

The NHS Confederation

Charity number 1090329

Company number 04358614

Gifts and Hospitality Policy

Owner of policy	Marie Pritchard, Director of People and Governance
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Approved by CEO	N/A
Agreed with Joint Negotiating Committee	N/A
Approved by Audit and Risk Committee	July 2024
Approved by Board of Trustees	September 2024

Version Control Table

Version	Date	Revisions
V1	July 2022	
V1.1	July 2024	<p>New policy template</p> <p>Replacing the references to the Anti Bribery Policy with the Anti- Financial Corruption Policy</p> <p>Offering Gifts Addition of Executive Director approval for offering gifts Addition of the exclusion of giving gifts of alcohol. Removal of giving of gifts to committee members.</p> <p>Accepting gifts Removal of the requirement to automatically surrender gifts received but with caveat they may be asked to surrender. Removal of alcohol from the list of disqualifications of gifts received Addition that Audit and Risk Committee receive the annual gifts and hospitality register</p>
V2	September 2024	<p>Addition – Cross referencing to Disciplinary Policy in the event of non compliance with the Gifts and Hospitality Policy</p> <p>Reinstated Section around Hospitality and Roles and Responsibilities</p> <p>Updated arrangements around staff Christmas events to recognise activity that takes place at the annual staff conference instead of an organisation-wide Christmas event.</p>

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1. Purpose

This policy is in place to ensure the integrity and probity of the NHS Confederation, its staff, and those acting on its behalf are not compromised by the offering, acceptance or rejection of gifts or hospitality etc.

The Charity Governance Code recommends that large charities maintain a Register of hospitality and gifts which should be made available to stakeholders in line with this policy.

The policy and its associated procedure are part of the organisation's overall bribery prevention procedures in accordance with the Bribery Act 2010 and in conjunction with the organisation's Anti-Financial Corruption Policy, which should be referred to for further information.

The policy also sets out guidance for when it is appropriate to use funds of the NHS Confederation when purchasing gifts for staff, contractors, trustees, non-executive directors, committee members and volunteers to ensure fairness and to avoid unintended tax consequences for both the person being gifted and the NHS Confederation.

2. Scope

This policy applies to everyone working at or with the NHS Confederation¹. It applies to:

- all staff and directors
- agency workers
- volunteers
- consultants and contractors
- trustees, committee members and Non-Executive Directors

Any employing or contracting manager must ensure that all temporary staff, consultants, or contractors are aware of this policy. By the NHS Confederation we mean the NHS Confederation charity, any subsidiary companies, and any hosted networked organisation.

The NHS Confederation has designated the Director of People & Governance as the individual who is responsible for ensuring that the NHS Confederation implements this policy.

This policy should be read in conjunction with the organisation's Disciplinary Policy, Anti-Financial Corruption Policy, Conflicts of Interest Policy, and Whistleblowing Policy.

¹ Collectively referred to as staff in this policy

3. Roles and responsibilities

The NHS Confederation **Trustees** have overall responsibility for ensuring this policy complies with our legal and ethical obligations and that all those under our control comply with it. Trustees are required to complete gift and hospitality forms as appropriate.

The accountable officer for this policy is the **Director of People & Governance**. The **Governance Manager** acts as the Compliance Manager and maintains the register of Gifts and Hospitality and is responsible for analysing the entries and making an annual report to the Audit and Risk Committee.

The **Chief Executive and Directors** are responsible for ensuring that adequate internal control exists within their areas of responsibility and controls operate effectively. Directors are required to complete gift and hospitality forms as appropriate.

The **Finance Manager** is responsible for ensuring any procurement of gifts or hospitality complies with this policy when checking company credit card statements, supplier invoices, and expense claims.

All staff are required to ensure they read, understand, and comply with this policy. They have a personal responsibility to ensure that an audit trail exists for all offers of gifts and hospitality whether or not they are accepted or declined.

Failure to comply with this policy may lead to action being taken in line with the organisation's Disciplinary Policy and Procedure.

4. Policy statement

The NHS Confederation will maintain transparency, integrity, ethical conduct, and proper use of funds in everything it does, whilst recognising that appreciation is important, providing gifts and hospitality is not an appropriate use of charity funds. We commit to high standards of integrity with all our partners, potential partners and therefore gifts and hospitality are discouraged to uphold integrity and avoid the compromising of individual and our organisational decision making.

