

Gifts & Hospitality Policy

ARMAGH CITY BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

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1. Introduction

All Council officers are expected to observe the highest standards of conduct and should at all times be guided by the Code of Conduct. Council recognises that contractors, suppliers and other customers may extend from time to time offers of gifts and hospitality to staff in appreciation for our services. Council also recognises that employees have a responsibility, in the interests of public confidence, to exhibit high standards of propriety in regards to the acceptance and the provision of gifts and hospitality.

In accepting any gift or hospitality, the individual and, if applicable, his or her manager, must exercise judgement about how acceptance might be perceived, recognising that what at first sight might appear to be reasonable could nevertheless become the subject of unreasonable comment or criticism by external parties. The judgement made therefore needs to include an assessment as to whether the benefits gained by the Council through the acceptance of a gift or hospitality might be outweighed by adverse third party criticism, even when that criticism is not reasonable.

The Council requires that its employees should not use their official position to receive gifts, hospitality or benefit of any kind which might reasonably be seen to compromise the Council's position or the employee's personal judgment and integrity.

2. Aims and Objectives

This policy operates in conjunction with the Council's Code of Conduct for employees, Disciplinary Policy and Fraud Policy. It sets out clear advice in relation to the behaviour of employees if they are offered gifts or hospitality. The main aims of the Policy are to:

- ensure consistency of approach when dealing with gifts and hospitality;
- ensure compliance with the Bribery Act;
- establish guidance for all staff to follow and ensure that the Council can demonstrate that no undue influence has been applied by an external organisation; and
- protect Council officers from criticism and misunderstanding and to protect the Council from allegations of impropriety.

Compliance with the policy will help the Council demonstrate good governance and accountability. A clear policy on the acceptance of gifts and hospitality and a transparent gifts and hospitality register play an important role in ensuring the maintenance of standards and compliance with the Nolan Committee's seven principles of public life (**Appendix 1**).

Officers who fail to comply with this policy may be subject to disciplinary proceedings.

3. Legal Context

The Bribery Act 2010 requires the Council to have an adequate framework in place to prevent corruption. This policy forms part of the framework.

Under the Bribery Act 2010 it is an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, for public employees, agency and contracted staff it is a crime to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other

public function, regardless of what decision is made. The maximum sentence for a bribery offence is 10 years imprisonment.

It is also an offence under the Bribery Act 2010 for employees to offer or pay bribes and both the individual and the organisation may be prosecuted.

4. Fundamental Principles

The fundamental principle is that Council staff should never receive benefits of any kind from a third party which might reasonably be thought to compromise their personal judgement or integrity. **Perception is as important as reality.**

Council staff must therefore apply the following principles in the conduct of their employment:

- they must not accept gifts, hospitality or benefits of any kind from persons which might be perceived as compromising their personal judgment or integrity;
- they must not make use of their official position to further their private interests or those of others;
- they must base all purchasing decisions and negotiations of contracts solely on achieving best value for money for the rate payer;
- they must not offer or pay bribes to persons in connection with their work as a Council employee;
- they must refer to their Head of Department (HOD)/Strategic Director when faced with a situation for which there is no adequate guidance; and
- if in any doubt, they must seek advice from their HOD or Strategic Director.

5. Acceptance of Gifts

Acceptance or decline of gifts given as a 'thank you' over the estimated value of £25 must be recorded by the recipient on the 'Declaration of Gifts & Hospitality' form (**Appendix 2**) and signed by the relevant Manager/HOD/Strategic Director. All 'Declaration of Gifts and Hospitality' forms should be returned to the Information Governance section within the Governance and Democratic Services Department for recording. Forms can be emailed to ***informationgovernance@armaghbanbridgecraigavon.gov.uk***. **Appendix 2** should be completed and submitted in all cases within **28 days** of receipt of the offer.

It is not possible to be precise as to what constitutes an "acceptable" as opposed to "unacceptable" gift. Most gifts received of this type will have a modest pecuniary value and may, indeed, have no significant pecuniary value to another party. Seasonal, promotional gifts such as calendars, diaries, pens and chocolates/biscuits can be retained by the employee and not recorded on the register where the value is estimated at under £25.

