

# Gifts & Hospitality Policy



## Summary

This Policy provides all employees with guidance as to when they can receive or give gifts and hospitality during the course of their work. This Policy also sets out the procedure for recording all gifts & hospitality accepted and/or declined and for returning/declining gifts and hospitality.

## Background

The Council's Code of Conduct for Employees requires employees to perform their duties to the best of their abilities with honesty, integrity, impartiality and objectivity and contribute to the maintenance of high standards in public service.

The acceptance of gifts and hospitality by employees from persons who have, or may seek to have, dealings with the Council could be viewed by the public with suspicion and result in the employee and the Council being vulnerable to criticism.

The **Bribery Act 2010** which came into force on 1 July 2011 makes it an offence to request, agree to receive or accept an advantage of some kind in return for improperly performing, or allowing the improper performance of a function or activity where that function / activity is either of a public nature or done in the course of business. The Act makes it clear that if the bribery offence is committed with the consent / connivance of an officer, then that person is also personally guilty of an offence.

It is a serious criminal offence under the Bribery Act 2010 for employees to corruptly receive or give any gift, loan, fee, reward, or advantage for doing, or not doing, anything in connection with their duties. This also applies to showing favour or disfavour. Employees who are in breach of the provisions of this policy may also be liable to disciplinary action under the council's disciplinary code.

## Key principles

- Employees may not accept any fee or reward whatsoever other than their proper contractual pay and benefits.
- Employees cannot accept or give gifts and hospitality unless in accordance with the limited exceptions set out below.
- Any temporary and agency contractors undertaking work for the Council cannot accept any gifts or hospitality
- If you have any doubts, then do not accept the gift or hospitality.
- All Chief Officers<sup>1</sup> must have arrangements in place within their departments for ensuring all employees are aware of this Policy.
- The examples set out in this Policy should be regarded as the corporate minimum. Chief Officers can impose tighter standards where necessary for staff dealing with sensitive issues. In such circumstances Chief Officers will notify the staff/teams concerned and ensure that the standards are documented for ease of reference.
- If it is alleged that an employee has received or given a gift or hospitality that is not in compliance with this Policy, it will be for the employee to demonstrate that this is not the case.

## Receiving Gifts

The acceptance of gifts by employees from persons who have, or may seek to have, dealings with the Council could be viewed by the public with suspicion and result in the employee and the Council being vulnerable to criticism.

As such an employee should courteously decline any gift which is offered to them.

The only exceptions to this rule are:

1. small gifts of "token value" often given to a wide range of people, e.g. calendars, diaries, pens, pencils and similar articles of use in the workplace. **These do not need to be recorded in the Gifts and Hospitality Register.**

In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be returned (if the sender is known) or donated to charity. **This action must be recorded in the Gifts and Hospitality Register.**

Where a gift has been received which should be returned, the donor should be notified (see example letter at the end of this Policy).

## **Giving Gifts on behalf of the Council**

Employees must not give gifts to any other party, including other Council employees, using Council's money.

Any gift to be given on behalf of the Council must be fully authorised by relevant Executive Director and an appropriate audit trail for the purchase demonstrated.

## **Receiving Hospitality**

It is widely recognised that it is important for Council employees to maintain and build effective networks in order to support the work of the Council, their own personal and professional development, and to gain a real understanding of the views of stakeholders.

However, contact with organisations outside the Council can give rise to offers of hospitality, and while in certain circumstances attending events and functions that involve hospitality may further the Council's interests this must be balanced with upholding high standards of propriety and guarding against any reasonable suspicion of perceived or actual conflicts of interest or an undue obligation being created.

Before accepting any offer of hospitality, the employee should consider the following questions:

- Can the event or function that includes an offer of hospitality clearly and positively be seen to be in the best interests of the Council?
- Is the hospitality on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is clear that no cause could reasonably arise for adverse criticism of the Council relating to the acceptance of the hospitality?
- Is there a genuine need to impart or receive information or represent the Council in the community, establish or maintain good business relationships, and/or improve the image and reputation of the Council?
- Is the hospitality corporate (for example with a range of stakeholders) rather than personal (for example an event or function with one or two people)?
- An employee should not accept hospitality from any party where the acceptance could be viewed as an attempt to influence that employee's part in a council decision making process. For example, an employee involved in a competitive tendering or procurement exercise or working in other teams involved in the exercise, should not accept hospitality from any supplier or other party who may be seen to benefit from the process. An employee involved in the processing of any grant, benefit, claim or dispensation should not accept hospitality from any applicant or other parties who may be seen to benefit from such applications.

