

ACCEPTANCE OF GIFTS AND HOSPITALITY/COMMERCIAL SPONSORSHIP POLICY AND PROCEDURE

Version:	2.6
Ratified by:	Audit Committee
Date Ratified:	February 2021
Name of Originator/Author:	Head of Governance
Name of Responsible Committee/Individual:	Director of Commissioning
Date issued:	February 2021
Review date:	January 2022
Target audience:	Organisation-wide

ACCEPTANCE OF GIFTS AND HOSPITALITY/COMMERCIAL SPONSORSHIP POLICY AND PROCEDURE

CONTENTS

Section		Page
	VERSION CONTROL	i
1	PURPOSE	1
2	LEGISLATION	1
3	SCOPE	2
4	ROLES AND RESPONSIBILITIES	3
5	DEFINITIONS	4
6	GUIDANCE ON ACCEPTABILITY	4
7	PROCEDURE FOR REGISTERING THE ACCEPTANCE OF A GIFT OR HOSPITALITY	5
8	COMMERCIAL SPONSORSHIP	5
9	PROVISION OF HOSPITALITY	8
10	PAID EMPLOYMENT – CONSULTANCY WITH OTHER ORGANISATIONS	8
11	ARRANGEMENTS FOR REVIEW	8
12	TRAINING REQUIREMENTS	8
13	MONITORING AND AUDIT	9
14	ASSOCIATED DOCUMENTS	10
Appendices		
APPENDIX 1	Guidance on the Acceptance of Gifts, Hospitality and Sponsorship	11
APPENDIX 2	Receipt of Gifts and Hospitality Guidance for all CCG staff and representatives	12
APPENDIX 3	Declarations of Gifts and Hospitality Form	16
APPENDIX 4	Template CCG Register of Gifts and Hospitality	17
APPENDIX 5	Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry	24

ACCEPTANCE OF GIFTS AND HOSPITALITY/COMMERCIAL SPONSORSHIP POLICY AND PROCEDURE

VERSION CONTROL

Document Status:	Final
Version:	2.6

DOCUMENT CHANGE HISTORY		
Version	Date	Comments
1.0	3 March 2014	<p>Somerset CCG adopted the PCT policies in April 2013 to ensure that policies and procedures were in place during first year of operation in 2013/14. The PCT document had been reviewed to ensure it was fit for purpose for CCG to adopt.</p> <p>The policy has now been reviewed and updated for the CCG. The summary of the Bribery Act, that was attached as an appendix to the previous version, has now been removed and is available as a standalone document following consultation with Local Counter Fraud.</p>
1.1	21 July 2014	Updated roles to reflect revised CCG organisational structure.
1.2	27 November 2015	<p>Updates made to reflect audit recommendations:</p> <ul style="list-style-type: none"> - Appendix 1 updated to include reference to offers of medical equipment - Reduction of maximum value to £10 (appendices 1 and 2) - Guidance to include training and education hospitality (appendix 2) - Register of pharmaceutical company supported projects to be maintained (8.3,8.4, appendix 2)
2	4 July 2016	<p>Policy updated to reflect the revised statutory guidance on managing conflicts of interest for CCGs released 28 June 2016 following consultation. Key updates:</p> <ul style="list-style-type: none"> • Scope of policy clarified (Section 3.5) • Expanded narrative to define gifts and hospitality and what to declare (S.6.4 & Appendix 2) • Hospitality booking process (S.9) • Arrangements for review and publication (S.11) • Updated declaration form (Appendix 3)

		<ul style="list-style-type: none"> • Template register updated (Appendix 4)
2.1	19 September 2016	Updated to reflect change in Director responsibility.
2.2	17 May 2017	Section added 13.3 to 13.8 to identify the process for managing breaches to be consistent with Policy for Managing Standards of Business Conduct and Conflicts of Interest
2.3	30 June 2017	Updated to reflect the revised statutory guidance for CCGs published June 2017
2.4	13 September 2018	<p>Updates to reflect new structures in CCG, changes to contact details and to address points raised by Internal Audit. Specifically:</p> <ul style="list-style-type: none"> • Section 2.4 includes reference to the CCG website statement on the Bribery Act • Consistency with the electronic reporting database • Addition of Appendix 5 – CCG Policy on Working with the Pharma Industry
2.5	29 November 2019	Minor updates to reflect updated structure and titles following organisational restructure
2.6	10 February 2021	Annual review with minor updates to reflect the change of lead to Director of Commissioning.

Sponsoring Director:	Director of Commissioning
Author(s):	Peter Osborne, Head of Governance
Document Reference:	

ACCEPTANCE OF GIFTS AND HOSPITALITY/COMMERCIAL SPONSORSHIP POLICY AND PROCEDURE

1 PURPOSE

- 1.1 The purpose of this policy is to set out the standards and procedures which must be followed in respect of gifts and hospitality. It is intended to help staff, lay members and others working with the Somerset Clinical Commissioning Group (SCCG) to understand their responsibilities in protecting themselves and the SCCG against any suggestion of inappropriate behaviour. The CCG must demonstrate that it has open and transparent decision-making processes which are not influenced by inducements of inappropriate offers of gifts and hospitality.
- 1.2 This policy supports a culture of openness and transparency in SCCG's business transactions. Gifts and hospitality should not be accepted other than in exceptional circumstances as set out in this policy. The SCCG 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 SCCG will refer cases of potential fraud to the Local Counter Fraud Services for investigation and will be escalated where appropriate.

