



The STAR Multi Academy Trust

GIFTS AND HOSPITALITY POLICY

Date Approved by the STAR MAT Trust Board	November 2018 26 November 2020 12 January 2023
Review Date	October 2020 November 2022 January 2025

Gifts and Hospitality Policy for Trust Employees

1.0 Background

1.1 Trust employees may from time to time, in the course of their work, encounter situations where individuals or organisations may offer gifts or hospitality. The reasons for this will vary, but such offers will usually be made as goodwill gestures, or for celebration, or appreciation, or for helping networking or working together. Some employees, e.g. senior officers who liaise with public and private sector partners, may find themselves quite often faced with hospitality opportunities, and front line staff, who engage directly with the public, may be offered gifts in thanks for their services.

1.2 There are however rules which regulate the acceptance of gifts and hospitality by Trust employees. This is because the acceptance of benefits offered like this can affect the perception of whether the Trust and its employees are acting in the public interest. Academy Trusts are in a position of significant influence over issues that affect people's lives within their areas. The Trust is publicly funded and all employees, as well as Members, Trustees and Local Governors must always be seen to be acting in the best interests of our students and the Trust. It is important not to do anything which undermines public trust in what they are doing.

1.3 Whilst most offers of gifts and hospitality are well meant and innocent, there have been, nationally, instances of benefits being offered and accepted for corrupt purposes to secure improper advantage. Whilst this is exceptional and rarely occurs, it is damaging to public confidence in education, damaging to the reputation of the Trust concerned, and it is unlawful. Even in situations where there are no improper motives, the acceptance of lavish gifts and hospitality can have a negative effect in terms of public perception. Trust employees must be very clear about the rules which apply to gifts and hospitality and must always bear in mind how the public might view situations where gifts and hospitality are offered and received. Any offer should be treated with great care.

1.4 This Protocol aims to help employees deal with situations where they are faced with offers of gifts and hospitality. If any employee is in doubt, further advice can be sought from the Trust Chief Finance Officer, or the employee's Headteacher.

2.0 What is meant by Gifts and Hospitality?

2.1 Gifts and hospitality may include:

- (a) a gift of money, vouchers, goods or services;
- (b) the opportunity to acquire goods and services freely or at a discount or at terms not available to other members of the public;
- (c) the offer of food, drink, accommodation or entertainment freely provided or heavily discounted, or the opportunity to attend any cultural or sporting event on terms not available to the public;
- (d) a bequest or legacy.

3.0 The Legal Framework

3.1 There are several legal constraints. Firstly, it is an offence for a local authority employee to accept any “fee or reward whatsoever other than his proper remuneration” (Section 117 LGA 1972). The Trust deems the same to apply to Trust employees.

3.2 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 (“the Act”), which came into force on 1 July 2011 and introduced new bribery offences, the key parts of which are set out below.

3.4 The main offences under the Act are:

- **bribing another person** (section 1). A person commits an offence under this section where s/he offers, promises or gives a financial or other advantage to another person, and intends the advantage to induce a person to perform improperly a relevant function or activity (which includes any activity performed in the course of a person's employment), or to reward a person for the improper performance of such a function or activity;
- **being bribed** (section 2). This section provides several cases in which an offence of being bribed may be committed, relating to a person committing an offence where s/he requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly or as a reward for improper performance (whether by him/her or another person);
- **bribing a foreign official** (section 6). A person commits an offence under this section where s/he offers, promises or gives a financial or other advantage to a foreign public official with the intention of influencing the official in the performance of his/her official functions and intends to obtain or retain business or an advantage in the conduct of business.
- **failure of commercial organisations to prevent bribery** (section 7). A relevant commercial organisation is guilty of an offence under this section if a person associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business for that organisation. It is a defence for the organisation to prove that it had in place adequate procedures designed to prevent persons associated with it from undertaking such conduct.

3.5 The maximum penalties under the Act are 10 years’ imprisonment/unlimited fine for individuals and an unlimited fine for organisations.

