

# POLICY ON THE PROVISION AND USE OF FREE GIFTS, PRIZES AND INCENTIVES

## NOVEMBER 2019

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If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

Name of Policy:	Policy on the Provision and Use of Free Gifts, Prizes and Incentives
Date Issued:	January 2020
Date to be reviewed:	November 2021

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<b>Supersedes: (Please List)</b>	Policy on the Provision and Use of Free Gifts, Prizes and Incentives Version 3.0	
<b>Description of Amendment(s):</b>	Housekeeping updates	
<b>This policy will impact on:</b>	All employees of the CCG, any staff who are seconded to the CCG, board and committee members' contract and agency staff and any other individual working on CCG premises.	
<b>Policy Area:</b>	Corporate and Communications and Engagement Team	
<b>Version No:</b>	Version 4.0	
<b>Author:</b>	Corporate Communications and Engagement Team	
<b>Effective Date:</b>	January 2020	
<b>Review Date:</b>	November 2021	
<b>Equality Impact Assessment Date:</b>	November 2019	
<b>APPROVAL RECORD</b>	Integrated Audit and Governance Committee	<b>Date:</b>
		January 2020
<b>Consultation:</b>	Relevant CCG colleagues	November – December 2019



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## 1. INTRODUCTION

As a public sector organisation, NHS Hull Clinical Commissioning Group (CCG) has a duty to ensure that its resources are utilised effectively. The provision and use of free gifts, prizes and incentives at the public expense is open to challenge and the CCG must, therefore, ensure that it is seen to be limiting and controlling expenditure in this area. However, it is recognised that, in the course of carrying out its day to day business, it may, on occasion, be necessary for the CCG to provide them.

## 2. SCOPE

This policy applies to staff of the CCG, any staff who are seconded to the CCG, board and committee members' contract and agency staff and any other individual working on CCG premises.

## 3. POLICY PURPOSE AND AIMS

The purpose of this policy is to provide guidance to staff of the CCG, any staff who are seconded to the CCG, board and committee members contract and agency staff and any other individual working on CCG premises as to when the use of free gifts, prizes and incentives is allowed. It also provides guidance on the action that should be taken where donations are received or where staff wish to offer cash or store/gift vouchers.

## 4. DEFINITIONS

**Donation:** An item given free of charge by an individual or company, for example, bottle of sun cream from a chemist for a Safe Sun campaign or an item of high value for a prize. Donations must not be in the form of cash.

**Sponsorship:** Where a firm/individual covers the cost of a service/item, for example, the printing of leaflets or provision of accommodation/hospitality. (See the Policy on Offers and Acceptance of Gifts and Hospitality (Including Sponsorship)).

**Free Gift:** An item of low intrinsic value used to advertise or promote a particular scheme or initiative, e.g. pens or other small giveaways.

**Prize:** An item offered for participation in a competition or draw.

**Incentive:** An item offered as encouragement for a person/particular target group to participate in a programme, etc.

**Lottery:** A prize draw where persons are required to pay to participate.

**Gift/Store Vouchers:** A voucher which represents a cash value and can be redeemed for goods/services.

## 5. GUIDING PRINCIPLES

Staff should be conscious of the need to limit expenditure in this area and measure the cost against the perceived benefits at all times.

The procurement of items through commercial sponsorship is positively encouraged (see the Policy on Offers and Acceptance of Gifts and Hospitality Policy (Including Sponsorship)).

Items may be donated by individuals/businesses (see Section 6 below).

## **6. CRITERIA FOR THE PROVISION/USE OF FREE GIFTS, PRIZES AND INCENTIVES**

Where provided direct by the CCG, the free gift/prize/incentive must:

- have an identified budget available for its procurement (unless obtained through donations);
- where possible, have a direct correlation to the project/initiative, e.g. a re-usable bag bearing a logo/website address (unless obtained through donations);
- be of a low intrinsic value and definitely no more than £3 per item for free gifts/incentives and £50 for a prize (unless obtained through donations); not require the purchase of a ticket (see section 8 below);
- not be alcohol or tobacco-based.

CCG resources cannot be used for providing free gifts, prizes or incentives to staff (though items declared and not personally accepted via the Offer and Acceptance of Gifts and Hospitality Policy (including sponsorship) can be used for staff prizes.

## **7. DONATIONS**

It is acceptable to accept donations of individual items provided they conform to the descriptions provided in Section 6.

Such donations should be declared via submission of the appropriate declaration form (on the Y: Drive under Corporate Templates and Forms).

## **8. LOTTERIES AND THE LAW**

The CCG does not have a licence for running lotteries. The Gambling Act 2005 defines a lottery as “an arrangement where persons are required to pay to participate” so, for the avoidance of all doubt, the CCG does not permit the sale of tickets for a prize draw.

## **9. CASH AND GIFT/STORE VOUCHERS**

Whilst this policy does not allow the use of cash, the use of gift/store cards is acceptable but requests to use gift/store cards must be authorised by the Associate Director of Communications and Engagement and will include an assessment on any benefits the recipient may have.

## **10. INCENTIVES OFFERED BY A CONTRACTOR ON BEHALF OF THE CCG**

Where the CCG is contracting a third party to conduct surveys, etc. on its behalf, the use of gift/store vouchers or other items of a high intrinsic value as incentives should be discouraged and this should be specified in the quotation/tender documentation. The third party can, in exceptional circumstance, make a request for the use of incentives, details of which can be submitted to the Associate Director of Communications and Engagement for consideration and approval.

