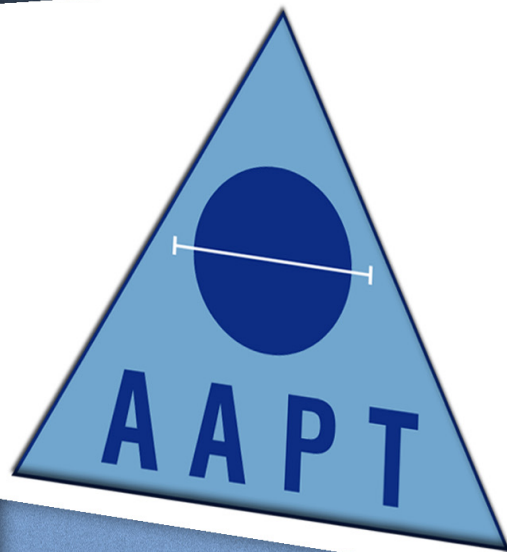


gratuities



Guidance Document

Association of Anatomical Pathology Technology

Ref: Guide 4 Gratuities | Version 2 | May 2012

Background

Historically 'the gratuity', was offered for providing measurements for coffins, to save Funeral Directors having to make two visits to the mortuary. This was generally standard practice throughout the country.

For staff on lower pay scales this was often an important, and in some cases, substantial source of additional income. It is recognised that pay and conditions have improved and the provision of measurements is standard practice whether a gratuity is offered or not. The foundation upon which AAPT has based this guidance note are the publications *Rule 16 of the Voluntary Registration Council Code of Professional Conduct and the Department of Health circular HSG(93)5 "Standards of Business Conduct for NHS Staff"*.

Whilst this document refers in the main to gratuities from the funeral trade, it should be applied equally to all instances where monies are received by Anatomical Pathology Technologists (APTs) from sources other than through their normal pay.

Guidance

Rule 16 of the Voluntary Registration Council Code of Professional Conduct states:

"A registrant shall not accept any remuneration in connection with professional services rendered to his or her employer other than from his or her employer or with his or her employers consent. Nor shall he or she receive directly or indirectly any royalty, gratuity or commission for the purpose of work in respect of which he or she is employed unless or until such royalty, gratuity or commission has been authorised in writing by his or her employer"

Department of Health circular HSG(93)5 "Standards of Business Conduct for NHS Staff" states in Section 4:

"It is a long established principle that public sector bodies, which include the NHS, must be impartial and honest in the conduct of their business, and that their employees should remain beyond suspicion. It is also an offence under the Prevention of Corruption Acts 1906 and 1916 for an employee corruptly to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or corruptly showing favour, or disfavour, in the handling of contracts. Staff will need to be aware that a breach of the provisions of these Acts renders them liable to prosecution and may also lead to loss of their employment and superannuation rights in the NHS."

Most hospitals and local authorities have their own policy regarding staff accepting gifts and monies. In most cases this applies to gifts valued at more than £25 **BUT** all amounts of money, it is important that if gratuities are accepted by APTs, management are

aware of the practice and have given their written authority for staff to accept gratuities. It should be noted gratuities accepted from funeral directors will be included in the funeral costs.

Many hospitals will accept donations which can be specifically allocated to a department or area (often referred to as an endowment fund) and Funeral Directors who insist on leaving a gratuity should be directed to make a donation to these funds and issued with a receipt. The money can then be used to enhance the mortuary facilities for the benefit of other families.

APTs should also be aware of The Bribery Act 2010 which clarifies that bribery is offering an incentive to someone to do something which they wouldn't normally do. It sets out three offences which APT staff should be aware of:

Section 1 - Offering, promising or giving a bribe to another person to perform a relevant 'function or activity' improperly, or to reward a person for the improper performance of such a function or activity ('Active' bribery); **Section 2** - Requesting, agreeing to receive or accepting a bribe to perform a function or activity improperly, irrespective of whether the recipient of the bribe requests or receives it directly or through a third party, and irrespective of whether it is for the recipient's benefit ('Passive' bribery); **Section 7** - Failure of a commercial organisation to prevent bribery (the corporate offence). This is a 'strict liability' offence and an Individual can be found guilty of 'attempted' or 'actual' bribery on the organisation's behalf. It should be noted that section 1 needs to be proven for a section 7 offence to apply;

To sum up:

- The accepting of gratuities is not expressly forbidden but it is important that national and local rules for acceptance are strictly adhered to by the APT staff.
- Prior to accepting any gratuity, ensure that you have the express written permission of your employer.
- Record all monies received and include on an annual HMRC tax return.
- Gratuities by definition are optional and entirely at the discretion of the undertakers. Soliciting and demands for set amounts constitute charging a fee which is illegal.
- Offering preferable treatment or services for the payment of gratuities or making recommendations in favour of a particular company constitutes a breach of the Prevention of Corruption Acts 1906 and 1916.

A number of APTs have already made a personal decision to decline gratuities from funeral directors and the Association welcomes this and acknowledges their professional stance. The Association does not agree with any charge which will have any financial impact on the bereaved.

The recognised voice for Anatomical Pathology Technologists

Formed in 2003, the Association of Anatomical Pathology Technology (AAPT) represents its technologist members who work in both hospital and public mortuary environments. The AAPT is acknowledged as the guiding professional body to represent the healthcare science field of anatomical pathology technology.

For more information on the AAPT visit our website www.aaptuk.org and we are also on Twitter; <https://twitter.com/#!/AAPTtweets>

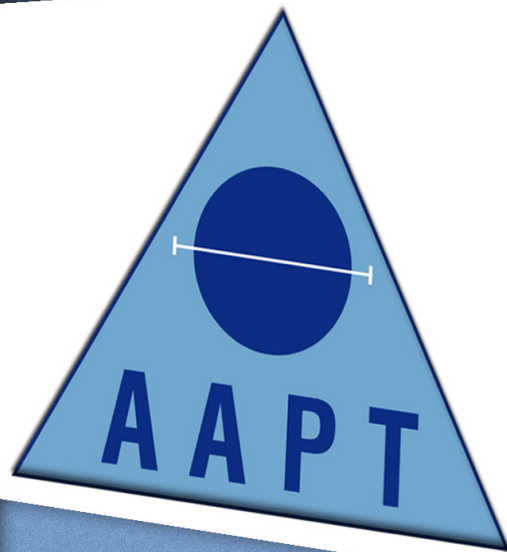
Aims & Objectives

The AAPT is committed to working with the appropriate authorities & organisations to help ensure, and improve, the professional, educational and practical standards for technologists across the United Kingdom and beyond.

Through the development of qualifications and best practice literature, the AAPT can set standards to ensure the dignity of deceased patients and relatives.



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