Gifts and Hospitality Policy 2024-27(v2)

North Warwickshire and South Leicestershire College

Policy Author: Clerk to the Corporation

Lead Owner: Chief Operating Officer

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Document History

Version Number	Amended By	Date of Revision	General Revision Description
V2	Clerk	17.6.24	Dates and general formatting and minor clarifying points throughout. Updated rationale section. Inclusion of section 10 Data Protection Impact Assessment.

Gifts and Hospitality Policy 2024-27(v2)

1. Introduction

1.1 North Warwickshire and South Leicestershire College (the College) is committed to the highest standards of openness, integrity and accountability. The College seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life, commonly known as the Nolan Principles. These Principles are presented at Appendix 1.

1.2 In addition the College expects its staff to observe its Staff Code of Conduct.

1.3 Corporation Members and Co-optees are expected to observe the Corporation's Code of Conduct and as charity trustees they are also subject to obligations imposed by charity law.

1.4 This Policy provides guidance as to what staff and Members / co-optees should do if they are offered gifts and/or hospitality in the course of their role at the College.

2. Scope

2.1 This Policy applies to:

i. all North Warwickshire and South Leicestershire College full-time, part-time staff on a substantive or fixed-term contract;

ii. sessional staff and associated persons such as secondees, agency staff contractors and others employed under a contract of service;

iii. Corporation Members / co-optees when they are engaged in matters explicitly related to the College.

3. Definitions

3.1 Gifts: physical objects offered by a person or organisation external to the College.

3.2 Hospitality: can include travel, accommodation, food, drink, entertainment, a cultural or sporting event (participating or spectating) or anything similar which is offered by a person or organisation external to the College.

3.3 In some instances, gifts and hospitality may be combined (e.g. a commemorative item may be provided as part of a hospitality event).

4. Related Policies and Documents

4.1 College Financial Regulations.

4.2 Staff Code of Conduct.

4.3 Corporation Code of Conduct.

4.4 Counter Fraud and Anti-Bribery Policy.

4.5 Public Interest Disclosure (Whistleblowing) Policy.

4.6 Declaration of Interests Statement (contained within Standing Orders).

4.7 Members' and Substantial Budget Holders' Register of Interests.

5. Rationale

5.1 Under the Bribery Act 2010, it is a criminal offence for employees in an official capacity to accept any gift or consideration as an inducement or reward for:

i. doing or not doing anything; or

ii. showing favour or disfavour to any person.

5.2 The Policy aims to ensure that conduct in relation to gifts and hospitality, is compliant with the Bribery Act 2010, offenses under which can be punished by a prison term of up to 10 years and an unlimited fine.

5.3 The Policy is designed to help:

i. staff to comply with the College's Code Conduct; and

ii. Members / co-optees to comply with the Corporation's Ways of Working document.

5.4 The Policy seeks to protect all staff, Members / co-optees and the College from accusations of showing favour to any individual or organisation.

6. Core Principles

6.1 The conduct of individuals should not create suspicion of any conflict between their official duty and their private interests.

6.2 Actions of individuals, acting in their official capacity, should not give the impression to any member of the public, any organisation with whom they deal, or to students and colleagues, that they have been, or may have been influenced by the gift / hospitality, to show favour or disfavour to any person (including a student) or organisation.

6.3 The main consideration when deciding whether any gift / hospitality should be accepted, is the public perception of the College in receiving such a gift / hospitality i.e. would an average member of the public think that the gift / hospitality might influence how that person, or the College acts? Even if that person does not think that they will be influenced, they must consider this question from the perspective of a member of the public and the appearance the acceptance would give.

6.4 Gifts / hospitality should not be accepted from any organisation or individual with whom staff or Members / co-optees have contact in the course of their role, that would cause them to be perceived as having been influenced in the making a business / teaching decision, as a consequence of accepting that gift / hospitality.

6.5 No member of staff or Member / co-optee should accept gifts / hospitality from any person (including students) or organisation where the College could not reasonably be expected to reciprocate the gift / hospitality.

