



**Buckinghamshire**  
Clinical Commissioning Group

# **HOSPITALITY AND GIFTS POLICY** **(incorporating sponsorship** **arrangements)**

<b>Author/s</b>	Russell Carpenter
<b>Date of Approval</b>	April 2020
<b>Review Date</b>	April 2021
<b>Policy Number</b>	CHCCGPOL050

**DOCUMENT CONTROL SUMMARY**

<b>Title</b>	Hospitality and Gifts Policy
<b>Lead Officer</b>	Robert Majilton, Deputy Chief Officer
<b>Purpose of document</b>	This document sets out the approach to the management of hospitality and gifts.
<b>Status</b>	Approved
<b>Version No.</b>	1.12
<b>Date</b>	April 2020
<b>Author(s)</b>	Russell Carpenter, Head of Governance/Board Secretary
<b>Date of approval by Audit Committee</b>	June 2017 (virtual approval), November 2018, July 2019, April 2020
<b>Date of ratification by Governing Body</b>	11 June 2020
<b>Review Date</b>	Annual

**VERSION CONTROL SUMMARY**

<b>Date &amp; Version</b>	<b>Author</b>	<b>Comment</b>
November 2016 1.0	Russell Carpenter	Re-write and changes to reflect federation organisational arrangements; supersedes previous Hospitality and Gifts policies.
March 2017 1.1	Russell Carpenter	Further amendments to reflect additional guidance published by NHS England (February 2017) which comes into force from 1 June 2017 on conflicts of interest and thresholds for declaration of hospitality and gifts. Revised draft also supersedes previous sponsorship policies.
19 May 2017 1.2	Russell Carpenter	Inserted section 9.1; 9.1 Managing Conflicts of Interest in the NHS: Guidance for staff and organisations (published February 2017, into force from 1 June 2017)
30 May 2017 1.3	Russell Carpenter	Amendment to sponsorship threshold – increased from £5k to £25k for consistency with scheme of reservation and delegation financial threshold delegated to programme boards. Any sponsorship arrangement above £15k will also be formally reported to the Executive Committee.
June 2017 1.4	Russell Carpenter	Update contents page. Section 9 amendment: Each agreement agreed using Appendix B will be reported at the next available meeting of the Audit Committees as and when they have been approved in line with section 11, and included on the hospitality, gifts and sponsorship register for reporting in line with section 12. Consultancy/conference fees covered hospitality and gifts form amended to include fees.
13 July 2017 1.5	Russell Carpenter	Final approved version post Governing Bodies in common ratification – no further amendments
1.6 July 2018	Russell Carpenter	Annual Review – additional inclusions re: benefit in kind, joint working, VAT implications for sponsorship and primary care rebate schemes (PCRS)
1.7 November 2018	Russell Carpenter	Amendments to sponsorship thresholds following disbanding of CCG programme boards (section 12)
1.8 January 2019	Russell Carpenter	Section 14 added – timescales; appendix A (declaration form) amended to include authorisation timescales
1.9 February 2019	Russell Carpenter	Published version of 1.8
1.10 April 2019	Russell Carpenter	Hospitality thresholds above £75 – tweaked to refer to register of hospitality, gifts and sponsorship rather than register(s) of interests
1.11 September 2019	Russell Carpenter	Governing Body ratified v1.10 12 September 2019; this subsequent version only updates version control and review dates. Final references to Aylesbury Vale and Chiltern removed (does not change purpose or intent)
1.12 April 2020	Russell Carpenter	Version control updated to confirm annual review – no amendments to narrative within
1.13 July 2020	Russell Carpenter	Section 13 updates – primary care rebate schemes.

<b>Contents</b>	<b>Page</b>
1. Introduction	4
2. Aims and Objectives	5
3. The Law	5
4. Receipt of Gifts	6
5. Receipt of Hospitality	6
6. Providing Hospitality	8
7. Declarations and responsibilities	8
8. Sponsorship and Joint Working Arrangements – principles	8
9. Sponsorship arrangements – governance	10
10. Sponsorship arrangements – inclusions and exclusions	11
11. Sponsorship arrangements – VAT implications	12
12. Sponsorship arrangements – authorisation levels	13
13. Primary Care Rebate Schemes (PCRS)	14
14. Timescales	14
15. Audit and Review	15
16. Breach of the Policy (sanctions)	15
17. Dissemination and Implementation	15
18. Equality Impact Assessment	15
<hr/>	
Appendix A: Template for Declarations of hospitality and gifts	16
Appendix B: Sponsorship agreement application template	17

## 1. Introduction

This policy sets out the procedure that staff of Buckinghamshire Clinical Commissioning Group must follow when receiving hospitality, gifts and sponsorship from external organisations. This policy applies to full time and part time employees including those on fixed-term contracts, associated persons such as secondees, agency staff, contractors, locums, and others employed under a contract of service. It also applies to non-executive directors/lay members and members of the Governing Bodies.

