

**Gifts and Hospitality Policy for
Council Members and Independent Governance Associates**

Owner	Legal & Governance Directorate
Author	Head of Governance
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Effective from	10 November 2020
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1. Policy Statement

1.1 This policy applies to:

- **Members of the Council**
- **Independent Governance Associates** of the organisation – defined in this policy to mean the independent members of the Statutory Panellists Assurance Committee (SPC) and the independent members of the non-statutory Committees of the Council, such as the Audit and Risk Committee, the Finance and Performance Committee and the Remuneration and Nomination Committee.
- References to '**Members**' within this policy means Council Members and Independent Governance Associates, as defined here.

1.2 The policy is designed to provide guidance as to:

- What is and is not acceptable in relation to the acceptance of gifts or hospitality.
- How and when you should make a declaration in relation to gifts or hospitality.
- How to raise a concern in relation to an offer of gifts or hospitality, and
- How declared declarations of gifts and hospitality will be recorded, reviewed and monitored.

1.3 The purpose of the GDC's Gifts and Hospitality Policies is to encourage transparency, accountability and probity, in line with the principles of right-touch regulation. In requiring regular and considered declarations of any gifts or hospitality offered to, or accepted by, our Council Members and Independent Governance Associates, the GDC seeks to promote public confidence in the regulatory process. The UK Bribery Act 2010 sets out that organisations can be prosecuted if bribery is disguised through frequent or 'lavish' gift giving, so this policy is designed to make clear the expectations that the GDC has about how gifts and hospitality will be treated.

1.4 The GDC subscribes to the Nolan Committee's report on 'Standards in Public Life' ('the Nolan Principles') which sets out the seven principles of public life. These are set out at **Appendix 1**.

1.5 Council Members and Independent Governance Associates must not accept gifts and hospitality or receive other benefits from anyone which might reasonably be seen to compromise their personal judgement or integrity.

1.6 It is recognised that Council Members and Independent Governance Associates are expected to build and maintain effective networks with external stakeholders, to support the work of the organisation, and gain an understanding of views of those stakeholders about our key purpose of protecting the public and promoting public confidence in the profession. These networking opportunities may come with offers of hospitality which could, on occasion, further the key purposes of the organisation. This must be balanced against upholding high standards of propriety and guarding against the appearance of a real or perceived conflict of interest or the creation of an undue obligation.

1.7 For all public bodies, it is essential to maintain public trust and confidence in the organisation and individuals associated with it. Where a conflict of interest does arise, through the offer or acceptance of gifts or hospitality, the principles of transparency and integrity apply, and the GDC requires disclosure of such gifts or hospitality to allow the organisation to manage the conflict accordingly.

1.8 The policy aims to ensure that approach to gifts and hospitality is managed consistently to: protect the integrity of decision making in the organisation, limit the risk of successful challenge

to GDC decisions and ensure that Council Members and Independent Governance Associates are able to act consistently with their responsibility to act in the public interest.

- 1.9 There are separate policies in place in the relation to gifts and hospitality offered to staff and the wider Associates group.

2. Definitions

- 2.1 A **'conflict of interest'** is defined by the International Standards for the Professional Practice of Internal Auditing as *'any relationship that is or appears to be not in the best interests of the organisation. A conflict of interest would prejudice an individual's ability to perform his or her duties and responsibilities objectively'*. A conflict of interest could relate to any professional, personal or business activity.
- 2.2 A **'gift'** is defined as any benefit, item or service that is given to a Member free or charge, or at less than its commercial price, by an external party.
- 2.3 **'Hospitality'** is defined as food, drink or other privileges provided by an external party to a Council Member or Independent Governance Associate. This may include simple meals or refreshments, offered as part of attendance at a meeting, reception or other event, or offers of free travel to attend such events.
- 2.4 A **'connected person'** is a person with whom you have a personal or business relationship which could be perceived as influencing your decision making for or on behalf of the organisation.
- 2.5 In this policy, **'low value'** means an estimated value of £20 or less. **'Inexpensive'** means an estimated value of less than £35. **'Material hospitality'** means all cases of hospitality beyond an inexpensive working meal.

3. Principles

- 3.1 Making appropriate declarations, in relation to actual or potential conflicts of interest, is vital given the roles that GDC staff members, Council Members, Independent Governance Associates and the wider Associates group play in administering the GDC's statutory functions.
- 3.2 The table below illustrates the functions that are delivered by the organisation and the types of groups or individuals who deliver them. For each group, it is imperative that they adhere to the principles set out in their respective policies to ensure that the decisions they take or advise on are robust, transparent and accountable.

