**NHS Derby and Derbyshire Integrated Care Board**

**Gifts, Hospitality & Sponsorship Policy**

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| **KEY POLICY MESSAGES** |
| 1. This policy helps establish a culture of openness and transparency in the ICB’s business transactions. |
| 1. To maintain public confidence the ICB must be able to demonstrate that its decision-making processes are not influenced by inappropriate inducements. |
| 1. Gifts, hospitality and sponsorship should not be accepted other than in exceptional circumstances and as set out in this policy. |

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**VERSION CONTROL**

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| **Title:** | NHS Derby and Derbyshire Integrated Care Board Gifts, Hospitality & Sponsorship Policy |
| **Supersedes:** | Gifts & Hospitality Policy for NHS Derby and Derbyshire CCG |
| **Description of Amendment(s):** | Version 0.1 – initial draft  Version 1.0 – final version following approval  Version 1.1 – updated following publication of NHSE guidance, 17th September 2024  Version 2.0 – final (approved) |
| **Equality Impact Assessment completion date:** | TBC |
| **Outcome of Equality Impact Assessment:** | TBC |
| **Financial Implications:** | None |
| **Policy Area:** | Corporate |
| **Version No:** | Version 2.0 |
| **Author:** | Corporate Delivery Team |
| **Approved by:** | Audit and Governance Committee, 10th October 2024 |
| **Effective Date:** | October 2024 |
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| **List of referenced policies:** | Raising Concerns at Work (Whistleblowing) Policy  Standards of Business Conduct Policy  Managing Conflicts of Interest Policy  Disciplinary Policy  Fraud, Bribery and Corruption Policy  ICB Constitution  Commercial Sponsorship and Joint Working with the Pharmaceutical Industry Policy |
| **Key words section (metadata for search facility online)** | Gifts  Hospitality  Entertainment  Sponsorship  Research |
| **Reference number:** | CD10 |
| **Target Audience** | ICB approved policies apply to all employees, contractors, volunteers, and others working with the ICB in any capacity. Compliance with ICB policy is a formal contractual requirement and failure to comply with the policy, including any arrangements which are put in place under it, will be investigated and may lead to disciplinary action being taken. |

1. Introduction
   1. NHS Derby and Derbyshire Integrated Care Board (the "ICB") is required to have procedures and guidance in place to record the receipt of gifts, hospitality and sponsorship made to members, staff and other individuals engaged on official business on behalf of the ICB.
   2. A further requirement is that the ICB maintains a register of interests of those employed by or acting on behalf of the ICB.
   3. The Gifts, Hospitality and Sponsorship Policy should be read and operated alongside the ICB's Managing Conflicts of Interest Policy; Standards of Business Conduct Policy; Commercial Sponsorship and Joint Working with the Pharmaceutical Industry Policy; and Fraud, Bribery and Corruption Policy, which is designed to contribute to the ICB's obligation to ensure adequate measures are in place to prevent acts of bribery within the meaning of the Bribery Act 2010. The Bribery Act 2010 created:
      1. two general offences of bribery:
         1. offering or giving a bribe to induce someone to behave, or to reward someone for behaving, improperly; and
         2. requesting or accepting a bribe either in exchange for acting improperly, or where the request or acceptance is itself improper; and
      2. a new corporate offence: negligent failing by a company or limited liability partnership to prevent bribery being given or offered by an employee or agent on behalf of that organisation.

Any concerns or suspicions relating to bribery, corruption or fraud must therefore be reported to the group appointed Counter Fraud Specialist [counterfraud.360@nhs.net](mailto:counterfraud.360@nhs.net) – please refer to the Fraud, Bribery and Corruption Policy for full contact details.

Any suspicions or concerns of acts of fraud, bribery or corruption can also be reported online via <https://www.reportnhsfraud.nhs.uk/> or via the confidential NHS Counter Fraud Authority Fraud and Corruption Reporting Line on 0800 028 4060. This provides an easily accessible and confidential route for the reporting of genuine suspicions of fraud within or affecting the NHS. All calls are dealt with by experienced trained staff and any caller who wishes to remain anonymous may do so.

