

GIFTS AND HOSPITALITY POLICY

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1.0 INTRODUCTION

The purpose of the Gifts and Hospitality Policy is to ensure that the Health and Social Care Board meets its obligations under all relevant legislative requirements and associated guidance, in particular the Bribery Act 2010 (effective from 1 July 2011).

All decisions by Health and Social Care Board staff on the acceptance or provision of gifts and hospitality must be able to withstand both internal and external scrutiny. The Gifts and Hospitality policy is intended to provide advice to all Health and Social Care Board staff who may, in the course of their day-to-day work or as a result of their employment, receive offers of gifts, hospitality or considerations of any kind from contractors, agents, organizations, firms or individuals. The policy also provides advice on the provision of gifts and hospitality to others on behalf of the Health and Social Care Board.

The policy should be read in conjunction with: Section 7 “Code of Conduct and Code of Accountability” of Health and Social Care Board Standing Orders; Standing Financial Instructions 12.2.6(d) and 18 which can be found at <http://www.hscboard.hscni.net/download/PUBLICATIONS/hscb-standing-orders.pdf>; Code of Conduct for HSC Employees (September 2016) and; HSCB Policy and Procedure for booking travel and accommodation (July 2020)

The Gifts and Hospitality policy is part of the overall Governance Framework of the Health and Social Care Board and is one of the key Internal Control requirements established by the Department of Health. Assurances on this policy are sought by way of the annual review of the Board’s Assurance Framework’

2.0 GIFTS

The general principle is that all gifts offered should be refused.

The following guidance (Point 2.1) is contained in Health and Social Care Board Standing Order 7.2.10 and Standing Financial Instructions 12.2.6 (d) and 18

2.1 Acceptance of Gifts

Token gifts (generally at Christmas) of low intrinsic value, such as diaries or calendars, may be accepted from persons outside the HSC Board with whom staff have regular contact. At present a value of less than £50 is used as a guide to identifying gifts of low intrinsic value but the nature or number of gifts may mean that items whose value is less than this may be considered inappropriate. The number of gifts accepted shall be limited within any financial period.

Apart from trivial/inexpensive seasonal gifts such as diaries, no gift 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.

More expensive or substantial items, valued at £50 or more, and gifts of lottery tickets, cash, gift vouchers/cards/ cheques cannot, on any account, be accepted. All gifts offered, even if they are declined/returned, need to be recorded in the register.

If in doubt, staff should decline a gift or consult their Line Manager/Director before accepting it.

2.2 Gifts Received in Recognition of Work Done

On no account should a gift or gratuity be solicited or requested. Where gifts by the way of gratuities, vouchers 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 HSC Board resources, other than for example, use of an officially issued laptop at home, were used in the preparation. The following guidelines should be applied:

- a) If the preparation was carried out entirely in the individual's own time and the event took place outside normal working hours at no expense to the HSC Board, it would be acceptable for the individual officer to retain the token or other gift.

- b) If the preparation was performed wholly in HSC Board time, with the use of HSC Board resources, no gifts or fee should be accepted unless the event took place outside normal working hours when a gift or token up to the value of £50 is acceptable.
- c) If the preparation was carried out using HSC Board facilities or equipment and the presentation is delivered in the officer's own time, then a gift or token to the value of not more than £50 is acceptable.

In the case of either (b) or (c), the Health and Social Care Board can, if it so desires, charge the organization or body a fee based on the salary costs of the individual and/or the use of resources. If a series of gifts from the same source exceed the monetary limits set out above the same rules apply.

2.3 Trade, Loyalty or Discount Cards

Trade, Loyalty or discount card, by which an officer might personally benefit from the purchase of goods or services at a reduced price are classified as gifts should be politely declined and, if already accepted, returned to the sender and recorded in the register. The pro-forma to be used are included at Appendices 1 and 2.

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

2.4 Provision of Gifts

Occasionally the Health and Social Care Board may wish to make a small presentation to speakers or other volunteers in acknowledgement of services provided to the Health and Social Care Board. Such gifts or awards should be of a token nature and should certainly not exceed £50 in value. Prior approval for the provision of gifts or awards is required from the appropriate Director and such approval should be formally documented.