Buckinghamshire CCG is an NHS body that is subject to public scrutiny and accountability for all of their actions. There is a duty to ensure that all dealings are conducted to the highest standards of integrity and probity and that all employees comply with the Standing Orders and Prime Financial Policies.

The Bribery Act 2010 came into force in July 2011. The Act creates a specific offence of directly or indirectly offering, promising or giving a bribe. To commit this offence a person must intend the bribe to influence the actions of the person in receipt. The Act also introduces a new corporate offence for organisations which fail to prevent bribery. An organisation could be guilty of this offence if someone associated with its business carries out an act of bribery. This could include an employee, agent or supplier.

This policy supports the compliance with the Act. Further information on the Bribery Act 2010 can be obtained by contacting the Chief Finance Officer (CFO).

*Governing Bodies Statement:*

*The CCGs' aim to provide excellent public service and needs to ensure propriety and accountability in all matters.*

*The CCGs' are determined to protect itself and the public from fraud and corruption and is committed to implementing and maintaining robust policies for the prevention and detection of fraud, bribery and corruption.*

*The CCGs' have a zero tolerance attitude towards fraud, bribery and corruption. The CCG will investigate any suspected acts of fraud, bribery, corruption, misappropriation or irregularity and take full and appropriate action against any wrong doing.*

Other Linked Policies: Code of Conduct, Whistleblowing Policy, Disciplinary Policy, Counter Fraud and Corruption Policy and Response Plan, Standards of Business Conduct, and Conflict of Interest Policy. Reference should also be made to the Act for more detailed information.

If Fraud or Corruption is suspected please report to the Local Counter Fraud Specialist or Chief Finance Officer or ring the National Fraud and Corruption reporting line on 0800 028 40 60

## 2. **Aims and Objectives**

This policy aims to provide clear guidance to staff who receive hospitality, gifts or personal benefits. It also provides guidance on the application of the Bribery Act 2010.

This policy applies to the following:

- All staff employed by the organisation
- Agency staff
- Independent contractors and/or other departments/staff providing services to the organisation via a contracted arrangement or Service Level Agreement.
- Staff on honorary contracts whose payroll costs are partially or fully funded by a third party under a formal arrangement
- Trainee professionals and students hosted by the organisation for the provision of work or vocational experience
- Members who are on CCG business.

Anyone having reasonable suspicions of fraud or corruption should report them. To this end, the Whistleblowing Policy encourages staff not to turn a blind eye or to remain silent but to accept their responsibilities and to voice genuinely held concerns about Fraud and Corruption. All instances of fraud and corruption will be dealt with in accordance with the Counter Theft, Fraud and Corruption Policy.

## 3 **The Law**

**Under the Bribery Act 2010 (Act) it is an offence for employees to:**

1. Pay bribes: 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; and/or to
2. Receive bribes: to receive a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.
3. Fail to prevent bribery: an organisation is guilty of an offence if an associated person, i.e. someone who performs services on behalf of the organisation, bribes another person intending to obtain or retain business or a business advantage.

“Relevant function or activity” includes any function of a public nature and any activity connected with a business. The employee performing the activity is required to perform it in good faith or impartially or be in a position of trust. Conviction under the Act is punishable by imprisonment for a maximum term of 10 years.

In certain circumstances, these offences could be committed as a result of a gift being accepted by a friend or relative as well as by a member of staff.

## 4. **Receipt of Gifts**

### **Casual Gifts.**

A definition of 'Gifts' is: Items of any value offered or provided in the nature of the organisation's business by anyone other than the employer. It is given voluntarily without payment in return.

Gifts from suppliers or contractors doing business (or likely to do business) with an organisation of any value should be declined, declared and entered in the register.

Any gift or offer of a gift from sources such as patients; families and service users which is perceived to or does exceed **£50** must be declined, declared and entered in the register.