## **11. IMPACT ANALYSIS**

### **11.1 Equality**

The CCG is committed to: Eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines, and

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

## **11.2 Bribery Act 2010**

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at [nikki.cooper1@nhs.net](mailto:nikki.cooper1@nhs.net)

Due consideration has been given to the Bribery Act 2010 in the development of this policy.

## **12. NHS CONSTITUTION**

The CCG is committed to: the achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and ensuring they are taken account of in the production of its Policies, Procedures and Guidelines.

## **13. ROLES / RESPONSIBILITIES / DUTIES**

### **Lead**

The Associate Director of Communications and Engagement is responsible for advising staff on the contents of this policy.

### **Employees/Relevant Others**

All employees of the CCG, any staff who are seconded to the CCG, board and committee members' contract and agency staff and any other individual working on CCG premises are responsible for following this policy.

### **Line Manager**

All Managers are responsible for ensuring their staff are aware of, and adhere to, this policy.

## **14. IMPLEMENTATION**

This policy will be communicated to staff via publication on the CCG website.

## **15. MONITORING AND EFFECTIVENESS**

The effectiveness of this Policy will be monitored by The Associate Director of Communications and Engagement.

**16. POLICY REVIEW**

This Policy will be reviewed within two years from the date of implementation.

Minor amendments (such as changes in title) may be made prior to the formal review, details of which will be monitored/approved by the Associate Director of Communications and Engagement.

**17. REFERENCES**

*Bribery Act 2010*. Available at [www.opsi.gov.uk/acts](http://www.opsi.gov.uk/acts)

**18. ASSOCIATED DOCUMENTATION**

This Policy links to the CCG's Policy on Offers/Acceptance of Gifts, Hospitality (Including Sponsorship).

**HR / Corporate Policy Equality Impact Analysis:**

<b>Policy / Project / Function:</b>	Policy on the Provision and Use of Free Gifts, Prizes and Incentives
<b>Date of Analysis:</b>	November 2019
<b>Completed by: (Name and Department)</b>	Michelle Longden Corporate Affairs Manager
<b>What are the aims and intended effects of this policy, project or function?</b>	The purpose of this policy is to provide guidance as to when the use of free gifts, prizes and incentives is allowed. It also provides guidance on the action that should be taken where donations are received or where staff wish to offer store/gift vouchers.
<b>Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?</b>	No
<b>Please list any other policies that are related to or referred to as part of this analysis</b>	Policy on the Provision and Use of Free Gifts, Prizes and Incentives v3
<b>Who will the policy, project or function affect?</b>	This policy applies to staff of the CCG, any staff who are seconded to the CCG, board and committee member's contract and agency staff and any other individual working on CCG premises.  The policy can also impact on 3rd Party Contractors, which could include other public, private sector or voluntary sector contractors.
<b>What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?</b>	Internal Communication has taken place with relevant colleagues
<b>Promoting Inclusivity and Hull CCG's Equality Objectives.</b>  How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?	Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.

<p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> <li>1. Ensure patients and public have improved access to information and minimise communications barriers</li> <li>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</li> <li>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</li> <li>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</li> <li>5. To demonstrate leadership on equality and inclusion and be an active champion of equalities in partnership programmes or arrangements.</li> </ol>	
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Equality Data	
<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Recruitment data, e.g. applications compared to the population profile, application success rates</li> <li>2: Complaints by groups who share / represent protected characteristics</li> <li>4: Grievances or decisions upheld and</li> </ol>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p><b>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</b></p>

dismissed by protected characteristic group 5: Insight gained through engagement	
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### Assessing Impact

**Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?  
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)**

Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> <sup>1</sup> exists (see footnote below – seek further advice in this case)
<b>Gender</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of gender.
<b>Age</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of age.
<b>Race / ethnicity / nationality</b>			✓	This policy has been considered against this protected characteristic and applies equally to all staff regardless of race or ethnicity.  This policy may be relevant to 3rd party contractors or members of the public who may require the policy in alternative formats. This will be made available on request.
<b>Disability</b>			✓	This policy has been considered against this protected characteristic

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1. <sup>1</sup> *The action is proportionate to the legitimate aims of the organisation (please seek further advice)*

				<p>and applies equally to all staff regardless of disability</p> <p>However, this policy may be relevant to 3rd party contractors or members of the public who may require the policy in alternative formats. This will be made available on request. This also applies to reasonable adjustments for staff with any communication support needs relating to their disability.”</p>
<b>Religion or Belief</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of religion or belief.
<b>Sexual Orientation</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of sexual orientation.
<b>Pregnancy and Maternity</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of pregnancy or maternity.
<b>Transgender / Gender reassignment</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of transgender / Gender reassignment
<b>Marriage or civil partnership</b>	✓			This policy has been considered against this protected characteristic and applies equally to all staff regardless of Marriage or civil partnership

## Action Planning:

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?**

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
As the policy is written in English there is a potential impact on employees who may have communication barriers.	The policy document includes an accessibility statement offering alternative formats on request. The CCGs internal 'portal' and external website signpost individuals to alternative formats such as large print, braille or another language.	Communications and Engagement Team	Ongoing	November 2021

**Sign-off**

**All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs**

**I agree with this assessment / action plan**

**If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:**



**Signed:**

**Date: 16.12.19**