Offers of cash, cheques or lottery tickets should be declined. The Council is aware of the practice throughout the Borough of some ratepayers giving small monetary tokens of appreciation to some staff at certain times of the year e.g. Christmas. The Council does not wish to suspend this long standing practice, causing embarrassment to staff and ratepayers, however staff must in all circumstances satisfy themselves that such gifts do not compromise their integrity, result in them showing any bias and ultimately bring the Council into disrepute. If staff believe that accepting such gifts would compromise them they should tactfully and politely refuse the gift.

6. Acceptance of Hospitality

Staff must exercise careful judgement when accepting hospitality. When deciding whether to accept hospitality consideration should be given to:

- the reason for accepting the hospitality;
- whether acceptance could be satisfactorily perceived by ratepayers;
- the value / scale of the hospitality (frequent, lavish, prolonged);
- the obligation that acceptance might appear to place on an officer or the Council in terms of reciprocal hospitality, business dealings etc;
- whether it provides benefits to the Council which outweigh the risk of possible misrepresentation of the hospitality; and
- the timing of the offer, bearing in mind decisions which the Council may be in the process of taking, affecting the provider of the hospitality, e.g. procurement, grant award, enforcement of regulations, etc.

Acceptance or decline of all hospitality received in excess of £25 should be recorded by the recipient on **Appendix 2**, which must be signed by the relevant Manager/HOD/Strategic Director and sent to the Information Governance section. Forms can be emailed to ***informationgovernance@armaghbanbridgecraigavon.gov.uk***. The form must be sent within **28 days** of receipt.

Invitations to Annual Conferences or Dinners are acceptable where they are considered an integral element in maintaining and building relationships and it is clear that the hospitality is corporate in nature and not personal. Hospitality which is not acceptable would include invitations to frequent social functions where there is no direct link to official business in a professional capacity.

7. Provision of Gifts and Hospitality

The primary consideration for the justification of expenditure on gifts and hospitality is that the gift or hospitality should be in the direct interest of the Council. The scale of the gift or hospitality provided should be proportionate to the business needs of the Council.

Modest working lunches are regarded as acceptable practice. Costs should be kept to a minimum and generally should not exceed the subsistence rates set. Caterers should be booked and approved in accordance with the financial regulations.

8. Gifts and Hospitality Register

The Information Governance section will maintain a register to record all offers and acceptance of gifts and hospitality (see **Appendix 3**). The purpose of the register is to counter any possible accusations or suspicions of breach of the Code of Conduct by staff. The form at **Appendix 2** will be used in all cases. Completed forms will be submitted to the Information Governance section who will file the relevant details and update the gifts and hospitality register.

Where a gift or hospitality is accepted, the entry in the register must be supported by written confirmation of approval by the relevant officer (as below):

Gift/Hospitality Offered to:	Approval required by:
-------------------------------------	------------------------------

Below Unit Manager	Unit Manager
Unit Manager	Head of Department
Head of Department	Strategic Director
Strategic Director	Chief Executive
Chief Executive	EMT

9. Roles and Responsibilities

Employees should:

- should be aware of the Code of Conduct for Council Employees, and any updates that are issued via the intranet and other means
- comply with this policy
- consult with their manager if in doubt as to the application of this policy
- inform their manager if they suspect they have been offered an expensive gift or significant hospitality with corrupt intent.

Managers/Heads of Department should:

- support officers in complying with this policy
- carefully consider and approve the acceptance and provision of gifts and hospitality in line with this policy
- seek advice from their Strategic Director when necessary on the application of this policy
- Advise and remind their staff to complete the gifts and hospitality register

Strategic Directors should:

- advise and remind staff to complete the register for gifts and hospitality
- carefully consider and approve the acceptance and provision of gifts and hospitality in line with the policy

Information Governance will:

- maintain a register to record all offers and acceptance of gifts and hospitality
- file all 'Declaration of Gifts and Hospitality' forms

Internal Audit will:

- undertake an annual review of the register as part of the annual governance review
- provide advice and guidance on this policy as required

Council will ensure that all employees are made aware of their roles and responsibilities in relation to receiving and providing gifts and hospitality.