2 LEGISLATION

- 2.1 Officers and members of Local Authorities and other public bodies such as the NHS are subject to the provision of special legislation designed to protect the public interest and public confidence.
- 2.2 This particular legislation is contained in:
- the Bribery Act 2010
 - the Public Bodies Corrupt Practices Act 1889
 - the Prevention of Corruption Act 1906
 - the Prevention of Corruption Act 1916
- 2.3 The Bribery Act 2010 revised the legal framework to combat bribery in the public and private sectors. It makes it an offence to receive a financial or other advantage as a reward for an improper act - for example, for the inappropriate award of a contract. A gifts and hospitality policy is a key tool for organisations to demonstrate they have arrangements in place to discourage the offer or acceptance of such rewards.
- 2.4 The Bribery Act 2010 came into effect on 1 July 2011 and makes it a criminal offence to give, promise or offer a bribe, and to request, agree to receive or accept a bribe, either at home or abroad. A summary of the key features of the Act is available from the Head of Governance. A

statement from the CCG Accountable Officer setting out the CCG's commitment to supporting the Act can be found at <https://www.somersetccg.nhs.uk/about-us/bribery-act-statement/>.

2.5 The Act introduces a corporate offence of failing to prevent bribery by the organisation not having adequate preventative procedures in place.

2.6 Two areas of particular importance in a code of business conduct are declarations of interests and gifts and hospitality. The Acceptance of Gifts and Hospitality/Commercial Sponsorship Policy provides guidance to all staff in relation to these matters.

3 SCOPE

3.1 The policy applies to all employees of the SCCG including the Governing Body and Committee members, Lay representatives, practitioners involved in projects or committee work, members of staff when undertaking work for the CCG and temporary and contract staff.

3.2 The policy should be read in conjunction with the following documents, which also set out generic guidelines and responsibilities for NHS organisations in relation to gifts and hospitality:

- Somerset CCG Constitution
- Somerset CCG policy for Standards of Business Conduct and Managing Conflicts of Interest
- Somerset CCG Commercial Sponsorship Policy and Procedure
- Code of conduct for NHS Managers 2002.

3.3 The CCG will ensure that all employees are aware of the existence of this policy. The following will be undertaken to ensure awareness:

- introduction to the policy during local induction for new starters to the organisation
- annual reminder of the existence and importance of the policy via internal communication methods
- regular reports on entries into the register for the SCCG Governing Body and Audit Committee

3.4 Staff should also refer to their respective professional codes of conduct relating to the acceptance of gifts and hospitality.

3.5 The following groups are subject to this Policy:

- **All CCG employees**, including:
 - ❖ All full and part time staff;
 - ❖ Any staff on sessional or short term contracts;
 - ❖ Any students and trainees (including apprentices);

- ❖ Agency staff;
 - ❖ Seconded staff
 - ❖ In addition, any self-employed consultants or other individuals working for the CCG under a contract for services should make a declaration of interest in accordance with this guidance, as if they were CCG employees.
- **Members of the governing body:** All members of the CCG’s committees, sub-committees/sub-groups, including:
 - ❖ Co-opted members;
 - ❖ Appointed deputies; and
 - ❖ Any members of committees/groups from other organisations.

Where the CCG is participating in a joint committee alongside other CCGs, any interests which are declared by the committee members should be recorded on the register(s) of interest of each participating CCG.

- **All members of the CCG (i.e., each practice)**

This includes each provider of primary medical services which is a member of the CCG under Section 14O (1) of the 2006 Act. Declarations should be made by the following groups:

- ❖ GP partners (or where the practice is a company, each director);
- ❖ Any individual directly involved with the business or decision-making of the CCG.

4 ROLES AND RESPONSIBILITIES

- 4.1 A member or officer is personally responsible for all decisions connected with the acceptance or offers of gifts or hospitality and for avoiding the risk to public confidence.
- 4.2 Openness in declaring and recording these matters is a safeguard for staff who might otherwise be perceived to be receiving a personal and direct benefit in contravention of the SCCG’s Constitution.
- 4.3 Any failure to comply with this policy and procedure may result in disciplinary action being taken against the individual concerned.
- 4.4 Specific roles and responsibilities are set out in the table below:

Chief Executive	The Chief Executive (Accountable Officer) has overall responsibility for ensuring that all SCCG staff comply with this policy by making declarations as and when they arise.
Director of Commissioning	Maintaining a register of all declarations and

	this shall be presented to the Audit Committee annually for review
CCG Governing Body and Clinical Executive Committee Members	Ensuring that they comply with this policy by making declarations on an annual basis. They should also highlight any further declarations as they may arise outside of this process.
Member practices	Responsible for keeping themselves informed about the contents of this policy and maintaining practice registers.
All staff	Ensuring that they comply with this policy by completing the relevant documentation as circulated on an annual basis. They should also highlight any further declarations as they arise outside of this process.
Audit Committee	Ensuring that policy is effectively implemented and receiving reports as set out in the policy

