



Transforming Lives



EAST RIDING
OF YORKSHIRE COUNCIL

Gifts and Hospitality Policy

THE HUB SCHOOL

Policy Owner: ERYC

Adopted by Governors:

RCM

Date: March 2018

Gifts and Hospitality Policy and Procedure

Lead Directorate/Service	Corporate Resources -Democratic Services/Human Resources
Effective date:	November 2017
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Approved by:	Personnel Sub-Committee: 12/12/1996, Min: 682, CMT: 9/12/2002, CMT: 10/6/13 Min: 15045, Cabinet: 16/7/13, CMT:19/5/14 Min:15718, DR: 15770, 6/6/14, CMT: 16/10/17, Min: 1774, DR: 20058, 6/11/17

Gifts and Hospitality Policy

1. Background

- 1.1 This policy applies to all employees of the Council except school based employees unless adopted by the respective school governing bodies.
- 1.2 This policy relates to gifts that might be offered to an employee and hospitality that might be offered to, or by an employee and linked to their job.
- 1.3 The aim of the policy is to protect the reputation of the Council and its employees, by ensuring that employees avoid putting themselves or appear to put themselves into a position where their integrity, or that of the Council is called into question, because of a financial or other obligation following acceptance of a gift or hospitality (bribe).

2. Policy Statement

- 2.1 Gifts and hospitality should not be accepted where it may lead any reasonable person to believe that an employee might be influenced by the gift or hospitality given or received.
- 2.2 Any gifts or hospitality accepted or refused must be in accordance with the gifts and hospitality procedure and recorded in the central gifts and hospitality register. This includes gifts from service users.
- 2.3 If an employee has any doubt about accepting a gift or accepting/giving hospitality, they must discuss the matter with their employing Director. Directors should discuss any concerns with the Chief Executive.

- 2.4 As far as possible an employee should seek advice about accepting gifts or hospitality before doing so. They can seek advice from either Democratic Services or Human Resources.
- 2.5 All declarations of receipt of gifts and/or hospitality must be made on the declaration form and countersigned by the employee's line manager. Declarations made by the Chief Executive must be countersigned by the Council's Monitoring Officer.

3. Statutory Obligations

- 3.1 S117 of the Local Government Act 1972 provides that an employee of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.
- 3.2 The provision of hospitality and gifts can potentially constitute bribery under the Bribery Act 2010. It is a criminal offence to offer, promise or give a bribe, or to request, agree to receive or accept a bribe. This policy will assist employees in understanding when they can accept and offer hospitality and gifts and how to deal with such offers without breaching the provisions of the Act.

The Act defines **bribery** as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.

4. Corporate Priorities

- 4.1 This policy supports the following corporate priority
- Reducing costs, raising performance

5. Desirable Outcomes

- 5.1 To ensure that no improper influence or impression of improper influence arises and to ensure the business of the Council is conducted to the highest ethical standards.

6. Links with Other Policies

- 6.1 The Council is committed to ensuring the highest standard of conduct from all its employees. This policy should be read in conjunction with the -
- Code of Conduct for Employees
 - Declaration of Interests

7. Evaluation

- 7.1 The register will be reviewed by the Head of Legal and Democratic Services on an annual basis to ensure employees are complying with the policy. Employees should be reminded on an annual basis via team briefings of the need to record gifts and hospitality (both given and received) within the register.
- 7.2 The policy & procedure will be kept under review as part of a rolling programme of policy review.

Gifts and Hospitality Procedure

1. Gifts

- 1.1 The general rule is:

The Council does not believe that it is appropriate for employees to accept gifts from service users, suppliers or any other person or organisation that the Council has connections with, therefore an employee MUST NOT accept any gift offered to them from people they deal with or might deal with in the future as part of their work. Even outside of work they should beware of accepting gifts if there is a possibility that the giver might think that the gift will help in their dealings with the Council. An employee should think about the impression given. The same applies to gifts offered to an employee's family. Remember that "a gift" can be offered in different ways. Instead of making a direct gift to an employee, a contractor could do some work and not send a bill.

