

GIFTS AND HOSPITALITY POLICY

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	HSS (F) 35/2009 Hospitality Registers		

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1. INTRODUCTION

- 1.1 This policy is intended to provide advice to all BSO 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 BSO.
- 1.2 All decisions by BSO 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 BSO Board.

2. PURPOSE/PRINCIPLES

- 2.1 This policy is derived from the BSO Standing Financial Instructions (paragraph 10.3) and has been compiled to ensure compliance with the 7 principles of Public Life drawn up by the Nolan Committee (see Appendix 1). All BSO 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 Department when faced with a situation for which there is no adequate guidance.
 - if in any doubt, they must seek advice from the appropriate Director who will consult with the Director of Finance on any matters in relation to gifts and hospitality which may sit outside this Policy.

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.

3. ROLES AND RESPONSIBILITIES

- 3.1. It is the responsibility of all BSO employees to notify their Director / Chief Executive (see para 9.1) regarding any offer of gift/hospitality by completing Part 1 of the Gifts and Hospitality Form (Appendix 2). Part 2 of the Form should be completed by the approving Officer.
- 3.2 Each Directorate (including HSC Leadership Centre and HSC Clinical Education Centre) should maintain a Gifts and Hospitality Register (Appendix 3). Registers will be subject to periodic review by SMT and also are subject to Freedom of Information queries.

4. LEGAL OBLIGATIONS

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

4.1 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 BSO personnel or a third party connected to it bribes another person intending to obtain or retain business or a business advantage.

4.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the BSO or under its control. The BSO expects all staff to perform their duties impartially, honestly, with integrity, and in good faith. All BSO staff are required to familiarise themselves and comply with the requirements of this Policy.

4.3 If a BSO employee is found to be in breach of the Gift and Hospitality Policy, he/she may be liable to disciplinary action under the BSO’s Disciplinary Procedure, which may result in dismissal for gross misconduct. The BSO also reserves the right to terminate its contractual relationship with third parties if they breach this policy.

4.4 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 both to individuals and the BSO.

5. ACCEPTANCE OF GIFTS

5.1 Cash or Cash Equivalents

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 BSO should be declined.

5.2 Non Cash gifts

Gifts of a small or inexpensive nature (with an intrinsic value below £50) 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 BSO's Director of Finance.

5.3 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 BSO Management will have to be sought as to whether or not the gift can be accepted. In the first instance, staff should advise their Director who will consult with the Director of Finance 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 BSO.
- Donate the gift to a nominated charity

5.3.1 Any acceptance/decline of the gift must be recorded in the register and how it was disposed of using the forms set out at Appendices 2 and 3.

5.4 Lectures, conferences and broadcasts

5.4.1 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 BSO resources, other than for example, use of an officially issued laptop at home, were used in the preparation. The guiding principle is that the BSO 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 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 BSO, it would be acceptable for the individual officer to retain the whole fee, token or other gift;
- if the preparation was performed wholly on BSO time, with the use of BSO resources, the Director of Finance 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 BSO resources, the individual officer may retain any fee, token or other gift for presenting at the event (with an intrinsic value below £50).
- if the preparation was carried out and the presentation delivered in the officer's own time but BSO facilities or equipment were used, then the Director of Finance 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 BSO resources, the individual officer may retain any fee, token or other gift presented at the event (with an intrinsic value below £50).

- 5.4.2 If further guidance is needed in this area, the Director of Finance should be consulted.

5.5 Trade or discount cards

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

- 5.5.1 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.

6. HOSPITALITY RECEIVED FROM THIRD PARTIES

6.1 Hospitality Received from Third Parties

- 6.1.1 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.
- 6.1.2 **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 BSO 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.

- 6.1.3 As a general rule, invitations of hospitality which are extended to the BSO as a whole, can be accepted by a nominated officer and are less likely to attract criticism than personalised invitations to individual officers.
- 6.1.4 When in doubt about accepting hospitality or an invitation you should contact your Director who will consult with the Director of Finance on any matters in relation to gifts and hospitality which may sit outside this Policy. In all instances where anything beyond conventional hospitality is offered, the approval of the Director or the Director of Finance should be sought. It is particularly important to ensure that the BSO 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.

7. AWARDS OR PRIZES

- 7.1 Staff should contact their Director who will consult with the Director of Finance 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.