5 DEFINITIONS

Gift	A Gift is defined as the voluntary transfer of something without the expectation of receiving anything in return. For example, items of any value offered or provided in the nature of the organisation's business by anyone other than the employer.
Hospitality	Hospitality is defined as the relationship between guest and host, or the act or practice of being hospitable. Specifically, this includes the reception and entertainment of guests. For example, food, drink, accommodation or entertainment offered or provided in the nature of the organisation's business by anyone other than the employer.
Corruption	In the context of the policy this can be described as an impairment of integrity, virtue, or moral principle; inducement to wrong by improper or unlawful means (as bribery) or a departure from the original or from what is pure or correct.
Register of Gifts & Hospitality	This document is a record of any declarations made by staff in relation to gifts and/or hospitality whether this is accepted or declined.
CCG Constitution	This document details SCCG's governance processes including Standing Orders, Standing Financial Instructions and Delegation of Powers.

6 GUIDANCE ON ACCEPTABILITY

- 6.1 Any member or officer should treat with extreme caution any offer or gift, favour or hospitality that is made to him/her personally. This includes offers of intangible gifts such as offers to receive indirect services, for example, house or garden maintenance.
- 6.2 Appendix 1 sets out a list of items which are deemed as potentially acceptable and those which are specifically unacceptable. This list is not

exhaustive. If a member or officer has any doubts about the advisability of accepting any gift or hospitality or sponsorship, this should be discussed with the Chief Executive or the Director of Commissioning.

- 6.3 The question of what is and what is not acceptable cannot be precisely defined and each case should be taken in context. Acceptance of hospitality should, as a principle, be limited in both frequency and in the value of the hospitality extended. It is appropriate to consider whether either the hospitality or the scale of it would cause embarrassment to either the giver or receiver if it were to become public knowledge.
- 6.4 Additional detailed guidance on the receipt of gifts and hospitality is provided in Appendix 2 and this should be referenced by all CCG staff and representatives before responding to any offers or when making declarations.

7 PROCEDURE FOR REGISTERING THE ACCEPTANCE OF A GIFT OR HOSPITALITY

- 7.1 Any member or officer who is offered or receives a gift, hospitality or sponsorship must fill in a declaration form. An example of the Declaration Form is attached as Appendix 3 however all staff should maintain their interests on the CCG's electronic register database (<https://interestregister.somersetccg.nhs.uk>).
- 7.2 Approval must be given in the first instance by the line manager for any gift/hospitality/sponsorship to be accepted and verified by the Director of Commissioning. If there is any doubt surrounding the appropriateness of any hospitality, then the Director of Commissioning should be contacted immediately in each circumstances before acceptance.

CCG process for recording gifts and hospitality

- 7.3 The CCG will maintain a central database of all recorded declarations. The database will be available to provide the Governing Body an up to date register of declarations for their respective members. Individuals will be asked electronically to update their interests as a minimum every six months. The database is available to all staff and those working with the CCG who work for external organisations. The database will be maintained by the Corporate Governance Team.

Financial Irregularities

- 7.4 If, under any circumstances, financial irregularities are suspected, the SCCG Counter Fraud Policy should be followed.

8 COMMERCIAL SPONSORSHIP

- 8.1 Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures their ability to take

place, benefiting NHS staff and patients. Without this funding there may be fewer opportunities for learning, development and partnership working. However, there is potential for conflicts of interest between the organiser and the sponsor, particularly regarding the ability to market commercial products or services. As a result there should be proper safeguards in place to prevent conflicts occurring.

- 8.2 As a general principle, all offers of hospitality received from commercial third parties should be scrutinised with care. Attendance at relevant commercially sponsored conferences and courses is acceptable, but only where acceptance will not, and cannot, be seen as compromising purchasing decisions or other commercial decisions in any way. Sponsorship of CCG events is also acceptable subject to these principles and in accordance with the CCG Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry (attached as Appendix 5). Receipt or provision of such sponsorship should be recorded in the Register.
- 8.3 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 CCG, is not acceptable.
- 8.4 There may be circumstances where it is appropriate for support to be provided to projects by pharmaceutical companies. Any such proposals should be discussed with the relevant Director and approval sought from the Prescribing and Medical Management Committee (PAMM). Any project sponsorship then needs to be recorded on the register for pharmaceutical company- supported projects held by the Corporate Governance Team and reported to the Audit Committee on a quarterly or exception basis.
- 8.5 Generally provision of marketing materials by Pharmaceutical Companies such as pens and other stationary items do not have sufficient monetary value to indicate sponsorship or a conflict of interest.
- 8.6 When sponsorships are offered, the following principles must be adhered to:
- Sponsorship of CCG events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the CCG and the NHS;
 - During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
 - No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;

- At the CCG's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event;
- The involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
- CCGs should make it clear that 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;
- Staff should declare involvement with arranging sponsored events to their CCG.