1. Purpose
   1. This policy helps establish a culture of openness and transparency in the ICB’s business transactions. To maintain public confidence the ICB must be able to demonstrate that its decision-making processes are not influenced by inappropriate inducements. Gifts, hospitality and sponsorship should not be accepted other than in exceptional circumstances and as set out in this policy.
   2. The ICB will view instances where this policy is not followed as serious, and may take disciplinary action against individuals as a result, which may result in dismissal. The ICB will refer cases of potential fraud to the Local Counter Fraud Services for investigation. Where appropriate the Police will be involved.
   3. Specifically the policy aims to ensure that all staff are clear about:
      1. the guiding principles for the acceptance of gifts;
      2. hospitality they are able to accept when away from the ICB; and
      3. what hospitality they should provide for meetings, both internal and external to the ICB.
2. Scope
   1. This policy will apply to any individual directly involved with the business of decision-making of the ICB and:
      1. ICB Employees

All employees, including:

* + - 1. full and part time staff;
      2. any staff on sessional or short term contracts;
      3. any students and trainees (including apprentices);
      4. agency staff;
      5. seconded staff;
      6. any self-employed consultants or other individuals working for the ICB under a contract for services.
    1. Decision Makers

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 the following people are referred to as 'decision-making staff':

* + - 1. members of the ICB Board and its Committees;
      2. members of sub-committees or groups which contribute to direct or delegated decision-making on the commissioning or provision of taxpayer-funded services;
      3. those at Agenda for Change Band 8D and above, in line with delegated responsibilities as per the Scheme of Reservation and Delegation; and
      4. any Individual who has the power to enter into contracts on behalf of the ICB; and
      5. management, administrative and clinical staff involved in decision making concerning the commissioning of services; purchasing of goods, medicines, medical devices or equipment; and formulary decisions.

All those mentioned in paragraph 3.1 will hereafter be referred to as “Individuals”.

* 1. It is the responsibility of all Individuals to familiarise themselves with this policy and comply with its provisions.
  2. The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS organisations and general practitioners in relation to the receipt of gifts, hospitality and sponsorship and conflicts of interests:
     + the ICB’s Constitution, in particular the section relating to conflicts of interest which describes, in generic terms, the types of conflicts of interest, as well as the ICB's Standing Orders, Scheme of Reservation and Delegation, and Standing Financial Instructions;
     + Guidance issued by the NHS Commissioning Board;
     + Code of Conduct for NHS Managers;
     + General Medical Council: Good Medical Practice 2024;
     + Nursing and Midwifery Council: Code of Professional Conduct;
     + Commercial Sponsorship and Joint Working with the Pharmaceutical Industry Policy;
     + Standards of Business Conduct Policy;
     + Managing Conflicts of Interest Policy;
     + Raising Concerns at Work (Whistleblowing) Policy;
     + Disciplinary Policy;
     + Fraud, Bribery and Corruption Policy.

1. Definitions

“Gifts”

means any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value;

“Hospitality”

means food, drink, accommodation or entertainment offered or provided in the nature of the organisation’s business by anyone other than the employer. This can include offers of meals, refreshments, travel, accommodation, and other expenses in relation to attendance at meetings, conferences, education and training events; and

“Sponsorship”

means an offer to meet some or part of the costs of running an event, post or research.

1. Receipt of gifts, hospitality and sponsorship guidance
   1. Gifts
      1. Overarching principles
         1. Individuals should not accept gifts that may affect, or be seen to affect their professional judgement. This overarching principle should apply in all circumstances.
         2. Any monetary gift or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the ICB) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Governance Manager, who has designated responsibility for updating and maintaining the register of gifts, hospitality and sponsorship.
      2. Gifts from suppliers or contractors

All gifts of any nature offered to Individuals by suppliers or contractors doing business (or likely to do business) with the ICB 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 £6). The Individual to whom the gifts were offered should also declare the offer to the Corporate Governance Manager so the offer which has been declined can be recorded on the register.

* + 1. Gifts from other sources
       1. Gifts offered from other sources should also be declined if accepting them might give rise to perceptions of bias or favouritism, and a common sense approach should be adopted as to whether or not this is the case. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e. less than £50) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to staff for work well done. Gifts of this nature may be accepted and do not need to be declared, nor recorded on the register.
       2. Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the ICB, not in a personal capacity. These should be declared and a clear reason as to why it was considered permissible to accept the gift should be provided, alongside the actual or estimated value.
       3. 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).
       4. 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.
  1. Hospitality
     1. Overarching principles
        1. Individuals should not ask for or accept hospitality that may affect, or be seen to affect, their personal judgement.
        2. A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, Individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or ICB.
        3. Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the ICB might offer in similar circumstances (e.g. tea, coffee, light refreshments at meetings). A common sense approach should be adopted as to whether hospitality offered is modest or not.
        4. 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.
     2. Meals and Refreshments
        1. Under a value of £25 may be accepted and need not be declared.
        2. Of a value between £25 and £75 may be accepted and must be declared.
        3. Over a value of £75 should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Gifts, Hospitality and Sponsorship Register 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).

