



Gifts and Hospitality Policy (SMBC)

Responsible person	
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Summary of Amendments

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Gifts and Hospitality

**PROCEDURE FOR THE ACCEPTANCE OF
GIFTS, HOSPITALITY, INDUCEMENTS AND
LEGACIES BY EMPLOYEE**

1.0 Introduction

These Guidance Notes are intended to advise employees of the correct course of action to be taken when they are offered gifts or hospitality. The guidelines also incorporate the procedures to be followed in respect of Legacies and the offer of inducements.

Failure to adhere to this procedure will be considered a serious matter and may result in disciplinary action.

2.0 The Law

Section 117(2) of the Local Government Act 1972 provides that an officer of a Local Authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.

*The acceptance of, or giving of a gift or hospitality to obtain financial or other advantage, is a criminal offence. (**Bribery Act 2010**). The prevention, detection and reporting of bribery is the responsibility of all those working for the council or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010.*

3.0 Gifts

A gift is any item or service that you receive free of charge, and without payment in return. It also includes any goods or services which you personally are offered at a discounted rate or on terms not available to the general public.

There can be little doubt that the acceptance of gifts by officers from persons who have, or may seek to have, dealings with the Authority would be viewed by the public with grave suspicion and would make the employee concerned and the Council extremely vulnerable to criticism.

An employee must tactfully refuse any personal gift which is offered to them or to a member of their family which is attributable to their position within the Council.

The only exceptions to this rule are:

- a) Small gifts of token value i.e. estimated to be £25 or below given by way of trade advertisements to a wide range of people, e.g. pens, calendars, diaries, key-rings only for use in the office.
- b) Small gifts of token value i.e. estimated to be £25 or below given on the occasion of a courtesy visit, e.g. to a factory or other business premises, for use in the office.
- c) Small gifts i.e. estimated to be £25 or below received from a recipient of a Council service where it would give offence to reject it. In such cases, where possible, the gifts should be used in the office.

With the exception of items in a) above, the above gifts **must be entered** into the Gifts and Hospitality Register. This is done by the employee notifying their Line Manager and Service Manager (or Director in the case of Service Manager) via the completion of a Notification [Form HR6.1](#) (see Completion of Notification Form).

A "Thank You" letter including details of action taken should be sent to the person/organisation who have given the gift.

Gifts made to an employee personally should be treated with caution. If there is any doubt about whether a gift may be accepted, the gift should be politely and tactfully refused.

Cash or monetary gifts i.e. vouchers, gifts cards, must always be refused.

3.1 Refusal of Gifts

In the event of the employee receiving a gift, which does not fall in any of the exceptions mentioned above, this should immediately be reported to their Line Manager/Service Manager/ Director via the completion of a Notification [Form HR6.1](#). A decision can then be made as to what action is to be taken. In such cases, the donor should be informed of what has happened to the gift.

In the case of gifts that are offered but are rejected as being outside the guidelines, a Notification [Form HR6.1](#) should still be completed and passed to the Line Manager/Service Manager/Director.

In the exceptional case where a gift is accepted in accordance with c) above or in the case of a gift received without warning the recipient may wish to consider passing it to the Mayor's Office for use in relation to the Mayor's Charities or Appeals.

Special caution is necessary where the gift is offered by a person or body having or seeking business with, or a decision from, the Authority, such as a contract tendering process particularly where the offer is to an individual employee. In such situations, the gift should be refused.

4.0 Hospitality - Giving and Receiving

Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public

Examples of the hospitality that might be made/offered include: Free meals, drinks, receptions, hospitality tents at shows, exhibitions or conferences, music and cultural events, sport and leisure events, use of company facilities, hotel accommodation and holidays. This list is not exhaustive.

4.1 Providing Hospitality

Hospitality provided by employees should be justified as in the public interest and be on a scale appropriate to the occasion – extravagance must be avoided.

4.2 Acceptance of Hospitality

Employees must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Authority, such as a contract tendering process particularly where the offer is to an individual employee. In such situations, it is not appropriate to accept the hospitality offered unless it falls within list of acceptable hospitality and/or the exceptions listed in 4.3.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and where no criticism could reasonably arise from the acceptance of the hospitality.

