

# **NORTHERN IRELAND SOCIAL CARE COUNCIL**

## **GIFTS AND HOSPITALITY POLICY**

**FINAL V3.0**

**OCTOBER 2016**

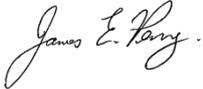
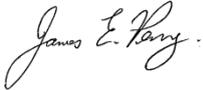
## Document Control Sheet

Title	Gifts and Hospitality Policy
Lead Director	Director of Registration and Corporate Services
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Date of ratification by Council	
Review Date	Every two years

### Version History

Document Version	Date	Status	Reviewed by	Document Revision History
V1.1	Feb 2014	Draft	PRG	
V1.1	Mar 2014	Draft	JNF	
V2.0	April 2014	Final	Council	
V2.1	July 2016	Draft	PRG	Changes of PQ/PIP; Conduct/FTP and DoH
V2.1	Oct 2016	Final	JNF/Council	As above

### Approvals

Date	Document Version	Approver Name and Title	Approver Signature
30/04/2014	V2.0	Mr James Perry, Chair of NISCC	
16 Oct 2016	V3.0	Mr James Perry, Chair of NISCC	

## **1. INTRODUCTION**

- 1.1 This Gifts and Hospitality Policy is intended to provide advice to staff and Council Members 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 NI Social Care Council (NISCC).
- 1.2 All decisions by NISCC staff (or Members) 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 NISCC Council acting collectively.

## **2. PURPOSE**

- 2.1 To ensure compliance with the 7 principles of Public Life, drawn up by the Nolan Committee (see Appendix 1). All NISCC staff (and Members) 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 judgment 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 decision and negotiations of contracts solely on achieving best value for money for the tax payer;
  - they must refer to their relevant Director (or for Members – the Chair of Council) when faced with a situation for which there is no adequate guidance;
  - if in any doubt, they must seek advice from the Director of Registration and Corporate Services.

## **3. SCOPE**

- 3.1 This Policy applies to all NISCC staff (including agency staff), and Council Members.

## **4. PRINCIPLES/OBJECTIVES**

- 4.1 The fundamental principle is that no member of staff (or Member) should do anything which might give rise to the impression that he or she has been unduly influenced by a gift or hospitality or other consideration to show bias for, or against, any organisation while carrying out official duties.

## **5. ROLES AND RESPONSIBILITIES**

- 5.1 It is the responsibility of all NISCC staff (and Members) to adhere to this Policy.

## **6. THE DEFINITION AND BACKGROUND OF THE POLICY**

- 6.1 All decisions by NISCC staff (and Members) 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 NISCC Council acting collectively.
- 6.2 Under the Bribery Act 2010 it is an offence for an officer in his or her official capacity:
- to corruptly accept any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in that capacity;
  - to show favour or disfavour to any person; or
  - to receive money, gifts or consideration from a person or organisation holding or seeking to obtain a Government contract.
- 6.3 All of these are deemed by the Courts to have been received corruptly unless it can be proven otherwise. Staff (or Members) may be prosecuted by the Courts, and this Policy should therefore be read in conjunction with NISCC's Bribery Policy which makes clear the implications and NISCC's zero tolerance approach to acts of Bribery.

## **7. POLICY/GUIDELINE DESCRIPTION**

- 7.1 To provide advice to NISCC staff (and Members) 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 NISCC.

## **ACCEPTANCE OF GIFTS**

### **8. CASH OR CASH EQUIVALENTS**

- 8.1 Offers of cash or cash equivalents (e.g. lottery tickets, gift vouchers or gift cheques) made by suppliers, contractors, service users, registrants, or their relatives to individual officers of the NISCC must be declined.

### **9. NON CASH GIFTS**

- 9.1 Gifts of a small or inexpensive nature (with an intrinsic value below £20) such as calendars or diaries, which bear the company logo and/or named or other simple or inexpensive items such as flowers or 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 Director of Registration and Corporate Services.

