



right care
right place
right time
right outcome

**MERTON CLINICAL COMMISSIONING GROUP
GOVERNING BODY**

Date of Meeting: September 2017

Agenda No: 6.2

Attachment: 07

<p>Title of Document: MCCG Hospitality & Gifts Policy Update v0.7</p>	<p>Purpose of Report: For review</p>
<p>Report Author: Chux Ebenezer, Corporate Assurance and Risk Manager - NEL CSU</p>	<p>Lead Director: Director of Quality and Safety</p>
<p>Executive Summary: This document is presented to the Governing Body with updates to reflect revised NHSE guidance. 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 Merton CCG.</p>	
<p>Key sections for particular note (paragraph/page), areas of concern etc: Updates to reflect revised NHSE guidance, issued June 2017 The key changes (from the June 2016 version of the guidance) are captured in Paragraphs 5 - 10: Registers of interest: A requirement that the CCG has systems in place to satisfy themselves on an <i>annual</i> basis that the register(s) of interest are accurate and up-to-date. Only the declared interests of <u>decision-making staff</u> are required to be included on the published register. Gifts from suppliers or contractors: Gifts of low value (up to £6), such as promotional items, can be accepted and do not need to be declared, but all other gifts from suppliers or contractors must be declined and declared. Gifts from other sources: Gifts under £50 can be accepted from non-suppliers and non-contractors, and do not need to be declared. Gifts with a value of over £50 can be accepted on behalf of an organisation, but not in a personal capacity and must be declared. Hospitality - meals and refreshments: Hospitality under £25 can be accepted and does not need to be declared. Hospitality between £25 and £75 can be accepted, but must be declared. If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given. Sponsored Events: a new section on sponsored events. All finance risks on the corporate register have been updated.</p>	

Recommendation(s):

It is recommended that the Governing Body CONFIRMS the following:

Following approval, the Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.

Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.

Accountable Executives will identify policy owners for each policy within their remit.

The Corporate Affairs Manager will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.

The Committee is asked to:

- **Note the report**
- **Approve the updates contained in the report.**

Committees which have previously discussed/agreed the report:

Audit and Governance Committee 26.09.17

Financial Implications: As per corporate objectives 4

Implications for CCG Governing Body: As per corporate objectives

How has the Patient voice been considered in development of this paper:

As per corporate objective 1

Other Implications: (including patient and public involvement/Legal/Governance/Risk/Diversity/ Staffing)

As described in the CCG Conflicts of Interest Policy v1.2

Equality Assessment:

This Policy is applicable to the Governing Body, every member of staff within the CCG and those who work on behalf of the CCG. This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Merton CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners. The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.

Information Privacy Issues:

As per Freedom of Information Act 2000

Communication Plan: (including any implications under the Freedom of Information Act or NHS Constitution)

As per Freedom of Information Act 2000



Merton

Clinical Commissioning Group

Hospitality & Gifts Policy

DRAFT

Hospitality & Gifts Policy

CCG Policy Reference: MCCG/SLCSU/GOV/014

This policy replaces or supersedes Policy Ref: N/A

THIS POLICY WILL BE APPROVED BY THE CLINICAL COMMISSIONING GROUP (CCG) GOVERNING BODY, AND WILL HAVE EFFECT AS IF INCORPORATED INTO THE CONSTITUTION AS PART OF THE SCHEME OF DELEGATION.

Target Audience	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
Brief Description (max 50 words)	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 Merton CCG.
Action Required	<p>Following approval at the CCG Governing Body, The Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.</p> <p>Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.</p> <p>Accountable Executives will identify policy owners for each policy within their remit.</p> <p>The Corporate Affairs Manager will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.</p>

Document Control	
Title:	CCG Gifts and Hospitality Policy
Original Author(s):	Ben Vinter / David Cotter
Owner:	CCG Director of Quality
Reviewed by:	CCG Director of Quality
Quality Assured by:	NELCSU Deputy Director of Governance
File Location:	TO BE COMPLETED UPON APPROVAL
Approval Body:	Merton CCG Governing Body
Approval Date:	

Document Information:

Title /Version Number/(Date)	Gifts and Hospitality Policy
Document Status (for information/ action etc)and timescale	TO BE COMPLETED UPON APPROVAL
Accountable Executive	Managing Director
Responsible Post holder/Policy Owner	Chief Officer
Date Approved	TO BE COMPLETED UPON APPROVAL
Approved By	Governing Body
Publication Date	TO BE COMPLETED UPON APPROVAL
Review Date	01/06/2015
Author	Ben Vinter / David Cotter
Stakeholders engaged in development or review	Not applicable
Equality Analysis	<p>Equality Analysis</p> <p>This Policy is applicable to the Governing Body, every member of staff within the CCG and those who work on behalf of the CCG. This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Merton CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners. The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
Contact details for further information	Ben Vinter / David Cotter

Amendment History

This Policy is substantially based on a Policy developed by NHS SW London and this is gratefully acknowledged.

