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| Southampton City Council Strategic HR & OD | Date Printed: 18/08/2015 |

**GIFTS AND HOSPITALITY PROCEDURE (Schools)**

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| **Date of Issue:** | **Sept 2014** |
| **Equality Impact Assessment:** | **Sept 2014** |
| **Next Review:** | **June 2016** |



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| Title: Gifts and Hospitality Procedure (Schools) | Owner: Strategic HR & OD | **Page 1 of 11** |
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**Equality Impact Assessment**

1. **Position Statement**

The council (which includes maintained schools) will conduct themselves in an honest, fair, transparent and open way and will protect employees from any suggestion that they have been improperly influenced where they have followed the correct declaration processes.

As a public body, there is a fundamental expectation that everyone connected with the council will conduct themselves in a way that ensures the integrity and standards of the council are maintained, and stands up to scrutiny.

**2. Purpose**

This procedure includes definitive detail and examples on the boundaries of acceptability, and makes clear the distinctions that exist on a spectrum whereby one extreme can properly be considered a criminal act (Bribery Act 2010) through to minor hospitality and common courtesy which could not be considered a breach of integrity on any party involved.

This procedure outlines the expectations of employees and managers when being offered a gift, gratuities or hospitality, whether or not to accept, and where it is accepted, how this is reported and recorded.

**3. This applies to:**

All employees.

1. **Roles and responsibilities**
   1. Governors/Headteachers:

* Are responsible for the gifts and hospitality recording in their school.
* Can delegate this responsibility to an appropriate member of the senior leadership team, although they will remain accountable.
  1. Leaders within schools:
* Will ensure they and their staff are aware of this procedure
* Provide employees with advice on whether or not to accept a gift or offer of hospitality, seeking advice from HR where needed
* Where a gift or offer of hospitality is accepted and meets/exceeds the threshold for declaration, ensure the employee completes the relevant form and signs the form as the manager

4.3 Employees:

* Will ensure that they are aware of this procedure
* Are ultimately responsible for determining whether or not it is appropriate to accept the offer of a gift or hospitality
* Where they are offered a gift or hospitality and they are unsure whether or not to accept, seek advice from their manager
* Where a gift or offer of hospitality is accepted and meets/exceeds the threshold for declaration, complete the relevant form

1. **Definitions**

5.1 The Bribery Act 2010, created a range of new offences including:

* Bribing a person to introduce or reward them to perform a relevant function improperly; and
* Requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly.

The Act defines bribery as *‘giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.’*

The Council has an established Bribery Act Policy explaining the process through which the Council maintains high standards and protects the organisations employees, Members and business partners against allegations of bribery and corruption (this will include staff in maintained schools).

In the context of the Bribery Act Policy it is unacceptable for persons acting for or on behalf of the Council to:

* Accept a gift or hospitality from a third party of it is known to be, or suspected to have been, offered with an expectation that a business advantage will be provided by the Council in return; or
* Accept payment from a third party that is known to be or suspected to have been, offered with the expectation that it will obtain a business advantage for them

1. **Principles**

6.1 Considerations

The following considerations should assist employees in determining the boundaries of acceptability of any gift, gratuity or hospitality (GIFT):

**G**enuine – is the offer because of a genuine appreciation for good service? Why is the offer being made, what are the circumstances, has the offer been solicited in any way or does the donor feel obliged to make the offer?

**I**ndependent – would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident the employee would remain impartial and independent in all the circumstances?

**F**ree – could the employee always feel free of any obligation to do something in return? How does the employee feel about the propriety of the offer? What are the donor’s expectations of the employee if the offer is accepted?

**T**ransparent – would the employee be comfortable if the acceptance of the offer was transparent to the council, colleagues and the public or was reported publically? What could be the outcome for the council if this offer was accepted or declined?

* 1. Circumstances where a gift may be accepted:
* Of a minor or inexpensive nature, for example, memory sticks, stationery or other small items offered during a courtesy visit or a conference.
* A small commemorative item from visiting organisations/partners. It may be customary for more significant gifts to be exchanged with visiting dignitaries from other countries depending on status. Advice should be sought in advance of these situations as refusal may affect the city’s reputation and offend the other party.
* An unsolicited, inexpensive gift of thanks from members of the public offered to individual employees or teams in genuine appreciation of outstanding levels of service and where the offer cannot be courteously refused in a manner that does not cause offence or embarrassment to the council or the organisation making the offer.

6.3 Circumstances where a gift must not be accepted:

* From external contractors or companies tendering for work.
* A cash payment (other than donations to council supported charities).
* A financial reward resulting from the publication of articles relating to the recipient’s role or duties as a local government officer, unless approved under the declaration of business interests procedure.

