

Policy Name	Gifts & Hospitality
Version No.	v4.0
Approval Date	March 2023
Category	Corporate
Classification	Public

Gifts & Hospitality	
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Version Control

Version	Date	Description	Updated By	Approved By
v 3	Dec 2019	Policy Update	Governance & Risk Officer	Board of Trustees
V 4	13 Mar 2023	Policy Update	Compliance and Risk Manager	Board of Trustees

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1. Policy Purpose & Aim

Gifts and hospitality may arise in the course of business to build goodwill and strengthen working relationships. However, the giving or receiving of gifts or hospitality may create a conflict of interest or may give rise to a perception of inappropriate business conduct. As such, this policy is designed to outline arrangements for the management of giving and receiving gifts and hospitality. This policy aims to ensure that:

- Ensure that those who represent and act on behalf of ExtraCare act, and are seen to act, only in the best interests of the Charity and subsidiary;
- Ensure that the Charity and subsidiary does not unduly influence or be perceived to unduly influence third parties by offering gifts or hospitality;
- Ensure that the Charity and subsidiary is not unduly influenced, or be perceived to be unduly influenced, by the receipt or acceptance of gifts or hospitality; and
- Minimise reputational damage and meet legislative and regulatory requirements.

The Bribery Act 2010 makes it a criminal offence for employees to accept any gift or payment as an inducement or reward for doing or not doing something; or showing favour or disfavour to any person.

2. Objectives

The objectives of this policy are to:

- Set out clear requirements regarding the giving and receiving of gifts and hospitality.

3. Scope of Policy

This policy applies to Trustees, Subsidiary Board Directors, employees, volunteers, agency staff and consultants.

4. Responsibilities

Board of Trustees	Responsible for: <ul style="list-style-type: none"> • The review and approval of this policy in accordance with the Matters Reserved for the Board (MRB); and
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	<ul style="list-style-type: none"> Notifying the Company Secretary of any Gifts or Hospitality (made or received).
Audit and Assurance Committee	<p>Has delegated responsibility from the Board for:</p> <ul style="list-style-type: none"> Review of the Gifts and Hospitality policy; and Reviewing the Gifts and Hospitality Register at least annually.
Executive Leadership Team and Senior Management Team	Reinforces compliance with the Gifts and Hospitality Policy and lead by example.
Company Secretary/Executive Director Governance and Compliance	<p>Responsible for:</p> <ul style="list-style-type: none"> Undertaking a quarterly review of the Head Office Gifts & Hospitality Register; and Advising Trustees and subsidiary Board Directors on any offers made or receipts of gifts or hospitality (where necessary).
Retail Managing Director	Ensuring that Retail gifts and hospitality are recorded on the Head Office register.
All Managers including those responsible for managing volunteers	Ensuring that they and their team read, understand, and comply with this policy when offering or offered gifts and/or hospitality;
Location Managers	<p>Responsible for:</p> <ul style="list-style-type: none"> Ensuring that an up to date and accurate Gifts & Hospitality Register is maintained at their location; Undertaking a quarterly review of their location Gifts & Hospitality Register and confirming this via the quarterly Manager Assurance Statement; and Communicating key principles of this policy to residents, other service users and their relatives (where appropriate), especially at times of the year when gifts are traditional.
All staff	<p>Responsible for:</p> <ul style="list-style-type: none"> Reading and complying with this policy; and Updating the relevant location or Head Office Gifts & Hospitality Register where required to do so by this policy.

5. Monitoring & Review

Compliance with this policy will be monitored by the Company Secretary with support from the Governance Team. This policy will be subject to a full review at least every 3 years and to interim reviews when legislative and regulatory requirements make it necessary.

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6. Risk Management

The Board of Trustees have identified a breach of legislative and regulatory requirement as a corporate risk, for which they have a minimalist appetite. Compliance with this policy and related policies reduces this risk and ensures that the Trust meets its legislative and regulatory obligations. Some example risks are as follows (this list is not exhaustive):

Example	Implications
Accepting a gift from a supplier prior to a tender process.	<p>Could be construed as a bribe influencing the award of a contract causing:</p> <ul style="list-style-type: none"> • Reputational risk; • Legal and Regulatory Risk; and • Financial loss due to fines.
Accepting a gift from a resident.	<p>Could:</p> <ul style="list-style-type: none"> • Be seen to be taking advantage of a vulnerable person compromising personal and professional integrity; • Appear as exercising improper influence resulting in a safeguarding; and • Damage ExtraCare's reputation.

7. Statement of Commitment

ExtraCare is committed to ensuring that it, and those who represent it, meet the highest standards of probity and conduct and that decisions and actions are properly taken in the best interests of ExtraCare as a whole.

8. Additional Arrangements

8.1 Definitions

Gifts: Any item or service, award, prize or any other benefit which is received free of charge.

Hospitality: The offer of food, drink, accommodation, or entertainment/event attendance.

