

Northern Ireland Blood Transfusion Service

POLICY DOCUMENT**Document Details****Document Number:** POL:99:FP:003:06:NIBT**No. of Appendices:** 3**Supersedes Number:** POL:99:FP:003:05:NIBT**Document Title:** GIFTS AND HOSPITALITY POLICY**ISSUE DATE:** 07 MARCH 2017**EFFECTIVE DATE:** 04 APRIL 2017**Document Authorisation****Written By:** Noreen Bryans, Finance Analyst**Signature:** _____ **Date :** _____**Authorised By:** Glenn Bell, Finance Manager**Signature:** _____ **Date :** _____**Authorised By:** Karin Jackson, Chief Executive**Signature:** _____ **Date :** _____**CROSS REFERENCES**

This Policy refers to the following documents:

| Doc Type | Doc. No. | Title |
|-----------------|-----------------|---|
| APPENDIX | 1 | The Seven Principles of Public Life |
| APPENDIX | 2 | Prescribed Maximum Expenditure Limits for the Provision of Hospitality. |
| APPENDIX | 3 | Record of Gifts, Hospitality and Invitations |
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Key Change from Previous Revision:

4.10 Reference to 9.1 to 9.5 changed to 4.11 to 4.15

1 STATEMENT

This policy has been compiled to ensure compliance with the 7 principles of Public Life drawn up by the Nolan Committee (see Appendix 1). All Agency 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 relating to their public bodies.
- they must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the tax payer;
- they must refer to their Head of Department when faced with a situation for which there is no adequate guidance;
- if in any doubt, they must seek advice from the appropriate Head of Department, Senior Manager, Finance Manager or Chief Executive as appropriate.

2 OVERVIEW

- 2.1 This policy is intended to provide advice to Agency staff who, in the course of their day to day work or as a result of their employment, either receive offers of gifts and hospitality or provide gifts and hospitality to others on behalf of the Agency.
- 2.2 All decisions by Agency 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 Agency Board.

3 RESPONSIBILITY

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for NIBTS. NIBTS expects all staff and third parties to perform their duties impartially, honestly, with integrity, and in good faith. All NIBTS Staff are required to comply with the requirements of the Gifts and Hospitality Policy, which all staff should make themselves familiar with.

It is the responsibility of all NIBTS staff to be aware of the following:

The **Bribery Act 2010** introduces a new, clearer regime for tackling bribery that applies to all organisations in the UK, including those in the healthcare sector. This is to ensure that we have adequate procedures in place to prevent bribery from occurring. Bribery is a criminal offence for both individuals and organisations and is punishable by law.

The Offences of the Bribery Act

The following business practices constitute offences under the Bribery Act 2010 and are therefore prohibited:

- Bribing another person – to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so. Financial or other advantage means payments, gifts, hospitality or anything that could be reasonably perceived as an advantage as understood by its normal, everyday meaning.
- Being bribed - to receive a financial or other advantage intending that a relevant function or activity should be performed improperly as a result i.e. performance in breach of an expectation that a person will act in good faith, impartially, or in accordance with their position of trust.

Relevant function or activity means any function of a public nature, connected with a business, performed in the course of a person's employment or performed by or on behalf of an associated person. An associated person could include any party relevant to the delivery of NIBTS services.

The Act also creates a discrete offence of bribery of a foreign public official

A new offence of failure of an organisation to prevent bribery – the Act introduces a corporate offence of failing to prevent bribery by the organisation not having adequate preventative procedures in place.

4 POLICY

ACCEPTANCE OF GIFTS

4.1 Cash or Cash Equivalents

Offers of cash or cash equivalents (e.g. lottery tickets, gift vouchers or gift cheques) made by suppliers, contractors, service users or their relatives to individual officers of the Agency should be declined. Instead, the supplier, contractor, service user or relative should be made aware of the Charitable Trust Funds which are managed by the Agency to receive cash donations for general or specific purposes. Details of the current Charitable Trust Funds are available from the Finance Manager.

4.2 Non Cash gifts

Gifts of a small or inexpensive nature such as calendars or diaries or other simple or inexpensive items such as chocolates can be accepted. This type of gift can be easily distinguishable from more expensive or substantial items which cannot on any account be accepted. If there is any doubt as to whether the acceptance of such an item is appropriate, the matter should be referred to the Agency's Finance Manager or Chief Executive.

4.3 Exceptional cases

It is recognised that there are exceptional cases where refusal of a gift will clearly offend a donor, cause embarrassment or appear discourteous. In these cases the donor should be advised that the permission of Agency Management will have to be sought as to whether or not the gift can be accepted. Details of the gift, whether accepted or not, should be recorded in the Hospitality Register

The Agency's Finance Manager or Chief Executive should be asked to decide whether to:

- Allow the recipient to accept the gift; or
- Return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
- Use or dispose of it, if possible, in or by the Agency.

