

THE STATE HOSPITALS BOARD FOR SCOTLAND

HOSPITALITY, GIFTS AND INTERESTS POLICY AND PROCEDURE

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Lead Author	Deputy Director of Finance	
Contributing Authors	Counter Fraud Services	
	Senior Financial Accountant	
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The date for review detailed on the front of all State Hospital policies/ procedures/ guidance does not mean that the document becomes invalid from this date. The review date is advisory and the organisation reserves the right to review a policy/ procedure/ guidance at any time due to organisational/legal changes.

Staff are advised to always check that they are using the correct version of any policy/ procedure/ guidance rather than referring to locally held copies.

The most up to date version of all State Hospital policies/ procedures/ guidance can be found on the intranet: <http://intranet.tsh.scot.nhs.uk/Policies/Policy%20Docs/Forms/Category%20View.aspx>

REVIEW SUMMARY SHEET

No changes required to policy (evidence base checked)

Changes required to policy (evidence base checked)

Summary of changes within policy:

January 2024 review

- Titles of Finance personnel updated throughout the document.
- Increase from £4 to £5 in Appendix B example no. 3 for staff working lunch.

APPROVED

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1 Introduction

The State Hospitals Board for Scotland ("The Board") Hospitality, Gifts and Interests Policy and Procedure is intended to provide guidance to employees and volunteers of The Board on the receiving of hospitality and/or gifts and to establish guidance with regard to the Board Register of Hospitality, Gifts and Interests. Note that the responsibilities of Board members are excluded from this policy as they are already covered under The State Hospital Standing Orders and Code of Conduct.

2 Legal and NHS Framework

The Bribery and Corruption Act 2010 came into force on 1 July 2011, with the aim of tackling bribery and corruption in both the private and public sectors. Section 1 of the Act covers active bribery, where a person offers, promises or gives financial or other advantage, to another person, intending to induce them to perform improperly a relevant function or activity, or reward a person for such improper performance. Section 2 covers passive bribery, or being bribed, where a person requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly by themselves or another.

NHS Circulars MEL (1994) 48 provided the requirements for Standards of Business Conduct for NHS staff. NHS Circular HDL (2003) 62 provided guidance on joint working between NHSScotland and the Pharmaceutical Industry, which required Health Boards to establish a central Register of Hospitality and Interests for staff. Standards of business conduct of employees of the State Hospital are included in the Standing Financial Instructions section 19.

It is the responsibility of staff to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. This applies to both staff who commit resources directly e.g. the ordering of goods or services or indirectly by policy development.

3 Scope of the Policy

The provisions of the policy shall be held to apply to all employees of the Board, including secondees. There is no seniority threshold. Volunteers are also subject to the conditions of this policy.

4 Acceptable Hospitality

Hospitality is generally defined as an offer of food or drink, attendance at a social or leisure event or conference where travel and/or accommodation may also be offered (or an occasion which could be perceived as such an event) and where the attendance is being funded by a third party. As a guiding principle, hospitality should usually be refused however, NHS guidance provides that modest hospitality is an accepted courtesy of a business relationship where there is a legitimate business reason and it is proportionate to the nature of the purpose of the event. The recipient should not allow themselves to reach a position whereby he or she might be deemed by others to have been influenced in making business decisions as a consequence of accepting such hospitality. Particular caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. The frequency and scale of hospitality accepted should not normally be significantly greater than the Board would be likely to provide in return.

Staff may accept modest hospitality, provided it is normal and reasonable under the circumstances e.g. lunches in the course of working visits may be acceptable if of a similar scale to that which the

Board would offer in return which would be a buffet style lunch such as sandwiches and fruit – if this is under a value of £25 it may be accepted and need not be declared.

The appropriateness of any other hospitality offered should be discussed in the first instance with an employee's line manager. Any and all hospitality accepted by Board employees must be declared to their line manager.

