision or action on behalf of others, by virtue of his authority or position, is influenced by paying or offering monetary benefits to take an action or decision, which he would not have done otherwise.

Value added service

This relates to services or products offered at little or no cost, to promote the primary business.

Conflict of interest

A conflict of interest is a situation that has the potential to undermine the impartiality of a person acting in a position or authority. Within the NHS, such situations present a risk that decisions taken may be based on external influences or personal interest, rather than the best interests of the organisation. The most common types of conflicts of interest include direct or indirect financial interest e.g. business or employment, non- financial or personal interests and conflicts of loyalty. Perceived wrongdoing can be as detrimental as actual wrongdoing, and risks damaging confidence in the probity of CCGs

Gifts, Hospitality and Sponsorship Policy

3. Responsibilities

3.1 Lead Manager

The Board Secretary to the CCG or a designated person carrying out that role will maintain a register of both accepted and refused offers of hospitality and gifts, which will be made available for inspection by the Audit Committee and to the public on request.

3.2 All Staff

All individuals working for, or on behalf of the organisation(s) listed within 1.3.4 Scope, including those employed on permanent or fixed term contracts, interims, self-employed contractors, Governing Body Members, Clinical Leads, Locality Leads, and volunteers are responsible for complying with this Policy.

3.3 All Line Managers

All Line Managers are responsible for ensuring that their teams comply with this Policy.

3.4 Senior Responsible Officer

The Accountable Officer has responsibility for ensuring staff awareness and compliance with the directions of this Policy and undertakes regular review of the register.

3.5 Directors

Directors have responsibility for ensuring that all staff are made aware and comply with the requirements of this policy. They are also responsible for ensuring that details of hospitality and gifts offered, received or rejected by staff in their Directorate are registered in a timely way.

3.6 Audit Committee

The Audit Committee is responsible for reviewing hospitality/ sponsorship and gifts registers on behalf of the Governing Body.

3.7 Chairs of other committees and working groups

The Chair of committees and working groups have the responsibility of ensuring that staff are made aware of this policy and that details of hospitality and gifts offered, received or rejected by members of their committee are registered.

3.8 Corporate Team

The Corporate Team are responsible for promoting awareness and compliance with the directions of this policy, as part of policy management, review and consultation. The team will provide advice on completion of the notification form and Hospital & Gifts Register.

3.9 All Staff and Office Holders

All staff and Office Holders are responsible for understanding and adhering to the requirements of this policy.

4. Gifts, Hospitality and Sponsorship

4.1 Overarching Principles Policy (Refer 7.2 – External References)

CCG staff should not accept gifts that may affect, or be seen to affect, their professional judgement. This overarching principle should apply in all circumstances;

Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend

meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the team or individual who has designated responsibility for maintaining the register of gifts and hospitality and recorded on the register;

4.2 Gifts from suppliers or contractors:

Gifts from suppliers or contractors doing business (or likely to do business) with the CCG should be declined, whatever their value (subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6¹). The person to whom the gifts were offered should also declare the offer to the Board Secretary so that the offer which has been declined can be recorded on the register of gifts and hospitality.

4.3 Gifts from other sources (e.g. patients, families, service users):

- CCG staff should not ask for any gifts;
- Modest gifts under a value of £50 may be accepted and do not need to be declared;
- 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;

- A commonsense 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.

4.4 Lectures, conferences and broadcasts

Acceptance of gifts in lieu of fees, ex gratia payments or book tokens for lectures, broadcasts or similar 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 CCG resources were used in the preparation.

If further guidance is needed in this area, the Chief Financial officer or Chief of Staff should be consulted.

4.5 Trade or discount cards

Trade or discount cards, by which personal benefit is obtained from the CCG's purchase of goods or services at a reduced price are classified as gifts and should be politely declined and/or returned to the sender. The exceptions to this are benefits negotiated by the CCG on behalf of its staff.

4.6 Hospitality and invitations received from third parties

Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events etc.

The appropriate handling of offers of hospitality is more difficult to regulate but should be subject to considered and careful judgment, recognising the sensitivity around refusal.