Gifts from sources such as patients, families and service users up to the value of £50 may be accepted and need not be declared.

The only exception in relation to suppliers or contractors is items of low intrinsic value such as diaries, calendars, stationery and other items of work related stationery and equipment. These may be accepted and need not be declared and entered in the register where they are under the value of **£6** in total.

It is also acceptable to receive other small value items, e.g. at Christmas time, if it is made clear to the person offering the gift or hospitality that it is accepted on behalf of the team or department (and indeed, is shared with colleagues). Casual gifts by contractors or others must not be in any way connected with the performance of duties.

In cases of doubt advice must be sought from your line manager. If a gift falls outside of identified "small value items" and 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.

If an offer is made, staff should ensure completion of Appendix A. Gifts should not be provided to internal or external parties under any circumstances.

### **Cash**

Under no circumstances must staff accept personal gifts of cash, even below the **£50** limit, and whatever their value and whatever their source. This also includes cash equivalents such as vouchers, tokens and offers of remuneration to attend meetings whilst in a capacity working for or representing the CCGs.

## 5 **Receipt of Hospitality**

A definition of 'Hospitality' is: Food, drink, accommodation or entertainment offered or provided in the nature of the organisation's business by anyone other than the employer.

Staff should not ask for or accept gifts or rewards that may affect, or be seen to affect, their professional judgement. All offers of hospitality should be approached with

caution. Modest hospitality, for example, a drink and sandwich during a visit or a working lunch is normal and reasonable and does not require approval of a manager.

Hospitality offered should only be accepted where there is a direct link to working arrangements and a genuine business reason can be demonstrated, for example: attendance or speaking at a conference, which provides complimentary travel, attending at a free training course or attending a drinks reception to network.

Offers of hospitality relating to theatre evenings, sporting fixtures, or holiday accommodation, or other hospitality **must be** declined.

Hospitality will be secondary to the purpose of the meeting and will not be extended beyond those whose role makes it appropriate for them to attend the meeting. There is an important difference between, for example, attendance in an official capacity at a function organised by a public body and accepting hospitality from a private individual or firm standing to benefit from goodwill. Particular care must be taken when dealing with contractors, developers and firms or individuals in a comparable position, or an organisation holding or seeking to obtain a contract.

These examples need to be declared using the declaration form at Appendix A. Hospitality invitations to events which are purely social events should be taken as annual leave. These invitations should be entered in the register whether accepted or declined.

Meetings organised by pharmaceutical companies, whether within or outside the UK, are not necessarily unacceptable. There have, however, to be valid and cogent reasons for holding meetings at such venues with consideration of cost, educational content, facilities, nature of audience and hospitality provided.

### Hospitality thresholds

Under a value of £25 - may be accepted and need not be declared.

Of a value between £25 and £75\* - may be accepted and must be declared. CCG staff must also consider whether the receipt of hospitality in these circumstances should be also be declared to HMRC as a "benefit in kind". If in doubt, staff should contact the Finance Team.

Over a value of £75\* - should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be entered on an organisation's register of hospitality, gifts and sponsorship as to why it was permissible to accept.

A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value). \*The £75 value has been selected with reference to existing industry guidance issued by the Association of the British Pharmaceutical Industry (ABPI) <http://www.pmcpa.org.uk/thecode/Pages/default.aspx>

It is also known that payments from pharmaceutical companies are included on a disclosure database hosted by the ABPI.

<http://www.abpi.org.uk/ethics/ethical-responsibility/disclosure-uk/>

An annual cross reference will be made to this database to ensure relevant payments are included on the CCG register.

## **6. Providing Hospitality**

Hospitality can be provided for meetings, conferences and workshops with other organisations over lunch; any hospitality should be modest and appropriate to the occasion. These are acceptable where there is a genuine business reason.

Hospitality provided for internal meetings is not appropriate except in the following circumstances:

- Meetings that exceed three hours. For such meetings modest refreshments such as tea, coffee and biscuits can be provided. If the meeting lasts the entire day sandwiches can also be provided at lunchtime.
- Meetings that are held outside working hours. For such meetings tea and coffee is appropriate.
- Meetings attended by external parties. For such meetings tea and coffee is appropriate.

Director, or their direct reports, approval is required for the provision of sandwiches at internal meetings. Refreshments are generally provided at member engagement meetings, including protected learning time (PLT) events and PPG network events. These refreshments should not exceed tea, coffee, biscuits and sandwiches.

