THE LORDSHIP LANE SURGERY: GIFT POLICY

Last review Aug 2020

Next review Aug 2021

INTRODUCTION

This policy sets out the practice approach to the acceptance and handling of gifts and / or donations to both the practice as an entity, and to individual partners and staff, which may be considered to be in return for favourable consideration (i.e. a bribe). This policy should be read in conjunction with the Gifts and Donations policy at Appendix 1 for the full terms which will apply.

The Act applies to Practices and an offence is committed under the Act where either:

* A person offers a bribe
* A person accepts a bribe
* A bribe occurs and a business or partnership has failed to establish adequate procedures, policies or practises to prevent this.

A bribe is a financial or other advantage offered to induce a person to perform improperly, or to reward a person for doing so.

The offence is committed by either the person offering the bribe or the person accepting this, and includes any function of business or employment on behalf of a body (such as a partnership), or in public functions.

An organisation can commit an offence if it fails to prevent persons associated with them from committing Bribery on its behalf.

There are 5 principles which will help to mitigate an organisation’s liability in this respect:

* Risk assessment;
* Top level commitment;
* Due diligence;
* Clear, practical and accessible policies and procedures;
* Effective implementation; and
* Monitoring and review

POLICY

The provisions of the Gifts and Donations Policy will apply, and this should be read in conjunction with this Bribery policy.

All financial gifts, and non-financial gifts or incentives offered by patients or those associated with practice in any business or commercial capacity must be declared, whether offered in a work context or outside work. Under no circumstances must a staff member or partner allow favourable consideration in return for an incentive. Staff members / partners accepting incentives under the provisions of the Gift and Donations Policy must remove themselves from the management, consideration, or decision making process which involves the donor.

The following general requirements will apply:

* The requirement to be open and honest in any financial dealings with patients
* That patients must not be encouraged to give, lend or bequeath money or gifts
* That pressure must not be placed on patients or relatives to make donations to people or organisations
* That they must not ask for or accept inducements, gifts or hospitality which may be seen to effect judgements, nor should these be offered to colleagues.

The policy of this practice is that all gifts or donations from patients, whether in cash or in goods, and made to the practice, its partners, or its staff or spouses of these persons are to be declared and entered into the Gifts Register – see Gifts and Donations Policy. This policy will be reviewed by the Practice Manager on an annual basis. In addition the following will apply:

*Gifts to Individuals*

* Staff members / partners are not permitted to accept personal cash gifts of any amount.
* Staff members / partners may retain personal non-cash gifts made by patients which are of a trivial nature – guide value up to £25.00.
* Personal non-cash gifts in excess of the guide value made to an individual should be politely refused.
* Cash gifts offered to individuals should be declined.

GIFTS AND DONATIONS POLICY

INTRODUCTION

This policy sets out the practice approach to the acceptance and handling of gifts and / or donations to both the practice as an entity, and to individual partners and staff within it, made by patients, and follows BMA Guidance on accepting gifts updated August 2007.

POLICY

The requirement to register gifts is contained within the Health and Social Care Act 2001. Under the General Medical Services contract GPs are obliged to declare any gift from a patient worth more than £100. GPs and individual members of staff may retain personal non-cash gifts made by patients which are of a trivial nature – guide value up to £25.00.

This rule also applies to gifts received by spouses of partners or staff. Primary Care Organisations can request sight of Gift Registers, which must contain specified information (on the draft register below at Appendix II).

This policy applies to gifts from patients, relatives of patients or from any person who provides services to a contractor or its patients in connection with the medical services contract.

The value of multiple gifts received from an individual patient will be monitored to ensure that at all times the acceptance of them is both prudent and reasonable.

In accordance with General Medical Council guidelines GPs are to be made aware of the following provisions:

* The requirement to be open and honest in any financial dealings with patients
* That patients must not be encouraged to give, lend or bequeath money or gifts
* That pressure must not be placed on patients or relatives to make donations to people

or organisations

* That they must not ask for or accept inducements, gifts or hospitality which may be seen to effect judgements, nor should these be offered to colleagues.

The policy of this practice is that all gifts or donations from patients, whether in cash or in goods, and made to the practice, its partners, or its staff or spouses of these persons are to be declared and entered into the Gifts Register (see below). In addition the following will apply:

*Gifts to Individuals*

* GPs are not permitted to accept personal cash gifts of any amount
* GPs and individual members of staff may retain personal non-cash gifts made by patients which are of a trivial nature – guide value up to £25.00.
* Personal non-cash gifts in excess of the guide value made to an individual should be politely refused.
* Cash gifts offered to individuals should be declined.