There is also a need to distinguish between simple, low cost hospitality of a conventional type, for

¹ The ABPI Code of Practice for the Pharmaceutical Industry:
<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

example, a working lunch and entertainment outside of normal working hours, for example, an evening meal, through to more expensive and elaborate hospitality e.g. trips and events of a corporate hospitality nature.

When in doubt about accepting hospitality or an invitation you should consult your Line Manager or the Chief Financial Officer/ Chief of Staff. In all instances where anything beyond conventional hospitality is offered, the approval of the Line Manager or the Chief Financial Officer should be sought.

4.6.1 Overarching principles

- CCG 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.

4.6.2 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;
- Over a value of £75 should be refused unless (in exceptional circumstances) senior approval is given. A clear reason will be recorded on the CCG's register(s) of interest as to why it was permissible to accept;
- A commonsense 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).

4.7 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;
- Offers which go beyond modest or are of a type that the CCG itself might not usually offer, need approval by the Chief Finance Officer, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on the CCG's register(s) of interest as to why it was permissible to accept travel and accommodation of this type;
- A non-exhaustive list of examples includes:
- Offers of business class or first-class travel and accommodation (including domestic travel); and
- Offers of foreign travel and accommodation.

4.8 Awards or prizes

Staff should consult their Line Manager or Chief Financial Officer if they are offered an award or prize in connection with their official duties. They will normally be allowed to receive 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.

4.9 Exceptional cases

It is recognised that there are exceptional cases where refusal of a gift may offend a donor, cause embarrassment or appear discourteous. In these cases, the donor should be advised that the permission of Chief Financial Officer will need to be sought as to whether or not the gift can be accepted.

One of the following actions may be indicated:

- 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 the CCG.

4.10 Refusal of offers of hospitality & gifts

For all offers of hospitality and gifts rejected as not being appropriate, or that might constitute a bribe or other inducement, the organisation making the offer will be advised of the Policy and any gift returned. The details must be recorded in the register of Hospitality & Gifts and reported to the Line Manager, relevant Director and Chief Officer.

4.11 Business arrangements & Collaborative partnerships

In respect of organisations with which significant dealings are anticipated, it is recommended that they are advised about the CCG's policy on hospitality and gifts at an early stage. No order shall be issued for any item or items to any firm, which has made an offer of gifts, reward or benefit to directors or employees, other than isolated gifts of trivial character or inexpensive seasonal gifts, such as calendars or conventional hospitality, such as lunches in the course of working visits.

Examples of types of partnerships include:

- Sponsorship i.e. funding by an external company of all or part of the costs of a member of staff,
- NHS research,
- Staff training,
- Value added services and
- Working with industry, their agents or affiliated companies e.g. pharmaceutical companies.
See Appendix 1 & 2 for more details reworking with industry.

Conflict of Interest should be declared on the register of declarations held by the Board Secretary for the CCG.

4.12 Hosting events & meetings

Staff arranging events and meetings on behalf of CCG must remain impartial in their decision to use certain products, services or companies from which they or their family members may potentially benefit.

The provision of hospitality by the CCG 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. Whenever possible, meetings should be arranged within CCG premises. If this is not possible, NHS establishments should be the

preferred choice of venue. If rooms are not available within NHS premises, the meeting should be arranged at the most economic rate, considering room rates and refreshment charges.

Expenditure on external hospitality should be clearly identified as such and charged to a specific hospitality expense code that is subject to public accountability and scrutiny. The use of public monies for hospitality purposes at conferences and seminars should be carefully considered. The CCG needs to be able to demonstrate good value in committing public funds.

The same general principles of exercising discretion in accepting hospitality from industry or suppliers apply in the acceptance of general hospitality. It is recognised that suppliers can contribute valuable funding to assist in providing general hospitality for events. However, the general criteria that should be followed are:

- Approval for such occasions must be obtained from Chief Financial Officer. The hospitality should be seen to be to the benefit of the CCG; and
- Sponsors should be made aware that the CCG does not endorse particular products. The fact that they are sponsoring an event does not mean that the CCG endorses their product or service.