3.6 Anyone committing offences of this nature will also be subject to disciplinary action.

3.7 Government guidance on the Act confirms that *“The Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act...”*

4.0 Employees' Code of Conduct:

- 4.1 Apart from the legal rules, employees are bound by their contract of employment to comply with the Trust's **Staff code of Conduct** which can be found on the STAR MAT Website <https://web.starmat.uk/policies/>. These specifically provide that with the exception of the minor items referred to in paragraph 4.3 below, all benefits such as accommodation, travel, entertainment, presents, gifts or bequests should be refused. If they are accepted disciplinary action may be taken. Gifts received through the post should be returned to the sender with an appropriately worded letter.
- 4.2 **Gifts and Bequests:** Employees must always inform their manager of any offer of gifts or bequests received during the course of their employment. They should also complete a form of registration of gifts and hospitality [Click Here](#) (which is signed also by their manager and retained appropriately within the academy). A copy must also be provided to the Chief Finance Officer who maintains a central Register of Gifts and Hospitality. The central Register enables monitoring of where, across the Trust, benefits are being offered and accepted and by whom, so that any problems can be identified. Employees should also register gifts, hospitality and benefits offered but refused as a matter of good practice (please see paragraph 8.1 below for further details).
- 4.3 There are exceptions in relation to minor items such as diaries, calendars, blotters or other items of low value. This would include items with a monetary value of no more than £30 from a single person or £100 from a group of people, and on a single occasion only. An example of a group gift would be a gift given to a class teacher from the parents/ carers of pupils in that class. Any repeated offer should be declined. Offers and receipt must nevertheless be notified and recorded in the Register of Gifts and Hospitality. Under no circumstances should offers/gifts of money (of whatever amount) be accepted.
- 4.4 Employees will occasionally receive bequests or legacies in wills. However kindly meant, such gestures can be open to misinterpretation and because of that the Trust will not allow bequests to be retained by employees. Any bequest made to employees must be politely refused and returned to the Executor of the will, making it clear that the Trust's rules do not allow the acceptance of bequests by employees. Disciplinary action, including the possibility of dismissal, will be taken if a bequest is accepted in these circumstances.
- 4.5 **Hospitality:** The Staff Code of Conduct also regulates the acceptance of hospitality. There are sometimes occasions where it is in order to accept hospitality, but only if there is a genuine benefit to the Trust which would not otherwise be available. Examples are given below. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community served or where the Trust should be seen to be represented. Attendance must be properly authorised and recorded in the Register of Gifts and Hospitality. When hospitality has been declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Trust.
- 4.6 When considering whether it is appropriate to accept hospitality employees and their managers should be particularly sensitive as to its timing having regard to any decisions the Trust may be taking affecting those providing it.
- 4.7 Acceptance of hospitality at conferences and courses or events is acceptable where it is clear that the hospitality is corporate rather than personal, where it is authorised and where any

educational or contracting decisions are not compromised. Where hospitality is offered in connection with visits to inspect equipment etc, employees should ensure that the Trust meets the cost of the visit to avoid compromising the integrity of subsequent decisions on the contract. More examples in relation to hospitality are set out below.

4.8 Sponsorship – Giving and Receiving: Where an outside organisation wishes to sponsor a Trust activity, whether by invitation, tender negotiation or voluntarily, the above conventions concerning acceptance of gifts or hospitality apply. Again, care must be taken when dealing with contractors or potential contractors.

4.9 Where the Trust wishes to sponsor an event or service, employees, their partners, relatives or other close associates must not benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Chief Finance Officer / Headteacher of any such interest. Similarly, here the Trust, through sponsorship, grant aid, or finance by other means, gives support in the community, employees must ensure that impartial advice is given and that they have no conflict of interest in the matter.

5.0 What does it mean in practice? – A summary of some general principles and examples.

5.1 These are some practical points which should help Headteachers, employees and their managers deal with offers of gifts or hospitality:

(a) Never accept a gift (other than the minor items referred to at 4.3 above).

Acceptance of a gift is very unlikely to confer any advantage on the Trust. A presumption would arise that acceptance is purely for an employee's personal benefit. There are very few exceptions to this - some minor ones are set out below at paragraph 6.0.

(b) Never accept hospitality as an inducement or reward for anything you do as a Trust employee. Hospitality should not be accepted unless there is commensurate benefit to the Trust.

The only proper reason for accepting any hospitality is that there is a benefit for the Trust which would not otherwise be available. An example is an opportunity to progress the business of the Trust expeditiously through a working lunch, or to canvas or promote the interests of the Trust and its stakeholders at a meeting where there is incidental hospitality.

Trust employees must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner. If an employee has any suspicion that the motive is an inducement or reward s/he should *decline*.

(c) Never accept if acceptance might be open to misinterpretation.

The appearance of impropriety can be just as damaging to the Trust and to the employee as actual impropriety. The Trust's ability to operate rests upon its reputation for acting fairly and in the public interest.

