

## SuperDraw Staff Lottery - Constitution

### 1. Outline of SuperDraw:

1.1 SuperDraw is the Northern Lincolnshire and Goole NHS Foundation Trust (NLAG) staff lottery. It is established to promote staff benefits programmes - proceeds will be used to improve the working lives of staff through a range of measures, including:

- Lottery prizes
- Improvements to staff facilities
- Supporting Staff Awards Ceremonies and other Celebration Events
- Establishing staff benefits with outside organisations
- Publicising staff benefits to improve take up rates

1.2 SuperDraw operates on “Association” basis. By entering SuperDraw, staff enrol as members of the SuperDraw Association, and become eligible for prizes by purchasing a chance (a ‘ticket’) in the lottery whilst employed by the Trust.

1.3 On joining the association all members agree to abide by the rules of the staff lottery, as set out in this Constitution Document.

1.4 SuperDraw is governed by the Gambling Act 2005.

### 2. Governance – Who Manages And Administers SuperDraw?

2.1 SuperDraw is governed under the auspices of its official Promoter, who is responsible for ensuring that it is effectively governed and efficiently managed. The Promoter is not eligible to be entered into the SuperDraw prize draw. The Promoter role is undertaken by the Trust Chief Executive.

2.2 The management and supervision of SuperDraw is undertaken by the SuperDraw Committee. The Committee is composed of the following members:

- The Promoter (Director of People and Organisational Effectiveness) – Committee Chair;
- People and Organisational Development Lead – Directorate of People and Organisational Effectiveness (may deputise for the Promoter in meetings – and in the absence of the P&OD Lead they will nominate another non-staff rep to act as Chair);
- Chief Management Accountant – Finance Directorate;
- Assistant Director of Finance – Compliance and Counter Fraud;
- Communications Representative;
- Organisational Development Practitioner;
- Staff Representatives (at least 6).

2.3 The SuperDraw Committee will:

- Ensure that SuperDraw is compliant and appropriately registered in accordance with relevant legislation and regulations.
- Ensure that members’ lottery ticket deductions are collected and recorded.

- Ensure that the draw is administered in a fair and transparent basis.
  - Review and agree prize levels.
- Coordinate the process of allocating the proceeds of SuperDraw to individual staff benefit projects.
  - Ensure that the activities of SuperDraw are effectively communicated.
  - Ensure that transparent and comprehensive financial records of the lottery proceeds and outgoings of SuperDraw are maintained and available for Audit or other independent scrutiny.
  - Produce an Annual SuperDraw Report, which will include a full breakdown of lottery proceeds and outgoings, and an account of the activities of SuperDraw in promoting staff benefits.
  - Be responsible for maintaining the SuperDraw Constitution, formally agreeing any changes or amendments, and ensuring that an up to date SuperDraw Constitution is available to view by members.
- 2.4 Meetings will be held monthly until the Committee decides otherwise. Meetings will be considered quorate as long as the Promoter or their deputy and at least 2 staff representative and 2 other Lottery Committee members are present. Committee members may nominate and send deputies to the meetings in their absence, however staff representatives will not be required to do this. Administrative arrangements for meetings, including the agenda setting process, will be managed by the Directorate of People and Organisational Effectiveness representative. Agenda's and associated papers will be sent out at least 5 working days prior to the meeting. Meetings will be minuted and these will be circulated to all members.
- 2.5 The Lottery Committee will submit the minutes of its meetings to the Charitable Funds Committee for oversight and scrutiny. The Committee will prepare and submit an Annual Report formally to the Trust Board and Charitable Funds Committee. Communications will also be issued periodically to staff about the use of lottery funds, etc.
- 2.6 The Committee retains the right to permanently or temporarily suspend the SuperDraw lottery immediately at any time without cause and without notice.
- 2.7 If there is any dispute in relation to the interpretation of the SuperDraw Constitution, or the management or administration of SuperDraw, the decision of the Committee shall be final. Complaints must be made in writing to the Promoter and these will be discussed at the next meeting of the Lottery Committee. A written response will be made to the complainant following discussion by the Lottery Committee.
- 2.8 SuperDraw remains bound to the wider Trust governance protocols and regulations, including Standing Orders, Standing Financial Instructions and other systems of financial and governance control, including robust procedures designed specifically to effectively administer the lottery process and the central fund for staff benefits. The Committee is responsible for ensuring that the lottery remains compliant.