Gifts and hospitality may be both given and received. **It is not our policy to refuse all gifts and hospitality, but some may be refused depending upon the circumstances.**

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8.2 Giving and Receiving Gifts or Hospitality

ExtraCare encourages and seeks cooperative relationships with stakeholders and external organisations: therefore, there may be occasions where it is appropriate to provide limited gifts or hospitality. An example is providing refreshments at a meeting.

Likewise, there may be occasions where it is appropriate to receive gifts or hospitality such as a Charity dinner provided by a contractor or donations of gifts for raffles.

Employees must consult with their Line Manager prior to giving or accepting gifts or hospitality.

Trustees and Subsidiary Board Directors should consult with the Company Secretary.

All gifts or hospitality received must be logged on the Location or Head Office Gifts and Hospitality Register. The entry must be approved by the line manager of the person receiving the gift or hospitality.

Declarations should be made as soon as the gifts or hospitality has been given, offered, or received whichever is the earlier.

8.3 Gifts and Hospitality Not Requiring Recording

Some gifts or hospitality may be given or received in the ordinary course of carrying out business. These do not come under the terms of this policy and do not need to be recorded within the Gifts and Hospitality Registers.

Examples:

- A simple meal/reasonable refreshment (given or received) with a genuine business reason such as a meeting with a contractor;
- Tokens of appreciation given by ExtraCare to recognise staff/volunteer contributions;
- Small promotional items (given or received) with a Company's logo e.g. post it notes, pens etc;
- Complimentary subsistence, travel and accommodation when speaking at a conference;
- Attending a free training course; and
- A bouquet of flowers or small gift for serious illness, thank you, retirement, or apology.

At locations, staff may be given small gifts such as biscuits or sweets by residents/families. These can be accepted (up to a value of £25) and do not need to be recorded but must be shared with other staff members. This ensures that no staff member or volunteer receives a gift as a direct result of their work with a resident. Gifts more than £25 must be recorded.

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8.4 Unacceptable Gifts and Hospitality

The following must never be offered or accepted:

- Lavish or extravagant gifts or hospitality: in such instances advice from the Governance team should be sought before giving or receiving. *e.g. the gift may be acceptable if donated for a raffle*
- Gifts or hospitality offered to family members/friends instead of you to avoid this policy;
- Gifts or hospitality from a potential supplier in the immediate period before tenders are invited/during the tendering process (apart from routine contract meeting refreshments);
- Monetary gifts, except in the format of vouchers donated for raffles;
- Gifts or hospitality to or from organisations or individuals who participate in activities which:
 - Could cause detriment to ExtraCare's reputation or undermine our vision and values;
 - Are associated with unsuitable products, corporate and individuals e.g. arms dealings and tobacco;
 - Are from individuals, groups or organisations which are known to take advantage of older or vulnerable people; and/or
 - Require unacceptable expenditure or additional charity resources.

Anyone offered an unacceptable gift or hospitality should politely decline the offer. If they feel it would not be appropriate to decline, they should refer the matter to the Company Secretary or who may decline the offer or donate the gift or hospitality to a worthy cause, ensuring that it is recorded on the Gifts and Hospitality Register.

8.5 Residents and Other Service Users Wills and Probate

During their time with ExtraCare, Trustees, subsidiary Board members, staff and volunteers are **not** permitted to act as a witness, be an executor of or offer advice in the preparation of the will of a resident or service user. The exception is where there is a family/close relationship with the resident/service user which has previously been declared under the Conflicts of Interest Policy.

Trustees, Subsidiary Board Directors, staff and volunteers must **not** benefit from a resident / service user's will, in any capacity (including bequests to family members). The exception is where there is a family/close relationship with the resident/service user which has previously been declared under the Conflicts of Interest Policy. (See professional boundaries code of conduct for guidance).

Residents may choose to leave a gift in their will to ExtraCare as a Charity or they or their family may wish to collect memorial funds for Charity. These funds are acceptable and outside the terms of this policy.

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8.6 Reporting Concerns

Staff/volunteers are able to report concerns confidentially under the Whistleblowing Policy.

Non-compliance with this policy may lead to disciplinary action.

8.7 Training

Gifts and Hospitality is a standard item included within initial staff induction. If you require any help and advice before accepting gifts or hospitality, please speak to your manager.

9. Other Relevant ExtraCare Policies & Documents

Code of Conduct	Staff Handbook
Code of Governance	Volunteer Strategy and Policy
Whistleblowing Policy	Financial Regulations
Conflicts of Interest Policy	Anti-Bribery Policy
Procurement Policy	Anti-Fraud Policy
Mental Capacity Policy	Safeguarding Adults and Children Policy
Professional Boundaries Code of Conduct Policy	Gifts & Hospitality Registers: <ul style="list-style-type: none"> • Head Office (including Retail) • Each Scheme and Village

10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
The Bribery Act 2010	Regulator of Social Housing (RSH) Governance and Financial Viability Standard	Ministry of Justice guidance – Bribery Act
	NHF Code of Governance 2020	Anti-Bribery Principles for Not for Profit Organisations – Transparency International UK
	Fundraising regulation	CQC Regulatory Guidance
		The Bribery Act Prosecution Guidance
		Reporting Serious Incidents – guidance for Trustees