The following are examples of hospitality which are acceptable/not acceptable:-

4.3 Acceptable

- a) An offer of a drink following a visit, meeting or site inspection.
- b) A working lunch of a modest standard provided to enable the parties to continue to discuss business.
- c) Invitations to attend functions where the employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows) or to functions where they attend by virtue of their professional position.
- d) Hospitality offered by other non-commercial public bodies.
- e) Hospitality provided at meetings of professional bodies, which are attended in a corporate capacity.
- f) In the case of the Chief Executive/Directors hospitality provided at public events i.e. theatre/sporting occasions, in the West Midlands area, where a formal invitation has been received at Council offices and the attendance is in a civic capacity (must not be a personal invitation).

In very exceptional circumstances, there may be instances where other employees attendance at a sporting or other event as above may be considered acceptable. This should be subject to the employees attending as a representative of the Council and invitations being formally received at Council offices. All such instances must be fully documented on Notification [Form HR6.1](#) and approved in advance by the Director/Service Manager.

Wherever possible the appropriate Director/Service Manager must be consulted before any such hospitality is accepted.

Where the hospitality amounts to more than a drink ((a) above) then full details of the circumstances should be recorded on a Notification [Form HR6.1](#) in order that the acceptance of hospitality or attendance at the function can be justified (See Completion of Notification Form) and the details recorded in the Gifts and Hospitality Register.

4.4 Unacceptable

- a) Free or subsidised holidays or travel.
- b) Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- c) Personal invitations to socialise with representatives from a Company or organisation who have business or other dealings with the Council.
- d) Offers of any free or subsidised accommodation (i.e. hotel, flat, villa, holiday home).
- e) Any offer, whatsoever, of free services.
- f) Any other hospitality offered by a Company or organisation that has business or other dealings with the Council, which is not linked to its normal course of business with the Council (ie not part of business meetings or offered to officers representing the council at events).

The above examples of hospitality **must** always be refused.

4.5 Exceptions

In certain circumstances, it may be appropriate to attend an event held by an organisation, where a general invitation to a group of clients (which may simply include officers of the council) is made (eg a celebration type event). All such instances must be fully documented and approved in advance by the Director/Service Manager on Notification [Form HR6.1](#).

In exceptional circumstances, it may be permissible to accept travel, accommodation and hospitality from a company or organisation, which has or may have business with the Council, when the assessment and evaluation of bids or tenders necessitates visiting reference sites, provided that this facility is also offered/applied to other tenderers. All such instances must be fully documented and approved in advance by the appropriate Director/Service Manager on Notification [Form HR6.1](#)

5.0 Considerations

Employees should consider the following questions before accepting gifts or hospitality.

- a) Is the nature of the gift or the extent of the hospitality appropriate?
- b) Are you expected to attend a function because of your position within the Council?
- c) What is the motive for the gift of hospitality?
- d) How will you respond to the gift or hospitality?
- e) Would acceptance of the gift or hospitality be inappropriate or compromise you in respect of any current or future issue involving the Council?
- f) Could you justify your action to the Council, press and public?
- g) Do you feel comfortable with your decision?

6.0 Legacies

A legacy is an amount of money or property left to someone in a will.

It is not uncommon for employees e.g. Home Care Staff, Care Officers, Social Workers, to be remembered in the Wills of people who they have looked after.

The Council needs to protect itself from accusations that its employees have had undue influence over the person who has given the legacy.

Wherever possible, employees should tactfully discourage any person(s) who indicates that they wish to leave a legacy to them in the event of their death.

If a legacy is offered, then the legacy must be rejected and a Notification [Form HR6.2](#) completed and submitted to their Line Manager and Service Manager (or Director in the case of Service Manager).

If an employee is remembered in a Will as a consequence of their employment with the Authority, they must immediately inform their Line Manager and Service Director (or Director in the case of Service Manager) by the completion of a Notification Form.

The Service Manager will subsequently inform Legal Services of these instances for advice.

If the legacy cannot be returned to the family it must be donated to a charity of the employee's choice.

To accept a legacy and not inform your Service Manager (or Director where appropriate) would be treated as a disciplinary offence and could lead to dismissal.