5 Unacceptable Hospitality

Any hospitality which does not fill the above criteria will be unacceptable. The only exception is where the hospitality has been approved in writing, in advance, by the Chief Executive or appropriate Director. Such hospitality must be declared on the Submission Form at Appendix A.

Any significant hospitality offered to Board employees and declined should also be recorded in the Register of Hospitality, Gifts and Interests.

6 Commercial Sponsorship

As a general principle, offers of hospitality received from commercial third parties should be refused. In principle The State Hospital will fund appropriate costs for visits to inspect equipment. Attendance at relevant commercially sponsored conferences and courses is acceptable but only where acceptance will not and cannot be seen as compromising purchasing or other decisions in any way. 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. Receipt or provision of such sponsorship or visits should be recorded in the register.

Employees should pay particular attention to the circumstances in which hospitality is offered; the provision of hospitality by an individual or organisation during a tendering process or where a contract is shortly to end, or where performance of the contract is in question or in any other circumstances where acceptance might compromise the position of the employee or of the Board, is not acceptable.

7 Acceptance of Gifts

Employees of the Board should not accept gifts which may be or be capable of being construed as being able to influence their professional judgement, a purchasing decision or cast doubt on the integrity of such decisions. Gifts which could place an individual in a position of conflict between their private interests and their NHS duties should be politely but firmly declined. Casual gifts offered by contractors or others should also be politely declined except where they are of low intrinsic value (under £10). Staff may accept such gifts of low intrinsic value or small tokens of gratitude (such as diaries or calendars that have company brands on them).

Staff should not accept any gifts from a patient irrespective of the value of the item being offered.

Advice should be sought from your line manager on the appropriateness of receiving specific gifts. Gifts that are declined should be recorded in the register.

In exceptional circumstances, such as a public presentation, where refusal of a gift which is not of low intrinsic value (more than £5) would be difficult, employees must declare the gift on the attached form within 7 days of receipt.

Gifts of this nature which are valued at over £50 should be treated with caution and should not be accepted in a personal capacity, these should be accepted on behalf of the organisation if at all.

8 Monetary Gifts

The acceptance or giving of monetary gifts or vouchers exchangeable for cash is not acceptable under any circumstances.

9 Prizes for Employer Run Competitions

The hospital may run competitions for staff for which prizes are awarded. These prizes are not allowed to be monetary or vouchers which have a cash value as they would be deemed by HM Revenue & Customs to be income and therefore subject to income tax and national insurance.

Non cash prizes are allowable and considered to be trivial if under £10 and there is no tax nor national insurance implications. Any non-cash prizes over £10 are subject to tax and national insurance and the value of these would need to be processed through payroll. A declaration form should also be completed for prizes received that have a value of over £10.

10 Declaration of Interests

Management need to be aware of all cases where an employee, or his or her close relative or associate, has a controlling and/or significant interest in a business (including a private company, public sector organisation), or in any other activity or pursuit, which may compete for an NHS contract to supply either goods or services to the employing authority.

Employees may not engage in outside employment, which may conflict with their NHS work, or be detrimental to it. They must tell their employer if they think they may be risking a conflict of interest in this area, the management will be responsible for judging whether the interests of the patients or the organisation could be harmed, in line with the principles of conduct in the NHS.

All staff should therefore declare any existing outside employment to their employer, either on starting employment or upon their intention to take up a secondary work activity, in order that it may be known to and in no way promoted to the detriment of either the employing authority or the patients whom it serves.

In determining what needs to be declared, staff will wish to be guided by the questions set out below:

- Am I, or might I, be in a position where I (or my family/ friends) could gain from the connection between my private interests and my employment?
- Do I have access to information which could influence purchasing decisions?
- Could my outside interest be in a way detrimental to the NHS or to patients' interests?
- Do I have any other reason to think I may be risking a conflict of interests?

It is recognised that individuals are legally entitled to engage in other work activities, whether paid or unpaid, secondary to their employment within an individual Board. However, Boards must be satisfied that such secondary work activities do not present an actual or potential conflict of interest.