## **7. Declarations and responsibilities**

Declaration of the receipt of gifts and / or hospitality should be made as soon as possible after the offer or receipt of gifts or hospitality. All declarations must be completed on the form attached at Appendix 1, and submitted to the Head of Governance/Board Secretary who is responsible for entering the information and for maintaining the register.

Declarations can be made either by email to the Head of Governance/Board Secretary, or in writing.

The declaration should include the following information:

- Recipient Name and Position
- Date of Offer (of gift or hospitality)
- Details of Gift / Hospitality(nature and purpose)
- Estimated Value
- Supplier / Offeror (person) 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
- The action taken i.e. Indication of whether the offer was declined or accepted
- Reason for Accepting or Declining
- Any Other Comments

If there is any doubt about whether an item should or should not be declared, staff are advised to declare it. The register will be updated and re-published on line as soon as reasonably practicable after receipt of a declaration. The Accountable Officer will ensure that there are systems and processes in place to support the implementation of

this policy. Managers must ensure members of staff are aware of the policy and process to be followed. It is the responsibility of individuals, staff, Lay members, Governing Bodies and other committee members to familiarise themselves with this policy and comply with the provisions set out in it.

## 8. Sponsorship and Joint Working Arrangements – principles

The Department of Health Document “Commercial Sponsorship – Ethical Standards for the NHS” dated November 2000 defines commercial sponsorship as including: *“NHS funding from an external source, including funding of all or part of the costs of a member of staff, NHS research, staff, training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (speakers), buildings or premises.”*

Joint working can be separately 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.*

Collaborative work with external organisations, especially pharmaceutical companies, can be beneficial in terms of improving quality of care for patients so long as

- (1) Sponsorship or joint working arrangements and conflicts of interest are managed and mitigated appropriately.
- (2) The interests of individual patients must be protected including confidentiality, principles of caldicott and data protection
- (3) Sponsorships or research arrangements are ethical and compliant with the ABPI Code of Practice for the Pharmaceutical Industry (Second edition - 2012) and related bribery legislation and policies;

All staff (employed by or associated with the CCG) involved in setting up and implementing sponsorship arrangements or joint working projects must take note of and comply with the Codes of Conduct of the NHS and relevant professional bodies. Links to these documents are provided in the CCGs’ Code of Conduct. The CCG should under no circumstances agree to ‘linked deals’ whereby sponsorship is linked to the purchase of particular products or to supply from particular sources.

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.

These principles apply to arrangements where the CCGs are specifically involved; where the activity involves a single practice or GP, and where this involves a coordinating educationally based activity for themselves or on behalf of a small group, the practice or GP can continue to make direct arrangements.

## 9. Sponsorship arrangements – governance

- All sponsorship and/or joint working arrangements will be reported to the Audit Committee; authors of the agreement submitted for approval must ensure this is so. This will include offers; those accepted and perceived breaches (refer to section 13).
- The purpose is for review to ensure appropriate application of governance process, not to approve applications, the authorisation of which is described in section 11.
- Each agreement agreed using Appendix B will be reported at the next available meeting of the Audit Committee as and when they have been approved in line with section 11, and also included on the CCG Hospitality, Gifts, Fees and Sponsorship Register for reporting in line with section 12.
- An application and approval process is to be followed taking into account criteria including benefits, expected publicity and conflicts of interest.
- All sponsored prescribing related projects will be reported to the Medicines Management Sub-Committee and subsequently to the Planned Care Programme Board.
- Details of sponsored projects and research initiatives will be recorded in a clear and open manner in the CCG's Annual Report;
- All staff (employed by and associated with the CCG) involved in setting up and implementing joint projects with the Pharmaceutical Industry or other sponsoring organisations will record all their involvement in papers requesting approval of application along with details of any conflicts of interest identified and mitigated, whether material or immaterial.
- All offers of sponsorship (whether accepted or declined) must be declared so that they can be included on the CCG Hospitality, Gifts, Fees and Sponsorship Register, and the team or individual designated by the CCG to provide advice, support, and guidance on how conflicts of interest should be managed should provide advice on whether or not it would be appropriate to accept any such offers. The financial thresholds aligned to hospitality and gifts do not apply to sponsorship.
- All applications using Appendix B should be copied to the Head of Governance/Board Secretary for entering on the CCG Hospitality, Gifts, Fees and Sponsorship Register.
- Any issues relating to implementation or further development of this policy should be directed to the Head of Governance/Board Secretary or Associate Director of Medicines Management.
- The CCG will not endorse or support proposals where there is excessive promotion of individual products, services or companies. This will need to be addressed in the agreement template submitted for approval.