This policy will help to ensure that the integrity and probity of the organisation and its staff are not compromised by the offering, acceptance or rejection of gifts or hospitality. It will enable individual members of staff to work without fear of bringing the organisation into disrepute and to be accountable to members, clients, partners, and stakeholders. The gifts and hospitality policy protects the organisation from criticism from its members, clients, the Charity Commission, and other external bodies and ensures that there is no damage to the reputation of the organisation from accusations or proven cases of wrongdoing.

This policy exists to ensure that:

- the action of staff and those working on behalf of the organisation will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage by any staff accepting gifts or hospitality.
- members of staff do not accept any gift or hospitality which could cause their judgement or integrity to be compromised, either in fact or by reasonable implication and thereby damage the reputation of the organisation.
- any gift or hospitality that is accepted or offered is reasonable and justifiable in terms of benefit to the organisation.
- any offers of gifts or hospitality, whether accepted or declined, are properly recorded in the Register of Gifts and Hospitality (Appendix 1)
- any tax implications relating to any gifts or hospitality are recorded and considered.

5. Guidance notes

When accepting a gift or hospitality in line with this policy, regardless of value, all staff are expected to make a judgment call to determine if the Gift or Hospitality offered, given, accepted or received is legitimate, not lavish, excessive or immoral and does not create an obligation on the recipient to give something in return. In short, staff ensure that the gift is given for an appropriate reason and given at an appropriate time (e.g. not during a tender or contract negotiation process or anticipated process)

Staff should also consider the organisation's core values and behaviours, not least integrity, and are asked to consider whether accepting a gift or hospitality may risk reputational damage and perceptions of impropriety.

In accepting or giving of gifts or hospitality, staff should also be mindful not to undermine our ethical principles and our ambition to become net zero by 2040.

5.1 Gifts

Gifts are defined as tangible items given without the expectation of receiving anything in return. When assessing whether the offering or accepting of a gift is inappropriate staff should consider whether the business relationship will be altered or if there is an expectation that it will be influenced in some way. For example, will bias be expected when selecting suppliers? If so, this may potentially be a bribe under the Bribery Act 2010 and not a gift. For further information, refer to the NHS Confederation Anti-Financial Corruption Policy.

Notwithstanding the guidance below, you should **never** accept any gift that might be seen to compromise your personal judgement or integrity.

Offering Gifts		
Section	Scenario	Action
1	<p>You (or someone on your behalf) SHOULD NOT under any circumstances give, promise, or offer:</p> <ul style="list-style-type: none"> • a gift with the intention to induce a person to perform a function improperly or give a gift in the knowledge that acceptance of the gift by the recipient is improper (for more information, see the NHS Confederation Anti-Financial Corruption Policy); • a gift or payment with the intention of influencing a third party (including foreign officials) to obtain or retain business or a business advantage, or in explicit or implicit exchange for favours or benefits; • numerous gifts of less than £40 to the same source that exceed the value of £100 over one year; • cash gifts; • a gift secretly; • a gift to a politician/political party; • a gift to a bidder under a procurement process • a gift of alcohol to any individuals, organisations, groups or companies 	Refer to Anti-Financial Corruption Policy
2.	<p>Staff and contractor gifts</p> <p>The NHS Confederation does not pay for staff or contractor gifts. This includes Christmas gifts and thank you gifts such as alcohol and flowers.</p> <p>In situations where staff want to purchase a gift for a colleague in their team, it is expected that this will be purchased using personal monies or out of a team collection.</p>	N/A

Accepting Gifts		
Section	Scenario	Action
1.	<p>You (or someone on your behalf) SHOULD NOT accept a gift:</p> <ul style="list-style-type: none"> • with the intention of performing your duties improperly • where the acceptance of the gift amounts to improper performance of your duties; • as a reward for improperly performing your duties; 	<p>Refuse the gift</p> <p>Complete a G & H declaration.</p> <p>Refer to the Anti-Financial Corruption policy</p>