Function or role	Examples of Individuals or groups that fulfil this role
Strategic decision making for the organisation as a regulator	<ul style="list-style-type: none"> • Council Members • Independent Governance Associates • Chief Executive and EMT Members
Operational Management of the organisation	<ul style="list-style-type: none"> • Chief Executive and EMT Members • Senior Leadership • GDC Managers
Exercising a statutory discretion or taking statutory decisions for the organisation	<ul style="list-style-type: none"> • The Registrar (and his delegates) • Fitness to Practise Panellists • Case Examiners

Providing expert advice to the statutory decision makers for the organisation	<ul style="list-style-type: none"> • Education Associates • Registration Assessment Panellists
Operational delivery of the GDC as a public sector body	<ul style="list-style-type: none"> • Staff • Associates

3.3 The following principles apply when considering whether or not to accept a gift or hospitality:

- All offers of gifts or hospitality must be declared.
- This policy applies whether or not the offer of gifts or hospitality is made during the course of a Member's work for the organisation or as a result of their position.
- Any gift of hospitality accepted by Members must be justifiable. This means that it is in the direct interest of furthering the key purposes of the organisation and it must be proportionate to that interest.
- The frequency and generosity of an offer of a gift of hospitality must be considered when assessing whether or not to accept it. Accepting hospitality frequently from the same individuals or organisations might give rise to the perception that the work of the organisation is being influenced by the objectives of the external party.
- Those who are involved or responsible for procurement or management of contracts must adhere to strict rules in relation to their dealings with external suppliers. Purchasing decisions or contract negotiations should be based solely on achieving value for money and in adherence to relevant procurement legislation and best practice. Members are unlikely to be involved in these processes but, for the avoidance of doubt, should not accept gifts or hospitality if this could, or could be seen to, influence those interactions. If you are unsure in relation to this issue, please seek guidance from the Head of Governance in the first instance, who will consult with the In-House Legal Advisory Service and the Procurement team.
- When considering whether or not to accept an offer of gift or hospitality, consider also whether the acceptance would stand up to public scrutiny.
- Gifts or hospitality offered to those connected with Members, as a result of the member's position in the organisation, should also be declared.
- Responsibility for making the declaration of any offer of gift of hospitality lies with the Member. If you are in doubt as to whether or not to declare any offer or whether or not to accept it, please seek the guidance from the Head of Governance on governance@gdc-uk.org or from the Chair of Council.

4. Specific Guidance on Gifts

- 4.1 All gifts must be declared, regardless of whether or not they are accepted or declined.
- 4.2 Any gift of an estimated value of £20 or over must be declared, declared and, if already received, returned.
- 4.3 Any gift of an estimated value of under £20 may be accepted, if appropriate in line with this policy, but must be declared.

Examples of gifts under £20 which may be accepted:

Example Gifts	May be accepted?
Merchandise freely available at a conference, seminar or training event.	✓
Low value office goods e.g. diaries/pens	✓
Chocolates/confectionery.	✓
Bottled waters/soft drinks.	✓

- 4.4 Certain categories of gifts must always be declined, regardless of their estimated value, and must also be declared.

Examples of gifts which must be declined:

Example Gifts	May not be accepted
Cash or cash equivalent, such as tickets, gift cards or tokens.	✗
Alcohol or gifts which contain alcohol.	✗
Gifts which a third party may reasonably perceive to be excessive or extravagant.	✗
Where acceptance would break laws, regulations or GDC policies.	✗
Discounts on private purchases from suppliers with whom they have official dealings.	✗
Gifts when there is a pending or open procurement exercise.	✗

- 4.5 Under no circumstances should gifts be solicited. If Members receive unsolicited gifts which ought to be returned under this policy but, because they have been sent anonymously cannot be, the Member should proceed as follows:

- Declare the gift
- Decline the gift
- If the gift is estimated to be valued at less than £20 but contains alcohol, donate it to the Social Committee for a staff raffle. Please consult the Governance team if you need to obtain practical advice as to how to do this.
- If the gift is estimated to be valued at more than £20, donate it to an appropriate charity. Please consult the Governance team if you need to obtain practical advice as to how to do this.

5. Hospitality

- 5.1 Offers of hospitality can take many forms – lunches, post-conference buffets, invitations to stakeholder events, gala dinners and overnight accommodation.
- 5.2 All offers of hospitality must be declared, whether or not they are accepted or declined, and regardless of value.
- 5.3 Some forms of hospitality may be accepted by Members, if appropriate, under this policy.

Examples of hospitality which may be accepted:

Examples of hospitality	May be accepted?
Food arising in the normal course of business, such as lunches provided at meetings or seminars organised by suppliers. This must be incidental to the legitimate business event and the best use of time.	✓
Tea/coffee/soft drinks during working meetings.	✓
Bottled waters/soft drinks.	✓

- 5.4 Certain types of hospitality must always be declined, regardless of their estimated value, and must also be declared.