As a general rule, sponsorship arrangements involving NHS Trusts and Clinical Commissioning Groups should be at a corporate, rather than individual, level.

### 9.1 Managing Conflicts of Interest in the NHS: Guidance for staff and organisations (published February 2017, into force from 1 June 2017)

Additional safeguards in order to ensure compliance with the above or any successor guidance include:

- During dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation.
- No information to be supplied that would offer commercial advantage.

- All sponsors of events must be identified clearly, with emphasis that no individual product or service is endorsed.

<https://www.england.nhs.uk/wp-content/uploads/2017/02/guidance-managing-conflicts-of-interest-nhs.pdf>

## **10. Sponsorship arrangements – inclusions and exclusions**

Staff should use the following as a guide when completing a sponsorship agreement application.

Approaches the CCG will consider for initiative development and reported on the CCG Hospitality, Gifts, Fees and Sponsorship Register:

- Funding or (rarely) personnel on short term secondment to develop policies to address specific issues;
- Funding to facilitate training and educational initiatives that are aimed at improving the management of a condition;
- Funding or (rarely) personnel on short term secondment to implement the delivery of agreed policies at practice level;
- Use of industry educational or management resources to augment existing CCG resources for specific projects.
- Commercial Sponsorship/fee for attendance and/or speaking at Conferences and Courses. Approval must be sought on a case by case basis from line managers in advance in line with section 11 thresholds; managers must be satisfied that acceptance will not, and cannot, be seen as compromising purchasing or commissioning decisions, or influencing prescribing.
- If the attendance or speaking engagement it is delivered in working hours then there are two choices open to the member of staff which must be agreed with their line manager:
  1. The payment should be credited to the CCG
  2. The member of staff takes annual leave or unpaid leave and the payment is made to the member of staff as a private matter between the organisation making the payment and the individual member of staff. The member of staff remains responsible for any tax liability which arises. In these circumstances, the staff member must make it clear to the 3rd party organisation that they are undertaking the work as a private person and not as an employee or agent of the CCG and the work must not conflict with the aims and policies of the CCG.
- Declarations for paid or unpaid work under either of the above are to be completed using the hospitality, gifts and fees template form. Documenting whether a fee has been accepted will be included under “reason for accepting/declining”. If there is no fee, then this is to be stated under “estimated value”.
- Examples of declarable work, either within or outside CCG work hours, includes the following:
  1. Consultancy, advisory and project management work
  2. Membership of panels assessing products and medicines
  3. Full or co-opted membership of groups and committees
  4. Speaking, presenting and facilitating at meetings, seminars and workshops
- CCG staff must not accept any fee or reward for work done whilst on CCG duty, other than that agreed under terms and conditions of employment.

- Direct employment by or other regular hours for a 3rd party organisation would form a declaration under the Conflicts of Interest Policy rather than this policy.

Approaches the CCG will not support

- Nursing support for setting up clinics; an organised approach addressing the whole pathway of care would be more appropriate than pump priming.
- Company representatives seeing several members of the CCG or practice (with the associated opportunity costs) to deliver the same message;
- Activity where there is no explicit benefit other than that of promoting good will, a product or company; or where income is to be generated (this should be addressed by income generation principles)
- Sponsorship of practice based events other than those outlined above and in line with the guidelines contained in this policy;
- Initiatives that duplicate or conflict with existing practices;
- Any partnership specifically linked to the purchase of particular products or to supply from particular source, unless they result from a transparent tender for defined goods and services.
- It is unacceptable for pharmacy advisers or other advisers, employees or consultants to the CCG on matters of procurement to themselves be in receipt of payments from the pharmaceutical or devices sector.

#### Advisory panels/boards

Requests to participate on advisory boards, fee paid or not, should be considered on a case by case basis, and include only those managed by public authorities such as universities or educational academies. Any other requests, including pharmaceutical companies, should be politely declined and declared – irrespective of whether advisory board relates to a drug which is or is not on the formulary.

#### Fee arrangements

Declarations must include both paid and unpaid work as well as works undertaken outside the employment of the CCG.