* + 1. Travel and Accommodation
       1. 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.
       2. Offers which go beyond modest, or are of a type that the ICB itself might not usually offer, need approval by senior staff (e.g. the ICB Governance Lead or equivalent), should only be accepted in exceptional circumstances and must be declared. A clear reason should be recorded on the Gifts, Hospitality and Sponsorship Register as to why it was permissible to accept travel and accommodation of this type.
  1. Sponsorship
     1. Sponsored events
        1. Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures the ICB’s ability to take place, benefiting staff and patients. However, there is potential for conflicts of interest between the ICB and sponsor, particularly regarding the ability to market commercial products or services.
        2. When sponsorships are offered, the following principles must be adhered to:
           1. sponsorship of ICB 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 ICB and the NHS;
           2. during dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
           3. 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;
           4. at the ICB’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;
           5. the involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
           6. sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event; and
           7. Individuals should declare their involvement with arranging sponsored events for the ICB.
     2. Sponsored Research

Research is vital in helping the NHS to transform services and improve outcomes. Without sponsorship of research some beneficial projects might not happen. More broadly, partnerships between the NHS and external bodies on research are important for driving innovation and sharing best practice. 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. There needs to be transparency and any conflicts of interest should be well managed. The following principles must therefore be adhered to:

* + - 1. funding sources for research must be transparent;
      2. any proposed research must go through the Derbyshire Research Forum;
      3. there must be a written protocol and written contract between Individuals, the ICB, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services;
      4. the study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service;
      5. Individuals should declare involvement with sponsored research to their organisation.

1. Declaration of offers and receipt of gifts, hospitality & Sponsorship

The template form for declaring gifts, hospitality and sponsorship is included at Appendix 1. All hospitality or gifts declared must be promptly transferred to a register of gifts**,** hospitality and sponsorship(see Appendix 2 for template) that all ICBs should maintain. As a minimum, they should contain the following information:

* + - recipient’s name;
    - current position(s) held by the individual (within the ICB);
    - date of offer and/or receipt;
    - details of the gifts, hospitality or sponsorship;
    - estimated value of the gifts, hospitality or sponsorship;
    - details of the supplier/offeror (e.g. their name and the nature of their business);
    - details of previous gifts, hospitality and sponsorshipoffered or accepted by this offeror/supplier;
    - action taken to mitigate conflict, details of any approvals and details of the officer reviewing/approving the declaration made and date;
    - whether the offer was accepted or not; and
    - reasons for accepting or declining the offer.

All gifts, hospitality or sponsorship declared must be promptly (and no later than 28 days after the interest arises) transferred to the register of gifts, hospitality and sponsorship. This should include any gifts, hospitality and sponsorship declared in meetings.

1. Register of Gifts, Hospitality & Sponsorship
   1. The ICB will maintain a register of gifts, hospitality and sponsorship (see Appendix 2 for template) of all Individuals listed in paragraph 3.1. The ICB will have robust processes in place to ensure that Individuals do not accept gifts, hospitality and sponsorship or other benefits, which might reasonably be seen to compromise their professional judgement or integrity.
   2. All Individuals should consider the risks associated with accepting offers of gifts, hospitality, sponsorship and entertainment when undertaking activities for or on behalf of the ICB. 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.
   3. The Corporate Governance Manager shall update the Gifts, Hospitality and Sponsorship Register whenever a new or revised interest is declared. The Corporate Governance Manager must ensure that the register includes sufficient information about the nature of the declaration and the details of those reporting it.
   4. Where an Individual has any queries with respect to gifts, hospitality and sponsorship they should seek advice from the Director of Corporate Governance and Assurance, Head of Governance or Corporate Governance Manager.
   5. 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 to the Director of Corporate Governance and Assurance. Decisions not to publish information must be made by the ICB’s Conflicts of Interest Guardian. The ICB will retain a confidential unredacted version of the register(s), which will be confidentially presented at Audit and Governance Committee meetings.
2. Provision of Internal Hospitality
   1. The Code of Accountability states that NHS monies for hospitality and entertainment should be used sparingly and modestly and only after each case has been carefully considered. All expenditure on these items should be capable of justification as reasonable in the light of the general practice in the public sector.
   2. Whenever possible, meetings should be arranged within ICB 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.
3. Breaches of the POlicy
   1. Failure to comply with this policy will be addressed under the disciplinary processes of the ICB, or otherwise as set out in the ICB’s Standing Orders.
   2. Suspicion of fraudulent acts will be reported to the ICB’s Local Counter Fraud Specialist for consideration of appropriate action. Any concerns or suspicions relating to fraud, bribery or corruption must therefore be reported to the ICB’s appointed Counter Fraud Specialist; Matt Treharne-Clarke (Email: matt.treharne-clarke@nhs.net Telephone: 07990 084824).
4. Monitoring and Review