4.13 Hospitality and Gifts Register

A register of gifts, hospitality and sponsorship – both those offered, accepted, refused and returned - will be kept by the Board Secretary / Corporate Affairs Manager for the CCG comprising all offers of gifts, awards and prizes made to members of the Boards, directors, senior managers and staff and invitations to functions or events, where hospitality is involved. Details should include description of the item offered, where the offer originated, to whom it was made, the approximate financial value of the offer, and a note of the action taken, i.e. accepted/refused/returned (in accordance to the template at Appendix 3).

This will serve to counter any possible accusations or suspicions of breach of the rules of conduct and will be subject to disclosure on request.

It is the responsibility of the individual staff member to forward details of offers to update their entry for inclusion in the CCG Hospitality and Gifts Register. (See appendix 3 for the form to be completed)

The information will be collated and updated on a quarterly basis and made available to the public on request.

Statutory requirements

“CCGs must make arrangements to ensure individuals declare any conflict or potential conflict in relation to a decision to be made by the group as soon as they become aware of it, and in any event within 28 days. CCGs must record the interest in the registers as soon as they become aware of it.”²

4.14 Declarations of interest and gifts and hospitality

Declarations of interest and gifts and hospitality should be made by the following :

² National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) section 140(3)

Gifts, Hospitality and Sponsorship Policy

All CCG employees, including:

- All full and part time staff;
- Any staff on sessional or short-term contracts;
- Any students and trainees (including apprentices);
- Agency staff; and
- Seconded staff.

In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should make a declaration of interest in accordance with this guidance, as if they were CCG employees.

Members of the governing body: All members of the CCG's committees, sub-committees/sub-groups, including:

- Co-opted members;
- Appointed deputies; and
- Any members of committees/groups from other organisations.

Where the CCG is participating in a Joint Committee alongside other CCGs, any interests which are declared by the committee members should be recorded on the register(s) of interest of each participating CCG.

All members of the CCG (i.e. each Practice)

This includes each provider of primary medical services which is a member of the CCG under Section 140 (1) of the 2006 Act. Declarations should be made by the following groups:

- GP partners (or where the Practice is a company, each director);
- Any individual directly involved with the business or decision-making of the CCG.

GPs and other staff within the CCG's member Practices are not required to declare offers/receipt of gifts and hospitality to the CCG which are unconnected with their role or involvement with the CCG, and this statutory guidance does not apply to such situations. However, GP staff will need to adhere to other relevant guidance issued by professional bodies

Declarations of interest should be made as soon as reasonably practicable and by law within 28 days after the interest arises (this could include an interest an individual is pursuing). Further opportunities to make declarations include:

On appointment:

Applicants for any appointment to the CCG or its Governing Body or any committees should be asked to declare any relevant interests. When an appointment is made, a formal declaration of interests should again be made and recorded.

At meetings:

All attendees are required to declare their interests as a standing agenda item for every Governing Body, committee, sub-committee or working group meeting, before the item is discussed. Even if an interest

has been recorded in the register of interests, it should still be declared in meetings where matters relating to that interest are discussed. Declarations of interest should be recorded in minutes of meetings

When prompted by their organisation:

Because of their role in spending taxpayers' money, the CCG will ensure that, at least annually, staff are prompted to update their declarations of interest, or make a nil return where there are no interests or changes to declare.

On changing role, responsibility or circumstances:

Whenever an individual's role, responsibility or circumstances change in a way that affects the individual's interests (e.g. where an individual takes on a new role outside the CCG, enters into a new business or relationship, starts a new project/piece of work or may be affected by a procurement decision e.g. if their role may transfer to a proposed new provider), a further declaration will be made to reflect the change in circumstances as soon as possible, and in any event *within 28 days*. This could involve a Conflict of Interest ceasing to exist or a new one materialising. All individuals who are required to make a declaration of interests if their circumstances change, have a responsibility to make a further declaration as soon as possible and in any event within 28 days, rather than waiting to be asked. The Chief Finance Officer or Chief of Staff should be formally notified.

They will have systems in place to ensure that receipt of gifts and hospitality are made by all persons referred to in paragraph 4.15 above. Declarations of receipt of gifts and hospitality should be made as soon as reasonably practicable. A draft template for declaring gifts and hospitality is included at Appendix 3.

