



GIFT AND HOSPITALITY POLICY

Presented to Local Finance Committees:	St Helen's Date 12/09/2017 St Joachim's Date 11/09/2017
Presented to OLOG Audit & Risk Committee	
Presented and Approved by OLOG Board of Governors (Directors)	
Signature of Chair of Board of Directors:	
Name of Chair of Board	John Anthony
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Gift and Hospitality Policy

Summary

As a general guideline, business gifts and hospitality should not be accepted by any member of staff, except as provided for below.

The intention of the policy is to ensure that Our Lady of Grace Catholic Academy Trust can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the Academy.

The Academy should be able to show that all decisions are reached on the basis of value for money and for no other reason. Any consideration of whether or not the principles of this Policy have been breached will be determined by reference to this provision.

As this policy is closely linked to the Bribery Act 2010, key parts of the Act have been included in this policy as an appendix (See Appendix 1 –The Bribery Act essentials). Implications of non-adherence to the Bribery Act 2010 is detailed in the attachment (note that bribery is a criminal offence).

Any breach of this Policy could lead to disciplinary action and may constitute gross misconduct.

General Principles

Employees shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the Academy by:

1. Maintaining an unimpeachable standard of honesty and integrity in all their business relationships
2. Complying with the letter and spirit of the law, and contractual obligations, rejecting any business practice that might be deemed improper.
3. At all times in their business relationships acting to maintain the interests and good reputation of the Academy.
4. Any employee who becomes aware of a breach of policy must report this immediately to his or her manager who will instigate investigations as necessary.
5. Any personal interest that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the Academy in any matter relevant to an employee's duties (such as conflicting business interests) should be declared in writing. Any member of staff who is aware of any business dealings conferring personal gain, or involving relatives or associates of members of staff must supply details of such transactions for entry into the Register of Business Interests.
6. Employees are permitted to accept gifts, rewards or benefits from members of the public or organisations the Academy has official contacts with only where they are isolated gifts of a trivial character (such as diaries or calendars). Gifts should not therefore be accepted if they appear to be disproportionately generous or could be construed as an inducement to effect a business decision.
7. Where purchased items include a "free gift", such gifts should be either used for Academy business or handed to the Academy to be used at charity raffles etc.
8. In relation to conventional hospitality (lunches, outings, tickets for events etc.) provided that it is normal and reasonable in the circumstances they may be accepted. Such invitations should not be accepted where

Gift and Hospitality Policy

there is no reasonable business justification for doing so, where an invitation is disproportionately generous, or where the invitation could be seen as an inducement to affect a business decision.

9. Any hospitality other than of a nominal value (up to £50) or facilities provided during the normal course of business should be reported for an entry in the Register of Business Interests.

Guidance on what level of hospitality is acceptable from a third party

The following general rules apply and must guide decisions on receipt of gifts and hospitality as an employee of the Academy:

- To accept gifts should be the exception. You may accept small ‘thank you’ gifts of token value, such as a diary, a coffee mug or bunch of flowers, not over £50 in value. You should notify the Principal Finance Officer of any gift or hospitality over this value for entry in the Register of Gifts and Hospitality.
- Always say “no” if you think the giver has an ulterior motive. Be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a more prompt service or preferential treatment.
- Never accept a gift or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Academy, seeking employment with the Academy or is in dispute with the Academy, even if you are not directly involved in that service area.
- Where items purchased for the Academy include a ‘free gift’, such a gift should either be used for Academy business or handed to the School Business Manger to be used for charity raffles.
- If you are in doubt about the acceptability of any gift or offer of hospitality it is your responsibility to consult the PFO or Headteacher.

A gauge of what is acceptable in terms of hospitality is whether this Academy would offer a similar level of hospitality in similar circumstances.

- Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business provided they are not to an unreasonable level or cost.
- Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules have been taken into account, it may be acceptable to join other company/organisation guests at:
 - a. sponsored cultural and sporting events, or other public performances, as a representative of the Academy;
 - b. special events or celebrations.

But, consider the number of these events, and always take into consideration what public perception is likely to be if they knew you were attending.