6.6 Where a student offers a gift to a member of staff (of any value), that person should consider the following points before accepting the gift:

i. Could the gift be seen to compromise the member of staff's personal judgement?

ii. Could the gift lead to a compromise of personal integrity?

iii. Does the gift seem too generous, out of the ordinary relative to the context, or fair?

Before a gift is accepted, authorisation should be sought and received from the member of staff's line manager and the gift should be declared in accordance with point 6.9. If authorisation is not given, the gift must be declined and noted in the gifts and hospitality log.

6.7 Collections for gifts between members of staff (for example leaving gifts, birthday or Christmas presents etc.) do not fall under this Policy.

6.8 Before a gift / hospitality in excess of £50 is accepted, authorisation for receipt of the gift / hospitality should be sought from the Chief Operating Officer. If authorisation is not given, the gift / hospitality must be declined and noted in the gifts and hospitality log.

6.9 Any such gift or hospitality in excess of £50 must be declared and noted in the gifts and hospitality log maintained by the Clerk to the Corporation (or smaller items which within a 12 month period have a collective value of more than £50) within 10 working days of the receipt. Authorisation from the Chief Operating Officer should also be recorded.

6.10 Where staff are approached by an external organisation about the offer of an award or prize which is connected with their role, they should discuss whether it would be appropriate to keep the award or prize with the Chief Operating Officer. Staff will normally be allowed to keep the award or prize provided that it:

i. is given to recognise special personal merit or achievement; and

ii. is not, or does not look like, a gift, inducement, or payment to which other conduct rules apply.

6.11 Gifts that are received in an official capacity shall become the property of the College, for example, awards and works of art. Gifts that are clearly personal, for example, clothing and food, may be retained by the employee or Member / co-optee.

6.12 Gifts that are received in the course of official business, for example, loyalty points from hotels, shall only be used in respect of official business.

6.13 The Chief Executive Officer or nominee is authorised to accept a gift of money, land or other property and apply it on behalf of the College, or hold and administer it in College, for any legal purpose.

6.14 In a situation where it is difficult to determine whether a gift and / or hospitality is acceptable under this Policy, the offer should be declined, or advice sought from the Clerk to the Corporation.

7. Gifts and Hospitality Register

7.1 It is the personal responsibility of members of staff and Members / co-optees to declare any receipt of a gift / hospitality covered under this Policy.

7.2 Gifts / hospitality that are accepted or declined must be registered in the gifts and hospitality log within 10 working days of their being accepted or declined.

7.3 Should an employee, or a Member /co-optee, be in any doubt about the propriety of accepting a gift / hospitality, they should consult the Clerk to the Corporation. If this is not possible at the time, the facts should be reported immediately afterwards.

7.4 A declaration must include the following information:

i. date of receipt or refusal of gift / hospitality;

ii. name and job title of recipient;

iii. name of individual or organisation providing the gift / hospitality;

iv. nature and purpose of gift / hospitality received or declined, including the date of the event relating to the offer of hospitality;

v. estimated value; and

vi. authorisation / refusal to receive the gift / hospitality where required.

8. Policy Breach

8.1 Acceptance of a gift / hospitality, which falls outside this Policy's core principles and /or a failure by an employee to notify the Clerk to the Corporation of such acceptance may give rise to disciplinary proceedings under the College's Disciplinary Policy.

8.2 In the case of a Member / co-optee, such actions will call into question their eligibility to remain a Member / co-optee and removal proceedings under Standing Orders may be instigated.

9. Equality Duty

9.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:

i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

ii. advance equality of opportunity between people of different groups;

iii. foster good relations between people from different groups.

9.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.

9.3 Where necessary a full equality impact assessment will be undertaken.

10. Data Protection Impact Assessment

10.1 Data Protection Impact Assessments (DPIA) are an essential part of the College's accountability obligations under the UK GDPR. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to carry out a DPIA when required may leave the College open to enforcement action.

10.2 A DPIA, relating to any relevant areas within this Policy and Procedure, will therefore be undertaken to enable the systematic analysis, identification and minimisation of data protection risks and to demonstrate how the College complies with its data protect obligations.

