

NIPEC/15/19
(Replaces NIPEC/12/14)



NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY

Guidance to staff on the acceptance of External Gifts, Hospitality and Awards

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1.0 Introduction

As part of NIPEC's programme to enact best practice in corporate governance, this document has been drawn up to provide guidance to staff in dealing with the acceptance of external gifts, hospitality and awards. External people acting on behalf of NIPEC (for example, consultants, contracted staff etc) must also abide by this policy. **This requirement will be notified to external staff before they start work within NIPEC.**

If it is believed that an external person may have breached the policy, the matter should be reported to the Head of Corporate Services or Chief Executive, who will take the matter forward with the individual or his/her company.

This guidance should also be seen as applying to **spouses, partners or other associates** if it can be argued or perceived that the gift or hospitality is in fact for the benefit of the official.

Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.

2.0 Legal Obligations and Fundamental Principles

Under the Prevention of Corruption Acts of 1906 and 1916 it is an offence for an officer in his/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; or
- ✓ 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.

All of these are deemed by the Courts to have been received corruptly unless it is proven otherwise.

The fundamental principles to which NIPEC staff are required to adhere to are that they:

- i. must not receive gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising their personal judgement or integrity;
- ii. must not make use of their official position to further their private interests or those of others.

- iii. must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the tax payer;
- iv. in a situation where you are unclear you should discuss the matter with your line manager or Chief Executive on how to proceed. In the case of the Chief Executive the matter should be discussed with the Chair.
- v. when in doubt – ask. Do not persuade yourself by some disingenuous interpretation of the Code and Guidance that you will be able to defend yourself against a challenge of your actions.
- vi. avoid anything which might be misunderstood or misrepresented. Staff must protect themselves against the possibility of essentially legitimate activities being misrepresented by outside interests in an effort to cause embarrassment to themselves or NIPEC as a Non departmental Public Body (NDPB).

3.0 Acceptance of Gifts

Official duties may bring staff into contact with organisations, particularly suppliers, contracts and consultancy firms, and members of the public outside NIPEC, who may expect them to react in the same way to accepting gifts as what may be generally thought to be normal practice in the private sector. Where there is a doubt as to the acceptance of any gift, then the Chief Executive will advise on whether or not the gift should be accepted. The context in which the offer of these is made and its effect on the position of the member of staff concerned should always be borne in mind. The key test would be “***could the acceptance of this gift be perceived to influence me in my role in NIPEC?***”

Gifts of a trivial or inexpensive nature such as calendars or diaries or other simple inexpensive items can be accepted without question provided they bear Company names and/or logos. This type of gift can be easily distinguishable from more expensive or substantial items valued at **£50** or more and gifts of lottery tickets, cash, gift vouchers or gift cheques, cannot on any account be accepted. Acceptance of gifts of alcohol, cigarettes or cigars, etc, are also unacceptable if for no other reason than the nature of NIPEC’s business.

All gifts offered (apart from those which are trivial or inexpensive), even if they are declined/returned need to be recorded in the register.

Apart from trivial/inexpensive seasonal gifts, no gifts or hospitality of **ANY** kind from any source should be accepted by anyone involved in the

procurement or monitoring of a contract. This is to ensure that no criticism can be made regarding bias to a particular company or supplier.

Where gifts by the way of fees, ex-gratia payments or book tokens, etc 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 member of staff's own time, how much in official time and the extent to which NIPEC resources, other than, for example, use of an officially issued lap-top at home, were used in the preparation. The following should be applied:

- i. If the preparation was carried out entirely in the individual's own time and the event took place outside normal working hours at no expense to NIPEC, it would be acceptable for the individual officer to retain the whole fee, token or other gift;
- ii. If, however, the preparation was done wholly in NIPEC time with use of NIPEC resources, no gifts or fee should be accepted unless the event is carried out outside normal working hours when a gift or token to the value of not more than **£50** is acceptable.
- iii. If the preparation was carried out and the lecture, etc, delivered in a member of staff's own time but NIPEC facilities used for typing, preparation of study for OHPs, etc, then a gift or token to the value of not more than **£75** is acceptable.

In the case of either (ii) or (iii) the Head of Corporate Services may if judged appropriate, charge the organisation or body a fee based on the salary costs of the individual and/or the use of resources. If a series of gifts from the same source exceed the monetary limits set out above the same rules apply.

On no account should a gift or fee be solicited or requested.

Trade/loyalty or discount cards by which a member of staff might personally benefit from the purchase of goods or services at a reduced price are classified as gifts and **should be refused or returned to sender**.

Frequent flyer cards used by airlines can be used by staff to avail of special departure lounges and priority booking and check-in. They must **NOT make private use of any flight/air miles**, which derive from flights paid for from the public purse.

4.0 Exceptions

It is recognised that there are exceptional cases where refusal of a gift will clearly offend the donor, cause embarrassment or appear discourteous. In these cases full details of the circumstances should be sent through the Head of Corporate Services to the Chief Executive with a recommendation as to whether or not the gift should be accepted. The Chief Executive will decide whether to:

- i. allow the recipient to keep the gift;
- ii. return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted, a template is shown in Annex B;
- iii. use or dispose of it, if possible, in or by NIPEC; or
- iv. donate the gift to a nominated Charity

The approving officer will ensure that the details of the case and his/her decision are recorded in the Gifts and Hospitality register.

5.0 Hospitality

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 judgement. In exercising this judgement it is acknowledged that there can be difficulty in distinguishing between a “gift” and “hospitality”.