4.4 Lectures, conferences and broadcasts

Where gifts by the way of fees, ex gratia payments or book tokens for lectures, broadcasts or similar occurrences are offered, their acceptance should be based on how much of the preparatory work for the event was done in the employee's own time, how much in official working time and the extent to which the Agency resources, other than for example, use of an officially issued laptop at home, were used in the preparation.

The guiding principle is that the Agency will seek to recover the costs of publicly funded resources used for any non-HPSS events. The following illustrations are by way of example:

- If the preparation was carried out entirely in the individual's own time (for example outside fixed sessional commitments for medical or other clinical staff) and the event took place in the employee's own time at no expense to the Agency, it would be acceptable for the individual officer to retain the whole fee, token or other gift
- If the preparation was performed wholly on Agency time, with the use of Agency resources, the Finance Manager should be consulted to determine the need to charge the organisation or body a fee based on the salary costs of the individual and/or the use of resources.
If the event is carried out in the employee's own time then in addition to any charge for the use of Agency resources, the individual officer may retain any fee, token or other gift for presenting at the event
- If the preparation was carried out and the presentation, delivered in the officer's own time but Agency facilities or equipment were used, then the Finance Manager should be consulted to determine the need to charge the organisation or body a fee based on the use of resources. In addition to any charge for use of any Agency resources, the individual officer may retain any fee, token or other gift for presenting at the event.
If further guidance is needed in this area, the Finance Manager should be consulted.
- Details of the acceptance or rejection should be recorded in the Hospitality Register.

4.5 Trade or discount cards

Trade or discount cards, other than those negotiated by the Agency on behalf of its staff, by which an officer might benefit from the purchase of goods or services at a reduced price are classified as gifts and should be politely declined and, if already accepted, returned to the sender with a suitably worded letter.

4.6 Hospitality Received From Third Parties

The handling of offers of hospitality is recognised as being much more difficult to regulate but it is an area in which staff must exercise careful judgment. It is recognised that it can be as embarrassing to refuse hospitality as it can be to refuse a gift. The Bribery Act does not prohibit genuine hospitality providing it is reasonable and proportionate.

There is also a need to distinguish between simple, low cost hospitality of a conventional type, for example, a working lunch or evening meal compared with more expensive and elaborate hospitality. There is clearly a need for a sense of balance.

There is concern that acceptance of frequent, regular or annual invitations to events or functions, particularly from the same source and where a considerable degree of hospitality is involved, may severely test the principles stated earlier and should be refused. 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 dangers of misrepresentation or perception of favouritism by a competitor of the host. It is obviously easier to justify meetings which relate directly to the work of the Agency but where these happen outside working hours and on purely social occasions then they need to be justified as not being a personal gift or benefit.

Where a contract is being negotiated, hospitality of any kind, including attendance of staff at seasonal events hosted by suppliers or contractors, should not be accepted.

As a general rule, invitations of hospitality which are extended to the Agency as a whole, can be accepted by a nominated officer and are less likely to attract criticism than personalised invitations to individual officers.

When in doubt about accepting hospitality or an invitation you should consult your Head of Department, Senior Manager, Finance Manager or Chief Executive as appropriate. In all instances where anything beyond conventional hospitality is offered, the approval of the Senior Manager or the Finance Manager should be sought. It is particularly important to ensure that the Agency is not over represented at an event or function and care should be taken to ensure that this does not happen, for example, by enquiring from the host as to other staff who have received similar invitations.

4.7 Awards or Prizes

Staff should consult their Senior Manager or the Finance Manager if they are offered an award or prize in connection with their official duties. They will normally be allowed to keep it provided

- there is no risk of public criticism
- it is offered strictly in accordance with personal achievement
- it is not in the nature of a gift nor can be construed as a gift, inducement of payment for publication or invention to which other rules apply

4.8 Sponsorship For Attendance At Courses And Conferences

The offer of financial assistance or sponsorship by commercial or other organisations to attend **relevant** courses or conferences must be highlighted to your Senior Manager in advance on the appropriate form normally used for applying for permission to attend such events.

Such sponsorship is permitted on the understanding that its acceptance will not compromise in any way future purchasing decisions either directly or indirectly or lead to any other conflict of interest involving the individual or the Agency.

The Chief Executive must review the nature and level of sponsorship being offered before approving applications to attend courses or conferences.

Any sponsorship that could be construed to be in direct conflict with the HSC aim of promoting the health and social well being of the Northern Ireland population should not be accepted in any circumstances e.g. from tobacco companies.

The Finance Manager should be consulted for advice in cases of uncertainty.

4.9 Register of Gifts, Hospitality and Invitations

In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the Agency of offers of gifts, awards and prizes (except inexpensive items as per paragraph 7) made to members of the Agency Board, directors, senior managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved should also be recorded.

Details should include: where the offer originated, to whom it was made, and a note of the action taken, i.e. accepted/refused/returned. It is the responsibility of the individual Agency officer to forward details of offers to the Chief Executive's office for inclusion in the Agency's gifts and hospitality register. The form attached at Appendix 3 may be used to forward details of offers to the Chief Executives office.