	<ul style="list-style-type: none"> • from a third party that is known or suspected to have been offered with the expectation that it will obtain an advantage for them; • from a third party if it is known or suspected that it is offered or provided with an expectation that an advantage will be provided by the organisation in return; • from a bidder to a procurement process • from a politician/political party • if it is given secretly, not openly <p>“Improper performance” means performance in breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust. For more information see the Anti-Financial Corruption Policy or contact the Governance Manager.</p>	
2	<p>Accepting gifts with a value of £40 or more</p> <p>Gifts with a value of £40 or more should not normally be accepted. However, there may be occasions when refusing a gift could cause offence. So long as none of the instances in section 1 apply you (or someone on your behalf) CAN accept a gift on behalf of the organisation.</p>	<p>Obtain approval from the relevant Executive Director</p> <p>Complete a G&H declaration</p>
3	<p>Accepting gifts with a value of less than £40</p> <p>Provided the scenarios outlined in Sections 1 and 2 above do not apply you CAN personally accept and keep a corporate or personalised gift as defined below with a value of less than £40 (so long as it is not one of several gifts of a value less than £40 from the same source that exceed the value of £100 over one year) such as:</p> <p>Corporate Gifts</p> <ul style="list-style-type: none"> • calendars and diaries • electronic calculators • pens and note pads • mugs • mouse mats and desk tidies • telephone message pads <p>Personalised gifts</p> <ul style="list-style-type: none"> • confectionery • flowers • A bottle of wine • A case of beer • work related publications 	<p>Obtain approval from the relevant Executive Director</p>

There may be instances where staff will be asked to handover to the organisation gifts received if the gift is deemed inappropriate or the gift is accepted on behalf of the organisation rather than the individual i.e. where the value is more than £40.

5.2 Hospitality

Offering or accepting working lunches and dinners etc at external venues

Whilst the provision and receipt of this type of hospitality should not be the norm, working lunches or dinners in restaurants or similar with members, partners or stakeholders is a legitimate and beneficial way of conducting business. However, such hospitality must be reasonable, proportionate and suitable to the circumstances and made in good faith. The tax position described in this policy should also be considered.

A general test of caution is:

- would Confederation members, NHS staff, or the public question the appropriateness of the hospitality received or given?
- would a reasonable person, assessing the hospitality provided by the organisation, judge that it was appropriate, proportionate, suitable to the circumstances and made in good faith? Would a reasonable person consider that the hospitality represented reasonable value for money for members' subscriptions or the public purse?
- would the hospitality be permissible under relevant industry guidelines? (i.e., Code of Practice for the Pharmaceutical Industry).

In choosing whether to accept or offer a working lunch or dinner staff should consider if it is appropriate in the light of current business and relationships with the organisations/individuals. Such hospitality should only be offered or accepted if the primary reason for the occasion is to discuss business matters and where the venue or the hospitality are not in themselves an inducement to accept the invitation.

Corporate hospitality should not be extended to spouses (or other personal relations) of workers.

Giving Hospitality

Section	Scenario	Action
1.	You (or someone on your behalf) SHOULD NOT under any circumstances: <ul style="list-style-type: none">• give hospitality that intends to induce a person to perform a function improperly or give hospitality in the knowledge that acceptance of the hospitality by the recipient is, in itself, improper (for more information, see the Anti-Bribery Policy);	Consider Anti-Bribery Policy

	<ul style="list-style-type: none"> • give, promise to give, or offer hospitality with the expectation or hope that a business or other advantage will be received, or to reward a business or other advantage already given; • give, promise to give, or offer hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure; 	
2.	Hospitality to Political Parties You or someone on your behalf should not offer hospitality to politicians or political parties unless this is for a legitimate business purpose and has been authorised in advance by the Chief Executive or Director of the relevant part of the group.	Consider Anti-Bribery Policy Seek authorisation Complete a G&H register
3.	Team socials and Christmas The NHS Confederation does not arrange a Christmas social event but instead, as part of the annual staff conference, the NHS Confederation arranges a social event for staff for informal networking and to build cross team relationships. Staff are able to make a one-off claim of up to £25 per head for a team social at Christmas. This should be claimed (individually or collectively) on the online expenses system. Every claim must be accompanied by a full VAT receipt. Collective claims must list the staff members present. Claims should be coded to business unit projects using expense item 'Team Social'. Working lunches can be claimed from the organisation in exceptional circumstances e.g. where a team is based around the UK and meet for a business development day. Dinners will only be reimbursed in line with our Travel & Expenses policy.	Refer to Travel & Expenses Policy