3.0 AWARDS OR PRIZES

Staff should consult their Director or the Head of 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; and
- 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.

4.0 HOSPITALITY

4.1 Acceptance of Hospitality

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. In exercising this judgement it is acknowledged that there can be difficulty in distinguishing between a “gift” and “hospitality”. It is also recognised that it can be as embarrassing to refuse hospitality as it can be to refuse a gift.

The acceptance of what would be accepted as conventional hospitality, for example a working lunch should, in the main, cause no problem provided that it is limited to isolated occasions and its acceptance is in the interests of the Health and Social Care Board. Hospitality which would not be acceptable, includes invitations to frequent or more expensive social functions where there is no direct link to official business (sporting events, the theatre etc) particularly where these come from the same source, and those which involve travel, hotel or other subsistence expenses.

There may also 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.

It is particularly important to ensure that the Health and Social Care Board 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. To guard against the multiple acceptance of invitations to the same event, the Health and Social Care Board should make arrangements to ensure that corporate consideration is given to all invitations.

When in doubt about accepting hospitality or an invitation, staff should consult with their Line Manager or Director.

In accepting hospitality staff need to ensure that it places no obligation or perceived obligation on them, and be aware of, and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host.

4.2 Provision of Hospitality

The provision of hospitality from public funds should be carefully considered and capable of being justified as reasonable in the light of general practice in the public sector. The use of restaurants for entertaining guests or for conferences or seminars will only be appropriate in exceptional circumstances and will require the approval of the Chief Executive.

Internal Hospitality

Internal hospitality should be in accordance with the HSCB Hospitality Procedure.

External Hospitality

The provision of external hospitality 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, as the Health and Social Care Board must be able to demonstrate good value in committing public funds. Approval should be sought in advance from the appropriate Line Manager or Director.

4.2.1 Other Circumstances

If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive before hospitality is provided and such approval should be formally documented.

There may be justification for some hospitality expenditure on celebratory events designed to provide recognition of good performance, successful innovations etc. Financial support may be provided for such events as long as there is due regard for efficiency, economy and public confidence, and only with the explicit approval of the Chief Executive.

4.2.2 Venues

Venues for conferences, training, away days or larger gatherings should ideally be on HSC premises, or within the wider public sector (including local government) and which should be used in preference to private sector venues. Hotels and other private venues should only be used if there is no viable alternative and, after following appropriate procurement procedures, a justification should be submitted to the relevant Director.

Events organized should not include the provision of dinners or overnight stays unless there are highly exceptional reasons and a justification should be submitted to the relevant Director.

4.2.3 Hospitality Expenditure

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

5.0 REPORTING HOSPITALITY OFFERED BY EXTERNAL ORGANISATIONS AND APPROVAL PROCESS TO BE FOLLOWED

In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the Health and Social Care Board of all offers of gifts, awards and prizes made to members of the HSCB Board, Directors, Senior Managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved should also be recorded.

The Head of Corporate Services, on behalf of the HSCB Chief Executive, shall maintain the HSCB Register of Gifts and Hospitality in the prescribed format. All offers of gifts, hospitality or invitations either accepted or rejected will be recorded in the HSCB Corporate Hospitality Register.

It is the responsibility of the individual HSCB Officer to forward details of offers for inclusion in the Directorate Hospitality log. If the recipient has, or will, reject the offer of hospitality they only need to send details to their Line Manager for inclusion in the Directorate Hospitality Register. Appendix 1 should be used to record the offer of a gift, hospitality or invitation and Appendix 2 should be used to return it to the provider.

A copy of Directorate Gifts & Hospitality logs should be forwarded on a quarterly basis to the Corporate Secretariat Manager for inclusion in the HSCB Gifts and Hospitality Register.

In all instances where other than conventional hospitality (infrequent working lunches) is offered by external organizations, this should be declared and the approval of the Director sought using the form at Appendix 1, and copied to the Corporate Secretariat Manager for inclusion in the Corporate Hospitality Register.