8. SPONSORSHIP FOR ATTENDANCE AT COURSES AND CONFERENCES

- 8.1 The offer of financial assistance or sponsorship by commercial or other organisations to attend **relevant** courses or conferences must be highlighted to your Director in advance on the appropriate form normally used for applying for permission to attend such events. Such sponsorship is permitted on the understanding that its acceptance will not compromise in any way future purchasing decisions either directly or indirectly or lead to any other conflict of interest involving the individual or the BSO. The appropriate Director must review the nature and level of sponsorship being offered before approving applications to attend courses or conferences. Any sponsorship that could be construed to be in direct conflict with the HSC aim of promoting the health and social well being of the Northern Ireland population should not be accepted in any circumstances. The Director of Finance should be consulted in cases of uncertainty.

9. REGISTER OF GIFTS, HOSPITALITY AND INVITATIONS

- 9.1 In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the BSO of all offers of gifts, (above £50, including multiple gifts from one source) awards and prizes made to members of the BSO Board, directors, senior managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved should also be recorded.

It is the responsibility of each individual BSO officer to forward details using the prescribed template (Appendix 2) of offers for inclusion in the BSO's gifts and hospitality registers held at the following locations:

OFFICER:	REGISTER HELD:
Chairperson Non Executive Director Director Head of SS/ CEC and LC	Chief Executive's Office
All other bands	The Office of the appropriate Director or, Head of: Shared Services, Leadership Centre or Clinical Education Centre

10. PROVISION OF HOSPITALITY, GIFTS AND AWARDS

- 10.1 The use of public monies for hospitality purposes should be carefully considered and BSO needs to be able to demonstrate good value in expenditure of public funds. The following paragraphs provide a guide for staff when considering the provision of hospitality, gifts or awards. If in doubt, the Director of Finance should be consulted before any expenditure is committed.

10.2 Internal Hospitality

- 10.2.1 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.
- 10.2.2 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 appropriate Director if the costs exceed £5 per head.
- 10.2.3 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.
- 10.2.4 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 Director. Beverages provided with lunches should be restricted to tea, coffee, water or fruit juice.
- 10.2.5 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.

10.3 External hospitality

- 10.3.1 The provision of hospitality by the BSO 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.
- 10.3.2 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.
- 10.3.3 The use of public monies for hospitality purposes at conferences and seminars should be carefully considered. The BSO needs to be able to demonstrate good value in committing public funds.
- 10.3.4 Expenditure on external hospitality should be clearly identified as such and charged to a specific hospitality expense code.

10.4 Other circumstances

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

10.5 Authorisation and approval of hospitality

- 10.5.1 The purchase of gifts and hospitality should follow the BSO's normal procurement procedures and should comply with the requirements of mini-code.
- 10.5.2 Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive or Director of Finance, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the BSO's Schedule of Delegated Authority.
- 10.5.3 Appropriate approvals should be obtained prior to the hospitality being provided. The provision of external hospitality should have the approval of the relevant Director who will consult with the Director of Finance on any matters in relation to gifts and hospitality which may sit outside this Policy.

10.6 Provision of gifts or awards

- 10.6.1 Occasionally the BSO may wish to make a small presentation to speakers or other volunteers in acknowledgement of services provided to the BSO. Such gifts or awards should be of a token nature. Prior approval for the provision of gifts or awards is required from the appropriate Director and such approval should be formally documented.
- 11. Review of Policy
 - . This policy will be reviewed in three years following approval or sooner in the event of significant legislation guidance or BSO practices.

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.

<u>GIFT/HOSPITALITY FORM (GHF 1)</u> <u>(TO BE COMPLETED BY RECIPIENT)</u>	
Name of recipient:	
Name of ultimate recipient if not as above: (ie. if gift or hospitality has been passed on to some else)	
Date of Offer:	
Who made the Offer:	
Description of Offer:	
Estimated/actual value of Offer:	
State whether offer was accepted or declined and why:	
Is there a current/potential contract with the donor? If yes provide details:	
Signature of Recipient:	
Date:	

<u>GIFT/HOSPITALITY FORM (GHF 2)</u> <u>(TO BE COMPLETED BY THE APPROVING OFFICER)</u>	
Reasons why approval has/has not been granted:	
Is the Gift being returned? If so a letter should be issued (Template at Annex B HSS (F) 35/2009 to be issued)	
Has the gift been used or disposed of? If so, give details:	
Has the gift been donated to a nominated charity? If so, give details:	
Has the Gifts and Hospitality register been updated? (Held in the relevant Director's Office/ CX's office)	
Signature of Recipient:	
Date:	

APPENDIX 3

Directorate:		Division:		Year:	
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REGISTER OF GIFTS / HOSPITALITY / AWARDS ETC[illegible]