## **10. EXCEPTIONAL CASES**

10.1 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 the Director of Registration and Corporate Services will have to be sought as to whether or not the gift can be accepted. The Director of Registration and Corporate Services 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 NISCC;
- donate the gift to a nominated charity.

10.2 In these cases the gift must be recorded in the register and how it was disposed of.

## **11. LECTURES, CONFERENCES AND BROADCASTS**

11.1 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 NISCC's resources, other than for example, use of an officially issued laptop at home, were used in the preparation. The guiding principle is that the NISCC will seek to recover the costs of publicly funded resources for any non-Department of Health (DoH) events. The following examples are by way of an illustration:

- if the preparation was carried out entirely in the individual's own time (for example outside fixed sessional commitments) and the event took place in the employee's own time at no expense to the NISCC, it would be acceptable for the individual officer to retain the whole fee, token or other gift;
- if the preparation was performed wholly on NISCC time, with the use of NISCC resources, the Director of Registration and Corporate Services 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 NISCC 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 NISCC facilities or equipment were used, then the Director of Registration and Corporate Services 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 NISCC resources, the individual may retain any fee, token or other gift presented at the event.

11.2 If further guidance is needed in this area, the Director of Registration and Corporate Services should be consulted.

## **12. TRADE OR DISCOUNT CARDS**

12.1 Trade or discount cards, other than those negotiated by the NISCC 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.

12.2 Frequent flyer cards which are issued by the airlines can be used to avail of special departure lounges, priority booking and check-in. **Staff (and Members) must not make private use of any air miles which are derived from flights paid by public funds.**

## **HOSPITALITY RECEIVED FROM THIRD PARTIES**

### **13. HOSPITALITY RECEIVED FROM THIRD PARTIES**

13.1 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. 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.

13.2 There is a 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. However, there may be instances where staff (and Members) receive invitations to events run by voluntary organisations such as annual conferences and 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.

13.3 The main point in accepting hospitality staff (and Members) need to be aware of, and guard against, is the dangers of misrepresentation or perception of favouritism by a competitor of the host. It is obviously easier to justify meetings which related directly to the work of the NISCC 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.

- 13.4 Where a contract is being negotiated, hospitality of any kind including attendance of staff at seasonal events hosted by suppliers or contractors, must not be accepted.
- 13.5 As a general rule, invitations of hospitality which are extended to the NISCC as a whole, can be accepted by a nominated officer and are less likely to attract criticism than personalised invitations to individual officers.
- 13.6 When in doubt about accepting hospitality or an invitation you should consult your Director (for Members – the Chair of Council). In all instances where anything beyond conventional hospitality is offered, the approval of the Director of Registration and Corporate Services should be sought. It is particularly important to ensure that the NISCC 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.

## **AWARDS OR PRIZES**

### **14. AWARDS OR PRIZES**

- 14.1 Staff should consult their Director if they are offered an award or prize in connection with their official duties (Members should consult the Chair). 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 it be construed as a gift, inducement or payment for publication or invention to which other rules apply.

## **REGISTER OF GIFTS**

### **15. REGISTER OF GIFTS, HOSPITALITY AND INVITATIONS**

- 15.2 In order to counter any possible accusations or suspicions of breach of the rules of conduct, a record will be kept by the NISCC of all offers of gifts, (above £20, including multiple gifts from one source) awards and prizes made to Council, SMT, senior managers and staff. Invitations to functions or events, where a considerable degree of hospitality is involved (Appendix 2) 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 each member of staff (and Council) to forward details of offers for inclusion in the NISCC's Gifts and Hospitality Register.

## **16. PROVISION OF HOSPITALITY, GIFTS AND AWARDS**

16.1 The following paragraphs provide a guide when considering the provision of hospitality, gifts or awards. If in doubt, the Director of Registration and Corporate Services should be consulted before any expenditure is committed.

