

# Gifts and Hospitality Policy

## Document Control

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## Related policies and documents

- Procurement policy
- Conflicts of Interest Policy
- Whistleblowing Policy
- Gifts and Hospitality Form

## Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.

## Elliot Foundation Academies Trust Vision and Values

### Vision

The Elliot Foundation was created as a safe place for children and teachers where all are nurtured to achieve beyond even their own expectations. Our motto, "Where children believe they can because teachers know they can" reflects our conviction that raising expectations for all children and teachers is at the heart of a successful and inclusive society.

### Values

#### For children

We help children to discover themselves and aspire beyond any limitations that their context might appear to place upon them. We help them understand that they can be, 'Heroes of their own lives' building the foundations for healthy and successful lives.

#### For schools

In addition to the essential functional skills of reading, writing and mathematics, children need to learn how to learn and to believe that they can continue to do so. They must also possess the critical thinking skills to sift fact from fiction to be able to think for themselves, freely and creatively.

#### For success

To thrive, whatever their chosen path, children need confidence, curiosity and commitment. We will nurture these attitudes across all their learning experiences

#### For communities

Children at Elliot schools will be raised with an awareness of the world around them and their role in shaping a better future through volunteering and contributing in their communities.

## 1. Policy statement and objectives

- 1.1. Staff need to be aware of the rules and standards applied by the Trust regarding the offer and acceptance/receipt of gifts and hospitality.
- 1.2. The Trust is committed to the values of probity and integrity and therefore needs to have clear, unambiguous guidelines and to be seen to be above reproach.

## 2. Scope and principles

- 2.1. This policy is approved by the Board of Trustees. It applies to all employees of the Trust.
- 2.2. The guiding principles are:
  - The conduct of individuals should not create suspicion of any conflict between their official duty and their private interest;
  - The action of individuals acting in an official capacity should not give the impression to any member of the public, to any organisation with whom they deal or to their colleagues that they have been (or may have been) influenced by a benefit to show favour or disfavour to any person or organisation.
- 2.3. The Prevention of Corruption Act 1916 clearly states that:

“It is an offence for a member of staff corruptly to accept any gift or consideration as an inducement or reward for doing, or not doing, anything in their official capacity, or showing favour or disfavour to any person in their official capacity.”
- 2.4. It is very important to bear in mind that the Act assumes that any gift or consideration made to an employee of a public body has been given or received corruptly, unless the contrary can be proved. It can include receiving what is intended as a bribe even if one does nothing to "earn" it.
- 2.5. Gifts and hospitality can be given to individuals and to The Trust. In defining these categories it is important to set out which:
  - can be accepted;
  - cannot be accepted;
  - should be recorded in the Gifts & Hospitality Register maintained by the Finance department.
- 2.6. Later in this policy there are examples of gifts or hospitality that may be accepted without disclosure. The forms section contains a notification form that should be completed and passed to the Finance department to record the acceptance of gifts where disclosure is required. Where in doubt all staff should record any gifts in order to avoid any possible accusation of

malpractice. Where a gift or invitation has been accepted a record of the response from the recipient must be kept and such records are subject to regular monitoring.

- 2.7. Staff should avoid even the suspicion of a conflict of interest. They must not give the impression that they have been or may be influenced by any gift, hospitality or other consideration to show favour or disfavour to any person or organisation while acting in an official capacity. Staff must not encourage or accept any gift, reward or benefit from any member of the public or organisation with whom they have been brought into contact through their official duties. The main exceptions to this rule are as follows:
  - Isolated and inexpensive gifts. "Isolated" embraces timing (occasional or infrequent) and volume (for example one or two pens as opposed to 500);
  - Conventional hospitality, such as occasional invitations to working lunches, provided it is normal and reasonable in the circumstances. (In deciding what constitutes "normal and reasonable" staff should also consider whether hospitality might reasonably be returned at official, i.e. Trust/academy, expense).
- 2.8. Expensive gifts and significant hospitality should not be accepted. Unacceptable gifts should be returned to donors.
- 2.9. A Gifts & Hospitality Register is maintained by the Finance department to help protect the Trust, academy and individual members of staff should questions arise. The Register is aimed at recording expensive gifts and/or hospitality that have been accepted on behalf of The Trust where it would clearly have been inappropriate to decline them, for example where sensitivities or protocol would be offended.
- 2.10. Staff who fail to declare in the Gifts & Hospitality Register the acceptance of hospitality or gifts in accordance with the above principles may be subject to disciplinary action. If in any doubt, then staff should consult the finance lead.

