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1. PURPOSE AND SCOPE

This policy on the Receiving and Giving of Gifts sets the standards for dealing with gifts within Waikato District Health Board (Waikato DHB) and defines what is, and what is not, a gift.

The policy is intended to protect employees by assisting them to comply with their ethical obligations reducing the risk of perceived influence that may be associated with accepting, or giving of gifts.

This policy applies to all Waikato DHB staff.

2. POLICY

The Waikato DHB Policy for Receiving and Giving of Gifts is that:


Waikato DHB employees shall avoid creating a perception that they have been, or are able to be, influenced by external parties and, as a general rule, shall not accept gifts (as defined in Appendix B) from external parties.

The giving of tokens of appreciation paid for by Waikato DHB is permissible in certain circumstances.

During a procurement process (including early discussions about a possible project), the Waikato DHB Procurement and Contracts Policy applies to the receipt of gifts, hospitality and sponsorship.

3. AUTHORISATION


As signed above on behalf of the Chief Executive

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1. STANDARDS FOR RECEIVING GIFTS

1.1. Gifts intended to directly or indirectly influence

No Waikato DHB employee shall accept any gift for their personal benefit from any external party where the employee is able to directly influence the allocation of the DHB's resources, or otherwise cause Waikato DHB to act in any way to benefit the external party.

A direct influence includes, for instance, any involvement in the:

- management of operational and/or capital expenditure;
- purchase of goods or services;
- priority to be accorded to particular patients or services.

Note: A decision to select a particular product (pharmaceutical, device, diagnostic procedure, or other) for individual patients will not constitute a direct influence of Waikato DHB resources for the purposes of this policy. However, clinicians should take care to avoid the "wrong" appearance and ensure that prescribing and other clinical decision making is not able to be influenced by "sweeteners" (items and/or services provided) by pharmaceutical companies or other vested interests.

1.2. Gifts to Clinical Staff from patients/service users

As a general rule, staff should not accept personal gifts from patients. This includes gifts which may appear to be of low financial value. Small items such as chocolates, flowers or food, may be accepted if it would be offensive to reject it. However, such gifts should not be accepted on an ongoing basis from the same patient or their family.

Clinical Staff should have regard to the following when considering acceptance of a gift:


- Right 2 of the Health & Disability Commissioner's Code of Health and Disability Services Consumers' Rights – Right to Freedom from Discrimination, Coercion, Harassment and Exploitation.
- Relevant ethical codes of practice from their professional body.
- Particular care should be taken when gifts are offered by vulnerable patients including the elderly, young patients and palliative care patients.

1.3. Monetary Gifts

Staff should not (in any circumstances) accept monetary gifts. Such gifts must be refused and the patient asked if they would like to make a donation to the Waikato DHB, or an appropriate charity.

Bequests in the wills of deceased patients are considered 'monetary gifts' for the purpose of this policy.

If a bequest, or monetary gift, cannot be refused (regardless of value) it must be listed on the central register or the Waikato Health Trust for this purpose. The person presenting the gift shall be made aware of this. The monetary gift should be passed onto the Chief of Staff for banking in the DHB's bank account.

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1.4. **Gifts from Commercial Organisations**

Accepting gifts from commercial organisations can be problematic and as a general rule is discouraged unless it is for the benefit of Waikato DHB and its patients collectively.

Service managers who have a working relationship with suppliers that offer them gifts ought to consider asking for a donation to be given to an appropriate charity rather than giving gifts to employees.

A benefit includes any decision made by the Waikato DHB intended to advantage the external party; for instance, not 'opposing' a liquor licence or a resource consent.

1.5. **Other Gifts**

A gift that is given for the benefit of Waikato DHB employees or patients collectively, or for the benefit of the organisation at large, rather than for individual benefit, is permissible.

Where the giver of the gift has specified the purpose for which the gift is to be used, it shall be used for this purpose.

Donated equipment shall be managed in accordance with the safety requirements of the Waikato DHB Procurement and Contracts policy.

The receipt of any gifts for a corrupt purpose may be an offence as set out in the Secret Commissions Act 1910 and may be dealt with accordingly.

Where gifts are accepted by employees of Waikato DHB under this policy, certain principles shall apply as follows:

- Consistently receiving benefits from a particular external party is not acceptable.
- Perceptions of influence shall be avoided.
- No employee shall solicit such items.