- 1.2 The only exceptions to this rule are:

- (a) If refusing a gift in these circumstances is likely to cause offence, then it can be accepted. In these cases the employee's Director should be informed and the gift passed to the Civic Office to aid the Chairman's nominated charity or some other good cause. A letter should be sent from the original recipient of the gift, thanking the giver and saying that "Council rules prohibit me from accepting your gift as a personal gift but I have passed it to the Civic Office as a contribution to the Chairman's charity".
- (b) If a small gift is given as a "token of appreciation" or is a promotional gift and has a nominal value (up to £25), eg. calendars, diaries, pens marked with a company name (normal company merchandise), then it can be accepted. Not all gifts with an estimated value of less than £25 should be accepted. It would not be appropriate to accept a gift below a value of £25 if it appears that the motive behind the gift might constitute a bribe or inducement or where an employee receives a number of token gifts over a short period of time that total over £25 collectively. These gifts should be refused, or where refusing would cause offence they should be passed to the Civic Office for raising money for the Chairman's Charity.

1.3 Service users may from time to time offer an employee a gift to thank them for their hard work. Service users should not be encouraged to purchase gifts for employees, as while the recognition for their commitment is appreciated, this can be expressed in other ways, such as a letter of thanks or a compliment. Where an employee is the beneficiary of a gift or legacy from a service user, the details of the gift or legacy must be reported by the employee to the employee's manager and the Director of Corporate Resources. The following details should be provided:-

- i. What is the gift and what is its estimated value?
- ii. Does the offer of the gift coincide with a specific event, e.g. Christmas/birthday or was there a reason cited for offering the gift?
- iii. Does the service user have any outstanding debts/fines/issues of dispute with the service, e.g. if the service user is offering a Christmas present to a member of staff in the libraries service, do they have any outstanding library fines?
- iv. Has the service user offered multiple gifts, i.e. to more than one member of staff? If so, details of what and to whom should be provided.
- iv. Is a gift given/offered on a frequent basis, e.g. annually?

The Director of Corporate Resources will then notify the employee whether they can accept the gift. Acceptance should not take place prior to the Director of Corporate Resources decision

Please note that the points above are exceptions – refusing gifts should be the norm.

14 Acceptance could be seen as “improper” even if the motives are not. Remember that to accept or offer a gift in some circumstances could mean that the employee is committing a crime. The employee should consider the motive of the person offering the gift when deciding whether or not to accept it. The gift should never be accepted if it is being offered with the intention of influencing the impartiality of the receiver in relation to the conduct of the Council's business.

1.5 An employee should also consider the nature of the gift and whether or not it is reasonable and proportionate in the circumstances.

1.6 If an employee receives anything “out of the blue” other than the “token” items mentioned, they must report it to their employing Director. The Director will decide whether the gift should be returned or accepted in accordance with paragraph 1.2 (a) above.

1.7 In all cases (with the exception of token gifts) gifts accepted or refused must be recorded and reported as set out in section 4 below.

2. Hospitality

2.1 For some senior employees, attending social events can be part of their job and therefore to refuse hospitality could sometimes cause offence and may be against the interests or image of the Council.

- 2.2 Employees invited to attend purely social or sporting events should only accept where these are part of the life of the community or where the Council should be seen to be represented.
- 2.3 The main consideration is whether or not any impression of improper influence would be created by accepting hospitality. Employees should ensure that any offer of hospitality is reasonable and proportionate and that it has not been offered in order to secure an advantage or influence the impartiality of Council in its business dealings or service delivery. Employees should ensure that they do not give the impression that any advantage will be given in return for the hospitality.
- 2.4 The following are examples of when hospitality may be accepted, and when it should be refused:

Acceptable:

A reasonable level of hospitality which is offered:

- by a person or organisation to an employee attending a pre-arranged formal meeting together with other employees and/or Members where there is no suggestion of improper influence;
- by another Council or Government body;
- by way of a working lunch as part of a business meeting;
- as part of a function or event where an employee is present in their professional capacity.

Unacceptable:

These would normally be seen as unacceptable:

- Personal invitations from representatives of companies seeking or having business with the Council;
- Offers of holidays, accommodation or entertainment to individual employees;
- Extravagant hospitality inappropriate to the occasion.