6.0 ROLES AND RESPONSIBILITIES IN RELATION TO THE ACCEPTANCE OF GIFTS AND HOSPITALITY

6.1 Health and Social Care Board

- The Health and Social Care Board has incorporated the Code of Conduct and Code of Accountability for Board Members (2011) and Code of Conduct for HSC Employees (September 2016) in its Standing Orders. Standing Order 7.2.1 states:

“Public service value, must be at the heart of the health and social care services in Northern Ireland. High standards of corporate and personal conduct....have been a requirement throughout the health and social care since its inception. As health and social care is publicly funded, it is accountable to the Northern Ireland Assembly for the services provided and for the effective and economical use of taxpayers’ money”.”

The Health and Social Care Board is committed to ensuring that it fully discharges its responsibility for the proper stewardship of public funds in all aspects of Health and Social Care. As with all public expenditure, provision of hospitality expenditure should represent value for money and be incurred in accordance with the principles of regularity and probity.

6.2 Governance Committee

The Governance Committee will periodically review the Health and Social Care Board’s Register of Gifts and Hospitality and provide general advice on good practice.

6.3 Chief Executive

As Accounting Officer, the Chief Executive of the Health and Social Care Board has a personal responsibility for: the propriety and regularity of the public finances for which he is accountable; the keeping of proper accounts; prudent and economical administration; the avoidance of waste and extravagance; and the efficient and effective use of available resources.

6.4 Directors

Directors are responsible for implementing the Gifts and Hospitality Policy and ensuring that the policy is drawn to the attention of all staff within their Directorates. In compliance with DAO (DFP) 19/09, each Director has a responsibility to ensure that a Register of Gifts and Hospitality is maintained within his/her area of responsibility and for ensuring that it is monitored on a regular basis.

6.5 Head of Corporate Services

The Head of Corporate Services, on behalf of the Chief Executive, has lead responsibility for the Gifts and Hospitality Policy in the Health and Social Care Board, ensuring that guidelines are in place in respect of the provision of gifts or hospitality, and that any possible conflicts of interest are identified and appropriate action taken to resolve them. If there is any doubt on the receipt and/or disposal of hospitality and gifts received, this should be referred to the Head of Corporate Services.

The Head of Corporate Services is responsible for ensuring the submission of a periodic report on the Health and Social Care Board Register of Gifts and

Hospitality to the Governance Committee and for including a reference to the Register on the HSC Board website.

6.6 Line Managers

Line Managers should be satisfied that any expenditure on gifts and hospitality incurred is in the best interest of the Health and Social Care Board, provides value for money and complies with current policies and guidelines. Line Managers should ensure that all staff comply with current guidance on the acceptance of hospitality.

6.7 Employees

It is the responsibility of all staff to adhere to this policy. Any recipient of gifts or hospitality must complete the 'Gifts/Hospitality Approval Form' (Appendix 1) for inclusion in their Directorate Register.

Employees must not use public resources for personal benefit or receive benefits in kind from a third party which may be seen to compromise their judgement or integrity. When in doubt about accepting a gift, hospitality or an invitation, staff should consult with their Line Manager or Director.

Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.

6.8 Internal Audit (Business Services Organisation)

Internal Audit has a role in the monitoring of compliance against policy and guidance.

The Register will be subject to audit from time to time and can be viewed under Freedom of Information requests..

7.0 RECORD OF GIFTS, HOSPITALITY, INVITATIONS ETC

The Board will maintain a Register of Gifts, Hospitality and Awards which will be available for periodic review.

The Corporate Hospitality Register will be presented to the Governance Committee for review annually.

8.0 REVIEW OF POLICY

This Policy will apply until the date of HSCB closure, currently 31st March 2022. It will be kept under review in the event of significant change in legislation, guidance or HSCB practices.

9.0 EQUALTY AND HUMAN RIGHTS

The Health and Social Care Boards Equality and Human Rights statutory obligations have been considered during the development of this Policy.

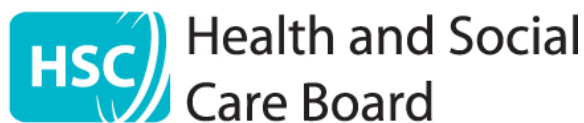
GIFT/HOSPITALITY APPROVAL FORM

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 / Head of Department

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 / Head of Department:	Signed: Date:



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 Health and Social Care Board operates a Gift and Hospitality 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 Health and Social Care Board. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.

Yours