### **3. Eligibility – Who Can Enter SuperDraw?**

- 3.1 Entry to the SuperDraw Association is restricted to staff working for Northern Lincolnshire and Goole NHS Foundation Trust, and who are paid through the Trust's payroll. No other person may join the Association or participate in SuperDraw.

- 3.2 Entry to the SuperDraw Association is restricted to substantive staff and monthly paid Bank only staff (who have been paid in the month in question from which the lottery deduction can be made) working for Northern Lincolnshire and Goole NHS Foundation Trust. No other person may join the Association or participate in SuperDraw.
- 3.3 Weekly paid Bank only Trust staff are not eligible to join the SuperDraw lottery (unless they also have a substantive monthly paid contract from which the monthly lottery deduction can be taken as above).
- 3.4 The Committee retains the right to refuse membership of the association or terminate any existing membership at any time.
- 3.5 The Promoter is not allowed to enter the SuperDraw lottery.

#### **4. Entry – How Do You Enter SuperDraw?**

- 4.1 Staff join the SuperDraw Association and enter the monthly draw by agreeing to a continuing payroll deduction for the price of their lottery ticket.
- 4.2 Each member will receive, on commencing membership of the SuperDraw Association, a unique SuperDraw number which will be notified to them. This will be unique to them, and will be entered into all subsequent draws for which the member is eligible, subject to continuing receipt of lottery ticket payments.
- 4.3 Application for membership can be made by completing an electronic Application Submission. Full details are available on the SuperDraw area of the Trust Portal. This application will be taken as formal permission to make continuing payroll deductions in relation to membership of the SuperDraw Association.
- 4.4 The current price of a monthly SuperDraw ticket is £5. This will be deducted from members' pay each month, until such time as the individual formally notifies the Trust of their intention to withdraw from the SuperDraw Association. Payment for membership of the Association is only available through payroll deduction.
- 4.5 SuperDraw is restricted to one ticket per member of staff. Staff with more than one contract of employment with the Trust can still only hold one ticket within the SuperDraw Association.
- 4.5 SuperDraw will only commence deducting lottery ticket payments and begin the monthly draw once a minimum level of members have joined the Association. This level is set at 500 members, though the level may be subject to change by the Committee. Should member numbers subsequently fall below the minimum level, the Committee will suspend the monthly draw and members will be notified of this suspension via the Staff Portal
- 4.6 No payroll deductions for Association membership tickets will be made for any month when, for whatever reason, the monthly draw does not operate.
- 4.7 Members will only be entered for the monthly draw when the lottery ticket deduction has been applied to their pay for the relevant month. This rule will apply irrespective of the reason for the non-deduction of the ticket price from

pay. Staff with nil pay for any given month will therefore not be charged for a ticket, and will not be entered or eligible for that month's SuperDraw.

- 4.8 The Committee reserves the right to set limits on the total number of entries within SuperDraw by restricting access to membership of the Association.

This will take into account limits applied to small society lotteries as per the Gambling Act 2005.

- 4.9 Membership numbers for entry to SuperDraw will be allocated on a "First Come First Served" basis. In the event of oversubscription names will held on a waiting list until such time as a lottery ticket number becomes available.
- 4.10 Entry applications must be received by the SuperDraw cut-off date for the relevant month. This cut-off date will be publicised on the SuperDraw area of the Trust Portal. Applications received after the cut-off date for one month will be actioned in the subsequent month, unless there is a waiting list due to oversubscription.
- 4.11 The Association accepts no liability whatsoever for any failure to include a members number in a draw, whether or not such failure is the result of payments not being made by the member or not being deducted by NLAG from the members salary or a members number being omitted (accidentally or otherwise) from the relevant lottery, or otherwise.