## **17. INTERNAL HOSPITALITY**

17.1 This should only be considered in clearly defined circumstances. The NISCC's policy in this regard is set out in its Hospitality Procedure (see Appendix 3).

## **18. EXTERNAL HOSPITALITY**

18.1 The provision of hospitality by the NISCC 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.

18.2 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 NISCC needs to be able to demonstrate good value in committing public funds.

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

## **19. OTHER CIRCUMSTANCES**

19.1 If situations arise that are not covered by the foregoing guidance, prior approval should be sought from the Chief Executive or Director of Registration and Corporate Services before hospitality is provided and such approval should be formally documented.

19.2 If it is recognised 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.

## **20. AUTHORISATION AND APPROVAL OF HOSPITALITY**

20.1 The purchase of gifts and hospitality should follow the NISCC's normal procurement procedures and should comply with the requirements of the mini-Code.

20.2 Notwithstanding those circumstances indicated above where specific approval is required from the Chief Executive or Director of Registration and Corporate Services, authorisation for, and approval of, hospitality expenditure should be obtained in accordance with the NISCC's Schedule of Delegated Authority.

## **21. PROVISION OF GIFTS AND AWARDS**

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

[October 2016]

## THE SEVEN PRINCIPLES OF PUBLIC LIFE

<b><i>Selflessness</i></b>	Holders of public office should act solely in terms of the public interest.
<b><i>Integrity</i></b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
<b><i>Objectivity</i></b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b><i>Accountability</i></b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b><i>Openness</i></b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b><i>Honesty</i></b>	Holders of public office should be truthful
<b><i>Leadership</i></b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



### **NISCC Hospitality Procedure**

The NISCC, as an NDPB, must account for public money in an open and transparent way. It must be mindful of the need to ensure scrutiny in all aspects of its allocation. In order to provide guidance to staff, the following is a guide to what is appropriate and what is inappropriate when assessing whether or not hospitality should be provided at meetings and at other events.

If you have a query over a particular meeting or event, please consult with the relevant Director.

This procedure will be kept under review and reviewed every two years (or earlier if necessary).

#### **1. Service Users and Carers**

Service users and carers provide an invaluable service to NISCC on a voluntary basis. The NISCC recognises the importance and value of engaging service users and carers in the development and delivery of its business, and as such will provide refreshments (tea/coffee) at such meetings, which may include a light lunch, where that meeting or event lasts over the lunchtime period (this is defined as 12noon to 2.00pm). This includes meetings of the Participation Partnership.

#### **2. Fitness to Practise (FTP) Committees**

(FTP) Committees are an integral part of NISCC work and generally continue over lunchtime. In order to ensure the best use of Committee Members' time, it is appropriate that tea, coffee and a light lunch are provided.

#### **3. Council**

Council meetings normally finish between 12:30 and 1:00pm. There is no requirement to provide lunch for Council meetings.

Council will, on occasion, hold 'strategic sessions'. These may continue over, and after, lunch time. In these cases, a light lunch may be provided.

#### **4. Committees/Partnerships of Council**

These Committees do not run over lunchtime and therefore no lunch will be provided.

#### **5. Meetings involving External Attendees**

These meetings should be treated in the same way as Committees at Point 4 above. No lunch should be provided for meetings which take place solely in the morning or afternoon. However, lunch may be provided for those meetings which run over lunchtime, for example, the PIP Assessment Boards.

## **6. Internal Meetings**

Refreshments and lunch will not be provided at any internal meetings. Should such a meeting extend over a lunchtime period, then individual attendees should plan this in advance and arrange their own lunch in the normal manner.

## **7. Provision of Tea and Coffee**

Flasks, tea, coffee and milk sachets are purchased through PaLS. These should be used in all circumstances when tea and coffee is being provided. Tea and coffee should not be ordered from an external supplier.

## **Endorsement and Review**

This procedure was reviewed by SMT in September 2016 and will be kept under constant review.

This procedure should be followed at all times.