Version	Date	Reviewer Name(s)	Comments
0.1	15/02/2013		1 st Pre consultation draft
0.2	18/02/2013		2 nd Pre consultation draft

0.3	01/03/2013		Updated to final draft SLCSU policy
0.4	11/03/2013		Updated following input from SLCSU CO / Director feedback
0.5	03/2014	L. Morgan	Updated to reflect Merton CCG requirements
0.6	06/2014	L. Morgan	Updated following Merton CCG EMT in June 2014
0.7	09/2017	C. Ebenezer	<p>Updated to reflect revised NHSE guidance, issued June 2017</p> <p>The key changes (from the June 2016 version of the guidance) are captured in Paragraphs 5 - 10:</p> <ul style="list-style-type: none"> • Registers of interest: A requirement that the CCG has systems in place to satisfy themselves on an <i>annual</i> basis that the register(s) of interest are accurate and up-to-date. Only the declared interests of <u>decision-making staff</u> are required to be included on the published register. • Gifts from suppliers or contractors: Gifts of low value (up to £6), such as promotional items, can be accepted and do not need to be declared, but all other gifts from suppliers or contractors must be declined and declared. • Gifts from other

			<p>sources: Gifts under £50 can be accepted from non-suppliers and non-contractors, and do not need to be declared. Gifts with a value of over £50 can be accepted on behalf of an organisation, but not in a personal capacity and must be declared.</p> <ul style="list-style-type: none"> • Hospitality - meals and refreshments: Hospitality under £25 can be accepted and does not need to be declared. Hospitality between £25 and £75 can be accepted, but must be declared. If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given. • Sponsored Events: a new section on sponsored events.
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This policy progresses the following Authorisation Domains and Equality Delivery System (tick all relevant boxes).

Clear and Credible Plan		Commissioning processes	
Collaborative Arrangements		Leadership Capacity and Capability	
Clinical Focus and Added Value		Equality Delivery System	
Engagement with Patients/Communities		NHS Constitution (Conduct)	x

Associated Policy Documents

Reference	Title
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Sections relating to Conduct	MCCG Constitution

Glossary

Term	Definition
Accountable Executive	MCCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Document definitions	These are provided in Section 2

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Hospitality & Gifts Policy

1.0 Introduction

It is recognised that there are considerable benefits to be gained by establishing better working relationships with external organisations. However, NHS Merton Clinical Commissioning Group (MCCG) 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, MCCG 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 MCCG have (or might have) business connections.

All employees and others acting on behalf of MCCG 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.

1.1 Purpose / Rationale

All decisions by MCCG 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 NHS NELCSU. 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, Financial Policies, Scheme of Reservation and Delegation for MCCG, 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.
- Principles of Public Life drawn up by the Nolan Committee:
Selflessness

Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

- 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.

1.2. Aims & Objectives

These 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).

1.3. Principles

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 tax payer;
- 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 the Chief Finance Officer, Board Secretary or the Corporate Affairs Lead.

1.4 Scope

This policy covers all business activities of employees or others acting on behalf of MCCG.

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 MCCG'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 MCCG through accepting hospitality, gifts or any favour, which might be deemed inappropriate under independent scrutiny.

1.5 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 Merton CCGs Financial Policies, Standing Orders, Scheme of Reservation and Delegation and 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 on 020 3049 9380.

1.6 Freedom of Information Act 2000

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

2.0 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 MCCG.

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.

3.0 Consultation & Equality Analysis

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.

4.0 Duties

Chief Officer

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

Corporate Affairs

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 and Governance Committee and to the public on request.

The Audit and Governance Committee

The Audit and Governance Committee is responsible for reviewing hospitality/ sponsorship and gifts registers on behalf of Joint Boards.

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.

Business Unit Managers

Business Unit Managers are responsible for ensuring that the entries to the register are sensible, complete and comply with the policy.

If there are any queries with the information they are being asked to put in the register they should contact Corporate Affairs or the Governance & Risk team for advice.

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.

NELCSU 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.

All Staff and Office Holders

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

5.0 Hospitality & Gifts

5.1 Gifts

All employees, contracted staff, staff on honorary contracts, working members within the NHS and Board and Committee members are expected 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 being inappropriate, or with the potential to be perceived as constituting a bribe or other inducement, are also to be recorded in the Hospitality & Gifts Register (Refer section 5).