Employees have a personal responsibility to advise of any secondary work activity which they undertake (or intend to undertake) and any subsequent changes to the same. They must additionally ensure that they make their line manager aware as soon as possible of any potential conflicts of interest.

If still unsure - Declare it!

Some examples of Hospitality, Gifts and Interests are included in Appendix B.

11 Register of Hospitality, Gifts and Interests

The information required for the Register of Hospitality, Gifts and Interests is set out on the Submission Form (Appendix A), which will be made available on the intranet. Submissions should be made as soon as is practicable to the Senior Financial Accountant.

12 Responsibilities

12.1 Chief Executive

It is the responsibility of the Chief Executive as Accountable Officer to ensure that the Register of Hospitality, Gifts and Interests is maintained.

12.2 Director of Finance and eHealth

The Director of Finance and eHealth is responsible for the monitoring and scrutiny of the register in line with Standing Financial Instructions and to be vigilant for perceived conflicts of interest. The register will be reviewed annually by Internal Audit (as arranged by the Director of Finance and eHealth) and will be available to the External Auditors. A report will also be provided annually to the Audit Committee.

12.3 Director of Workforce

The Director of Workforce will be responsible for investigating where an individual is suspected to have behaved improperly; this is a staff governance issue.

12.4 Line Managers

Line managers must adhere strictly to the code and ensure that staff/volunteers they manage are aware of, and comply with, the provisions of this Policy.

12.5 All Employees

Each employee of the Board has a personal responsibility to accept only gifts/hospitality as deemed acceptable in this policy. Employees are reminded that non-compliance may lead to disciplinary action. Staff must also be aware that a breach of the provisions under legislation may make them liable to prosecution and may also lead to loss of employment and pension rights.

If employees have any doubt about whether an item should or should not be recorded, they are advised to record it and to retain a copy of the entry for future reference. The importance of this cannot be overstated to protect individuals from allegations in the future.

13 Related Policies

Further related information can be found in the following policies and protocol on the intranet;

- QP20 Theft, Fraud, & Other Financial Irregularities Policy & Response Plan.
- Standing Financial Instructions.
- Conduct Policy via HR Connect.
- PCIS04 Volunteering Policy and Procedure.
- Safer pre and post employment checks in NHSScotland PIN policy.

14 Equality and Diversity

The State Hospitals Board (the Board) is committed to valuing and supporting equality and diversity, ensuring patients, carers, volunteers and staff are treated with dignity and respect. Policy development incorporates consideration of the needs of all Protected Characteristic groups in relation to inclusivity, accessibility, equity of impact and attention to practice which may unintentionally cause prejudice and / or discrimination.

The Board recognises the need to ensure all stakeholders are supported to understand information about how services are delivered. Based on what is proportionate and reasonable, we can provide information/documents in alternative formats and are happy to discuss individual needs in this respect. If information is required in an alternative format, please contact the Person-Centred Improvement Lead on 01555 842072.

Line Managers are responsible for ensuring that staff can undertake their role, adhering to policies and procedures. Specialist advice is available to managers to ensure that reasonable adjustments are in place to enable staff to understand and comply with policies and procedures. The Equality and Impact Assessment (EQIA) considers the Protected Characteristic groups and highlights any potential inequalities in relation to the content of this policy.

The volunteer recruitment and induction process supports volunteers to highlight any barriers to communication, physical disability or anything else which would prevent them from contributing meaningfully to patient care and/or engage in other aspects of the work of the Hospital relevant to their role. The EQIA considers the Protected Characteristic groups and highlights any potential inequalities in relation to the content of this policy.

15 Stakeholder Engagement

Key Stakeholders	Consulted (Y/N)
Patients	N
Staff	Y
The Board	N
Carers	N
Volunteers	Y

16 Communication Implementation, Monitoring and Review of Policy

This policy will be communicated to all stakeholders within the State Hospital via the intranet and through the staff bulletin.