*Gifts to Specific Staff Groups*

* Gifts made to a particular group of staff (e.g. receptionists) may be accepted up to a guide value of £100. This gift will be used for the benefit of that specific staff group but not directly distributed amongst them. The Register entry will reflect a group distribution. This may include cash gifts which will be used to the benefit of the staff group.
* Gifts in excess of the guide value should be politely refused. Where this is a cash gift this may be accepted up to the value limit, with the balance (if the patient agrees) to a charity selected by the staff group.

*Gifts to the Practice*

* Gifts may be accepted up to a guide value of £100. This gift will be used for the benefit of the staff within the practice, but not be directly distributed.
* Gifts in excess of the guide value should be politely refused. Where this is a cash gift this may be accepted up to the value limit with the balance (if the patient agrees) to a charity selected by the staff.

*Christmas Gifts*

The general provisions outlined above will apply. Where the nature of the gift falls outside the limits above they should be referred to the manager who will determine the correct course of action, however the following should be noted in particular:

* Gifts addressed to individuals are the personal property of the individual concerned, often in recognition of good service, and as such should be conveyed to that person to deal with as above.
* Gifts addressed to groups of staff, or to the practice in general, are to remain on the premises to be used on the premises. They are not to be distributed or shared out to individuals. They are not to be taken home. These are then available to all staff (within a group if appropriate) to open and be used on a shared basis during the year. Generally, all non-personally addressed gifts will be pooled for use.
* Every patient making a gift will receive a letter of thanks from the Practice. The Gifts Register will be used for this purpose.

 FUNDRAISING

These provisions apply to the receipt of funds, or the offer of funds, to the practice from an individual, charity, patient group, or other benefactor, who is looking to support the practice in the purchase of equipment or facilities. These guidelines are in accordance with the recommendations of the British Medical Association (BMA) Fundraising Guidelines (April 1995).

Patients must not be placed under a perceived obligation to contribute. Voluntary funds from patients may be construed as a charge for treatment and would therefore breach Terms of Service. Fundraising activity must not impose either direct or indirect pressure on patients to contribute. Collecting boxes in waiting rooms are not acceptable. It is “unethical for charities or voluntary organisations to be encouraged to raise money for equipment which forms part of the indirect expenses element of GP remuneration”. Also “where a practice wishes to become involved in fundraising…..a charitable trust should be established … acceptable to the Charity Commissioners”. (BMA Fundraising for GP Practices).

The policy of this practice is that funds of this nature are not accepted.

HOSPITALITY

The acceptance of hospitality (e.g. representatives) must not be sufficient to influence judgement in any way, or to present conflict of interest. Drug company sponsorship of events is acceptable; however fees must not be accepted to see representatives. The level of sponsorship should not be open to misinterpretation, and the value of all acceptances must be entered into the Gifts Register as a “sponsored event”.

TAX IMPLICATIONS

Income tax on gifts received from patients is generally not chargeable to tax if *all* the following provisions are met:

* Is goods or a voucher only exchangeable for goods (not cash)
* The donor is not the employer or a person connected to the employer
* The gift is *not* made in recognition of a service performed in the course of employment or anticipation of the service
* The gift has not been procured by the employer or person connected
* The cost of the gift(s) made by the same donor to the employee does not exceed £150 in any tax year

Other issues:

Anyone receiving a gift of significant value is recommended to approach their tax office for guidance.

A gift made to an employee’s family will be treated as a gift to the employee.

Where the annual value exceeds £150 tax will be payable

RESOURCES

BMA Guidelines 2015

<http://bma.org.uk/practical-support-at-work/gp-practices/service-provision/accepting-donations-from-patients>

For the full tax implications and provisions refer to Inland Revenue Guideline SE21715 – Benefits: Gifts in Kind from Third Parties <http://www.hmrc.gov.uk/manuals/senew/SE21715.htm>

Bribery Act 2010

[Bribery Act 2010 (c. 23)](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)

Appendix II

GIFTS REGISTER

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date | EMIS number of Donor and NHS No / Address | Gift | Cash/Goods | Value | Given To |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**A log is kept in the Practice Manager’s room – please let her know of any gifts over the value of £100 received as per policy.**