Departments, such as the Building Programme Office (BPO), Information Services (IS), and Property and Infrastructure (P & I) that receive large numbers of offers from external parties must establish a formal process by which these offers are recorded along with the department's response to them.

Anyone who wishes to deviate from this policy must specify the reason and get the permission from the Director of Board Governance who is a member of the Waikato DHB Executive Group.

1.6. **Gifts during and after the Procurement process**

When a procurement process is in progress (including early discussions about a possible project), staff involved in the process (governance, management, operational staff and DHB Board members) may not accept any gifts, hospitality or sponsorship, from any current, or potential suppliers, who are participating in the procurement process, or are likely to participate.

After the conclusion of the procurement process, staff involved in the process may not

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accept any gifts, hospitality or sponsorship, from the successful supplier which create the perception of bias in the evaluation of the successful supplier and/or the recommendation and decision to award the contract to that supplier.

The Waikato DHB Procurement and Contracts Policy applies to the receipt of gifts, hospitality or sponsorship, during a procurement process. Please refer to that policy for information.

2. Standards for giving gifts or tokens of appreciation

This section applies only to tokens of appreciation proposed to be given by staff of Waikato DHB.

The giving of tokens of appreciation by staff of the Waikato DHB to persons within, or outside, the organisation shall be deemed to be extraordinary expenditure that would not normally be expected to occur.

Any employee who considers that a token of appreciation is appropriate or necessary, shall discuss the proposal with their immediate manager who may authorise expenditure up to \$100. Authorisation of larger amounts may only be made by the immediate manager's general manager.

All tokens of appreciation provided by Waikato DHB to staff are subject to Fringe Benefit Tax (FBT). To ensure taxation obligations are met, the following details are to be emailed to treasury@waikatodhb.health.nz:


- name of recipient
- amount/value of token of appreciation
- date token of appreciation is given to staff member
- details of token of appreciation (e.g. supermarket voucher)

3. Gifts Register

All gifts are required to be registered. The register is to be regularly maintained centrally for the DHB and it will form part of the DHB's audit process to be reviewed by auditors periodically. The auditors will deal with any anomalies.

Information on how to register a gift can be found on the Waikato DHB intranet or email the following details to giftregister@waikatodhb.health.nz:

- Date the gift was given
- The recipient of the gift
- Who the gift was from
- Who was the gift intended to be used for (i.e. individual - personal, individual - work related, department, service, Waikato DHB, Community)
- Description of the gift

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- Approximation of value
- The relationship between gifter and recipient
- Has the person gifted to the recipient before
- Additional comments

APPENDIX A

1. Definitions

1.1. Gifts

Subject to the exclusions below, “gift” in this policy generally means goods, services, or other tangible benefit received without anything of value being formally given in exchange.

A gift is not:

- Any item of an apparent value of less than \$100 given in direct celebration of Christmas or any other festival.
- Business hospitality involving the provision of meals and/or access to sporting or cultural events unless inappropriate or excessive. Complimentary air travel and accommodation constitutes a gift and must not be accepted.
- Tokens such as promotional calendars, diaries, stationery or samples, of an apparent value of less than \$50.
- Chocolates, flowers or other items, typically given to a group of staff to express thanks for health or disability services received, that have an apparent value of less than \$100, and may be excluded at the managers discretion.

Note: Any items that are provided by way of a formal sponsorship arrangement should be approved in accordance with the Delegations of Authority.

This definition does not apply during a procurement process, during which there is a complete prohibition on the receipt by staff involved in the procurement process of gifts, hospitality or sponsorship, from any current or potential suppliers who are participating in the procurement process, or are likely to participate (see section 3.5 for details).


1.2. Legislative Requirements

Waikato DHB must comply with the following legislation (this list is not exclusive):

- Contracts (Privity) Act 1982
- Fair Trading Act 1986
- Secret Commissions Act 1910

1.3. Associated Documents

- Waikato DHB Delegations of Authority Manual
- Waikato DHB Procurement and Contracts Policy (0170)

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- Waikato DHB Sponsorship Policy (0122)
- Medical Council's Policy with Respect to Gifts
- Medical Technology Association of New Zealand - "*Code of Practice*"
- The Royal Australasian College of Physicians - "*Guidelines for ethical relationships between physicians and industry*"
- Cole's Medical Practice in New Zealand 2013