### **11. Sponsorship arrangements – VAT implications**

If sponsors receive benefits directly linked to the event then the support must be subject to VAT, i.e. the correct proportion of the monies received must be accounted for to HMRC. If the sponsor gives the money without requiring anything in return then the monies can be regarded as a donation. If it is thought that this would be the case, further advice should be sought from the Chief Finance Officer.

Unless advice has been given to the contrary it must be assumed that the sponsorship is subject to VAT and in order to account for this correctly, an invoice should be sent to the sponsor showing the amount of the sponsorship and then adding VAT. All invoices must be raised on SBS by the Finance Department and this can be arranged by contacting your Finance Manager.

This will apply only in circumstances where the CCG is direct recipient of sponsorship monies for re-distribution. If a sponsor is invoiced by and pays a third supplier direct (e.g. a venue or caterer), then VAT will be included onto the invoice given the commercial status of both businesses and so the above becomes irrelevant. Where

this is anticipated to be the case, it should for avoidance of doubt be indicated on the sponsorship application.

## 12. Sponsorship and speaking fee arrangements – authorisation levels

CCC Benchmarking: Bexley, South Gloucestershire, Sheffield, Shropshire. Any proposal using the template at Appendix B will be subject to the following process:

	Less than £25	£25 - £500***	£500 - £24999****	£25000+
No authorisation required but staff must report to Line Manager and Director.*	X			
No entry required in CCG Hospitality, Gifts, Fees and Sponsorship Register	X			
Line Manager Authorisation only required (and final decision).		X		
Entry required in CCG Hospitality, Gifts, Fees and Sponsorship Register – completed agreement copied to CCG Head of Governance/Board Secretary.		X	X	X
<b>Endorsement</b>				
1. Line Manager			X	X
2. Associate Director – Medicines Management and Long Term Conditions**			X	X
3. Chief Finance Officer or Deputy Accountable Officer or Accountable Officer				X
<b>Authorisation</b>				
4. Line Manager				
5. Associate Director – Medicines Management and Long Term Conditions**				
6. Chief Finance Officer or Deputy Accountable Officer or Accountable Officer			X	
7. Executive Committee				X
8. Governing Body				X (this is reporting only)

\*These exclude sponsorship for lunches at Protected Learning Time and other internal CCG meetings such as locality meetings. These will not be sponsored.

\*\* Having assessed the offer against published best practice guidance prior to endorsement or authorisation.

\*\*\* where this relates to a sponsorship, this is the threshold per sponsor, not per event. Where related to a speaking fee, this comprises the total offered by the organiser.

\*\*\*\* Any sponsorship arrangement above £15k will also be formally reported to the Executive Committee.

All sponsorship is declarable for inclusion on the CCG Hospitality, Gifts, Fees and Sponsorship Register. The financial thresholds aligned to hospitality and gifts do not apply to sponsorship.

### **13. Primary Care Rebate Schemes (PCRS)**

Primary care rebate schemes are contractual arrangements offered by pharmaceutical companies, or third party companies, which offer financial rebates to commissioning organisations on GP prescribing expenditure for particular branded medicines(s) included on the formulary.

Although rebates to commissioning organisations and related discounts to primary care practices are wholly separate, there may be situations whereby if the CCG participated in a rebate scheme, a subsequent discount to primary care may occur as a result.

Given recognised conflicts of interest in this respect with member GP roles as clinical commissioners and as financial partners in their practices, to mitigate risk the following governance arrangements are in place:

- a) Discussion on participation in rebate schemes is partly delegated by the CCG Executive Committee to the CCG Medicines Optimisation Lead and Associate Director of Medicines Management as CCG voting members of the Integrated Care Partnership (ICP) Medicines Optimisation Board. At this board there are no voting rights for practice partner member GPs who may be conflicted in decisions on participation where there is a pecuniary benefit, and which takes the role of managing the local formulary (a list of drugs approved for prescription to patients).
- b) Schemes considered for participation will be limited to those pre-assessed by the Pharmaceutical Industry Scheme Governance Board (PISGB). This is part of the NHS funded PresQIPP community interest company (CIC) which works to support the primary care prescribing function on behalf of all commissioning organisations. The purpose of the Board is to assess PCRS's for appropriateness against specific criteria and assign them a rating for CCGs to use when considering their use. This will include any subsequent discounts available.
- c) Schemes assessed for participation under delegated authority as indicated above relates to those schemes which through meeting pre-determined assessment criteria ("grey" rated schemes) and where there are no significant reservations.
- d) Escalation to the CCG Executive Committee, which has voting member GPs, for decision on participation, will occur only where the scheme:
  - a. Has been deemed by the PISGB to be inappropriate or not fully appropriate (rated amber or red by the PISGB)
  - b. Only where there is no discount available and identified given the material conflict of interest.

