

Gifts and Gratuities Policy

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Policy Objective

There will be occasions when either members of the public or company suppliers may wish to offer gifts, money or hospitality to staff. In order to protect both individual employees and the organisation from allegations of fraud or corruption, it is important that the acceptance of any such offers falls within the auspices of this policy.

Failure to comply with this regulation may well result in disciplinary action, leading to dismissal.

Definitions for the following terms used in this policy are as follows:

Gift – something that is given to somebody, usually on order to provide pleasure or to show gratitude.

Gratuity – a small gift, usually of money, given to somebody as thanks for a service.

Discount – a reduction in the usual price of something.

Benefit – extra money or other non-monetary compensation that is received in addition to salary.

This policy outlines the key principles and related procedures regarding the handling and management of Gifts and Gratuities within ID Medical Group Limited

Relevant CQC Fundamental Standards

Regulation 17: Good governance.

Responsibilities

CQC Registered Manager – Responsible for oversight of the operation of this policy on behalf of the Board, and for proposing amendments for approval by the Board.

All Staff – All employees must consider when gifts, gratuities and hospitality are offered, whether they can be received and therefore must be declared to their line manager, who in turn will complete the appropriate declaration form. If in doubt, make a written declaration.

Managers – Managers must ensure all staff are aware of this policy and when they need to make a declaration.

Background

Under the Prevention of Corruption Acts, 1906 and 1916, it is an offence for employees to accept any gifts or consideration as an inducement or reward for:

- Doing, or refraining from doing, anything in their official capacity; or
- Showing favour or disfavour to any person in their official capacity.

Under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves the contrary.

Procedures/Ground Rules

Personal Gifts from Service Users/Public

Staff must not accept cash offered to them personally. They may, however, accept flowers, chocolates or small tokens of gratitude up to the value of £25. All such gifts above the value of £5 must be notified to their line Manager who must then ensure that details are logged into a register expressly kept for this purpose.

Gifts from Company Suppliers

Staff may accept small gifts in the form of calendars, diaries, pens and other stationery up to the value of £10, without formal declaration.

As a general rule, no offers of hospitality from suppliers, eg, free meals, expense paid trips, should be accepted. Details of any such offers or approaches from suppliers should be entered on the form even if they are rejected. Where suppliers have provided corporate sponsorship to events which staff are expected to attend in a professional capacity (eg, formal dinner or reception at conferences), this can be accepted but must be declared if considered lavish.

If any member of staff feels that there are exceptional circumstances why such an offer should be accepted, then full supporting details should be forwarded to the CQC Registered Manager or nominee who will confirm in writing if approval is given.

Casual gifts

Casual gifts offered by contractors or others, for example, at Christmas time, may not be in any way connected with the performance of duties so as to constitute an offence under the Prevention of Corruption Acts. Such gifts should nevertheless be politely declined. Articles of low intrinsic value such as diaries or calendars, or small tokens of gratitude from service users or their relatives, need not necessarily be refused. In cases of doubt, staff should either consult their line manager or politely decline acceptance.

Hospitality

Modest hospitality provided it is normal and reasonable in the circumstances, eg, lunches in the course of working visits, are normally acceptable.

Staff should decline all other offers of gifts, hospitality or entertainment.

If in doubt they should seek advice from their line manager, or the CQC Registered Manager or nominee.

Advice to Staff

Please see Appendix 1.

Appendix 1 – Summary Guidance to Staff – Gifts and Gratuities

Gifts

Under no circumstances should you seek any other money, gifts, favours, or rewards for services rendered, either for yourself or for any third party.

It is not uncommon, however, for a Service User, their friend or relative to offer a voluntary gift as a mark of appreciation for care they have received. The Company believes that giving and receiving such gifts is not generally appropriate to the provision of professional care. Wherever possible, therefore, any offer of a gift should be politely refused; with an explanation that acceptance would be against Company policy.

If refusal is likely to cause serious offence to the service user, the gift may be accepted under the following rules:

- All offers of gifts should be disclosed to your Manager who will discuss the matter with the service user, their personal carer, or other advocate as appropriate, to explain the organisation's policy.
- A gift of money may only be accepted with the stated intention that it will be passed in full to a charitable organisation nominated by the organisation.
- Gifts of consumables (eg, flowers, chocolates), if unlikely to cause offence, should be left in the client's possession, to be shared and enjoyed by all members of the nursing and care team.
- Other gifts should be refused with the suggestion of an equivalent donation to charity.
- The Registered Manager or nominee will acknowledge all gifts in writing.
- Staff who are also registered with professional bodies should also refer to their relevant guidelines on gifts (e.g. NMC, GMC, etc).

Wills and Bequests

You have a personal duty to ensure that neither you, nor the Company, may legitimately face charges or allegations of malpractice or corruption in their conduct at work. As such, a Code of Conduct has been developed by the Company which follows good practice and National standards. This code includes not seeking to change a Will, or agreeing to accept a benefit under a Will, in the course of your duties.

In addition, staff are precluded from direct involvement in assisting in the making of, or benefiting from Service User's wills. As such, you and all other workers of the organisation are instructed to refuse to offer any advice whatsoever, either to the Service User, or anyone connected with the Service User, on the making of Wills, or their contents.

It is not uncommon nevertheless for a Service User, or someone closely connected to the Service User, to offer some gift in their "Wishes" in a Will as a mark of appreciation for the high quality of care they have routinely received from a care worker. The taking of gifts or acceptance of substantial favours can give rise to embarrassing situations and may be seen as an improper inducement to give some concession in return to the donor. As such, it is the organisation's policy to discourage the practice of Service Users or relatives offering gifts to care workers, or others employed in the Company. Please seek advice from your manager if this situation arises.