Whenever interests or offers of gifts and hospitality are declared, they should be promptly reported to the Board Secretary - who has designated responsibility for maintaining the register of interests and the register of gifts and hospitality. The Board Secretary will ensure that the register of interests is updated accordingly.

The CCG will maintain one or more registers of gifts and hospitality for the individuals listed in paragraph 4.15 above. The CCG will ensure that robust processes are in place to ensure that such individuals do not accept gifts or hospitality or other benefits, which might reasonably be seen to compromise their professional judgement or integrity.

All the individuals listed in paragraph 4.15 above need to consider the risks associated with accepting offers of gifts, hospitality and entertainment when undertaking activities for or on behalf of the CCG or their GP practice. This is especially important during procurement exercises, as the acceptance of gifts could give rise to real or perceived conflicts of interests, or accusations of unfair influence, collusion or canvassing.

5. Review

The policy will be refreshed annually and receive a full review once every three years.

The Associate Directors of Corporate Services lead will review register entries on a regular basis and take any action necessary as highlighted by the review.

Conflicts of Interest management will form part of the internal audit cycle on an annual basis. This will

be carried out according to NHS England guidance and using the template provided alongside it. The results of the audit will be reflected in the Annual Governance Statement.

6. Linked Policies/Guidance

Policies:

- CCG Constitution
- Gifts and Hospitality Policy
- Prime Financial Policies, Scheme of Reservation and Delegation
- Managing Conflict of Interest Policy
- Anti-Bribery Policy
- Whistle Blowing
- Standing Orders, Financial Policies, Scheme of Reservation and Delegation for the CCG
- Staff Disciplinary & Appeals
- Procurement
- Equal Opportunities

Guidance:

- ABPI Code of Professional Conduct relating to hospitality/gifts from pharmaceutical/external industry; <https://www.abpi.org.uk/publications/code-of-practice-for-the-pharmaceutical-industry-2019/>
- Cabinet Office (2010), *Bribery Act 2010*. London. HMSO
- Cabinet Office (1906), *Prevention of Corruption Act 1906*. London. HMSO
- Cabinet Office (1916), *Prevention of Corruption Act 1916*. London. HMSO
- Cabinet Office (1995), *First Report of the Committee on Standards in Public Life*, London HMSO
- Code of Conduct for NHS Managers – http://www.nhsemployers.org/~media/Employers/Documents/Recruit/Code_of_conduct_for_NHS_managers_2002.pdf
- Department of Health's guidance (November 2000) - *Commercial Sponsorship – Ethical Standards for the NHS*
- EL 1994/5 *Commercial Approaches to the NHS Regarding Disease Management Packages*
- Managing Conflict of Interest in the NHS (2017) - <https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>
- National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) section 140(3)
- NHS Litigation Authority Policy HR04 *Hospitality and Gifts Policy*
- Principles of Public Life drawn up by the Nolan Committee
- The Bribery Act 2010
- The Equality Act 2010

7. Equality Impact Assessment

An Equality Impact Assessment must be carried out as part of the development of each Policy. All public authorities have a legal responsibility to assess their activities, and to set out how they will monitor any possible negative impact upon equality in terms of the protected characteristics of age, disability, gender, gender identity, marriage or civil partnership, pregnancy and maternity or paternity, race, religion or belief, and sexual orientation. If a negative impact is identified, you will need to take action to reduce that impact. An Equality Impact Assessment has been completed for this Policy (Appendix 15), and no negative impact upon persons with protected characteristics has been identified.

7.1.1 Equalities Act 2010

The Equality Act 2010 requires public bodies to have ‘due regard’ to how they develop, evaluate and review policy. As part of its development, this policy and its impact has been reviewed in consultation for disproportionate impact on people of:

- Racial background (ethnic or national origins, colour or nationality)
- Disability (mental, physical, sensory, long term health, learning disabilities)
- Gender (male, female, transgender)
- Age (young and old)
- Pregnancy & maternity
- Religion or belief (including non-believers)
- Sex
- Sexual orientation (lesbian, gay, bisexual)

This policy is deemed neutral and strengthens equality in practice.

