

Policy on the Provision and Use of Free Gifts, Prizes and Incentives

Version 2.0

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1 Introduction

- 1.1 As a public sector organisation, the Trust has a duty to ensure that its resources are utilised effectively.
- 1.2 The provision and use of free gifts, prizes and incentives at the public expense is open to challenge and the Trust must, therefore, ensure that it is seen to be limiting and controlling expenditure in this area.
- 1.3 However, it is recognised that, in the course of carrying out its day to day business, it may, on occasion, be necessary for the Trust to provide them.

2 Purpose

- 2.1 The purpose of this document is to provide guidance to staff as to when the use of free gifts, prizes and incentives is allowed. It also provides guidance on the action that should be taken where donations are received or where staff wish to offer cash or store/gift vouchers.

3 The Law

- 3.1 Under the Bribery Act 2010, it is a criminal offence to:
- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so, and
 - Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.
- 3.2 These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.
- 3.3 It is, therefore, extremely important that staff adhere to this and other related documentation (as detailed at section 17) when considering whether to offer or accept gifts and hospitality and/or other incentives.

4 Scope

- 4.1 This policy applies to all employees of the PCT, any staff who are seconded to the PCT, contract and agency staff and any other individual working on PCT premises.

5 Responsibilities

5.1 The Associate Director of Corporate Affairs

- 5.1.1 The Associate Director of Corporate Affairs is responsible for advising staff on the contents of this policy.

5.2 Directors

5.2.1 The PCT's management team is responsible for ensuring that the Trust is seen to be limiting and controlling expenditure in this area.

5.3 Engagement and Marketing Manager

5.3.1 The Engagement and Marketing Manager is responsible for authorising:

- the exceptional use of cash, gift/store vouchers by the PCT, and
- the exceptional use of cash, gift/store vouchers or other items of a high intrinsic value by third parties.

5.4 Managers

5.4.1 All Managers are responsible for ensuring their staff are aware of, and adhere to, this policy.

5.5 Staff/Office Holders

5.5.1 All staff are responsible for following this policy.

6 Definitions

Donation An item given free of charge by an individual or company, for example, a bottle of sun cream from a chemist for a Safe Sun campaign or an item of high value for a prize.

Donations must not be in the form of a Gift/Store voucher and must conform to the descriptions provided in the last three bullet points in 10.1.

Sponsorship Where a firm/individual covers the cost of a service/item, for example, the printing of leaflets or provision of accommodation/hospitality. (See the Policy on Commercial Sponsorship for further details.)

Free Gift An item of low intrinsic value used to advertise/promote a particular scheme/initiative, e.g. pens.

Prize An item offered for participation in a competition or draw.

Incentive An item offered as encouragement for a person/particular target group to participate in a programme, etc.

Lottery A prize draw where persons are required to pay to participate.

Gift/Store Vouchers A voucher which represents a cash value and can be redeemed for goods/services. (Excludes permits which allow access to public services, e.g. swimming pools)

7 Equality and Diversity

7.1 The PCT is committed to:

- Eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines, and
- Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

7.2 To ensure the above, this Policy has been Equality Impact Assessed. Details of the assessment are available on the PCT's website or by calling the PCT on (01482) 344700.

7.3 Where employees have difficulty expressing themselves because of language or other difficulties help should be sought from their Trade Union or other employee representatives or colleagues.

7.4 Consideration should be given to the provision of an interpreter or facilitator if there are understanding or language difficulties (perhaps a friend of the employee, or co-employee).

8 NHS Constitution

8.1 The PCT is committed to:

- the achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and
- ensuring they are taken account of in the production of its Policies, Procedures and Guidelines.

8.2 This Policy supports the Patients' Rights insofar as it will be used to increase the involvement of patients and members of the public in discussions and decisions about their healthcare and the services provided.

9 Guiding Principles

9.1 Staff should be conscious of the need to limit expenditure in this area and measure the cost against the perceived benefits at all times.