### **3. Responsibilities - All staff**

3.1. All staff are responsible for:

- Thinking carefully before accepting any gift or hospitality;
- Consulting their line manager in the first instance, or their finance lead if in any doubt as to the right thing to do;
- Being aware of the arrangements and procedures for reporting offers of expensive gifts and significant hospitality;

- Reporting, where appropriate, any expensive gifts and/or significant hospitality received to the Gifts and Hospitality Register;
- Informing their finance lead if they suspect that they have been offered an expensive gift or significant hospitality with corrupt intent;
- Informing their finance lead if they suspect that a colleague may have accepted an expensive gift or significant hospitality that they should not have.

#### **4. Acceptance of Hospitality**

- 4.1. Hospitality can take a variety of forms, some of which staff may accept, some of which should be declined. Staff may be offered hospitality as a normal business practice in a way that is directly linked to their role. Examples of this kind of hospitality include the offer of refreshments at business meetings or the offer of lunch or dinner at the end of an official engagement. This kind of conventional hospitality may be accepted.
- 4.2. Staff may also be offered other forms of hospitality which are not related to their role and are not linked to academy or Trust business. This might include substantial offers of social functions, travel or accommodation, offers of tickets and invitations to sporting, cultural or social events. These forms of hospitality should be declined.
- 4.3. If any member of staff is in doubt about whether it is appropriate to accept any offer of hospitality, the advice of the Principal should be sought, who may also seek the advice of The Trust. You must never canvass or seek gifts or hospitality.

#### **5. Declaring the acceptance of a gift**

- 5.1. Trustees, governors and staff must record being offered or accepting any gifts by completing a Declaration of Gifts and Hospitality. The finance department will maintain the Register for Gifts and Hospitality.

#### **6. Gifts which may be received, and need not normally be recorded**

- 6.1. Staff may accept isolated and inexpensive gifts from suppliers and clients. These will usually incorporate that supplier's or client's logo. Staff who are offered or receive a large number of inexpensive gifts, such as food and alcohol (hampers and bottles of champagne) should seriously consider refusing them or alternatively sharing them round colleagues.

6.2. The list below sets out the types of gifts which staff are likely to encounter and which may normally be accepted without disclosure:

- Calendars;
- Diaries;
- Keyrings;
- Umbrellas;
- Desk organisers;
- Mugs;
- Stationery;
- Coasters;
- Commemorative books;
- Mousemats;
- Badges;
- Ties/Scarves;
- Baseball caps;
- Pens;
- Courtesy transport (as long as it relates to official travel).

6.3. Staff need not worry about receiving basic hospitality from suppliers/clients and their staff such as cups of coffee and isolated working lunches.

## 7. Failure to comply

7.1. In all instances where there is a reasonable belief that there has been a failure to declare, the Principal will conduct a formal investigation of the situation. Employees may be subject to disciplinary procedures to pursue potential matters of misconduct.

7.2. It is a criminal offence for an employee of the Trust to corruptly accept any inducement or reward for doing, promising or refraining from doing anything in the course of their employment, or corruptly showing favour or disfavour, in the handling of contracts. In acting corruptly the employee would demonstrate their intention to purposefully act with a lack of probity and with a disregard for the implications of their actions for the Trust.

## 8. The Bribery Act 2010

8.1. The Bribery Act 2010 covers bribery and corruption in business activities in the UK and overseas. Under the Bribery Act 2010, a bribe is a financial or other type of advantage offered with the intention of inducing or rewarding improper performance of a function or activity, or knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

8.2. A criminal offence will be committed under the Act if:

- An employee or associated person acting for, or on behalf of the academy, offers, promises, gives, requests, receives or agrees to receive bribes.

- An employee or associated person acting for, or on behalf of the academy, offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of his/her duties.
- And, in either case, the Trust does not have the defence that it has adequate procedures in place to prevent bribery.