6.4 Circumstances where hospitality may be accepted:

* Is provision of light refreshments during the course of duties or meetings
* Is a conventional meal provided during the course of a working day by another local government authority or partner agency
* There is no requirement to declare any such hospitality in the register.

Hospitality may also be accepted if:

* Where visits/events are being arranged to a supplier, reference should first be made to the appropriate specialist support department, e.g. Transport, IT. Employees are expected to use discretion in taking meals with contractors and others with whom they are working. Employees may accept meals paid for by contractors or suppliers where either of the following criteria apply:

1. The amounts involved are not excessive
2. At a location where it is not reasonable or possible to purchase a meal
   * Offers or acceptance of such hospitality should be declared for recording in the register

6.5 Circumstances where hospitality should not be accepted:

* Amounts to regular free or discounted food or refreshments on or off duty where the hospitality offered is made because of their role in the council.
* Includes a degree of lavishness which is beyond the industry norm or beyond any sense of common courtesy or reasonableness. Such things as offers such as holidays must always be refused and details reported to your manager.
* Invitations to events should not be accepted if they may create a conflict of interests. Is it mainly for pleasure? If so, attendance should never be free unless it’s a free event.
* Such offers of hospitality should be declared for recording in the register.

1. **Procedure**
   1. When offered a gift, gratuity or hospitality employees should carefully consider whether it should be accepted using the GIFT principles as outlined in 6.1.
   2. Offers of gifts/gratuities/hospitality of a higher value of **£50** or more must be brought to the attention of your manager and recorded on the appropriate form, which can be found in the forms library on the HR Schools intranet site.
   3. Offers of hospitality e.g. exhibitions, conferences should be authorised in advance by your manager.
   4. The form should be signed by your manager and then passed to the Headteacher/Chair of Governors for recording.
2. **Links to related topics**
   1. Code of Conduct
   2. Disciplinary Procedure
   3. Bribery Act Policy (SCC)
3. **Review**

9.1 This procedure will be reviewed as necessary to ensure that it complies with current employment legislation and the requirements of the council.

**BusMan1 3/2010**

**Equality and Safety Impact Assessment**

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs.  The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

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| **Name or Brief Description of Proposal** | Gifts and Hospitality Declaration Procedure |
| **Brief Service Profile (including number of customers)** | Gifts and Hospitality Declaration Procedure outlines what employees and managers should do with regards to offers of gifts or hospitality and how these should be declared to ensure transparency and protect the integrity of the council and its employees. |
| **Summary of Impact and Issues** | **Medium Impact – review in 2 years**  Lower paid staff, or those in financial difficulties may be tempted to keep the proffered gift or hospitality without declaring it. This makes them slightly more likely to be in breach of this procedure if the council does not ensure that staff are aware of the support services available. |
| **Potential Positive Impacts** | None |
| **Responsible Service Manager** | Jo Francis |
| **Date** | 3rd Sept 2014 |
| **Approved by Senior Manager** | Mike Watts |
| **Signature** | Mile Watts |
| **Date** | 3rd Sept 2014 |

**Potential Impact**

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| **Impact Assessment** | **Details of Impact** | **Possible Solutions & Mitigating Actions** |
| **Age** | Applies to all regardless of age group – no adverse impact | N/A |
| **Disability** | Applies to all regardless of disability status – no adverse impact | N/A |
| **Gender Reassignment** | Applies to all regardless – no adverse impact | N/A |
| **Marriage and Civil Partnership** | Applies to all regardless of marital status – no adverse impact | N/A |
| **Pregnancy and Maternity** | Applies to all regardless – no adverse impact | N/A |
| **Race** | Applies to all regardless of ethnic origin – no adverse impact | N/A |
| **Religion or Belief** | Applies to all regardless of religion or belief – no adverse impact | N/A |
| **Sex** | Applies to all regardless of gender – no adverse impact | N/A |
| **Sexual Orientation** | Applies to all regardless of sexual orientation – no adverse impact | N/A |
| **Community Safety** | Applies to all regardless – no adverse impact | N/A |
| **Poverty** | May be a temptation for lower paid staff (or those in financial difficulties) to keep the gift or hospitality offered without authorisation or declaration | To ensure that we make staff aware of the support services available with regards to debt counselling, welfare loans, credit unions etc to reduce the risk |
| **Other Significant Impacts** | Environmental – no adverse impact  Health – no adverse impact  Human Rights – no adverse impact | N/A |