

Policy Name	Gifts & Hospitality
Version No.	v3.0
Approval Date	December 2019
Category	Corporate
Classification	Public

<b>Gifts &amp; Hospitality</b>	
Author	Company Secretary
Contributors	ELT, SMT GRO
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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

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## 1. Policy Purpose & Aim

To ensure that those who represent and act on behalf of ExtraCare Charitable Trust (ECCT) act, and are seen to act, only in the best interests of ECCT and avoid any appearance of impropriety.

To minimise the risks to the charity from reputational damage and to meet the requirements of relevant legislation and regulatory guidelines

To ensure that the ExtraCare Charitable Trust (ECCT) does not unduly influence or is not perceived to unduly influence third parties by the offer of gifts or hospitality, and is not unduly influenced, nor perceived to be unduly influenced, by third parties by the receipt or acceptance of gifts or hospitality.

As a responsible provider of housing, care, housing related support and associated services for people over 55 and as a responsible employer ECCT 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 the ECCT as a whole.

## 2. Objectives

The objectives of this policy are to ensure that:

- All ECCT Trustees, subsidiary Board members, staff, volunteers, residents, other service users and contractors are aware of this policy
- Trustees, Subsidiary board directors, staff and volunteers understand and comply with this policy.
- Registers of Gifts & Hospitality are complete, accurate and up to date at all locations.

## 3. Scope of Policy

This policy applies to every Trustee, subsidiary Board director, employee and volunteer of ECCT.

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The Board of Trustees is responsible for ensuring compliance with this policy in respect of Trustees, subsidiary Board directors and the Executive Directors.

The Executive Directors and all managers are responsible for ensuring compliance in their respective areas of responsibility by all members of staff, who are bound by their contracts of employment.

All ECCT employees are required to act in line with this policy and any breach of this policy may be considered to be misconduct which could result in action being taken in line with ECCT's Disciplinary Policy.

Volunteers are required to understand that the policy applies to them and that they are required to adhere to the policy when acting in their agreed capacity as a volunteer representing ECCT. This policy is designed to work in conjunction with the Volunteering Strategy and relevant policies.

Where appropriate residents, Friends, individual donors and third party suppliers and contractors are required to understand the policy and how it applies to them.

#### **4. Responsibilities**

It is the responsibility of the Board of Trustees to review and approve this policy every three years or when legislation dictates.

It is the responsibility of the Company Secretary to ensure that each Trustee and Subsidiary Board Director is made aware of the Policy

Staff with a responsibility for volunteers are to ensure that volunteers are aware of the policy.

Location managers are to ensure that the policy is communicated to residents, other service users and their relatives (where appropriate), especially at times of the year when gifts are traditional.

Relevant staff are to ensure that each contractor is aware of the policy, where appropriate.

All staff have the responsibility to ensure they are aware of the policy and adhere to it.

All staff in receipt of a gift or hospitality are responsible for updating the Gifts & Hospitality Register at locations or Head Office.

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## 5. Monitoring & Review

The Company Secretary is to ensure that an up to date and accurate Gifts & Hospitality Register is maintained at Head Office.

The Company Secretary is to review the Head Office Gifts & Hospitality Register no less than once a quarter to assess if there are any issues arising from the acceptance of gifts or hospitality from other third parties and is to take appropriate action at his/her discretion. The Register should be signed and dated by the Company Secretary at the quarterly review.

Location Managers are to ensure that an up to date and accurate Gifts & Hospitality Register is maintained at their location.

The Location Manager is to review the Gifts & Hospitality Register no less than once a quarter to assess if there are any issues arising from the acceptance of gifts – such as a large number of gifts from one resident or other service user - and is to take appropriate action at his/her discretion. The Register should be signed and dated by the Location Manager at the quarterly review.

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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 low tolerance (appetite). The failure to comply with this policy not only represents a risk to our compliance with legislation and regulation, but a reputational risk for the Trust. Compliance with this policy and related documents reduces these risks and also ensures that the Trust meets its legislative and regulatory obligations.

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## 7. Statement of Commitment

### Offers of gifts and hospitality to residents and other service users

Trustees, Subsidiary Board Directors, staff and volunteers are **not** permitted to offer gifts or hospitality to residents or other service users.

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This policy does **not** apply to tokens of appreciation made by ECCT in recognition of the contribution already made by volunteers in accordance with the Volunteering Strategy and Policy.