- 2.5 Where hospitality is offered from a current or known potential East Riding contractor, or where the offer appears to be made to a specific individual rather than the Council as a whole, approval of the relevant Director must be obtained.
- 2.6 In all cases with the exception of basic hospitality such as tea, coffee, biscuits and light refreshments, all hospitality both given and received must be recorded and reported as set in section 4 below.
- 2.7 The impression of improper influence can also arise if employees provide hospitality, especially to organisations seeking business. Any hospitality given should be appropriate and justified in the public interest.

3. Bequests

- 3.1 Each bequest (a legal gift of money or property by someone who has died) will be considered on its merits by the employing Director and the Director will submit a recommendation to the Cabinet for a final decision as to whether the member of staff is allowed to accept the bequest.

4 Recording of Gifts and Hospitality

- 4.1 Full details of gifts or hospitality should be submitted on the Gifts and Hospitality Declaration Form below. As a rule small token gifts of a value less than £25 do not need to be declared.
- 4.2 Where a number of small token gifts over a short period of time from the same person or supplier etc. amount to more than £25 collectively, these should be noted individually and declared on the form.
- 4.3 A central written record will be kept by the Directorate of Corporate Resources in Democratic Services showing brief details of:
- Gifts (other than “token” ones below £25 (singularly or cumulatively) received, estimated value and how dealt with.
 - “Acceptable” hospitality given and received.
 - Offers of “unacceptable” hospitality or gifts refused.

Gifts and Hospitality Checklist - for considering whether to accept a gift or hospitality.

The question in all cases is one of judgement, and the following checklist of queries should help an employee/manager decide whether a gift or an offer of hospitality should be accepted or tactfully declined:

- (a) Is the value of the gift or hospitality £25 or over (individually or cumulatively)?
- (b) If under £25 could it still be intended as a bribe or other inducement?
- (c) Is the extent of the hospitality or nature of the gift reasonable, appropriate and proportionate in the circumstances?
- (d) Does the donor have any form of contractual relationship with the Council? Does it provide goods or services to the Council of any kind?
- (e) Is the hospitality/gift directed to a large group of unrelated individuals or open to the public, or has the individual employee been targeted because of their employment with the Council and the nature of your role?
- (f) What is believed to be the motivation behind the hospitality/gift?
- (g) For hospitality: does the individual want to go and if so why? Is it because there will be genuine benefits to the Council in terms of networking and contacts gained? Or is a desire to go centred around personal enjoyment?
- (h) Would acceptance of the invitation be in any way inappropriate or place the employee under pressure in relation to any current or future matter involving the Council?
- (i) For gifts: is there a difficulty in returning the gift? If it would cause offence can the gift be given to the Chairman's charity?

The Gifts and Hospitality Declaration Form must be completed in relation to all gifts (other than small token gifts of an individual or cumulative value of less than £25) and hospitality, and whether it was accepted or declined with reasons why. You should also consider carefully whether to register gifts and offers of gifts below £25 having regard to the issues highlighted above.

GIFTS & HOSPITALITY DECLARATION FORM

To: Director of Corporate Resources (Assistant Democratic Services Manager)

Declaration of Offer/Receipt of a Gift or Hospitality

In accordance with the Code of Conduct for Employees and reference to the Gifts and Hospitality Policy, I wish to make the following declaration:-

1. OFFER OF GIFT/HOSPITALITY OFFERED OR RECEIVED

Nature of Gift/Hospitality and Reason for Offer	By Whom Gift Was Offered	Approximate Value	Date of Offer

2. Acceptance of Gift/Hospitality

Was the gift/hospitality accepted? (please tick appropriate box)

Yes No

3. Service Director/Director of Corporate Resources consulted if required

Yes No Name of Director _____

4. Reason For Acceptance/Refusal

If the gift/hospitality was accepted/refused, please briefly give you reasons:

Signed (Employee) _____ Job Title: _____

Please print name _____ Date: _____

Directorate _____

Signed (Line Manager): _____ Job Title:- _____

Please print name _____ Date: _____

INTERNAL USE ONLY

Date received by Democratic Services: _____

Notes of any action taken:

Date entered into log (Support): _____