5.2 Overarching Principles

- 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;

5.3 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

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

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.

- 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 common sense 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.

5.4 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 MCCG resources were used in the preparation. This must be agreed by the staff member's line manager in advance.

If further guidance is needed in this area, the Chief Finance Officer or Corporate Affairs Lead should be consulted.

5.5 Trade or discount cards

Trade or discount cards, by which personal benefit is obtained from the MCCG'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.

5.6 Hospitality

- Delivery of services across the NHS relies on working with a wide range of partners (including industry and academia) in different places and, sometimes, outside of 'traditional' working hours. As a result, CCG staff will sometimes appropriately receive

hospitality. Staff receiving hospitality should always be prepared to justify why it has been accepted, and be mindful that even hospitality of a small value may give rise to perceptions of impropriety and might influence behaviour.

- Hospitality means offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events etc.
- 5.7 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.
- 5.8 Meals and Refreshments:
- Under a value of £25 may be accepted and need not be declared;
 - Of a value between £25 and £75² 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 common sense 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).
- 5.9 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/ Corporate Affairs Lead, should only be accepted in exceptional circumstances, and must be declared. A

² The ABPI Code of Practice for the Pharmaceutical Industry:
<http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

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.

6.0 Sponsored events

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 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.

There is clearly a need for a sense of balance and judgement. For example, acceptance of 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 previously stated 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 risks of misrepresentation or perception of favouritism by a competitor. The context in which business is conducted is significant here, for example where this happens outside working hours and on purely social occasions, there needs to be sound justification to guard against perception of 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 rule, invitations of hospitality that are extended to the CCG as a whole, for example a local mayoral reception can be accepted by a nominated officer. These are less likely to attract criticism than personalised invitations to individual officers, particularly where individual officers have a position of influence.

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

6.1 When sponsorships are offered, the following principles must be adhered to:

- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS;
- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
- No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;
- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event;
- The involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
- The CCG will make it clear that sponsorship does not equate to endorsement of a company or its products and this will be made visibly clear on any promotional or other materials relating to the event;
- Staff should declare involvement with arranging sponsored events to the CCG.

6.2 Other forms of sponsorship:

- Organisations external to the CCG or NHS may also sponsor posts or research. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage, or if sponsored posts cause a conflict of interest between the aims of the sponsor and the aims of the CCG, particularly in relation to procurement and competition. There needs to be transparency and any conflicts of interest should be well managed.

6.3 Awards or prizes

Staff should consult their Line Manager or Chief Finance 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.

6.4 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 MCCG Executive Team 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.

6.5. 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, Director and Chief Officer.

6.6 Hosting events & meetings

Staff arranging events and meetings on behalf of MCCG 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 MCCG 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, taking into account 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. MCCG 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 Finance Officer and/or Corporate Affairs Lead
- The hospitality should be seen to be to the benefit of the CCG

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.

7.0 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 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 the NELCSU Corporate Affairs Team for inclusion in the MCCG 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.

7.1 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.”³

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

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

- **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 14O (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.

7.3 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

7.4 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:

7.5 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.

7.6 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

7.7 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.

7.8 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 and/or Corporate Affairs Lead should be formally notified via NELCSU Corporate Affairs Team.

7.9 MCCG will have systems in place to ensure that receipt of gifts and hospitality are made by all persons referred to in paragraph 7.2 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.

7.10 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.

7.11 MCCG will maintain one or more registers of gifts and hospitality for the individuals listed in paragraph 7.2 above. MCCG 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.

7.12 All the individuals listed in paragraph 7.2 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.

8.0 Dissemination and Implementation

8.1 Dissemination

This policy will be reviewed by the Executive Team and the Audit and Governance Committee. It will be published on the NHS Merton CCG web site. An electronic copy will be disseminated to all Directorates and committee members following its route of approval.

8.2 Implementation

All directors and managers are responsible for ensuring that relevant staff within their own directorates and departments have read and understood this document and are competent to carry out their duties in accordance with the procedures described. As part of their induction programme, all new staff must be made aware of policies and procedures relevant to their work including the Hospitality & Gifts Policy.

9.0 Monitoring & Compliance

Documentation and review of this policy will be in line with the Framework for the Development and Management of Policy and Procedural Documents (2011).