Employees must therefore consider whether the acceptance of the hospitality is capable of being interpreted as a sign that the Trust favours any particular person, company or section of the community, or is placing the employee under any improper obligation to any person or organisation.

Certain occasions are particularly sensitive and require the avoidance of any opportunity for misunderstanding. These include:

- when the Trust is conducting a competitive procurement process, in respect of any indication of favour towards particular tenderer(s);
- funding decisions when the Trust is determining a grant application by any organisation or person;
- decisions about the allocation of work to current partners which will affect the amount of income the partner might gain from the authority;
- when staff are dealing with students;

(d) Do not accept hospitality which puts you under an improper obligation.

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If an employee accepts improperly, it is possible that they may seek to use this to persuade him/her to determine an issue in their favour.

(e) Do not solicit a gift or hospitality.

Employees must never solicit or invite an offer of a gift or hospitality in connection with their position as a Trust employee. Also, employees should take care to avoid giving any impression that they might be open to any such improper offers.

(f) Some other situations to avoid:

- hospitality in situations where the employee would be the sole guest;
- hospitality of significant value.

6.0 Gifts and Hospitality which it is appropriate to accept

6.1 There are some circumstances where it is in order to accept hospitality, though some situations will nevertheless require the exercise of careful judgment.

- (a) Official hospitality such as civic reception or a working/business lunch in Trust or Council owned premises (provided it is ancillary to the business being conducted).
- (b) Civil hospitality provided by another Trust or public authority.
- (c) Refreshments in connection with any meeting in the course of an employee's work as a Trust officer e.g. normal refreshments.
- (d) Meals or refreshments funded by other Trusts or public sector partners as the part of joint working/collaboration, and provided it is ancillary to the business being conducted.

- (e) Meals or refreshments being provided as part of a ceremony or event to promote or launch a project or initiative.
- (f) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or adviser who is already appointed by the Trust for that project, scheme or initiative (provided it is ancillary to the business being conducted).
- (g) Gifts given to the *Trust* which an employee accepts formally on the Trust's behalf and which are retained by the Trust but not by the employee personally e.g. a commemorative item.
- (h) Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
- (i) Gifts known to be available to all employees e.g. badges etc.
- (j) Hospitality known to be available to all employees.
- (k) Hospitality ancillary to the Trust's business being conducted such as an overnight stay for an away day with a partner organisation of the Trust.
- (l) Hospitality ancillary to attendance at conferences, seminars and courses where hospitality is corporate rather than personal.
- (m) Hospitality ancillary to attendance at functions where an employee represents the Trust e.g. ceremonies, public speaking events, conferences where hospitality is ancillary.

7.0 Reporting of inappropriate gifts and hospitality offered

- 7.1 As stated above, it is a criminal offence for a person to offer, promise or give a financial or other advantage as an inducement or reward for an employee improperly to do or not do something in their employment. Employees must immediately report to their Headteacher or the Chief Finance Officer any circumstances where inappropriate gifts or hospitality have been offered to them. The employee may then be required to assist the police in providing evidence.

8.0 Procedure for registration of gifts and hospitality

- 8.1 Before accepting hospitality or other benefit employees must seek approval from their manager, complete a registration form setting out the reasons for acceptance, or the fact that it has been declined, have the form signed by their Headteacher and recorded in the Trust's Register and send a copy of the form to the Chief Finance Officer for retention in the Trust's central Register. Employees should register gifts, hospitality and benefits offered but refused as a matter of good practice.

9.0 The Register of Gifts and Hospitality

- 9.1 Academies keep a Register of Gifts and Hospitality for their employees. The Chief Finance Officer maintains the Register on the Trust's behalf.
- 9.2 The Registers are not available to the public.
- 9.3 Employees are able to have access to any of their own forms contained in the Register, but not anyone else's. Employees' line managers, Headteachers, Trustees and Local Governors will be able to access their forms to ensure that gifts and hospitality are appropriately monitored, and the Register is additionally open to inspection by the following:
- (a) The Trustees;
 - (b) The Chief Executive Officer;
 - (b) The Chief Finance Officer;

- (c) The Audit Committee;
- (d) The Council's external auditor;
- (e) Any other party with a legal entitlement to inspect it.

10.0 Conclusion

10.1 Should employees have any queries relating to the acceptance and registration of gifts and hospitality, please contact the Chief Finance Officer on 01937 538 538 or m.boyes@starmat.uk.