- Acceptability depends on the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee. In all such cases the Headteacher must be consulted.
- Paid holidays or concessionary travel rates are not acceptable. Neither are offers of hotel accommodation nor the use of company villas/apartments.
- If you are visiting a company to view equipment that the Academy is considering buying, you should ensure that expenses of the trip are paid by the Academy. Acceptance of refreshments and/or a working

Gift and Hospitality Policy

lunch may be acceptable, but care must be taken to ensure that the Academy's purchasing and/or tender procedures are not compromised.

- Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to your work are acceptable.
- Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Academy must be agreed in advance with a Headteacher. Where your spouse or partner is included in the invitation, and approval has been given for you to attend, it will be acceptable for your spouse or partner to attend as well, but if expenses are incurred, these will be met personally.
- Any invitation you accept should be made to you in your professional/working capacity as a representative of the Academy.

Guidance on what level of hospitality is acceptable provided by the school to staff and third parties

The general rules described above must apply and must guide decisions on providing gifts and hospitality to employees and third parties by the Academy.

Acceptable hospitality to staff includes staff celebration and events (Christmas, end of year, OFSTED, retirement of a long serving member of staff or governor/director, amongst others); and may be in the form of meals and drinks, may include alcohol and small tokens of appreciation.(eg. flowers, trophy).This will only be funded by the academies unrestricted fund up to a maximum of £1,000 per school per annum.

Staff subsistence, including refreshments on staff Inset days are funded from the academies relevant restricted funds.

This Policy will be reviewed by the Audit & Risk Committee on a 3-yearly cycle and must be signed by the Chair of Governors and Headteacher.

Links with other policies:

Financial Regulations
Anti-Theft and Fraud Policy
Not for Profit Policy

Grievance Discipline & Capability Procedures
Child Protection Policy
Conflict of Interest Policy

Whistle Blowing Policy
Confidentiality Policy

Gift and Hospitality Policy

APPENDIX 1 - The Bribery Act 2010 - essentials

INTRODUCTION

- This section sets out the Trust policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the Trust for such concerns to be raised by employees or members of the public.
- The Bribery Act 2010 introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals (and a corporate offence for corporates and partnerships), and penalties for non-compliance are serious.
- Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, the Trust reputation might be damaged considerably, and subsequent enforcement action will be time-consuming and hinder the Trust from focussing on its core business and service delivery.

DEFINITIONS

Definitions for bribery and corruption vary. Some common definitions are:

- **Bribery** - “Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages”.
- **Corruption** - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.
- It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

The Trust has procedures in place that reduce the likelihood of bribery occurring. These include Financial Regulations, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment. In addition, the governing body seeks to ensure that a comprehensive Anti-Bribery culture exists throughout the Trust.

Gift and Hospitality Policy

OFFENCES UNDER THE BRIBERY ACT 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

1. Offences of bribing another person

Case 1 - where an employee offers, promises or gives a financial or other advantage to another person and intends the advantage (i) to induce that or another person to perform improperly a relevant function or activity, or (ii) to reward that or another person for the improper performance of such a function or activity.

Case 2 where an employee offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity by that person.

The bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporated). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is / are in the public or private sector and whether the advantage is offered, promised or given directly by an employee or through a third party, e.g. an agent or other intermediary.

2. Offences relating to being bribed

Case 3 is where an employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him/herself or another person).

Case 4 is where an employee requests, agrees to receive or accepts a financial or other advantage, and the request, agreement or acceptance itself constitutes the improper performance by himself/herself of a relevant function or activity.

Case 5 is where an employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him/herself or another person) of a relevant function or activity.

Case 6 is where, in anticipation of or in consequence of an employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (i) by that employee, or (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporated). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust.

It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether the employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of an employee or another person.

Gift and Hospitality Policy

In Cases 4 to 6, it does not matter whether an employee knows or believes that the performance of the function or activity is improper.

3. Bribery of foreign public officials

Case 7 is where an employee bribes a foreign public official and intends (i) to influence that official in his/her capacity as a foreign public official and (ii) to obtain or retain a business or an advantage in the conduct of business. A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

4. The following paragraph will apply if any part of the organisation is considered as a 'commercial'.

Failure of commercial organisations to prevent bribery (applicable only to corporates and partnerships - included for information)

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership. For a definition of bribery, please refer to Cases 1, 2 and 7 above.

It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it. Criminal liability must be prevented at all times.