Other forms of sponsorship

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

9 PROVISION OF HOSPITALITY

9.1 The provision of hospitality by employees of the CCG to officers of other organisations should be modest and appropriate in the circumstances.

9.2 Provision of hospitality by SCCG to its employees or others would not normally be appropriate except in the case of working breakfasts or lunches in the course of meetings or workshops. Provision of working lunches should be by exception rather than the rule and only offered if the duration of the meeting is such that people are unable to purchase their own refreshments. Requests for hospitality have to be approved in advance with the Finance Team using the CCG meeting request process.

9.3 The use of NHS monies for hospitality and entertainment at conferences and seminars should be carefully considered. The CCG needs to be able to demonstrate good value in incurring public expenditure.

9.4 As regards meetings, hospitality must be secondary to the purpose of the meeting and the level must be appropriate and in proportion to the event. The costs involved must not exceed the level which the recipients would normally adopt when paying for themselves at such an event or that which could be reciprocated by the NHS.

Outside Organisations

9.5 Where individuals have accepted hospitality from another organisation, for example in order to fulfil a speaking engagement, the value of this should

be no more than equivalent to that normally provided by the CCG and there is no entitlement to claim further expenses. Any honorarium offered should be payable to the SCCG.

10 PAID EMPLOYMENT – CONSULTANCY WITH OTHER ORGANISATIONS

- 10.1 This section of the policy does not relate to circumstances where staff may hold more than one position, either within the SCCG or with the CCG and another organisation. These rules are covered under the Human Resources policy(ies). However where an officer of the CCG undertakes either personally or in the name of the SCCG, consultancy work and receives an offer of financial reward, receipt of this payment must be approved by the Chief Executive.
- 10.2 It would normally be considered an infrequent event for any full time senior manager or director to undertake ad hoc consultancy work and full disclosure must be made in conjunction with the Declarations of Interest Policy.

11 ARRANGEMENTS FOR REVIEW AND PUBLICATION

- 11.1 This policy shall be reviewed annually and ratified by the Audit Committee.
- 11.2 The register of gifts and hospitality will be published on the CCG website and updated annually.
- 11.3 Registers will be maintained in accordance with the latest statutory guidance for CCGs.¹
- 11.4 The registers will be published on the Group's website at www.somersetccg.nhs.uk and will be included within the Group's Annual Report and thus signed off by External Auditors. They can also be obtained from the Group's administrative offices at Wynford House, Lufton Way, Lufton, Yeovil, Somerset BA22 8HR.

12 TRAINING REQUIREMENTS

- 12.1 All staff on Induction shall receive training on the CCG's Constitution, including the Code of Conduct and this policy.
- 12.2 Counter Fraud training shall be provided to all staff as mandatory training every three years.
- 12.3 Appropriate staff will undertake the mandatory NHS England training on an annual basis.

¹ <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>

13 MONITORING AND AUDIT

- 13.1 The Policy will be reviewed on an annual basis and reported to the Audit Committee and, where necessary, external auditors, will receive assurance that a robust process for managing conflicts of interest is in place and enable the Audit Committee Chair and Accountable Officer to provide direct formal attestation to NHS England that the CCG has complied with the guidance relating to managing all declarations. Subsequently, this attestation will form part of an annual certification.
- 13.2 There will be an annual audit of this procedure carried out by the CCG's Internal Auditors as part of their work programme. The results will be reported to the Audit Committee.
- 13.3 The CCG will carry out a self-certification of its compliance with the national Improvement and assessment Framework which will include various requirements on a quarterly and annual basis.
- 13.4 The Audit Committee receives an annual register for review through the CCG Annual Accounts.
- 13.5 The Audit Committee shall review any breaches of this policy and/or the CCG's Code of Conduct.

Breaches of the Policy

- 13.6 Staff should consult the CCG's Freedom to Speak Up Policy when wishing to raise any suspected breaches of this Policy. The Freedom to Speak Up Policy sets out the principles and procedure that the CCG will follow.
- 13.7 With regards to managing conflicts of interest any concerns should be raised initially with your immediate Line Manager or the Director of Commissioning. You may raise concerns verbally or in writing. Breaches can relate to new or existing contracts.
- 13.8 If these channels have been followed and you still have concerns, or you feel that the matter is so serious that you cannot discuss it with any of the above please contact the Conflict of Interest Guardian who is Lou Evans, Non-Executive Director (lou.evans1@nhs.net). The CCG's Freedom to Speak Up Policy also sets out other sources of support open to staff.
- 13.9 If your concern is about fraud, bribery or corruption, you should contact your Local Counter Fraud Specialist or the NHS Fraud and Corruption Reporting Line (0800 028 4060), you can also report fraud, bribery or corruption online at www.reportnhsfraud.nhs.uk. Further information can be obtained from the CCG's Local Counter Fraud Specialist (claire.baker36@nhs.net), and from the Somerset CCG Fraud Response Plan.