Receiving Hospitality

Section	Scenario	Action
1.	You (or someone on your behalf) SHOULD NOT under any circumstances: <ul style="list-style-type: none"> • accept hospitality that is offered with the intention that this will induce the worker to perform a function improperly or accept hospitality in the knowledge that acceptance of the hospitality is, in itself, improper (for more information, see the Anti-Bribery Policy); • accept hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business or other advantage will be provided by the organisation in return; • accept/give hospitality from a bidder under a procurement process. 	Refuse hospitality Complete a G&H register

2.	Hospitality from Political Parties You or someone on your behalf should not accept hospitality from politicians or political parties, unless this is for a legitimate business purpose and has been authorised in advance by the Chief Executive or Director of the relevant part of the group.	Refuse unauthorised hospitality Seek authorisation Complete a G&H register
3.	Invitations of a social kind including sporting events Workers should think carefully about accepting invitations of a social kind (e.g. sporting and cultural events). You should weigh up the value of accepting such an invitation and the benefit to the organisations against how it will be perceived by members, partners, stakeholders and others.	Complete a G&H register whether the invitation is accepted or declined. If accepted seek approval from relevant Director
4.	So long as the circumstances in Sections 1, 2 and 3 do not apply, you (or someone on your behalf) CAN accept hospitality that is worth more than £25 per head if: <ul style="list-style-type: none"> • it is appropriate in the light of current business and relationships with the organisations and/or individuals, <u>and</u>; • the primary reason for the occasion is to discuss business matters; <u>and</u> • where the venue is and hospitality are not in themselves an inducement to accept the invitation or the purpose of the invitation. 	Complete G&H register and gain approval from relevant Director
5.	So long as the circumstances in Sections 1, 2 and 3 do not apply, you (or someone on your behalf) CAN accept hospitality that is worth less than £25 per head: <ul style="list-style-type: none"> • if it is appropriate in the light of current business and relationships with the organisations and/or individuals, <u>and</u>; • the primary reason for the occasion is to discuss business matters, <u>and</u>; • where the venue and hospitality are not in themselves an inducement to accept the invitation or the purpose of the invitation. 	No action needed. You do not need to complete G&H register

6. Staff working on activity outside the UK

NHS Confederation staff working outside of the UK must be conscious of their obligation to ensure that they do not commit an offence of bribing a public foreign official (Section 6 of the Bribery Act 2010).

Section 6 states that an offence is committed where:

- an advantage (potentially including hospitality) is provided to a foreign public official; **and**
- it is provided with the intention to influence the foreign public official in their official capacity; **and**
- it is intended to gain business or a business advantage for the NHS Confederation.

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift and/or hospitality should always be considered.

In all circumstances, the giving, offering, and promising of gifts or hospitality to a foreign public official must be recorded. International office staff must ensure they comply with the rules relating to hospitality outlined in the tables above and must ensure that they consider the following issues when considering offering any hospitality to foreign public officials:

- is the hospitality commensurate with that provided by other bodies similar to the NHS Confederation?
- is the hospitality beyond what might be expected by the foreign public official (especially regarding their status)?
- is the hospitality beyond what might be expected from an organisation, such as the NHS Confederation
- in all the circumstances, is the hospitality likely to have (or had) a bearing on the foreign public official's decision-making

7. Loyalty schemes

Those staff who travel frequently may have the opportunity to join a loyalty scheme. Staff should not directly benefit from travel or accommodation paid for by the organisation and so if air miles, free train tickets, free accommodation or similar are received they should be recorded in the Register of Gifts and Hospitality.

8. Fees or reimbursements for speaking engagements

Offers of fees for speaking engagements should only be accepted on the basis that they are payable to the organisation. Staff should not personally receive fees or gifts for speaking on behalf of the organisation. If you do receive fees in kind, then you should take the appropriate action as outlined in the tables relating to gifts above.

Travel, accommodation, or speaking fees provided by a third party for a speaking or other engagement or in respect of activities conducted outside your role at the NHS Confederation (e.g., acting as a chair of a voluntary or other organisation) do not need to be declared.

9. Staff involved in procurement exercises

Staff responsible for, or involved with, procurement on behalf of the organisation should take particular care to ensure that there can be no criticism that unequal treatment has been given to external organisations with whom we do or intend to do business.