The policy will be reviewed by the ICB’s Audit and Governance Committee and published on the ICB’s website. Staff will be reminded of the policy and register at least annually.

1. Equality Impact Statement
   1. The ICB aims to design and implement policy documents that meet the diverse needs of its services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
   2. In carrying out its function, the ICB must have due regard to the Public Sector Equality Duty (PSED). This applies to all activities for which the ICB is responsible, including policy development, review and implementation.
2. Due Regard
   1. In carrying out its function, the ICB must have due regard to the Public Sector Equality Duty. This applies to all activities for which the ICB is responsible, including policy development, review and implementation.
   2. This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty of the Equality Act 2010 to: eliminate discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

APPENDIX 1 – DECLARATION OF GIFTS, HOSPITALITY & SPONSORSHIP FORM

|  |  |
| --- | --- |
| **Name of recipient** |  |
| **Job Title/Position** |  |
| **Date of Offer** |  |
| **Date of Receipt (if applicable)** |  |
| **Details of gift/hospitality/sponsorship** |  |
| **Estimated Value** |  |
| **Supplier/Offeror Name and Nature of Business** |  |
| **Details of Previous Offers or Acceptance by this Offeror/Supplier** |  |
| **Action taken to mitigate conflict, details of any approvals and details of the officer reviewing and approving the declaration made and date** |  |
| **Declined or Accepted?** |  |
| **Reason for Accepting or Declining** |  |
| **Other Comments** |  |

*The information submitted will be held by the ICB for personnel or other reasons specified on this form and to comply with the organisation’s policies. This information may be held in both manual and electronic form in accordance with the Data Protection Act 1998. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the ICB holds. The Gifts, Hospitality and Sponsorship Register is published on the ICB’s website.*

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the ICB as soon as practicable and no later than 28 days after the interest arises. I am aware that if I do not make full, accurate and timely declarations then civil, criminal, professional regulatory or internal disciplinary action may result.

**I do/do not** (delete as applicable) give my consent for this information to published on registers that the ICB holds. If consent is NOT given please give reasons:

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|  |

**Signed: Date:**

**Signed: (Line Manager or Senior ICB Manager)**

**Position: Date:**

Please return to Frances Palmer, Corporate Governance Manager. Email: [frances.palmer1@nhs.net](mailto:frances.palmer1@nhs.net)

NHS Derby and Derbyshire ICB, Scarsdale, Nightingale Close, Chesterfield S41 7PF

If you require assistance in completing this form please contact Frances Palmer, Corporate Governance Manager. Email: [frances.palmer1@nhs.net](mailto:frances.palmer1@nhs.net)

APPENDIX 2 – TEMPLATE GIFTS, HOSPITALITY & SPONSORSHIP REGISTER

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **NHS DERBY AND DERBYSHIRE ICB GIFTS, HOSPITALITY & SPONSORSHIP REGISTER** | | | | | | | | | | | |
| **Name of Recipient** | **Job Title/ Position** | **Date of Offer** | **Date of Receipt** | **Details of Gift / Hospitality/ Sponsorship** | **Estimated Value** | **Supplier/ Offeror Name and Nature of Business** | **Details of Previous Offers or Acceptance by this Offeror/ Supplier** | **Action taken to mitigate conflict, details of approvals and details of the officer reviewing and approving the declaration made and date** | **Accepted/ Declined** | **Reason for Accepting/ Declining** | **Comments** |
|  |  |  |  |  |  |  |  |  |  |  |  |