9.2 The procurement of items through commercial sponsorship is positively encouraged (see the Policy on Commercial Sponsorship for further details).

9.3 Items may be donated by individuals/businesses (see Section 11 below).

9.4 Staff must ensure that the following criteria are met at all times.

10 Criteria for the Provision/Use of Free Gifts, Prizes and Incentives

10.1 Where provided direct by the PCT, the free gift/prize/incentive must:

- have an identified budget available for its procurement (unless obtained through donations);
- where possible, have a direct correlation to the project/initiative, e.g. a re-usable bag bearing a logo/website address or a lip gloss for the 'Looking Good Feeling Good' campaign (unless obtained through donations);
- be of a low intrinsic value and definitely no more than £1 per unit for free gifts/incentives and £25 for a prize (unless obtained through donations);
- not require the purchase of a ticket (see section 12 below);
- not be cash or gift/store vouchers (also see section 13 and 14 below);
- not be alcohol or tobacco-based, and
- if foodstuff, promote healthy eating.

10.2 PCT resources cannot be used for providing free gifts, prizes or incentives to staff (though items declared and not personally accepted via the Offer and Acceptance of Gifts and Hospitality Policy can be used for staff prizes).

11 Donations

11.1 It is acceptable to accept donations of individual items provided they conform to the descriptions provided in the last three bullet points in 10.1.

11.2 Such donations should be declared via submission of the appropriate declaration form (on the U: Drive under Corporate Templates and Forms).

12 Lotteries and the Law

12.1 The PCT does not have a licence for running lotteries.

12.2 The Gambling Act 2005 defines a lottery as "an arrangement where persons are required to pay to participate" so, for the avoidance of all doubt, the PCT does not permit the sale of tickets for a prize draw.

13 Cash and Gift/Store Vouchers

13.1 Whilst this Policy does not allow the use of cash and gift/store vouchers, it is accepted that their use may be required as a last resort, i.e. when all other attempts have failed. In such circumstances, the Engagement and Marketing Manager may authorise their use via submission of a written request. The request should specify the actions taken to date and the reasons why cash or store/gift vouchers are considered an appropriate way forward.

NOTES:

- Gift/store vouchers exclude permits which allow access to public services, e.g. swimming pools
- Vouchers must not be accepted as donations.

14 Incentives offered by a contractor on behalf of the PCT

- 14.1 Where the PCT is contracting a third party to conduct surveys, etc. on its behalf, the use of cash, gift/store vouchers or other items of a high intrinsic value as incentives should be discouraged and this should be specified in the quotation/tender documentation. The third party should, however, be given the opportunity to argue their case for offering such incentives, details of which can be submitted to the Engagement and Marketing Manager for consideration and approval.

15 Fraud and Corruption

- 15.1 If fraud and/or corruption is suspected, the matter must be reported immediately to the PCT's Local Counter Fraud Specialist or the Director of Finance, as per the *Policy and procedure on Fraud and Corruption and the Trust Response Plan*.
- 15.2 Alternatively, staff may report any suspicions via the *Confidential Reporting (Whistleblowing) Policy*.

16 Monitoring Compliance with and Effectiveness of this Policy.

- 16.1 The effectiveness of this policy will be monitored via staff surveys and questionnaires.

17 Associated Documentation

- 17.1 This Policy links to the PCT's:
- Policy on Offers/Acceptance of Gifts and Hospitality
 - Policy on Commercial Sponsorship
 - Policy and Procedure on Fraud and Corruption and the Trust Response Plan
 - Confidential Reporting (*Whistleblowing*) Policy

18 Review

- 18.1 This Policy will be reviewed two years from the date of implementation.
- 18.2 Minor amendments (such as changes in title) may be made prior to the formal review, details of which will be monitored/approved by the Associate Director of Corporate Affairs in consultation with the Director of Human Resources and Trade Union Representative(s) where relevant. Such amendments will be recorded in the Policy, Procedure or Guideline's (PPG) Register and a new version of the PPG issued.