Reporting arrangements: scheme participation is to be reported at least once annually to CCG Executive Committee, CCG Governing Body and CCG Audit Committee, separate to any individual decision escalations.

### **14. Timescales**

Hospitality, gifts and fees for conferences, event engagement and participation in advisory panels (arranged by public institutions only)

- Where there was no advance knowledge of hospitality or gifts received, the CCG must be notified of receipt as soon as practicable, and no later than 28 days after the hospitality or gift was received.
- Where there is advance knowledge of anticipated hospitality, gifts, fees or participation in advisory panels, a declaration must be completed and signed (by authoriser) no less than 10 days before anticipated receipt.

### Sponsorship

Endorsement and authorisation must be undertaken a minimum 28 days ahead of date when sponsorship agreement is timed to begin, unless there are exceptional circumstances arising as to why this is not the case (at the discretion of endorser or authoriser depending on circumstances).

## **15. Audit and Review**

The CCG Hospitality, Gifts, Fees and Sponsorship Register will be:

- (a) Monitored and reviewed annually by the Audit Committee.
- (b) Published on public websites, updated when new declarations are added or otherwise at least bi-annually.

Individuals and staff will be reminded of the policy and register at least annually. The Head of Governance/Board Secretary will review register entries on a regular basis and will address any inappropriate receipt of gifts / hospitality with the relevant individual or Senior Manager.

## **16. Breach of the Policy (sanctions)**

Staff who fail to declare the acceptance/provision/decline of hospitality and gifts in accordance with this Policy may be subject to disciplinary action under the Disciplinary Policy and the matter will also be reported to the Local Counter Fraud Specialist for investigation and may result in criminal proceedings being commenced. Any breach of this Policy in relation to sponsorship authorisation will be taken seriously and may lead to disciplinary action up to and including dismissal as outlined in disciplinary policy and procedures.

## **17. Dissemination and Implementation**

This document will be circulated to all managers who will be required to cascade the information to members of their teams and to confirm receipt of the procedure and destruction of previous procedures/policies which this supersedes. It will be available to all staff via the main server. Managers will ensure that all staff are briefed on its contents and on what it means for them.

## **18. Equality Impact Assessment**

In relation to equality impact and the nine protected characteristics race, sex, disability, age, sexual orientation, religious or other belief, marriage and civil partnership, gender reassignment and pregnancy and maternity, an assessment has not identified any detriment.

**Appendix A: Template for Declarations of hospitality, gifts and fees for conferences, event engagement and advisory panels**

Recipient Name	Position	Date of Offer	Date of Receipt (if applicable)	Details of Gift / Hospitality / fee payment	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 in completing this form, I have complied with policy requirements which specify that:

- Where there was no advance knowledge of hospitality or gifts received, the CCG has been notified of receipt as soon as practicable and no later than 28 days after the hospitality or gift was received.
- Where there is advance knowledge of anticipated hospitality, gifts, fees or participation in advisory panels, a declaration must be completed and signed (by authoriser) no less than 10 days before anticipated receipt.

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:**

**Date:**

**(Line Manager, CCG Management Director or Head of Governance/Board Secretary)**

Please return to **Russell Carpenter, Head of Governance/Board Secretary: Russell.carpenter@nhs.net**



**Appendix B: Sponsorship or joint working agreement application template**

**COMMERCIAL SPONSORSHIP OR JOINT WORKING AGREEMENT**

<b>1</b> Details of project: <i>Describe the project. What are its aims and objectives? How long will it last?</i>			
<b>2</b> Recipient. <i>Give names of CCG service area and the responsible officer.</i>			
<b>3</b> Sponsor			
Organisation		Nature of business	
Address			
Contact name			
Tel number			
<b>4</b> Value of sponsorship/fee payment			
<b>5</b> Payment arrangements ( <i>e.g. Direct to CCG</i> )			

