

Gifts and Hospitality Policy

Approval Route	SMT, ELT, Audit & Assurance, Board
Applies to:	Trustees, Subsidiary Board Directors, employees, volunteers, agency staff and consultants.

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1. Introduction

1.1 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 sets out clear requirements regarding the giving and receiving of gifts and hospitality and aims to:

- 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 its subsidiary do 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.

2. Definitions

Term	Definition
Gifts	Any item or service, award, prize or any other benefit which is received or given free of charge and without expectation of any benefit in return.
Hospitality	The offer of food, drink, accommodation, or entertainment/event attendance which is received or given free of charge and without expectation of any benefit in return.

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3. Regulatory and Legal Considerations

- 3.1 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.
- 3.2 The Charity Commission expects Trustees and staff to act in the Charity's best interests, avoid conflicts of interest or undue influence and maintain public trust and confidence. These expectations underpin all gifts and hospitality decisions.
- 3.3 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.
- 3.4 Example risks and their legal/regulatory implications are as follows:

Example	Implications
Accepting a gift from a supplier prior to a tender process.	Could be construed as a bribe influencing the award of a contract causing: • Reputational risk; • Legal and regulatory risk; and • Financial loss due to fines.
Accepting a gift from a resident.	Could: • 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.

4. Responsibilities

Board of Trustees	Responsible for: • Policy approval in accordance with Matters Reserved for the Board; and • Notifying the Company Secretary of any gifts or hospitality (made or received).
Audit & Assurance Committee	Has delegated responsibility from the Board for: • The review and recommendation of the policy to the Board; and • The review of the Head Office Gifts and Hospitality Register.
Company Secretary	Responsible for: • Undertaking a quarterly review of the Head Office Gifts & Hospitality Register; and • Advising Trustees and subsidiary Board Directors on any offers of gifts or hospitality made or received (where necessary).
Executive Leadership Team, Senior Management	Responsible for • Leading by example and reinforcing compliance with this policy; and

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Team; and Regional Operation Managers	Ensuring that gifts and hospitality are recorded on the appropriate location or Head Office Gifts and Hospitality Register.
All Managers	Responsible for: - Ensuring that they and their team read, understand, and comply with this policy when offering or offered gifts and/or hospitality; and - Ensuring that gifts and hospitality are recorded on the appropriate location or Head Office Gifts and Hospitality Register.
Location Managers	Responsible for: - Ensuring that an up to date and accurate Gifts & Hospitality Register is maintained at their location; - Undertaking a quarterly review of their location Register; 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	Responsible for: - 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. Policy Statement

Giving and Receiving Gifts and/or Hospitality

- 5.1 Gifts and Hospitality may be both given and received:
- 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; and
 - 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 Charity raffles.
- 5.2 Prior to giving or accepting any gifts or hospitality:
- Employees must consult with their Line Manager; and
 - Trustees and Subsidiary Board Directors must consult with the Company Secretary.
- 5.3 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.
- 5.4 **It is not our policy to refuse all gifts and hospitality, but some may be refused depending upon the circumstances.** Gifts or hospitality that have been refused should still be entered on the gifts and hospitality register for transparency.

Gifts and Hospitality Not Requiring Recording

- 5.5 Some infrequent and low value gifts or hospitality (up to the value of £25) received in the ordinary course of carrying out business may be given or received. These do not need to be recorded within the Gifts and Hospitality Registers, examples include:

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- A simple meal/reasonable refreshment (given or received) with a 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) e.g. post it notes, pens with company logos 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.

5.6 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 of a value more than £25 must be recorded.

Gifts and Hospitality that Must Not be Accepted

5.7 The following must never be offered or accepted:

- Lavish or extravagant gifts or hospitality such as:
 - High-end electronics (e.g. smart watches, tablets);
 - Jewellery or luxury accessories;
 - Premium or luxury branded goods (e.g. Montblanc, Apple, Tiffany, Mulberry); and/or
 - Goods typically marketed as high-value or exclusive.

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, or cash equivalents unless 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;
 - Items of a controversial, political, or inappropriate nature (e.g. political party conferences or dinners, merchandise from organisations known for strong or divisive activism, gifts that could be seen to be discriminatory or derogatory);
 - 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.

5.8 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 their Line Manager who may seek guidance from the Governance Team. Where such gifts or hospitality are accepted, they may be donated to a worthy cause or raffled with the proceeds donated to a worthy cause. They will still be recorded on the Gifts and Hospitality Register.

Residents' and Other Service Users' Wills and Probate

5.9 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.

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- 5.10 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.
- 5.11 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.

Reporting Concerns

- 5.12 Staff/volunteers can report any concerns over non-compliance with this policy confidentially under the Whistleblowing Policy.
- 5.13 Non-compliance with this policy may lead to disciplinary action.

Training

- 5.14 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.

6. Monitoring and Review

- 6.1 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.

Associated Policies

Trustee Code of Conduct	Anti-Bribery Policy
NHF Code of Governance 2020	Anti-Fraud Policy
Whistleblowing Policy	Financial Regulations
Conflicts of Interest Policy	Volunteer Strategy and Policy
Procurement Policy	Safeguarding Adults and Children Policy
Mental Capacity Policy	Gifts & Hospitality Registers: - Head Office (including Retail) and - Each Location
Professional Boundaries Code of Conduct Policy	

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