The Audit and Governance Committee will review the Hospitality and Gifts Register periodically

10.0 Publication of registers

10.1 All staff listed in paragraph 7.2 should declare interests and offers/receipt of gifts and hospitality, but we recognise that some staff are more likely than others to have a decision making influence on the use of taxpayers' money, because of the requirements of their role. For the purposes of this policy these people are referred to as **'decision making staff'**.

10.2 MCCG will publish register(s) of interests and gifts and hospitality of decision making staff at least annually in a prominent place on their website and make them available at the MCCG's Corporate Office upon request.

10.3 The following non-exhaustive list describes who these individuals are:

- All governing body members;
 - Members of advisory groups which contribute to direct or delegated decision making on the commissioning or provision of taxpayer funded services such as working groups involved in service redesign or stakeholder engagement that will affect future provision of services;
 - Members of the Primary Care Commissioning Committee (PCCC);
 - Members of other committees of the CCG e.g., audit committee, remuneration committee etc.;
 - Members of new care models joint provider / commissioner groups / committees;
 - Members of procurement (sub-)committees;
 - Those at Agenda for Change band 8d and above;
 - Management, administrative and clinical staff who have the power to enter into contracts on behalf of the CCG; and
 - Management, administrative and clinical staff involved in decision making concerning the commissioning of services, purchasing of good, medicines, medical devices or equipment, and formulary decisions.
- 10.4 In exceptional circumstances, where the public disclosure of information could give rise to a real risk of harm or is prohibited by law, an individual's name and/or other information may be redacted from the publicly available register(s). Where an individual believes that substantial damage or distress may be caused, to him/herself or somebody else by the publication of information about them, they are entitled to request that the information is not published. Such requests must be made in writing. Decisions not to publish information must be made by the Conflicts of Interest Guardian for the CCG, who should seek appropriate legal advice where required, and the CCG should retain a confidential un-redacted version of the register(s).
- 10.5 All decision making staff should be made aware, in advance of publication, that the register(s) will be kept, how the information on the register(s) may be used or shared and that the register(s) will be published. This should be done by the provision of a fair processing notice that details the identity of the data controller, the purposes for which the registers are held and published, how the information on the register(s) may be used or shared and contact details for the data protection officer. This information should additionally be provided to individuals identified in the register(s) because they are in a relationship with the person making the declaration.
- 10.6 All staff who are not decision making staff but who are still required to make a declaration of interest(s) or a declaration of gifts or hospitality should be made aware that the register(s) will be kept and how the information on the register(s) may be used or shared. This should be done by the provision of a separate fair processing notice that

details the identity of the data controller, the purposes for which the register(s) are held, how the information on the register(s) may be used or shared and contact details for the data protection officer. This information should additionally be provided to individuals identified in the register(s) because they are in a relationship with the person making the declaration.

- 10.7 Interests (including offers of gifts and hospitality) of decision making staff should remain on the public register for a minimum of 6 months. In addition, the CCG must retain a private record of historic interests and offers/receipt of gifts and hospitality for a minimum of 6 years after the date on which it expired. The CCG's published register of interests should state that historic interests are retained by the CCG for the specified timeframe, with details of whom to contact to submit a request for this information.
- 10.8 The register(s) of interests and gifts and hospitality must be published as part of the CCG's Annual Report and Annual Governance Statement. A web link to the CCG's registers is acceptable.

11.0 Other relevant documents

Policies relating to:

- Standing Orders, Financial Policies, Scheme of Reservation and Delegation for the CCG
- Whistle blowing Policy Link to website: <http://www.pcaw.org.uk/papers>
- Staff Disciplinary & Appeals
- Procurement
- Counter Fraud
- Anti Bribery
- Equal Opportunities

Codes:

- Code of Conduct for NHS Managers (October 2002)
- Code of Conduct of Accountability for NHS Boards (Revised July 2004)
- The Standards of Business Conduct for NHS Staff
- Professional codes such as the Nursing and Midwifery Council's Code of Professional Conduct
- Good medical practice BMA
- Records Management: NHS Code of Practice 2009
- ABPI Code of Professional Conduct relating to hospitality/gifts from pharmaceutical/external industry

12.0 References

ABPI Code of Professional Conduct relating to hospitality/gifts from pharmaceutical/external industry;

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

Department of Health (2002), *Code of Conduct for NHS Managers*, London

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*

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

NHS SW London Hospitality and Gifts Policy

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

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.

CCG

It must be clear that sponsorship does not imply endorsement of the product by MCCG 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.

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 MCCG authorisation.

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 MCCG 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

APPENDIX 3 - NOTIFICATION FOR ENTRY ON REGISTER

All employees (MCCG 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	
<p>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.</p>	

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Signed	Date

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

DRAFT