<b>6 Benefits to the recipient or CCG</b>
<b>7 Benefits to the sponsor</b>
<b>8 Costs – will the sponsorship arrangements lead to higher costs elsewhere in the NHS?</b>
<b>9 PUBLICITY – is the arrangement and sponsor input, and/or product/company expected to be publicised?</b> Before the commencement of any proposal, the Pharmaceutical Company or other third party should undertake not to publicise its involvement with the CCG without the prior knowledge and agreement of the CCG. Any proposal will need to state explicitly the quantity and/or nature of any advertising and promotion of individual products and pharmaceutical or other companies. Staff should be particularly careful of using, or making public, internal information of a ‘commercial-in-confidence’ nature, particularly if its disclosure would prejudice the principle of a purchasing system based on fair competition.
<b>10 Financial interests – are there any existing financial interests in this sponsor?</b> e.g. the CCG has a clinical or non-clinical contract in place with the organisation.

**11 CONFLICTS OF INTEREST – are there any material conflicts relevant to the applicant or sponsoring company to take account of in approving this agreement?**

**12 PATIENT CONFIDENTIALITY**  
*Projects which involve the exchange of patient information must have the approval of the CCGs Information Group – Has this been sought? Has the Caldicott Guardian been consulted? Has the patients’ consent been sought? Is the agreement compliant with the principles of caldicott and data protection?*

Where a sponsorship arrangement permitting access to patient information appears to be legally and ethically sound (e.g. where the sponsor is to carry out or support NHS functions, where patients have explicitly consented), a contract should be drawn up which:

- Draws attention to obligations of confidentiality;
- Specifies security standards that should be applied;
- Limits use of the information to purposes specified in the contract; and
- Makes it clear that the contract will be terminated if the conditions are not met.

**10 PROTOCOLS AND GUIDELINES**  
*Does the project include the use of protocols or guidelines? The advice of CCG professional advisers should be sought and recorded.*

**11 PHARMACEUTICAL COMPANY SPONSORSHIP**  
*If the project is valued at more than £500, the comments of the Head of Governance/Board Secretary/Associate Director Head of Medicines Management must be recorded in all cases.*

<b>Signature</b>	Director of Nursing and Quality / Associate Director of Medicines Management <i>(Please delete)</i>	<b>Date</b>	
<b>12 TERMINATION ARRANGEMENTS</b>			
The agreement should be capable of early termination by the CCG or GP Practice. Please state the arrangements.			
<b>FOR THE RECIPIENT</b>			
<p><i>I have read</i></p> <ol style="list-style-type: none"> <li><b>1. ABPI guidance on Joint working with the pharmaceutical industry, guide and case studies</b></li> <li><b>2. ABPI guidance notes on joint working between pharmaceutical companies and the NHS and others for the benefit of patients</b></li> <li><b>3. Commercial Sponsorship – Ethical Standards for the NHS (Department of Health November 2000)</b></li> <li><b>4. Standards of Business Conduct for NHS Staff HSG (93)5 – as amended by the Bribery Act 2010</b></li> <li><b>5. NHS Buckinghamshire CCG (a) Code of Conduct, (b) Gifts and Hospitality Policy (incorporating sponsorship) (c) Conflicts of Interest Policy and (d) Counter Fraud and Bribery Policy.</b></li> </ol> <p><i>And have acted in accordance with it and will abide by it.</i></p>			
<b>Organisation</b>			
<b>Contact Name</b>			
<b>Position/designation</b>			
<b>Tel number</b>			
<b>Signature</b>		<b>Date</b>	
<b>Director/Chief Officer approval</b>			
<b>Signature</b>		<b>Date</b>	

**FOR THE SPONSOR**

*I have read*

- 1. ABPI guidance on Joint working with the pharmaceutical industry, guide and case studies**
- 2. ABPI guidance notes on joint working between pharmaceutical companies and the NHS and others for the benefit of patients**
- 3. Commercial Sponsorship – Ethical Standards for the NHS (Department of Health November 2000)**
- 4. Standards of Business Conduct for NHS Staff HSG (93)5 – as amended by the Bribery Act 2010**
- 5. NHS Buckinghamshire CCG (a) Code of Conduct, (b) Gifts and Hospitality Policy (incorporating sponsorship) (c) Conflicts of Interest Policy and (d) Counter Fraud and Bribery Policy.**

*And have acted in accordance with it and will abide by it.*

<b>Organisation</b>			
<b>Contact Name</b>			
<b>Position/Designation</b>			
<b>Tel number</b>			
<b>Signature</b>		<b>Date</b>	