- 13.10 Any incidents will be investigated confidentiality in accordance with the CCG's Freedom to Speak Up Policy and, where significant impact and thresholds triggered, reported on to NHS England by the Director of Commissioning. Following each investigation under this policy, any actions identified should be included in an action plan which will be monitored regularly through the Audit Committee.
- 13.11 Somerset CCG will publish, adhering to confidentiality, any breaches that are identified on the CCG website as part of the appropriate CCG Register and describe the actions that have been taken in respect of the concern and feedback on the outcome. The CCG Communications Manager will be responsible to managing any external media interest that may arise.
- 13.12 Failure to comply with the Policy could have severe implications for the CCG and the individuals concerns and could result in legal challenges, disciplinary action or referrals to professional bodies where applicable.

14 ASSOCIATED DOCUMENTS

14.1 This policy should be read in conjunction with:

- SCCG Constitution
- Standards of Business Conduct and Managing Conflicts of Interest Policy
- Fraud Response Plan
- Freedom to Speak Up Policy (i.e. Whistleblowing)
- Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry
- Professional Standards Authority (PSA) Guidance: Standards for Members of NHS Boards and CCG Governing Bodies In England (2012)²
- NHS England resources page at <https://www.england.nhs.uk/commissioning/pc-co-comms/coi/>.

² <http://www.professionalstandards.org.uk/docs/psa-library/november-2012---standards-for-board-members.pdf?sfvrsn=0>

GUIDANCE ON THE ACCEPTANCE OF GIFTS, HOSPITALITY AND SPONSORSHIP

Gift/Hospitality	Acceptable	Potentially Acceptable (*)	Unacceptable	Declarable
Gifts from suppliers or contractors:				
Gifts of low value (up to £6), such as promotional items, can be accepted and do not need to be declared.	✓			
All other gifts from suppliers or contractors must be declined and declared. For example, gifts to relatives/friends, holiday accommodation, attendance at sporting events, invitation to cultural events, promotional gifts or offers, personal discounts/ discount vouchers.			✓	✓
Gifts from other sources:				
Gifts under £50 can be accepted from non-suppliers and non-contractors, and do not need to be declared.	✓			
Gifts with a value of over £50 can be accepted on behalf of an organisation, but not in a personal capacity and must be declared.	✓			✓
Hospitality - meals and refreshments:				
Hospitality under £25 can be accepted and does not need to be declared.	✓			
Hospitality between £25 and £75 can be accepted, but must be declared.	✓			✓
If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given.		✓		✓
Supplier offers:				
Visits to view equipment paid for by outside companies		✓		✓
Other forms of commercial sponsorship including pharmaceutical		✓		✓
Offers of medical equipment (for example glucose monitors, respiratory meters and demonstration inhalers as often given out to GPs by pharmaceutical company representatives)		✓		✓

* **Potentially Acceptable but prior approval and declaration required**

RECEIPT OF GIFTS AND HOSPITALITY – GUIDANCE FOR ALL CCG STAFF AND REPRESENTATIVES

Casual Gifts, including gifts from patients

1. A 'gift' is defined as 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.
2. All gifts of any nature offered to CCG staff, governing body and committee members and individuals within GP member practices by suppliers or contractors linked (currently or prospectively) to the CCG's business should be declined, whatever their value. The person to whom the gifts were offered should also declare the offer to the CCG Governance Team so the offer which has been declined can be recorded on the register.
3. 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.
4. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e., less than £6) 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 do not need to be declared to the Corporate Governance Team, nor recorded on the register.
5. Any personal gift of cash or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the CCG) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Governance Team and recorded on the register.
6. In cases of doubt advice must be sought from your line manager and, in no case must a gift be accepted without prior written approval of the relevant manager if the estimated value of the gift exceeds £6. If a gift which is not a 'small value item' arrives without warning, it must be handed over to the appropriate director who will decide whether the gift should be returned (or passed on to a charity or good cause) and will ensure that the donor is informed of what has happened