## **5. Exit – How Do You Withdraw From SuperDraw?**

- 5.1 Members may withdraw from the Association at any time by submitting the appropriate electronic Withdrawal Submission. Full details are available on the Trust Portal. This will terminate the member's obligation to make fees through payroll deduction, and also their entry into SuperDraw.
- 5.2 Withdrawal instructions must be received by the SuperDraw cut-off date for the relevant month. This cut-off date will be publicised on the SuperDraw area of the Trust Portal. Instructions received after the cut-off date for one month will be actioned in the subsequent month.
- 5.3 Members withdrawing from the SuperDraw will receive formal notification that their membership has been terminated, and will confirm the month of their last entry into Superdraw.
- 5.4 Staff who leave the employment of the Trust, for whatever reason, will be automatically withdrawn from the Association and SuperDraw in the month following their termination date (unless the staff member opts out before the cut off date in the month of their termination date) upon receipt of the appropriate termination paperwork by the Payroll Department. So if a member of staff leaves on the 20<sup>th</sup> May and have not opted out of the lottery before the cut off date in May, then they are entitled to play the lottery in May as their final lottery. Staff with multiple contracts who do not terminate all contracts will remain members of the Association, unless they separately submit a withdrawal submission. So, for example, a member of staff with a substantive and Bank contract will remain a member even where they to give up their substantive contract, and would continue to have fees deducted from any pay, unless they also submitted an electronic Withdrawal Submission.

- 5.5 In the event of a member's death in service, 5.4 above will apply i.e. their entry will be automatically withdrawn from the Association and Superdraw in the month following their death. The Committee retain the right to review this position in light of any other contributing factors at the time e.g. no pay.
- 5.6 Should a member of staff terminate their employment with the Trust, but continue to be wrongly in receipt of pay (with a payroll deduction being made for the price of a lottery ticket) following their termination date (as per 5.4 example), for whatever reason, that former employee will not be permitted to win a prize in the monthly lottery or any other lottery prize event.
- 5.7 The Committee retain the right to exclude any current member or bar any applicant from the Association on any grounds they might see fit.

## 6. The Draw – How Does It Operate?

### The Monthly SuperDraw:

- 6.1 SuperDraw will operate a standard monthly draw for prizes.
- 6.2 All SuperDraw Association members' numbers will be entered into the monthly draw for prizes if they have had the price of the lottery ticket deducted from their pay in the relevant month (e.g. lottery ticket payroll deduction in October will mean entry in the October lottery).
- 6.3 Each member's number will represent an equal chance of winning the draw. Winners will be chosen at random from all entered numbers for that particular lottery draw.
- 6.4 The Committee will instruct an external third party to undertake the draw, and will ensure that independent verification is in place to guarantee the fairness of the draw. Evidence of this independent verification will be recorded and retained.
- 6.5 One number will be drawn for each prize. The member owning that number will be entitled to that prize. (See also 6.8).
- 6.6 The winning numbers for prizes will be drawn in descending order, i.e. the winning number for the largest prize will be drawn first, that for the smallest prize(s) will be drawn last.
- 6.7 No number will be eligible to win more than one prize in any one draw.
- 6.8 If a winning number is subsequently identified as ineligible for any reason, then the prize will not be awarded to the respective individual. All prizes beneath the ineligible number will be uplifted one place and duly awarded. The final unallocated prize will be added to the Staff Benefit Fund, no alternative number will be drawn. No monies will be used for the Trust exchequer fund. In the unlikely event of a leaver wrongly in receipt of pay after termination (see 5.4 and 5.5) receiving a prize and this fact subsequently becoming known, the former employee will be required to repay the prize value to the Trust.
- 6.9 If there is any dispute as to the result of the draw, the Promoter's decision as to the winning Ticket is final.