Examples of gifts which must be declined:

Examples of hospitality	May not be accepted
Alcohol, during normal business hours, at meetings, seminars or training events.	✗
Invitations from suppliers or potential suppliers to sporting, cultural or music events.	✗
Invitations to events where alcohol is the central theme.	✗
Where hospitality is lavish and/or extravagant or could be perceived to be so.	✗
From organisations where there is a direct (or perceived) involvement or connections with a GDC related bid, tender, contract renewal, ongoing negotiation or decision.	✗
Where a reasonable member of the public would consider the hospitality to not be reasonable, appropriate and/or proportionate	✗
Where acceptance would break laws, regulations or GDC policies.	✗

6. Making a Declaration

6.1 If you receive an offer of Members should:

- Review this policy to ascertain whether or not you should accept or decline it.
- Seek advice if you are in any doubt:
 - Any Council Member who is in doubt about whether or not it would be appropriate to receive a gift, or whether to accept an offer of hospitality, should seek advice from the Chair of the Council.
 - Any Independent Governance Associate who is similarly in doubt, should seek advice from the Head of Governance.
 - If the Chair of Council is in doubt as to whether it would be appropriate to receive a gift or accept an offer of hospitality, they should seek advice from the Chief Executive and, if advised, the Chair of the Audit and Risk Committee.

- Regardless of whether or not you intend to accept or decline the gift or hospitality, declare it via the appended form within 10 working days of the offer being made.
- Safely retain a copy of any message sent declining the gift or hospitality and any proof of postage for the return of the gift or hospitality. This information may be required for audit purposes.

- 6.2 When deciding whether to accept an offer of hospitality, due regard should be had to the value of the entertainment and the numbers of Council members, other Associates and/or GDC staff attending the event. Too close an association with businesses, educational establishments or bodies representing registrants could damage the GDC's reputation.
- 6.3 Where a dispute remains, following discussion and liaison on whether an offer of gift of hospitality can be accepted, the decisions of the Chair of Council (or Chair of the Audit and Risk Committee in respect of the Chair of Council) on these matters will be final.
- 6.4 Where an offer of hospitality is declined this should be communicated in writing, either by email or letter, to the person or organisation making the offer. All such communications should be copied to the Governance team to allow all declined invitations and offers to be recorded and subject to audit.

7. Declaring Gifts and Hospitality

- 7.1 All Members are expected to act and be seen to act impartially and objectively in carrying out their roles.
- 7.2 Council Members are responsible for disclosing any offers of gifts and hospitality, as and when they arise, and **quarterly**.
- 7.3 Independent Governance Associates are responsible for disclosing any offers of gifts and hospitality, as and when they arise, and **annually**.
- 7.4 All Members will be asked to update their declaration:
- 7.4.1 When they are offered a gift or hospitality; and
 - 7.4.2 Periodically.
 - For Council members: They must update their declaration as soon as they are offered any gift or hospitality¹, and at least every **three months**.
 - For Independent Governance Associates: They must update their declaration as soon as they are offered any gift or hospitality², and at least every **12 months**.
- 7.5 New Members will be sent a copy of this policy in their appointment packs.
- 7.6 Declarations should be made using the attached form – at **Appendix 2** – and returned to the Governance team at governance@gdc-uk.org.
- 7.7 The Governance team will send a quarterly reminder to Council members and an annual reminder to Independent Governance Associates to make their declarations. The Governance team will keep a central register of declarations and send the declarations to the relevant parties for review.

¹ Within 10 working days

² Within 10 working days

7.8 The Chair of Council will review the declarations for:

- a. Council Members
- b. The Chair of SPC
- c. Independent Members of the Audit and Risk Committee, Finance and Performance Committee and Remuneration and Nomination Committee.

7.9 The Chair of the SPC will review the declarations for members of the SPC.

7.10 The Senior Independent Council Member will review the declarations for the Chair of Council. Declarations will be retained internally for 10 years in accordance with the GDC's retention policy.

8. Monitoring of Declarations

8.1 The Governance Team will record, maintain and publish (as appropriate) the declarations of gifts and hospitality received from Council Members and Independent Governance Associates. This will be via a central register.

8.2 The Audit and Risk Committee will receive an annual report (or exception reporting if required) of all declarations of gifts and hospitality in respect of Council Members and Independent Governance Associates.

8.3 Declarations by Council Members will be published on the GDC website. Declarations by Independent Governance Associates will be collated and stored centrally, but not published.

8.4 When Member declarations are made, they will be reviewed by the appropriate person (outlined above) and if any declarations of gifts or hospitality present concerns for those reviewing them, action will be taken in line with the Code of Conduct and the obligations and duties set out within the Member's agreement. Non-compliance with this policy will be dealt with similarly.

8.5 The Governance team will maintain a record of all requests for advice and guidance on this policy to establish trends and to assist when this policy is due for review.