Cash

7. Under no circumstances must personal gifts of cash, even below the £6 limit be accepted.

Hospitality

8. 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 CCG.
9. Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the CCG 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. Hospitality of this nature does not need to be declared to the Corporate Governance Team, nor recorded on the register, unless it is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business in which case all such offers (whether or not accepted) should be declared and recorded. Where it is difficult to avoid meetings involving hospitality, for example meals taken in a restaurant, individuals might wish to consider paying for your own meal to demonstrate that no benefit was obtained from a third party.
10. Attendance at working lunches or workshop events where food is provided without a charge to SCCG is acceptable only where the main focus of the event is work-related rather than the hospitality and providing attendees can demonstrate that SCCG will obtain some value from attendance. National guidance sets out that:
 - Hospitality under £25 can be accepted and does not need to be declared.
 - Hospitality between £25 and £75 can be accepted, but must be declared.
 - If the value of the hospitality is over £75, it must be declared and should be refused unless senior approval is given. In particular, offers of foreign travel and accommodation.
11. There may be some limited and exceptional circumstances where accepting the types of hospitality referred to in this paragraph may be contemplated. Express prior approval should be sought from a senior member of the CCG (e.g. the CCG governance lead or equivalent) before accepting such offers, and the reasons for acceptance should be recorded in the CCGs register of gifts and hospitality.
12. Hospitality of this nature should be declared to the Corporate Governance Team and recorded on the register, whether accepted or not. In addition, particular caution should be exercised where hospitality is offered by suppliers or contractors linked (currently or prospectively) to the CCG's business. Offers of this nature can be accepted if they are modest and reasonable but advice should always be sought from a senior member of the CCG (e.g. the CCG governance lead or equivalent) as there may be particular sensitivities, for example if a contract re-tender is imminent. All offers of hospitality from actual or prospective suppliers or contractors (whether or not accepted) should be declared and recorded.
13. Offers of hospitality such as theatre tickets, sporting events, holiday accommodation or similar offers of hospitality must be declined.

14. There is an important difference between, attendance at events in an official capacity and accepting hospitality at events where representation by SCCG is not required. Where you are invited to an event as a representative of SCCG and consider that the SCCG should be represented in an official capacity, attendance is likely to be acceptable but written approval should be sought in advance from a senior manager at SCCG. It is very unlikely that hospitality such as sporting events, holidays or theatre shows would ever fall into this category.

Sponsorship

15. CCG staff, governing body and committee members, and GP member practices may be offered commercial sponsorship for courses, conferences, post/project funding, meetings and publications in connection with the activities which they carry out for or on behalf of the CCG or their GP practices. All such offers (whether accepted or declined) must be declared so that they can be included on the CCG's register of interests, and the Corporate Governance Team should provide advice on whether or not it would be appropriate to accept any such offers. If such offers are reasonably justifiable and otherwise in accordance with this statutory guidance then they may be accepted.
16. Notwithstanding the above, acceptance of commercial sponsorship should not in any way compromise commissioning decisions of the CCG or be dependent on the purchase or supply of goods or services. Sponsors should not have any influence over the content of an event, meeting, seminar, publication or training event. The CCG should not endorse individual companies or their products. It should be made clear that the fact of sponsorship does not mean that the CCG endorses a company's products or services. During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection legislation. Furthermore, no information should be supplied to a company for their commercial gain unless there is a clear benefit to the NHS. As a general rule, information which is not in the public domain should not normally be supplied.
17. Where an organisation or individual seeks to provide sponsorship to SCCG the principles set out in this policy concerning the acceptance of gifts or hospitality apply. Particular care must be taken when contractors or potential contractors are offering sponsorship, to avoid the appearance that providing sponsorship is linked to the awarding of any contract or other advantage. Sponsorship should not be accepted where it could subject SCCG to criticism for giving preferential treatment to one supplier above another.
18. Any offers of sponsorship must be approved by the relevant senior manager at SCCG in advance.
19. Specific guidance on pharmaceutical sponsorship is contained with the Corporate Policy and Guidance for Joint Working with the Pharmaceutical Industry. Further advice in relation to pharmaceutical sponsorship should be sought from Shaun Green, Associate Director of Medicines Management.

20. If there is any doubt about whether gifts, hospitality or sponsorship should be accepted, advice should be sought in advance from the Director of Commissioning or the Head of Governance.

Medical Equipment

21. Any offers of medical equipment for primary care should be considered carefully before being accepted so there could be no impression of favourable treatment being applied to a specific provider. Any offers should be recorded on the register using the declaration form. Examples of such offers could be low value equipment such as glucose monitors, respiratory meters and demonstration inhalers, which are often given out to clinicians by pharmaceutical company representatives.

Training and Education

22. Pharmaceutical company representatives may from time to time support and/or deliver training and education sessions at GP practices or other health premises, often involving the provision of hospitality over a lunchtime period. The provision of such support is not prohibited but it is important that this activity and associated hospitality is formally recorded by each GP practice using the declaration form in order to promote transparency.
23. If a project is being funded by a pharmaceutical company then approval for receiving this support should be sought from your Director and then reported to the Prescribing and Medical Management Committee (PAMM) for formal approval. The project sponsorship then needs to be recorded on the register for pharmaceutical company- supported projects.

DECLARATIONS OF GIFTS AND HOSPITALITY FORM

Recipient Name	Job Title	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality	Estimated Value	Supplier / Offeror Name and Nature of Business	Details of Previous Offers or Acceptance by this Offeror/ Supplier	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 CCG 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 2018. Information may be disclosed to third parties in accordance with the Freedom of Information Act 2000 and published in registers that the CCG holds.