11. Monitoring and Review

11.1 The gifts and hospitality register will be reviewed on a six monthly basis by the Clerk to the Corporation who will oversee the annual publication of the register.

11.2 Employees and Members / co-optees will be reminded periodically of the requirement to declare gifts and hospitality accepted or declined in accordance with this Policy.

11.3 This Policy will be reviewed every three years, or as otherwise directed by the Principal, policy, regulatory or legislative changes.

Appendix 1

The Nolan Principles

1. **Selflessness**

   Holders of public office should take decisions solely in terms of the public interest.

2. **Integrity**

   Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. **Objectivity**

   Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. **Accountability**

   Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

5. **Openness**

   Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. **Honesty**

   Holders of public office should be truthful.

7. **Leadership**

   Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2

The Treatment of Gifts and Hospitality

1. Gift Categorisation

1.1 Gifts are categorised based on their value. In most circumstances, value will need to be estimated on the market value of equivalent goods. When considering the value of a gift, all gifts received from one person or organisation over a reasonable timescale should be considered as a single gift (e.g. if five items each worth £5 were received, they should be considered as a single gift worth £25).

1.2 **Category A**:

These are gifts of little or no intrinsic value such as those typically handed out at conferences (e.g. pens, diaries etc.). These gifts are often primarily marketing tools and typically cost less than £5. These types of gifts can be accepted and kept by the individual. They do not need to be recorded in the Gift and Hospitality Register.

1.3 **Category B**:

Gifts with an estimated intrinsic value of £50 or less, typically given in gratitude or to mark an occasion (such as Christmas). Examples of gifts which may be received in this category are alcohol, flowers or foodstuffs. These types of gifts can be accepted but should normally be raffled or shared. If a gift is not appropriate to be raffled (such as where the gift is perishable or unsuitable for storage until a raffle can be completed), the gift may be consumed by teams or departments, at the discretion of managers. When a gift is raffled, raffle tickets should be made available to all staff and the proceeds will be donated to charity. Gifts received in this category should be recorded in the Gift and Hospitality Register.

1.3 **Category C**:

These are gifts of a high value (in excess of £50) will be offered. These gifts should not be accepted, as accepting such gifts may look to people outside the organisation as if they have been offered in order to compromise the judgement or integrity of the organisation.

In some circumstances, it may be difficult to refuse a high value gift (for example, when it is offered by an international delegation and refusal could cause offence). In these circumstances, the gift can be accepted. If appropriate, the gift may then be raffled, donated to charity. If that is not appropriate, the gift will always be held by the ICO as a whole, rather than by the individual to whom it was offered. Any gift offered in this category must be recorded in the Gift and Hospitality Register (see paragraph 7), even if it is refused.

1.4 There may be some instances, where it is realised that the value of the gift is higher than the original estimate and should not have been accepted. In circumstances such as this, the gift should be return providing a letter to explain the reason. The gift should then be logged on the Gifts and Hospitality register.

2. Hospitality

2.1 Hospitality in the form of reasonable refreshments, intrinsic to another event (such as tea or coffee, a working lunch, or a lunch provided as part of an all-day training course), can be accepted. Hospitality such as this does not need to be recorded in the Gift and Hospitality Register.

2.2 Offers of other hospitality need to be considered carefully. The three principles which should be considered are:

i. Purpose:

- Is the hospitality in the interests of the College and does it further the College's objectives?
- Is there a genuine business reason to accept the hospitality?

ii. Proportionality:

- Hospitality should not be over-frequent and from the same source. Such hospitality could create the perception that a person or organisation is trying to exert an influence.
- Hospitality should also not be over-generous (either because it is particularly lavish or because it is disproportionate to the relationship between the ICO and the individual or organisation)

iii. Conflict of interest:

- Consider the relationship between the College as a whole and the person or organisation offering the hospitality and whether there is a conflict of interest.

2.3 Hospitality which is proportionate, for a clear business purpose and does not create a conflict of interest can be accepted and should be recorded in the Gifts and Hospitality Register.

2.4 Hospitality which is disproportionate, without a clear business purpose or which may create a conflict of interest must be refused. The offer of hospitality should still be recorded in the Gifts and Hospitality Register