This policy has been available for staff review and consultation on the CCG intranet. Copies of the policy have been circulated to staff groups as appropriate.

8. Change History

Policy Number	Effective Date	Significant Changes
1.0	01/11/2019	Combined policy covering all SWL CCGs

9. Appendix 1 - Working with Industry

Commercial companies, Pharmaceutical Industry or their Agents or Affiliated Companies

1. General Principles

A number of principles should underpin any agreement to work with the Industry:

- Patient Interest
- No Conflict of Interest
- Openness and Ethical Issues
- Patient and Data Confidentiality
- Legal Issues
- Clinical Evidence
- Accountability
- Consideration of Financial Issues
- Fairness
- Probity
- Outcome Measure Monitoring

2. Specific Advice

All employees, contracted staff and staff on honorary contracts working within the NHS with industry or their agents are expected to:

- Act impartially in all their work
- Refuse gifts, benefits, hospitality, or sponsorship of any kind that might reasonably be seen to compromise their personal judgement or integrity (i.e. affect the decision-making process) or seek to exert influence to obtain preferential consideration.
- Declare and register gifts, benefits, hospitality or sponsorship of any, whether refused or accepted. Staff should use their professional judgement in deciding the relevance of such items.
- Declare personal and financial involvement in the Pharmaceutical Industry, withdrawing from dealings if required, to ensure professional judgement is not influenced by commercial interests.
- NHS data including PACT data is confidential and should not be used to further private interest or those of others.
- Ensure professional registration and or status is not used in the promotion of commercial products or services.
- Beware of bias generated through sponsorship, where this might impinge on professional judgement or impartiality.
- Not agree to practice under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals

3. The Pharmaceutical Industry's Relationship with the NHS

Companies will at all time abide by the Code of Practice for the Pharmaceutical Industry

During contact with GPs, representatives of the Pharmaceutical Industry must make it clear that they are not from, connected with or promoted by the local CCG or SLCSU.

The Pharmaceutical Company should inform the Chief Pharmacist of any initiatives in General Practice within local CCG or SLCSU.

Educational teams, Primary Care Advisers and facilitators employed by the Pharmaceutical Industry must operate to the policies of the CCG with respect to the development of quality standards, protocols and guidelines for disease management in primary care.

Initial contact by the Pharmaceutical Company should be through named personnel in the local CCG, which would usually be the Locality Prescribing Advisors or Chief Pharmacist in the first instance.

4. Staff Links with the commercial companies

The Chief Officer should be notified of any outside work for the commercial companies where there is a potential for conflict of interest. This will be recorded in the declaration of interest register.

Examples include:

- Shareholding
- Consultancy Work
- Speaking at meetings on behalf of a company
- NHS data is confidential, and may also be copyright, therefore may not be shared with commercial companies.

5. Sponsorship

Any acceptance of sponsorship will take into account the principles outlined.

Sponsorship must not compromise purchasing or prescribing decisions or link supply from particular sources. It must be clear that sponsorship does not imply endorsement of the product by SWL CCG and there should be no promotion of products other than that agreed in writing in advance.

All sponsorship agreements should be agreed by the appropriate Director and details provided for inclusion in the Hospitality and Gifts register.

Sponsorship will not be accepted for meetings that are not for professional or scientific purposes.

Where meetings are sponsored by the Pharmaceutical Industry that fact must be disclosed in the papers relating to the meeting.

6. Value Added Service

Any joint working will take into account the principles outlined.

The provision of value-added services must not compromise purchasing or prescribing decisions or link supply from particular sources.

It must be clear that any agreements for value added services do not imply endorsement of that product by local CCG or NELCSU, and there should be no promotion of products other than that agreed in writing in advance.

Gifts, Hospitality and Sponsorship Policy

Value added services must not promote a relevant product or offer an unfair advantage to a particular Company.

Training provided by companies must not be linked to promotional or marketing activities.
All value-added service agreements should be included in the register.

7. Hospitality and Gifts

See main policy.

8. Research and Development

Any agreement should be open and transparent to ensure there is no incentive to prescribe more of a particular treatment or product other than in accordance with the peer reviewed and mutually agreed protocol.