I confirm that the information provided above is complete and correct. I acknowledge that any changes in these declarations must be notified to the CCG 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 CCG holds. If consent is NOT given please give reasons:

Signed:

Date:

Signed: _____ Position:
(Line Manager or a Senior CCG Manager)

Date:

Please return to Kathy Palfrey by email somccg.declarations@nhs.net

TEMPLATE CCG REGISTER OF GIFTS AND HOSPITALITY*

Name	Job Title	Date of Receipt (if applicable)	Details of Gift /Hospitality	Estimated Value	Supplier Details	Declined or accepted	Reason for Accepting or Declining

* Registers will be generated from the electronic database and so will be populated from the contents of that database

**Corporate Policy and Guidance
for Joint Working with the
Pharmaceutical Industry**

**(Template based upon DH Best Practice Guidance for Joint
Working between the NHS and the Pharmaceutical Industry,
February 2008)**

Version:	2.2
Ratified by:	Audit Committee
Date Ratified:	December 2019
Name of Originator/Author:	Shaun Green, Associate Director of Medicines Management
Name of Responsible Committee/Individual:	Prescribing and Medicines Management Committee (PAMM)
Date issued:	December 2019
Review date:	October 2022
Target audience:	CCG Staff

**CORPORATE POLICY AND GUIDANCE FOR JOINT WORKING WITH THE
PHARMACEUTICAL INDUSTRY**

CONTENTS

Section		Page
	VERSION CONTROL	i
1	SCOPE	1
2	INTRODUCTION	1
3	AIMS AND OBJECTIVES	1
4	VALUES	2
5	PRINCIPLES OF JOINT WORKING	2
6	CONFIDENTIALITY AND DATA PROTECTION	3
7	LEGISLATION, GOVERNANCE, CONFLICTS OF INTEREST, PAYMENTS AND HOSPITALITY	4
8	APPROVAL OF JOINT WORKING ARRANGEMENTS	4
9	REFERENCE AND ADDITIONAL READING	5

**CORPORATE POLICY AND GUIDANCE FOR JOINT WORKING WITH THE
PHARMACEUTICAL INDUSTRY**

VERSION CONTROL

Document Status:	Final
Version:	2.2

DOCUMENT CHANGE HISTORY		
Version	Date	Comments
1.0	April 2013	Updated from PCT policy for CCG as commissioning body
2.0	April 2016	Updated to reflect revised national guidance and CCG reporting structures
2.1	31 May 2016	Comments from the Director of Quality Safety and Governance
2.2	29 November 2019	Minor updates to reflect new committee structure and titles

Equality Impact Assessment (EIA) Form OR EIA Screening Form completed. Date:	
---	--

Sponsoring Director:	Sandra Corry - Director of Quality and Nursing
Author(s):	Shaun Green, Associate Director of Medicines Management
Document Reference:	

CORPORATE POLICY AND GUIDANCE FOR JOINT WORKING WITH THE PHARMACEUTICAL INDUSTRY

1 SCOPE

- 1.1 This document is intended as policy for Somerset CCG and its staff who are involved in joint working with the pharmaceutical industry. It should be read in conjunction with the CCG policies for managing conflicts of interest and business standards and for the acceptance of gifts and hospitality and commercial sponsorship.
- 1.2 For the purposes of this policy, the term 'staff' refers to clinicians and managers employed or seconded by Somerset CCG including those providing representative roles or clinical advisors.
- 1.3 The policy does not apply to independent contractors working on behalf of their practices.
- 1.4 For the purpose of this policy, joint working is defined as situations where, for the benefit of patients, organisations pool skills, experience and/or resources for the joint development and implementation of patient centred projects and share a commitment to successful delivery. Joint working agreements and management arrangements are conducted in an open and transparent manner. Joint working differs from sponsorship, where pharmaceutical companies simply provide funds for a specific event or work programme.
- 1.5 The policy is based upon the template provided in the Department of Health Best Practice Guidance for Joint Working between the NHS and the Pharmaceutical Industry, February 2008³.

2 INTRODUCTION

- 2.1 DH Guidance¹ encourages NHS organisations and their staff to consider opportunities for joint working with the pharmaceutical industry, where the benefits that this could bring to patient care and the difference it can make to their health and well-being are clearly advantageous.

3 AIMS AND OBJECTIVES

- 3.1 The aim of this policy is to:
- assist Somerset CCG to achieve its objectives and delivery of national and local priorities by building effective and appropriate working relationships with the pharmaceutical industry

³ Department of Health, 2008. Best practice guidance for joint working between the NHS and the pharmaceutical industry.

- inform and advise staff of their main responsibilities when entering into joint working arrangements with the pharmaceutical industry. Specifically, it aims to:
 - assist NHS employers and staff in maintaining appropriate ethical standards in the conduct of NHS business
 - highlight that NHS staff are accountable for achieving the best possible health care within the resources available

3.2 Staff are reminded that at all times they have a responsibility to comply with their own professional codes of conduct that provide a framework for professional practice in respect of working with private companies and industries, and that representatives of the pharmaceutical industry must comply with the *ABPI Code of Practice for the Pharmaceutical Industry*.⁴

4 VALUES

4.1 In line with the NHS Code of Conduct³ three public service values underpin the work of the NHS:

- accountability – everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements of propriety and professional codes of conduct
- probity – there should be an absolute standard of honesty in dealing with the assets of the NHS. Integrity should be the hallmark of all personal conduct in decisions affecting patients, staff and suppliers, and in the use of information acquired in the course of NHS duties
- openness – there should be sufficient transparency about NHS activities to promote confidence between the organisation and its staff, patients and the public