The overriding principle is that if you have any doubts, then do not accept the hospitality.

It may be appropriate in limited circumstances for offers to be accepted to attend modestly priced ticketed events but only if taking place within the City of Westminster and if acceptance would not be viewed as an attempt to influence that employee's part in a council decision making process. Any hospitality/ticketed events with a value of £100 or above cannot be accepted without Executive Director approval.

Hospitality which **needs to be recorded, both accepted or declined**, in the Gifts and Hospitality Register is defined as drinks, meals, events, entertainment, overnight accommodation and travel with an estimated value of £25 or more.

Offers of overnight accommodation and travel outside London need clearance by the relevant Executive Director and recording on the Register.

Where visits to inspect equipment or review services by undertaking site visits etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent procurement decisions.

Where hospitality has been offered which cannot be accepted, this should be courteously declined, recorded on the register and communicated to the donor (see example letter at the end of this Policy).

## Useful examples

1. Following a wedding ceremony, the Registrar is given some cash by the bride(s) and/or groom(s) as a "thank you"

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*a. Regardless of the amount in question, this should be politely declined explaining that public officers are not allowed to accept cash under any circumstances. This would not need to be recorded in the G&H register.*

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2. Some planning officers and managers attend a round table or conference organised by a developer. As part of this event, some refreshments are provided to all attendees.

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*a. If the value of the refreshments would be estimated to be £25 or more then the officer receiving them should record this in the G&H register.*

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*b. If the refreshments are light e.g. tea and biscuits (and would not be estimated to be valued at £25 or more) then this does not need to be recorded in the G&H register.*

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*c. Any hospitality should be declined if the developer is currently an applicant for planning permission and other applications for licences, consents and approvals which might raise a perceived conflict of interest.*

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3. At a community event a member of staff (who was working at the event as opposed to attending in their personal capacity as a local resident) is gifted a raffle ticket and a prize worth more than £25 is won as a result, that prize should be declined and offered back to the event organiser, in which case you would NOT need to record this in the G&H register. If, however this option is not available and you were required to accept the prize, then it should be donated to charity and this action should be recorded in the G&H register.

4. A £30 ticket for a cricket match could be acceptable if it is at Lords (within the City of Westminster) and is part of Council employees maintaining and building effective partnerships and networks in order to support the work of the Council and there is no conflict of interest or is not related to any bid/contract/application. However, a £130 ticket for a Lords match would not be reasonable unless exceptional and agreed by the ED.

5. A £30 ticket for a cricket match at the Oval (or any venue which is not within the City of Westminster) should not be accepted. Similarly, a £30 ticket for Wembley should not be accepted.

## The Recording of Gifts and Hospitality

- Unless otherwise indicated earlier in this Policy, all gifts and hospitality accepted, declined or given to charity, must be entered in the Gifts and Hospitality Register immediately after the offer is made and in any event by no later than 28 days from receipt.
- All staff must be aware that, in the interests of transparency, the Council has taken the decision to publish the G&H register on our Council website every six months. Any personal details on the Gifts and Hospitality Register will be redacted on the public facing site.
- The Gifts and Hospitality Policy and Register will be maintained and reviewed by HR and the Internal Audit teams.

## Where can I find the online Gifts and Hospitality Register?

The Gifts and Hospitality Register and guidance on how to use it, is available [here](#).

## Useful documents

[Click here](#) for Example donor notification letter for returned gifts

<sup>1</sup> The term "Chief Officer" for the purposes of this Policy includes the following positions:

- The Chief Executive
- All Executive Leadership Team (ELT) Directors\*
- All Directors / Deputy Director, Heads of Services

\*all of whom meet the definition of either Statutory or Non-Statutory Chief Officers or Deputy Chief Officers as specified under Part 1, Section 2 (para's 6-8) of the Local Government and Housing Act 1989, (LGHA) e.g.

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