4.10 Provision of Hospitality, Gifts And Awards

Paragraphs 4.11 to 4.15 below provide a guide for staff when considering the provision of hospitality, gifts or awards. Appendix 2 sets out maximum expenditure limits that have been prescribed by the Agency Board for such occurrences. If in doubt, the Finance Manager should be consulted before any expenditure is committed.

4.11 Internal Hospitality

This should only be considered in clearly defined circumstances. For example, where meetings outside of normal working hours cannot be avoided (early morning or after normal working hours) or where staff are required to travel to attend meetings in circumstances where a lunch time break is not possible or where the meeting is likely to last for more than 3 hours.

Where hospitality is to be extended for internal meetings, it should be limited to light refreshments and written approval should be sought in advance from the Chief Executive.

In relation to residential training courses/conferences it is normal practice for meals and light refreshments to be provided for delegates.

The provision of beverages, including alcohol, is permissible with evening meals up to a limit of one-third of the total cost of the meal.

In relation to non-residential events, lunch may be provided where it facilitates the running of the course or where alternative provision is not available. Written approval should be sought in advance from the appropriate Head of Department or Senior Manager. Beverages provided with the lunches should be restricted to tea, coffee, water or fruit juice. Approval of the Chief Executive is required.

All hospitality expenditure should be allocated specific financial coding to assist in the collation of management information and to facilitate the monitoring and control of the use of this facility.

4.12 External Hospitality

The provision of hospitality by the Agency 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. The use of public monies for hospitality purposes at conferences and seminars should be carefully considered. The Agency needs to be able to demonstrate good value in committing public funds.

Expenditure on external hospitality should be clearly identified as such and charged to a specific hospitality expense code.

4.13 Other Circumstances

If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive or Finance Manager before hospitality is provided and such approval should be formally documented.

It is recognised that there may be cases when, in the interests of the service, flexibility in interpretation of the rules may be necessary. Prior approval for such situations should be obtained in writing from the Chief Executive. Any request for approval of such instances should state why the request falls outside the boundaries of what is normally allowable and why it is considered necessary to provide such hospitality.

4.14 Authorisation and approval of hospitality

The purchase of gifts and hospitality should follow the Agency's normal procurement procedures and should comply with the requirements of mini-code. Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the Agency's Schedule of Delegated Authority.

4.15 Provision of gifts or awards

Occasionally the Agency may wish to make a small presentation to speakers or other volunteers in acknowledgement of services provided to the Agency. Such gifts or awards should be of a token nature. Prior approval for the provision of gifts or awards is required from the appropriate Head of Department or Senior Manager and such approval should be formally documented.

5 EQUALITY SCREENING OUTCOME

This policy has been drawn up and reviewed in light of the statutory obligations contained within Section 75 of the Northern Ireland Act (1998). In line with this statutory duty of equality this policy has been screened against particular criteria. If at any stage of the life of the policy there are any issues within the policy which are perceived by any party as creating adverse impacts on any of the groups under Section 75 that party should bring these to the attention of the Head of HR & Corporate Services.

The Northern Ireland Blood Transfusion Service is committed to the promotion of equality of opportunity for staff, donors and service users. We strive to ensure that everyone is treated fairly and that their rights are respected at all times. We believe that it is important that our policy is understood by all those whose literacy is limited, those who do not speak English as a first language or those who face communication barriers because of a disability. On request it may be possible to make this policy available in alternative formats such as large print, Braille, disk, audio file, audio cassette, Easy Read or in minority languages to meet the needs of those not fluent in English.

6 TRAINING REQUIREMENTS

This policy should be read and understood by all Agency staff.

APPENDIX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity - Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2**PRESCRIBED MAXIMUM EXPENDITURE LIMITS FOR THE PROVISION OF HOSPITALITY****1. Hospitality for Internal Meetings:**

Maximum Limit: £5 per head.

2. Residential or Non-Residential Events Organised by the Agency:

- Lunch - £5 per delegate
- Evening Meal - £15 per delegate
- Beverages supplied with meals - one third of cost of meal.

3. Extension of Hospitality to Individuals External to the Agency:

- Lunch - £20 per Head
- Evening Meal - £30 per Head
- Beverages - one third of cost of meal

4. Provision of Nominal Gifts to Guest Speakers, Volunteers etc:

Small gifts or gift tokens may be provided to a maximum value of £50.

APPENDIX 3

NI BLOOD TRANSFUSION SERVICE
RECORD OF GIFTS, HOSPITALITY AND INVITATIONS

| Date | Person to whom offer made | Source of the Offer | Description of item offered | Action Taken (Accepted / Refused / Returned) |
|------|---------------------------|---------------------|-----------------------------|---|
| | | | | |

This record should be forwarded to the Chief Executive's Office.