It is also recognised that it can be as embarrassing to refuse hospitality in the same way 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, an informal drink or working lunch compared with more expensive and elaborate hospitality. There is clearly a need for a sense of balance.

If there is concern that acceptance of frequent, regular or annual invitations to events or functions, particularly from the same source, may severely test the principles stated earlier and, subject to the following sub-paragraph, it should be refused.

- a. It can be argued that if NIPEC is to achieve the best value for money in dealings with suppliers or consultants then they need to build up contacts and that it is quite legitimate for members of staff to have a close working relationship with organisations or individuals which may involve a degree of hospitality. There may also be instances where staff receive invitations to events run by voluntary organisations such as Annual

Conferences or Dinners. Attendance at such events is considered an integral element in building and maintaining relationships with the wider health & social services and public sector and any hospitality received is likely to be reasonable and proportionate and therefore be acceptable. Additionally, isolated acceptance of meals or tickets to public sporting, cultural or social events may be accepted if attendance is justified as being in NIPEC's business interest. But it will be for the officer and his/her managers to demonstrate clearly that acceptance was in NIPEC's interest.

- b. Contacts which involve or could lead to a contractual position between NIPEC and the contact are more likely to create obligation or embarrassment. Where a contract is being negotiated, hospitality of any kind, including attendance of staff at seasonal events hosted by contractors, should **not be** accepted.

The main point is that in accepting hospitality staff need to be aware of, and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host. It is obviously easier to justify contacts which relate directly to the work of NIPEC but where these happen outside working hours and on purely social occasions then they need to be justified as other than a personal perk or benefit.

As a general rule, invitations of hospitality which are extended to NIPEC as a whole, can be accepted by a nominated member of staff and are less likely to attract criticism than personalised invitations to an individual member of staff.

The acceptance of what would be accepted as conventional hospitality should, in the main, cause no problem especially if there is some official means of reciprocity and provided that it is limited to isolated occasions and its acceptance is in the interests of NIPEC. Examples could involve working lunches, annual dinners, drinks or large trade or representative associations or similar bodies with which NIPEC is in regular contact. Hospitality which would not be accepted would be invitations to frequent or more expensive social functions, particularly where these come from the same source, hotel expenses or other subsistence and travel expenses.

To sum up, in deciding whether hospitality can be accepted, staff should consider if it:

- ✓ is likely to help business effectiveness;
- ✓ places no obligation or perceived obligation on the recipient;
- ✓ is not frequent, lavish or prolonged;

- ✓ is unconnected with any decision affecting the organisation or the individual offering it;
- ✓ can be justified; and
- ✓ provides benefits to NIPEC which outweigh the risk of possible misrepresentation of the hospitality.

In all instances where other than conventional hospitality is offered, the approval of the Chief Executive Officer should be sought. When in doubt about accepting hospitality or an invitation you should consult the Chief Executive or the Head of Corporate Services.

It is particularly important to ensure that NIPEC 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. Representation should be at a level appropriate to the function.

6.0 Awards or Prizes

Staff should consult the Head of Corporate Services if they are offered an award or prize in connection with their official duties. They will normally be allowed to keep it provided:

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

7.0 Record of gifts, hospitality, invitations, etc

In order to counter any possible accusations or suspicions of breach of the rules of conduct by staff, a record will be kept by the Head of Corporate Services of all offers of gifts, awards and prizes. Invitations to extraordinary functions or events will also be recorded.

A copy of the NIPEC register, which is maintained in a file, is attached in Annex A. The register is subject to **Freedom of Information (FOI)** queries.

The **mandatory** information recorded within the register is:

- all offers made irrespective of whether they are accepted;
- clear descriptions of the offers;
- whether the offer was accepted, rejected or the item returned;
- a record of any contractual relationship with the offer or;
- the necessary authorisation by Head of Corporate Services or the Chief Executive;
- justification for acceptance of gift/hospitality.

The Audit and Risk Committee will routinely check the register for irregularities or signs of worrying trends.

The register will be retained until **7 years** after the date of last entry.

Internal Audit will carry out an annual review of registers to ensure compliance with this guidance.

8.0 Concluding Note

This Guidance is intended to protect both staff and NIPEC in general. It does not pretend to cover every eventuality and when in doubt the advice of either the Head of Corporate Services, and/or the Chief Executive should be sought immediately about the acceptance of a gift or hospitality, etc.

As public service employees our standards of conduct are determined by what the Government and the public as tax payers expect and not by what may be a common practice in the private sector. Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.

Signed : _____ Date: _____
Chief Executive

RECORD OF EXTERNAL GIFTS/HOSPITALITY/INVITATIONS, ETC

| DATE OF OFFER | NAME OF OFFICER | DESCRIPTION OF OFFER | OFFERED FROM | DETAILS OF ANY CONTRACT IN PLACE OR PENDING | ACTION TAKEN ACCEPTED/ REFUSED/ RETURNED | AUTHORISING OFFICER'S SIGNATURE/DATE | JUSTIFICATION FOR ACCEPTANCE |
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[NIPEC Letter Headed Paper with appropriate file references, date etc]

Dear

I wish to advise you that NIPEC operates an 'External Gift, Hospitality and Awards' policy to ensure high standards of propriety in the conduct of its business.

On account of public confidence, perception is as important as reality and because of this I am obliged to return your offer of *Insert: Name of gift/hospitality.*

This is not in any way meant to offend or to imply that your [*gift/hospitality*] was offered in anything but the utmost good faith, but is designed to protect both individual members of staff and NIPEC. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.

Yours