7.0 Offers of Inducement

An inducement is the offer of an act, item or thing that is intended to persuade someone to do something.

Should any supplier/contractor make any offer of goods, materials, equipment, cash, holidays, accommodation, services etc. to an employee for personal use or to their family, then the offer must immediately be refused and the supplier informed that the matter will be reported to the Service Manager (or Director in the case of Service Manager).

The goods or services must be disclosed to the employee's Line Manager via the completion of Notification [Form HR6.2](#). The Service Manager in conjunction with the Director should determine what action, if any, is to be taken against the supplier/contractor.

Occasionally, suppliers will offer promotional incentives in the forms of gift vouchers and discount schemes. These offers are acceptable, providing the Council, and not individual employees, benefit from the scheme.

Similarly, individual employees must not seek or accept preferential rates or benefits in kind for private transactions carried out with supplier/contractors, with which they have had, or may have, official dealings on behalf of the Authority.

8.0 Completion of Notification Forms [HR6.1/HR6.2](#) (gifts, hospitality, legacies, inducements)

1. In order to get the details recorded in the Gifts and Hospitality Register and to ensure that any inducements or legacies are documented/held on file, the appropriate Notification Form should be completed. The Form should initially be passed to your Line Manager who will discuss the situation with you, comment accordingly and subsequently arrange for the Notification Form to be forwarded to the appropriate Service Manager (or Director where applicable). It should be noted that the Notification Form provides for disclosure of the details of “offers” made.
2. The Notification should be distributed as follows:
 - The original plus a photocopy – To Line Manager or Service Manager for review/certification (or to the Director in the case of Service Manager).
 - A further copy should be retained by the employee / office file, as proof of declaration.
 - The photocopy is returned to the employee to confirm the details have been registered.
3. The photocopy certified by the Service Manager / Director, as appropriate (who will also include any comments on acceptance or otherwise), will be returned to the originator as proof that the gift / hospitality / legacy / inducement has been “logged”.
4. The employee should follow up the photocopy, if it has not been returned to them duly completed within two weeks of the date the form was completed.
5. Where a gift, hospitality, legacy or inducement has been received by the Service Manager, they must complete a Notification Form for review by the Director.

A Notification Form should be completed where an Director receives a gift, hospitality, legacy or inducement and the Form passed to the person responsible for keeping the Register for entry.

9.0 Completion of Gift and Hospitality Register

1. The Directors/Service Managers are responsible for the maintenance of the Gifts and Hospitality Register. The day to day completion of the Register should be allocated to a “designated

officer” as nominated/agreed by the Director/ Service Manager. Separate sections in the Register should be established for gifts and hospitality. At the front of the Register should be maintained a summary [form \(HR6.3\)](#)

2. There is no requirement for summary forms to be maintained for legacies or inducements. The completed Notification [Forms HR6.2](#) received relating to these areas should, however, be retained in a separate section within the register.
3. Once a Notification [Form HR6.1](#) is received relating to accepted gifts or hospitality which has been appropriately authorised, it should be entered into the Gifts and Hospitality Register. If the Notification Form has not been signed by the Service Manager or Director, where applicable, it should be returned to the appropriate person.
4. For each gift offered the following information should be entered into the summary form held on the appropriate Register:
 - Date of event
 - Name of employee involved and their Section
 - Type of gift received
 - Estimated value of the gift
 - Name of the provider of the gift.
 - Reason for acceptance/rejection of gift
 - Cross reference to notification form.
5. For each offer of hospitality the following information should be entered into the summary form held on the appropriate Register:
 - Date of event
 - Name of employee involved and their section
 - Nature of the hospitality
 - Estimated value of the hospitality
 - Reason for acceptance/rejection of hospitality.
 - Cross reference to notification form.
6. In the case of any gifts or hospitality being rejected as being outside the guidelines, a Notification [Form HR6.1](#) should still be completed and passed to the Line Manager/Service Manager/Director.

7. On an annual basis the appropriate Director should review the Gifts and Hospitality Register and should evidence his/her review by signing the Register in the box provided.
8. There is also provision on the summary form for the Monitoring Officer to acknowledge any reviews undertaken.