4.2 Where staff enters into any joint working with the pharmaceutical industry, their conduct should also adhere to the following values:

- transparency and trust
- appropriateness of projects
- patient focused
- value for money
- reasonable contact
- responsibility
- impartiality and honesty
- truthfulness and fairness

5 PRINCIPLES OF JOINT WORKING

5.1 Joint working must be for the benefit of patients or of the NHS and preserve patient care. Any joint working between the NHS and the

⁴ ABPI, 2016. *Code of Practice for the Pharmaceutical Industry* (http://www.abpi.org.uk/our-work/library/guidelines/Documents/code_of_practice_2016.pdf).

pharmaceutical industry should be conducted in an open and transparent manner. Arrangements should be of mutual benefit, the principal beneficiary being the patient. The length of the arrangement, the potential implications for patients and the NHS, together with the perceived benefits for all parties, should be clearly outlined in a written proposal before entering into any joint working arrangement for the benefit of patients.

5.2 The following principles will also apply to joint working:

- staff should be aware of relevant NHS guidance and CCG policies, the legal position and appropriate and relevant professional codes of conduct
- confidentiality of information received in the course of duties undertaken as part of an agreed joint working project must be respected and never used outside the scope of the specific project
- joint working arrangements should be agreed and undertaken at a corporate, rather than an individual, level with approval and oversight through the appropriate governance arrangements in within Somerset CCG.
- clinical and financial outcomes will be assessed through a process of risk assessment undertaken as part of the development of the proposal for the joint working project

5.3 To ensure Somerset CCG has a mechanism in place for recording and monitoring, and evaluating any joint working arrangements each proposal for joint working should have a clearly identified CCG sponsor. The sponsor should be a member of the CCG Clinical Executive Committee (CEC), CCG Director or CCG Head of Department. The sponsor is responsible for identifying a project manager responsible for seeking approval and production of project detail including:

- joint working project summary
- assessment of resources and costs
- assessment of impact on outcomes framework
- assessment of impact upon primary or secondary care resources
- risk assessment
- governance arrangements
- communications plan
- monitoring and evaluation
- data and patient protection
- declaration of interests
- impact assessments for equality, quality and privacy as appropriate
- key performance indicators as appropriate

5.4 A mutually agreed and effective exit strategy will be in place at the outset of any joint working arrangement detailing the responsibilities of each party and capable of dealing with a situation where premature termination may become necessary.

6 CONFIDENTIALITY AND DATA PROTECTION

- 6.1 Staff should be aware of relevant NHS guidance with regard to patient confidentiality and data protection, the legal position and appropriate and relevant professional codes of conduct . The CCG policy on confidentiality and data protection should be followed.
- 6.2 Please seek advice from the CCG's Caldicott Guardian or Information Governance Team if you have any queries.

7 LEGISLATION, GOVERNANCE, CONFLICTS OF INTEREST, PAYMENTS AND HOSPITALITY

- 7.1 Staff should be aware of relevant NHS guidance, the legal position and appropriate and relevant professional codes of conduct as described in existing NHS guidance with regard to patient confidentiality and data protection. The CCG policy on conflicts of interests, payments and hospitality should be followed.

8 APPROVAL OF JOINT WORKING ARRANGEMENTS

- 8.1 The Prescribing and Medicines Management Committee has delegated authority to approve or decline all proposals for joint working.
- 8.2 No joint working projects should commence without approval of the Prescribing and Medicines Management Committee.
- 8.3 The Head of Governance will be informed of each decision of the Prescribing and Medicines Management Committee (PAMM) and will hold a register of each application and decision on behalf of the CCG. The Register will be reported to the Audit Committee as part of the regular reporting on registers of interest.
- 8.4 The Chair, and Vice Chair of PAMM or Associate Director of Medicines Management may act as CCG signatories for each approved proposal for joint working. Each project will require two signatories to sign off the proposal.
- 8.5 The sponsor and project manager will be responsible for planning, implementation, engaging stakeholders, monitoring and evaluation of the joint working project.
- 8.6 As a minimum each project will produce for PAMM an interim report on the project and a final report on the project including feedback, evaluation and lessons learned.
- 8.7 This Policy will be approved by the PAMM and a copy presented to the Audit Committee for ratification.

9 REFERENCE AND ADDITIONAL READING

9.1 The Policy should be read in conjunction with the following supporting documents and information:

- Moving beyond sponsorship – available via the DH archives at [Moving beyond sponsorship](#)
- ABPI [Code of Practice for the Pharmaceutical Industry](#) and [Guide for Joint Working with the Pharmaceutical Industry](#)
- Department of Health, [Code of Conduct: Code of Accountability in the NHS. 2nd Ed July 2004](#)
- CCG Standards of Business Conduct and Managing Conflicts of Interest Policy
- CCG Acceptance of Gifts and Hospitality/Commercial Sponsorship Policy and Procedure