

Code of Practice for Receipt of Gifts and Hospitality



Mae'r ddogfen yma hefyd ar gael yn Gymraeg.



CODE OF PRACTICE FOR RECEIPT OF GIFTS AND HOSPITALITY

INTRODUCTION

1. The statutory Code of Conduct for Staff, which is part of every officer's work contract, states that:

“the public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity”.

The Code also states that officers should comply with:

“any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority”.

2. Whilst it is not possible to foresee every situation that might arise, the purpose of this policy is to explain the basic principles and offer practical guidance to assist officers in dealing with offers of gifts or hospitality.
3. Failure to comply with this policy could lead to disciplinary measures being taken.

PRINCIPLES

4. Acceptance of gifts or hospitality by officers could be construed by others as influencing decisions made by those officers. The basic principle of this policy is that officers should not behave in a way that might give the impression that a gift or hospitality has influenced their decision. An officer should consider whether it would be reasonable for a member of the public to think so - it is not

enough for an officer to be satisfied that he/she would not in fact be influenced, or that it was not the intention of the person offering the gift or hospitality to influence him/her. The aim of the policy is to ensure transparency in the activities of the Council and consequently protect officers from accusations of misconduct.

GIFTS

5. Generally, all gifts offered to officers in relation to their work should be refused.
6. In some circumstances however, it would not be practical or reasonable to refuse. Further guidance on these situations is available in the **Appendix** to this policy.
7. Any officer needing guidance should consult the City Director. The City Director should consult with the Council's Staffing Committee if unsure of how to proceed.
8. The permission of the City Director should be sought before keeping any gift, unless specific provision is made for it in this policy.
9. All offers should be registered whether accepted or refused (unless exempt under this policy) by completing the appropriate form and sending it to the City Director.

HOSPITALITY

10. Careful consideration should be given to offers of hospitality. Offers that could reasonably be construed to give the impression that the officer is being inappropriately influenced should be refused.
11. However, it must be acknowledged that offers of hospitality are common in some fields and it would not be practical or necessary to refuse every offer. Details of these circumstances and guidelines for officers in dealing with offers are available in the **Appendix**.
12. The permission of the City Director should be sought before accepting any hospitality, unless specific provision is made for it in this policy.
13. All offers of gifts should be registered whether accepted or refused unless exempt under this policy. The appropriate form should be completed and sent to the City Director.

Other relevant legislation

In addition to the provisions of this policy the legislation mentioned below is also relevant:

Prevention of Corruption Acts 1889 - 1916.

13. Under the Prevention of Corruption Acts 1889 - 1916, which are still relevant, it is an offence for an employee to expect or accept any gift, loan, remuneration, award or advantage having consented to being influenced in their official capacity. Any evidence that an officer has received any monies, gift or other acknowledgement from any person who has been awarded or is hoping to be awarded a contract with the Council could be construed as corruption unless there is evidence to the contrary. Therefore, it is the responsibility of any officer accused of this offence to show that they exercised no undue favouritism or no favouritism to any person or company involved in the contract.
14. Failure to comply with this policy could lead to disciplinary measures under the Council's Code of Conduct and to prosecution. On sentencing the offender could face a fine and/or jail and lose the benefits of annuity.

Local Government Act 1972

15. Under Subsection 2 of Section 117 it is an offence for a Council employee to accept any pay or award apart from their salary. On conviction the offender could face a fine.

Guidelines

Each situation should be considered on its own merit and within the basic principles of the policy.

The public perception of the offer should always be considered. It should be considered in the context of what is being offered, to whom the offer is being made, the purpose of the offer, the benefits to the giver and the relationship between the giver and the Council at that time.

Whilst impossible to produce a wholly exhaustive list of situations, the following guidelines are provided to assist officers in dealing with offers. The City Director can be contacted for advice and further guidance and on responding to specific offers.

Gifts

- The basic principle of this policy should be considered in every case (see paragraph 4).
- Small gifts such as biros, diaries, calendars are often offered (usually seasonally) by companies. It is permissible to accept these without the permission of a senior officer or registering them. It is not necessary to find the exact worth of the gift, but if it is deemed worth more than £10, it should be refused.
- It can be awkward for an officer who provides personal care (e.g. care staff) to refuse a gift from a client, as refusal could be hurtful to that client. In such circumstances it is possible to exercise some discretion. A (senior officer) should be informed of the offer and he/she should decide whether to accept/refuse or to deal with it another way (e.g. donate it to a charity).
- Consideration should be given to who is making the offer, what is their relationship to the Council, and whether it is likely that they will want something from the Council?
- The timing of the offer could be significant. If the offer comes from someone who is expecting any sort of decision from the Council (i.e. contract, grant, planning permission) the offer should be refused.
- Any offer to officers to buy goods or services cheaply should be taken as a gift and refused every time.
- It can sometimes be impractical or impossible to return a gift, but that does not necessarily

mean that the officer should keep it. Consideration should be given to donating it, i.e. to a charity, a home for the elderly, exhibit it in the office foyer.

- A gift is sometimes given as an acknowledgement of work done beyond the call of duty e.g. speaking at a meeting during the evening. The circumstances should be considered carefully, but accepting a small, reasonable gift could be acceptable under these circumstances.

Hospitality

- The basic principle of this policy should be considered in every case (see paragraph 4).
- Occasional attendance at business dinners is acceptable as routine business practice and permission is not required, but should be registered. Similarly, light refreshments (e.g. tea, coffee, biscuits, sandwiches) provided as part of an acceptable event is acceptable and do not need to be registered.
- Any officer receiving an invitation to dinner or a more formal event, or to a regular business dinner. Or if he/she has any misgivings about any offer, they should request (senior officer) permission before responding. This can include dinner, a concert or a sporting event.
- Consideration should be given to who is making the offer, what is their relationship to the Council, and whether it is likely that they will want something from the Council?
- The timing of the offer could be significant. If the offer comes from someone who is expecting any sort of decision from the Council (i.e. contract, grant, planning permission) the offer should be refused.
- Is it reasonable to expect that the Council be represented at the event? If so, is the officer the appropriate person to represent the Council? Would it be more appropriate for the Portfolio Leader or Council Chairman to be present?
- Is it necessary for the officer to be present to receive information of use to the Council or to give information on behalf of the Council?
- Will the officer be the only invitee? If so, the invitation should normally be refused.
- Is the hospitality too generous for the event? There is a danger that such offers could be perceived as an attempt to influence.
- Where a visit to inspect equipment, or in relation to the awarding of any contract/agreement, is necessary, officers should ensure that the authority pays for these visits so that any decisions resulting from them are seen to be fair.