The Seven Principles of Public Life Outlined in 'Spending Public Money: Governance and Audit Issues', (Cm 3179), March 1996.

The following seven principles of public life were set out by the Committee on Standards in Public Life (the Nolan Committee) for the benefit of all who serve the public.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Declaration of Gifts & Hospitality Offered to Employees (the value of > £25)

Armagh City Banbridge and Craigavon Borough Council

Reporting Declined Offers / Requesting Approval to Accept Gifts / Hospitality > £25

All sections must be completed

Date of Offer:	
Name of person who received the offer of gift /hospitality:	
Department of person who received the offer:	
Description and estimated value (where known) of gift / hospitality offered:	
Name and address of person / organisation offering the gift / hospitality:	
Reason to accept / decline the gift / hospitality: (continue on separate sheet if necessary)	
Signature & date of person who received the offer:	
Manager/Strategic Director acknowledgement/approval:	
Recorded on the Hospitality Register (Information Governance purposes)	

Policy Screening Form

Policy Scoping

Policy Title: Gifts & Hospitality Policy

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

This policy operates in conjunction with the Council's Code of Conduct for employees, Disciplinary Policy and Fraud Policy. It sets out clear advice in relation to the behaviour of employees if they are offered gifts or hospitality.

Intended aims/outcomes. What is the policy trying to achieve?

The main aims of the Policy are to:

- Ensure consistency when dealing with gifts and hospitality;
- Ensure compliance with the Bribery Act;
- Establish guidance for all staff to follow to ensure that the Council can demonstrate that no undue influence has been applied by an external organisation dealing with the Council; and
- Protect Council Officers from criticism and misunderstanding and to protect the Council from allegations of impropriety.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

The Local Government Auditor has recommended that as part of Council's Corporate Governance arrangements a receipt of gifts and hospitality policy should be in place for Officers.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

This policy will affect all stakeholders equally regardless of what equality group they fall within

Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote policy?

Internal Audit

Who is responsible for implementation?

	Chief Executive and Executive Management Team.
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Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

None foreseen

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

All Council Staff.

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Code of Conduct for employees
Disciplinary Policy
Fraud Policy

Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	
Political opinion	None	
Racial group	None	
Age	None	
Marital status	None	
Sexual orientation	None	
Men and women generally	None	
Disability	None	
Dependents	None	

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief	None	N/A
Political opinion	None	N/A
Racial group	None	N/A
Age	None	N/A
Marital status	None	N/A
Sexual orientation	None	N/A
Men and women generally	None	N/A
Disability	None	N/A
Dependents	None	N/A

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief	None	N/A
Political opinion	None	N/A
Racial group	None	N/A

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

This policy will affect all stakeholders equally regardless of what equality category they fall within.

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

This policy operates in conjunction with the Council's Code of Conduct for employees, Disciplinary Policy and Fraud Policy. It sets out clear advice in relation to the behaviour of employees if they are offered gifts or hospitality. This is a technical policy with no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring

Identify how the impact of the policy is to be monitored

Internal Audit will review the Gifts & Hospitality register on an annual basis. Directors will be required to update their Assurance Certificates on a quarterly basis regarding the provision/acceptance of gifts and hospitality.

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Michael Watson, Carol Rafferty	Head of Audit, Governance & Risk Services – CBC, Internal Auditor - ACDC	September 2018
Approved by	Position/Job Title	Date
Roger Wilson	Chief Executive	September 2018

Please forward a copy of the completed form with policy attached to mary.hanna@armaghbanbridgecraigavon.gov.uk who will ensure that screening forms and policies are available on the Council website.

This officer is also responsible for issuing reports on a quarterly basis on those policies “screened out for EQIA”. This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.