- 6.10 The SuperDraw will normally take place on the last working day of each month, however the Lottery Committee reserves the right to change this as necessary e.g. for an earlier December pay day. The time and location of the draw will be advertised on the Staff Portal each month.

### **The Annual SuperPrize Christmas and Summer Draws:**

- 6.11 SuperDraw will operate additional annual Christmas and Summer SuperPrize draws at points to be determined by the Lottery Committee during the year. Members will not be required to pay for an additional lottery ticket for entry into either of the SuperPrize draws, but qualifying criteria for entry into the SuperPrize draws will apply as per 6.12.
- 6.12 The SuperPrize draw will be open to Association members who participate in the regular monthly SuperDraw in the month that the particular SuperPrize takes place, **and who also** participated in at least 3 SuperDraws from the preceding five months running up to the SuperPrize draw. Both of these criteria must apply for a member of staff to be entered into either of the SuperPrize draws e.g. if you have participated in 3 or more previous draws in the preceding five months (January to May inclusive for the Summer SuperPrize draw and July to November inclusive for the Christmas SuperPrize draw) but are in receipt of nil pay in the month that SuperPrize takes place you will not be eligible for the SuperPrize draw.
- 6.13 The Christmas and Summer SuperPrize draws will be treated separately from the normal monthly SuperDraw lottery. Winning a prize in the SuperDraw in the month that SuperPrize takes place will not exclude a winning number from the SuperPrize draw.
- 6.14 The Christmas and Summer SuperPrize draws will have a single prize, with a value agreed by the Committee and publicised prior to the SuperDraw cut-off date in the month it takes place.
- 6.15 The Committee retains the right to alter eligibility criteria for the Christmas and Summer SuperPrize draws up to the cut-off date for entries in that month.
- 6.16 The SuperPrize Draw will be drawn separately but at the same time as the monthly SuperDraw, details of which will have been published on the Staff Portal.
- 6.17 If the winning number is subsequently identified as ineligible for any reason, then the prize will not be awarded. In the event of a leaver wrongly in receipt of pay after termination (see 5.4 and 5.5) receiving the prize and this fact subsequently becoming known, the former employee will be required to repay the prize value to the Trust. Arrangements will be made to run the annual SuperPrize Draw affected again should this particular situation arise, at a new date and time set by the Lottery Committee.

## **7. Prizes – How Are They Set And Awarded?**

- 7.1 The total of prizes distributed over the course of the calendar year will always equal in excess of 50% of the total lottery proceeds of SuperDraw in that calendar year.



- 7.2 The prize schedule, setting out the number, type and value of all prizes for each month, shall be set by the Committee, and published prior to the SuperDraw cut-off date for each month.
- 7.3 There will be no rollover of prizes from any draw (see also 6.8).
- 7.4 Cash prizes will be awarded by electronic bank transfer (for which payment will normally be made within 7 days, subject to confirmation of employment status (i.e. a winner is not a leaver for whom a termination form has not been received/processed) with the exception of months involving bank holidays which may delay payment of winnings), or via the employee's next salary payment (prize money is not taxable) on behalf of the Committee. Non cash prizes will be awarded in a manner decided by the Committee.
- 7.5 The Committee will publish the draw results, including the identities of all winners, on the Staff Portal, and retains the right to publicise the details of draw results elsewhere as it deems appropriate.
- 7.6 Prizes will only be paid out to the member who owns the winning lottery number. Prizes are non-transferable. Non cash prizes will be exchangeable or refundable only at the discretion of the Committee.