Research and development should not proceed without appropriate SWL CCG authorisation.

Gifts, Hospitality and Sponsorship Policy

10. Appendix 2 - Checklist

Assessment of Collaborative Working with Commercial companies, Pharmaceutical Industry or their Agents or Affiliated Companies

GENERAL	
Is the agreement in the best interests of patients	Y/N
Is there no potential conflict of interest	Y/N
Is professional judgement unaffected	Y/N
Is patient and NHS data confidentiality maintained	Y/N
Is the agreement upright and honest	Y/N
CONTRACTUAL	
Does a contractual agreement exist (where possible)	Y/N
Is the agreement lawful	Y/N
Is there no reason to suspect the company will be unable to fulfil obligations	Y/N
CLINICAL EVIDENCE	
Is the agreement evidence based	Y/N
Does the agreement represent best clinical practice	Y/N
Is the agreement compatible with national and local arrangements for prescribing	Y/N
FINANCIAL	
Does the agreement represent value for money	Y/N
If the agreement is linked to the purchase of a particular product, has there been a competitive tender process in line with the CCG SFIs	Y/N
Have costs and benefits been assessed in relation to alternative options	Y/N
Is there provision within the agreement for financial audit	Y/N
Have the future potential implications of the agreement been considered	Y/N
On-going and future purchasing decisions are unaffected by the Agreement	Y/N
AUDIT	
Is there provision within the agreement for financial audit	Y/N
Has the Relevant Director or Chief Pharmacist been notified	Y/N
OUTCOME MEASURES	Y/N
Does the agreement include monitoring of clinical and financial outcome measures	Y/N
Is there provision for break clauses to terminate the agreement if outcomes are not satisfactory	Y/N

Gifts, Hospitality and Sponsorship Policy

11. Appendix 3 - Notification for Entry on Register

All employees (SWL CCG or NELCSU), contracted staff, staff on honorary contracts working members within the NHS and Board and Committee members are asked to record all gifts, hospitality or material benefits received which in any way relates to their appointment or position. All offers of hospitality and gifts declined or rejected as not being appropriate or might constitute a bribe or other inducement is also to be recorded in the Register.

NOTIFICATION FOR ENTRY ON HOSPITALITY & GIFTS REGISTER	
Name:	
Contact address:	
Contact Tel Number:	
Email Address:	
Position held: Directorate: Borough/Sector	
Name of person/company offering hospitality/gift or sponsorship:	
Meeting/event sponsored (give name and date)	
Nature and approximate value of hospitality/gift/sponsorship etc.:	
Has approval been given? (circle responses) Yes No N/A	
Name of approving Director:	
Date of approval/rejection: If rejected - state reason and how hospitality or gift has been disposed (use comments section)	
Comments	
Declaration: I declare that the information I have given on this form is a true and accurate record to the best of my knowledge at the time of completion. I understand that if I knowingly provide false information this may result in disciplinary action and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the NHS body and the NHS Protect for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.	
Signed	Date

Completed forms should be sent to: The NELCSU Corporate Governance Team

Gifts, Hospitality and Sponsorship Policy

13. Appendix 5 - Equality Impact Assessment

	Mandatory Questions	Yes/No/NA	Comments
1.	Does the Policy affect any group less or more favourably than another on the basis of:		
	Age?	No	
	Disability?	No	
	Gender?	No	
	Gender identity?	No	
	Marriage or civil partnership?	No	
	Pregnancy and maternity or paternity?	No	
	Race?	No	
	Religion or belief?	No	
	Sexual orientation?	No	
2.	Is there any evidence that any groups are affected differently by the Policy and if so, what is the evidence?	No	
3.	Is any impact of the Policy likely to be negative?	No	
4.	If any impact of the Policy is likely to be negative, can the impact be avoided and if so, how?	NA	
5.	If a negative impact can't be avoided, what, if any, are the reasons the Policy should continue in its current form?	NA	
6.	Where relevant, does the Policy support the FREDA principles: Fairness, Respect, Equality, Dignity and Autonomy?	Yes	

If you have identified a potential discriminatory impact of this Policy, please contact the Chief of Staff.