Care should be taken during a tender process and staff should **never** accept or request, offer or promise gifts and/or hospitality to a potential contractor.

Advice about liaising with potential contractors during a procurement exercise can be sought from the Governance Manager.

10. Raising concerns

Staff must notify their line manager or the Director People & Governance as soon as possible if they believe or suspect that this policy or any other has or may be breached.

This policy should be read in conjunction with the organisation's Whistleblowing Policy, which contains a specific reporting process in relation to concerns.

11. Monitoring and Review

The Director of People & Governance will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness, considering legal developments and changes in the organisation's business. The Gifts and Hospitality Register will be annually reviewed by the Audit and Risk Committee.

Appendix 1: Gifts and Hospitality Declaration

Name of individual completing form:

Date of occurrence	Details of hospitality or gifts RECEIVED	Details of hospitality or gifts PROVIDED	Name of employee/s	Name of external organisation	Estimated or actual value	Accepted or declined	Date of notification

Approved by (Director).....

Date:

Please return to the Governance Manager – governance@nhsconfed.org

Equality Impact Assessment

The following guidance and checklist provide a framework for Equality Impact Assessments (EIA). It should be used when carrying out equality impact assessments (EIA) in relation to any new or revised policy. The checklist will help in considering the impact of the policy in relation to equality and diversity (E&D).

The Checklist is to be used for any new or revised policy, not just those that have high relevance in relation to equality and diversity issues. Completion of the Checklist does not need to be a time-consuming or complicated process but should raise some important questions as you carry out the process.

Name of policy being assessed	Gifts and Hospitality Policy
Policy Owner	Marie Pritchard, Director of People and Governance
EIA completed by	Neetha Atukorale, Governance Manager
Date Completed	1 July 2024
Summary of purpose of the policy	The purpose of the policy is to ensure the integrity and probity of the NHS Confederation, its staff, and those acting on its behalf are not compromised by the offering, acceptance or rejection of gifts or hospitality.
Who are the main stakeholders and what involvement and consultation have they had in the policy development. Include staff groups, trade unions and board committees as applicable.	<p>The main stakeholders are all staff including, chief executives, directors, senior managers agency workers and volunteers, consultants, contractors, trustees, committee members and Non-Executive Directors.</p> <p>The policy is reviewed by the Audit and Risk Committee for recommendation to the Board.</p>

Who is affected by the policy	The main stakeholders are all staff including, chief executives, directors, senior managers agency workers and volunteers, consultants, contractors, trustees, committee members and Non-Executive Directors.
What are the arrangements for monitoring and reviewing the actual impact of the policy	The Policy is reviewed every 2 years.

Please indicate against each of the following protected characteristics, what the impact of the policy would be and actions that will be / have been taken to mitigate any negative or adverse impact identified.

(Where the policy is found to have either a positive or negative impact on a particular group it will need to be reviewed or justified within the permits of the law.)

Protected Characteristics	Impact Y/N	Action(s) you will take to mitigate or remove the negative or adverse impact if identified?	Action Owner
Age <i>Consider impact on young people, older people etc.</i>	N		
Disability <i>Consider people with physical disabilities, hidden disabilities and neurodiversity.</i>	N		
Gender Reassignment <i>Consider people undergoing or have undergone gender reassignment</i>	N		
Pregnancy and Maternity <i>Consider those who are pregnant and those on pregnancy and parenthood leave. Consider those wishing to take parenthood leave</i>	N		
Race / Ethnicity <i>Consider potential impact on people from different ethnic groups and nationalities.</i>	N		

Religion or Belief <i>Consider people with different religious, faith and non-beliefs</i>	N		
Gender <i>Consider all genders.</i>	N		
Sexual Orientation <i>Consider LGBTQ+ people.</i>	N		
Marriage and Civil Partnership <i>Consider marriage and civil partnership in respect of the due regard to the need to eliminate unlawful discrimination in employment.</i>	N		
Does the policy promote fairness and equal opportunities? Provide details.	Yes – the policy is applicable to all staff including seconded staff, remote and hybrid staff, agency workers and volunteers, consultants and contractors, trustees, committee members and Non-Executive Directors		
Manager Signature:		People Directorate Review Signature:	
Date:		Date:	