## **8. Administration Costs – Allowable Costs And Cost Limits**

- 8.1 The Committee is responsible for ensuring that the legitimate expenses incurred by the Trust in running SuperDraw are reimbursed from lottery proceeds.
- 8.2 Expenses will include items such as:
- Initial Local Authority registration and annual renewal costs;
  - Audit and validation costs;
  - External suppliers' costs;
  - Publicity or other communications costs involving SuperDraw/SuperPrize;
  - Processing Costs;
  - Administrative and other staff and non-staff costs relating to the operation of SuperDraw/SuperPrize.
- 8.3 The total reimbursement in respect of administration costs will be subject to a ceiling of 25% of total fee income. The Committee will be required to ensure that expenditure levels do not exceed this level.
- 8.4 The Trust may exceptionally decide at its own discretion to waive or discount administrative charges to SuperDraw. This will be agreed directly between the Committee and the Director of Finance.

## **9. The Staff Benefits Fund – How Is It Managed And Administered?**

- 9.1 All net proceeds of SuperDraw, after expenditure on prizes and administrative costs, will be allocated to the Staff Benefits Fund.
- 9.2 The Staff Benefits Fund will always receive a minimum of 20% of total lottery proceeds, in line with the requirements of a small society lottery.

- 9.3 The Staff Benefits Fund will be used to improve staff welfare in any way judged legitimate by the Committee. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- For charitable purposes (as defined by section 2 of the Charities Act 2006)
  - For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
  - For any other non-commercial purpose other than that of private gain.
- 9.4 The Committee will be responsible for establishing a process for prioritising, authorising and managing the implementation of projects funded from the Staff Benefits Fund.
- 9.5 Staff Benefit Fund Applications submitted by lottery members will, wherever possible, be considered at the Lottery Committee meeting immediately following the submission. Where the meeting is cancelled for whatever reason, or if the application is urgent and needs actioning before the next Lottery Committee meeting the Committee may agree to virtual voting on the applications via email. Email votes are to be sent to the Chair of the Committee (or their Deputy) who will count the votes and communicate the outcome to the rest of the Committee. The majority of the votes will determine the outcome of the application i.e. whether the application is upheld and funding is granted, or whether the application is declined.
- 9.6 The Committee is responsible for ensuring that staff views are a core consideration in prioritising and allocating support to projects from the Staff Benefit Fund, and will be expected to demonstrate compliance to the Trust Board in this task.
- 10. Technical Clauses:**
- 10.1 Your personal information, which you supply to the Promoter upon applying to participate in SuperDraw is safeguarded under the General Data Protection Regulation 2018.
- 10.2 In participating in SuperDraw, you agree that your personal data (as defined in the General Data Protection Regulation 2018) and other information you supply to the Association may be used for any purposes, including publicity, related to SuperDraw.
- 10.3 All prize winners grant, as a condition of membership of the SuperDraw Association and acceptance of any prize, that the Committee may disclose and circulate your name and identify you to others as the winner of a prize.
- 10.4 The Promoter makes no representation and gives no guarantee or warranty in relation to any prize and shall not be liable for any loss, damage or delay which arises out of your participation in SuperDraw, or your use of any prize, including without limitation financial, indirect or consequential loss.
- 10.5 These rules shall be governed by and construed in accordance with English Law and you consent to the exclusive jurisdiction of the English Courts.



- 10.6 The Association accepts no liability whatsoever for any failure to include your numbers in any draw (see also 4.11).
- 10.7 If you would like further information about the SuperDraw Staff Lottery Constitution please contact Simon Dunn, People and Organisational Development Lead by email at [simon.dunn2@nhs.net](mailto:simon.dunn2@nhs.net)

## **11. Fraud And Corruption**

- 11.1 Any suspicions of fraud or corruption in relation to the participation in, or administration/management of, SuperDraw should be reported without delay to the Trust's Local Counter Fraud Specialist for investigation and action as necessary. Alternatively any such suspicions can be reported to the national NHS Fraud and Corruption Reporting Line on 0800 028 40 60 or at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk) .
- 11.2 Allegations of fraud or corruption connected to the SuperDraw will be treated seriously and resultant actions could include internal disciplinary sanctions and criminal prosecution where appropriate.