The Person Centred Improvement Service will facilitate communication with Volunteers.

The Audit Committee will be responsible for the implementation and monitoring of this policy.

Any deviation from policy should be notified directly to the policy Lead Author. The Lead Author will be responsible for notifying the Advisory Group of the occurrence.

This policy will be reviewed every three years or earlier if required by legislative or other policy change.

Appendix A: Hospitality, Gifts and Interests Submission Form

HOSPITALITY, GIFTS AND INTERESTS SUBMISSION FORM

You should use this form to declare hospitality or gifts, which have been accepted (exceptional circumstances only), or declined.

You must also use this form to declare any commercial interests.

The completed form should be countersigned by your line manager and passed to the Senior Financial Accountant, where it will be filed on the Board Register of Hospitality, Gifts and Interests and will be periodically scrutinised by auditors. The register may also be viewed by members of the public and/or interested organisations on request.

Name	
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I disclose that on _____ (date) I accepted/declined the following gift/hospitality (delete as appropriate)

Details:	
Estimated Value:	
From: (Name of organisation offering gift/ hospitality)	
Exceptional Circumstances: (Please describe)	
Any other organisation involved:	

or

I wish to declare the following commercial interest:

Signed: _____

Date: _____

Name: _____
(Block Capitals)

Job Title: _____

Countersigned: _____

Date: _____

Name: _____
(Block Capitals)

Job Title: _____

Appendix B: Examples of Hospitality, Gifts and Interests

EXAMPLES OF HOSPITALITY, GIFTS AND INTERESTS

No.	EXAMPLE	APPROPRIATE ACTION
1	Staff member is offered lunch at a contractors expense during an off-site business meeting - value £10.	May be accepted. Appropriate value. Must be declared to Line manager.
2	Staff member is offered daily lunches over a 2 week period during off-site system evaluation – value £10 per time.	Must be refused. Frequency is excessive. Refusal should be registered.
3	Staff member is offered a working lunch of sandwiches and fruit at a contractors expense during a training or conference event - value £5.	May be accepted. Low value.
4	Staff member is offered overnight accommodation at a contractor's expense during a trip to view equipment.	Must be refused. If appropriate this will be paid for by The State Hospital (TSH). Refusal should be registered.
5	Staff member invited to attend general conference on Mental Health issues, which is sponsored by a drugs company.	May be accepted, on the basis that no procurement decision is involved. Should be registered.
6	Contractor offers free golfing weekend as Christmas gift to staff member involved in major project.	Must be refused. This may be seen as influencing staff member. Refusal should be registered.
7	Contractor provides branded coffee mugs to TSH staff following conclusion of project stage.	May be accepted. Low value items. Must be declared to Line manager.
8	Patient offers staff member £10 in gratitude for care & support.	Must be refused. Monetary gifts cannot be accepted in any circumstances. Refusal should be registered.
9	Patient offers staff member juice or chocolate bar from the patients shop.	Must be refused. Gifts cannot be accepted from patients in any circumstances.
10	Staff member's spouse is Director of company involved in tendering to provide services to TSH.	Must be declared as an Interest on the register. Staff member could be capable of influencing procurement decision.
11	Staff member is offered additional hours work for a contractor who supplies services to TSH.	Must be declared as an Interest on the register. Could result in conflict of interest.
12	Staff member acts as Treasurer for local church group and receives minor expenses payments for out of hours work.	No requirement to declare. No conflict of interest.
13	Supplier offers free goods e.g. fruit, bread, bakery items to hospital staff.	Must be refused. This may be seen as influencing staff member. Refusal should be registered.
14	Staff member receives a prize after winning a hospital competition and the value of the prize is under £10.	May be accepted. No requirement to declare.
15	Staff member receives a prize after winning a hospital competition and the value of the prize is over £10.	May be accepted. Must be declared to Line Manager.