

# Gifts and Hospitality Policy

## Document Control

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## Elliot Foundation Academies Trust Values

### 1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

### 2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

### 3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

### 4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

### 5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

### 6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

## 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 term 'Finance Committee' is used in this document it refers to the Finance sub-committee of The Elliot Foundation Academies Trust board

## 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. Principles

- 2.1. This policy is approved by the Finance Committee on behalf of the Board of Trustees. It applies to all employees of the Trust plus governors and Trustees.
- 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. Staff 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 expensive gifts, such as food and alcohol (hampers and bottles of champagne) should seriously consider refusing them or alternatively sharing them with 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.
- 6.4. Staff need not worry about receiving end of term/ Christmas etc gifts from children and their families.

## 7. Failure to comply

- 7.1. In all instances where there is a reasonable belief that there has been a failure to declare, the CEO/Principal will ensure an investigation and any other appropriate action is taken in accordance with the Disciplinary Policy.
- 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.

## 9. Giving Gifts or Hospitality to staff or third parties

- 9.1. As taxpayer funded organisations schools have a responsibility to ensure that these funds are used appropriately and in line with Parliament's intention. Therefore funds should not be spent on items which do not benefit pupils directly or indirectly, such as gifts or charitable donations.
- 9.2. In exceptional circumstances it may be appropriate to buy a gift for a staff member, such as a bereavement, serious illness or retirement following long service. Any such gifts must however be proportionate and approved by the Principal in advance. The use of staff collections should also be considered.