9. Audit

9.1 The Gifts and Hospitality Register will be available to internal and external auditors for review, as part of their annual audit process.

10. Raising any Concerns

10.1 If you have concerns that a Member may have breached this policy, you should discuss this concern with the Head of Governance, Executive Director, Legal and Governance, Chief Executive, Chair of Council or Chair of the Audit and Risk Committee (as appropriate). You can also refer to the Whistleblowing policy for further guidance in relation to raising concerns in this area.

11. Review

11.1 This document will be reviewed every two years by the Governance team and any proposed amendments must be approved by the Council.

12. Related Codes, Policies and Legislation

- a. Managing Interests Policy for Council Members and Independent Governance Associates
- b. Code of Conduct for Council Members and Independent Governance Associates
- c. Whistleblowing Policy for Council Members and Associates
- d. Anti-Fraud and Anti-Bribery Policy for Council Members and Associates

13. Appendices

1. Nolan Principles
2. Declaration form

Appendix 1 – Nolan Principles

1. Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

- Members of the public and members of the dental professions are entitled to expect that you make decisions based on your conscientious assessment of what is in the public interest, without regard to your own interests or those of other organisations or individuals you are connected to.
- Do not exploit your association with the GDC for your own gain or that of others, and avoid any situation in which you might – even accidentally – give the impression that you are in a position to trade influence or access.
- If you have any involvement with a dental business or organisation whose value, prospects or well-being might be affected by GDC decisions or policies, take responsibility for ensuring that your motivation and actions could not be challenged by managing interests openly.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- Do not accept payments, gifts, hospitality or favours where the nature of the person or organisation concerned, or the circumstances of the exchange, could give rise to a concern about your integrity.
- Do not put yourself – or allow others to put you – in a position in which your advancement or personal interests, or those of anyone close to you, could be seen as being linked to any decisions or actions you might take in the course of your GDC work.
- Assess your own behaviour by reference to the Nolan Principles and make sure that you are seen to be following them.

3. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- In all that you do on behalf of the Council, demonstrate the same high standards of professionalism and personal probity which the Council expects of registered dental professionals.
- Answer any questions asked of you about your interests truthfully and in a spirit of openness.
- If you are asked about an interest, or the way in which you have managed it, avoid taking a defensive or narrowly legalistic approach.

4. Objectivity

In carrying out public business holders of public office should make choices on merit such as making appointments, awarding contracts, or recommending individuals for rewards and benefits,

- When making recommendations and decisions, declare and manage any non- GDC interests which would conflict with the decisions in question.
- Consider available options on their merits. Do not allow yourself to confuse the interests of the dental profession, or any other particular sector of society, with the public interest.

- Take full account of all available evidence which is relevant to the decision you have to make in the course of your GDC work. Make sure that you can distinguish clearly between the weight which is properly given to such evidence, and any undue, inappropriate or undeclared influence.

5. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- You have a responsibility to explain your actions when asked. Engage constructively and positively with appropriate opportunities to explain the ways in which you have managed your interests.

6. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

- Make a full and open declaration of interests when asked to do so. If in doubt about whether or not you need to declare an interest, err on the side of openness and let others make an assessment of relevance. Perceptions vary, and you may not be best placed to make an objective assessment in your own case.
- Complying with the formalities is important but, on its own, is not enough. Take active steps to assure yourself that those who need to know about your interests on any particular occasion are aware of the situation.
- Demonstrate that you are open not only to disclosing any interests you may have but also that you are open to discussing their significance. Reflect on any feedback and advice you receive and act on any learning points that emerge from your experience and the views of others.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

- Let your approach to managing your interests provide an example of good practice within the Council, enhancing the Council's standing as a model of good practice for the dental professionals we regulate.
- Provide leadership by ensuring that your actions match the words which we have agreed to live up to. Speak and act in ways which promote and encourage a culture of open discussion about issues concerning interests. Help promote a culture of accountability, in keeping with the spirit of this guidance.
- Support others with leadership roles within the Council, so that they are empowered and supported to fulfil their responsibilities on behalf of the whole organisation, in the public interest.

DECLARATION OF GIFTS & HOSPITALITY

Appendix 2

Name:

Position:

Period:

Nature and description of gift or hospitality (including venue if applicable)	Value If goods worth more than £20 or a meal worth more than £35	Reason for gift/hospitality and whether it was accepted or not	Approved by Director/CEO/Chair
N/A	N/A	N/A	N/A

*This signature is to confirm that they have reviewed the declaration. Any concerns should generally be raised with the Chair of the Audit and Risk Committee.

Processing your personal data is necessary for the exercise of the GDC's statutory functions. More information about your data protection rights and how long we will keep your information for can be found in the privacy notice on our website at www.gdc-uk.org/privacy.