### Offers of gifts and hospitality to third parties

Trustees, staff and volunteers are **not** permitted to offer gifts or hospitality to third parties unless approved as follows:-

- For managers, staff members or volunteers approval by the relevant Executive Director
- For an Executive Director approval by the Chief Executive
- For the Chief Executive or a Trustee approval by the Chair of Trustees
- For the Chair of Trustees approval by the Board

Any approved gifts or hospitality offered to a third party is not to exceed the following limits:-

- Gifts - £50 per person
- Hospitality - £100 per third party

A simple meal or other reasonable refreshments offered to a third party for the purpose of conducting business with the third party is permitted and not deemed to be hospitality for the purpose of this policy.

### Offers of gifts from residents and other service users and their relatives

Trustees and staff are **not** permitted to accept any personal gifts from residents or other service users and their relatives. This includes gifts for their partners, relatives or dependents.

Volunteers are not permitted to accept any personal gift offered by a resident or a member of their family in connection with their volunteering activities. However, the policy is not designed to prevent the offering or receiving of gifts between friends and neighbours in a purely private capacity.

Staff and volunteers are permitted to accept small gifts (up to the value of £10) which may be shared with other staff members and volunteers at that location at the sole discretion of the Location Manager.

Small gifts accepted for sharing with other staff members and volunteers are to be distributed by a suitable method which ensures that no staff member or volunteer receives a gift as a direct result of their work with a resident or other service user.

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No gifts are to be accepted in the form of money, tokens or vouchers. This includes tips in areas like the restaurant and café.

**Offer of gifts and hospitality from other third parties**

Trustees, subsidiary Board directors and staff are **not** permitted to accept any personal gifts from other third parties. This includes gifts for their partners, relatives or dependents. If appropriate a Trustee or staff member may accept a gift on behalf of the team.

Volunteers are **not** permitted to accept a personal gift from a third party in connection with or at the time of their volunteering activity.

Small gifts or procurement samples accepted for sharing with other staff members and volunteers are to be distributed by a suitable method which ensures that no staff member or volunteer receives a gift as a direct result of their work with a third party.

No gifts are to be accepted in the form of money, tokens or vouchers.

Trustees, staff and volunteers are not permitted to accept hospitality from other third parties unless approved in advance as follows:-

- For managers, staff members or volunteers approval by the relevant Executive Director
- For an Executive Director approval by the Chief Executive
- For the Chief Executive or a Trustee approval by the Chair of Trustees
- For the Chair of Trustees approval by the Board

Approval of any hospitality must take account of its nature and scale and must be considered in light of the goal and objectives of this policy. Particular care is to be taken when considering the approval of any offer of hospitality from a third party which is actively seeking a contract from ECCT or which is part of a tender process.

Small promotional items with a Company’s logo are not deemed to be gifts for the purpose of this policy

A simple meal or other refreshments offered by a third party for the purpose of conducting business with ECCT is permitted and not deemed to be hospitality for the purpose of this policy.

**Illegal or offensive gifts and hospitality**

No gift or hospitality that may amount to or cause the recipient or giver to commit a criminal offence can either be given or accepted. All Trustees, subsidiary Board members, staff and volunteers must not accept or give a gift or arrange or accept hospitality that could cause offence to others or damage the reputation of ECCT.

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**Dealing with Residents’ and other service users wills** During their time with ExtraCare, Trustees, subsidiary Board members, staff and volunteers are **not knowingly** 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 of ExtraCare, unless there is a family or otherwise close relationship between the resident/service user and the Trustee, Subsidiary Board Director, member of staff or volunteer which has 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, unless there is a family or otherwise close relationship between the resident/service user and the Trustee, Subsidiary Board Director, staff or volunteer which has been declared under the Conflicts of Interest Policy. (See professional boundaries code of conduct for guidance).

## 8. Advice and Guidance

If you require any help and advice before accepting gifts or hospitality please contact the Governance Team at Head Office.

## 9. Other Relevant ECCT Policies & Documents

Code of Conduct	Staff Handbook
Code of Governance	Volunteer Strategy and Policy
ExtraSpecial Conduct	Financial Regulation
Conflicts of Interest Policy	Anti-bribery Policy
Procurement Policy	Anti-Fraud, Theft and Financial Irregularity Policy
Mental Capacity Policy	Safeguarding Vulnerable Adults and Children Policy
Professional Boundaries Code of Conduct Policy	
Whistleblowing Policy	

## 10. Relevant Legislative & Regulatory Requirements

Legislation	Guidance
The Bribery Act 2010	Ministry of Justice guidance – Bribery Act

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	Anti-Bribery Principles for Not for Profit Organisations – Transparency International UK
	CQC Regulatory Guidance
	The Bribery Act Prosecution Guidance