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GPC

General Practitioners
Committee

Accepting donations from patients

Guidance for GPs

BMA 

Accepting donations from patients

This is an area which is governed by both contractual and ethical perspectives. Both emphasise the need for transparency and accountability when considering accepting donations from patients.

Contractual issues

The requirement to register gifts was introduced by the Health and Social Care Act 2001. The current regulations apply to both performers and contractors and require individual GPs and contractors to keep a register of gifts from patients or their relatives which have a value of £100 or more unless the gift is unconnected with the provision of services. Primary care trusts can request sight of such registers; the register itself must include certain information such as the name of the donor, nature of the gift and its estimated value. These conditions are detailed in full at appendix A.

Although these regulations only cover England, equivalent sets of regulations operate in the other UK countries. Full references are available on request.

In addition to registering gifts, GPs may also need to seek tax advice about declaring large gifts or bequests for tax purposes.

Ethical issues

The key ethical issues revolve around the impact of potential or actual gifts on the objectivity and professionalism of the doctor-patient relationship.

This is confirmed by the GMC's Good Practice Guidelines which state that:

- you must not encourage patients to give, lend or bequeath money or gifts that will directly or indirectly benefit you
- you must not put pressure on patients or their families to make donations to other people or organisations.

Any queries in relation to this issue should be directed to askBMA in the first instance.

Appendix A

- (1) To keep a register of gifts which -
 - (a) are given to any of the persons specified in sub-paragraph (2) by or on behalf of -
 - (i) a patient,
 - (ii) a relative of a patient, or
 - (iii) any person who provides or wishes to provide services to the contractor or its patients in connection with the contract; and
 - (b) have, in its reasonable opinion, an individual value of more than £100.00.
- (2) The persons referred to in sub-paragraph (1) are -
 - (a) the contractor;
 - (b) where the contract is with two or more individuals practising in partnership, any partner;
 - (c) where the contract is with a company -
 - (i) any person legally and beneficially holding a share in the company, or
 - (ii) a director or secretary of the company;
 - (d) any person employed by the contractor for the purposes of the contract;
 - (e) any general medical practitioner engaged by the contractor for the purposes of the contract;
 - (f) any spouse of a contractor (where the contractor is an individual medical practitioner) or of a person specified in paragraphs (b) to (e); or
 - (g) any person (whether or not of the opposite sex) whose relationship with a contractor (where the contractor is an individual medical practitioner) or with a person specified in paragraphs (b) to (e) has the characteristics of the relationship between husband and wife.
- (3) Sub-paragraph (1) does not only apply where -
 - (a) there are reasonable grounds for believing that the gift is unconnected with services provided or to be provided by the contractor;
 - (b) the contractor is not aware of the gift; or
 - (c) the contractor is not aware that the donor wishes to provide services to the contractor.
- (4) The contractor shall take reasonable steps to ensure that it is informed of gifts which fall within sub-paragraph (1) and which are given to the persons specified in sub-paragraph (2)(b) to (g)
- (5) the register referred to in sub-paragraph (1) shall include the following information -
 - (a) the name of the donor;
 - (b) in a case where the donor is a patient, the patient's National Health Service number or, if the number is not known, his address;

- (c) in any other case, the address of the donor;
 - (d) the nature of the gift;
 - (e) the estimated value of the gift; and
 - (f) the name of the person or persons who received the gift.
- (6) The contractor shall make the register available to the primary care trust on request.