

**Gifts and Hospitality**

**Policy aim**

This policy provides guidance to Active Essex employers, Trustees and delivery partners on how to deal with:

* Offers of gifts and hospitality from third parties and
* Offering gifts and hospitality to third parties

**Policy principles**

Employees must:

* Comply with this guidance when considering offers of gifts or hospitality made to them by outside individuals or organisations.
* Declare all gifts or hospitality they receive, other than modest promotional items or modest hospitality accepted in the course of your work.
* In addition, take advice and where possible do not accept gifts or hospitality that may be worth more than £25; if acceptance cannot be avoided, gain approval before accepting.
* Not place themselves under any financial or other obligation to outsiders or third parties that might seek to influence them in the performance of their official duties.
* If it is likely that a member of the public would see something as inappropriate then they should decline and declare the offer of gifts or hospitality on the declaration form.
* Follow this policy when providing gifts or hospitality as part of their work.
* Comply with this policy; failure to do so is a disciplinary offence and will be taken very seriously.
* Ask their line manager or authorising officer if unsure what is required of them.

**Gifts and Hospitability policy**

Active Essex Foundation is funded through grants and trust funds and as a representative of the charity your conduct is expected to be of the highest standard. It is essential that you are seen to be open and honest in any dealings with outside individuals and organisations.

This policy applies to all employees and all who work on behalf of Active Essex Foundation, including interims, agency workers and employees who are seconded to other organisations. It also applies to immediate family members (spouse, spousal equivalent, and dependants) whose interests and business relationships may need to be considered in the context of your contract with Active Essex Foundation.

This policy is divided into two sections: receiving gifts and hospitality, and offering

gifts and hospitality.

**Authorisation**

Except as stated in this policy, authorisation is required to accept gifts or hospitality. Use the declaration form to let your line manager / Board of Trustees know about any gifts or hospitality you are offered before accepting them.

**Receiving gifts and hospitality**

This section provides guidance on how you deal with offers of gifts or hospitality from:

* Contractors or potential contractors -including those who have previously worked for Active Essex Foundation
* service users
* outside suppliers
* any person or organisation who has – or seeks to have - dealings with the charity or is seeking a decision from us.

**Requirements for all employees, interims, agency workers and delivery partners**

As a representative of Active Essex Foundation you must be extremely cautious if you are offered gifts or hospitality as these can easily give the impression of improper behaviour or favour.

The guidance below advises you how to deal with such offers and gives some examples. If

you are in any doubt, you should decline any gift or hospitality and refer to your line manager or Board of Trustees.

If any offer seems to be inappropriate due to its size, nature, or timing then it probably is. In these cases, once you have completed the declaration form inform Internal Audit. Declaration forms will be reviewed in the order they are received and within three weeks of being submitted. If there is the potential for a conflict of interest or bias then your line manager will contact you to arrange a meeting to discuss this and any possible solutions to manage the risks.

**Acceptable gifts and hospitality**

Modest gifts and hospitality in appropriate circumstances do not need to be declared.

Examples are:

* You may accept modest promotional gifts and merchandise sent out as part of a general mail shot – for example, pens, diaries, and calendars. These do not need to be declared or authorised.
* You can accept modest hospitality such as a modest working lunch provided during a meeting attended in the course of your work for Active Essex Foundation. This also applies to conferences or courses. These do not need to be declared or authorised.
* Where Active Essex Foundation should be seen to be represented, for example at an event as part of the life of the community, modest hospitality may be accepted. If in any doubt whether this could be seen to be excessive, declare the offer and gain your authorising officer’s approval before accepting.
* See also the section below on unacceptable gifts and hospitality and on using your judgement for exceptions to this rule. If you believe a gift or hospitality may be worth more than £25, then be cautious about accepting it and consider refusal. If in doubt, take advice from your line manager or authorising officer. If you do accept, make sure you record it on the register.

**Gifts of more than modest value**

Gifts of greater than modest value must be returned to the donor. If you cannot return

such a gift it becomes the property of Active Essex Foundation and you must complete a declaration form.

**Gifts from service users or relatives**

Any legacy, gift or bequest offered or left to you by a person or relative of those who

benefit from your services as an employee or interim (or those whom you manage or

supervise) must be declared using a declaration form. Do not accept without written authorisation.

**Unacceptable gifts and hospitality**

You must not accept any hospitality or gifts from a potential supplier during a procurement competition, or where an outsider would view the offer as excessive, or as a misuse of time and therefore public money. In this case you must decline the offer and declare it on the declaration form. The following are examples of gifts or hospitality you must not accept:

* Gifts or hospitality with a high intrinsic or resale value such as expensive theatre tickets or invitations to prestigious sporting events.
* Holiday or weekend accommodation or the use of company flats, etc.
* Lunch or dinner from a developer whose planning application is awaiting consideration by Active Essex Foundation
* Where hospitality is offered solely to Active Essex employees by a company seeking work in partnership or receiving funding from us
* Hospitality or gifts from a supplier or potential supplier during contract negotiations or a tendering period, unless it is necessary such as sampling food during a catering contract evaluation process. This also applies if a contract is under re-negotiation.

**Use your judgement**

Always use your judgement. If you think something could be regarded as excessive, you must adopt a cautious approach, decline and record on the register. One-off gifts or hospitality that may be initially regarded as acceptable may become unacceptable if they are provided regularly or during a sensitive period.

**Offering gifts and hospitality**

This section covers when gifts and hospitality may be provided by Active Essex Foundation employees and representatives. Hospitality in this context covers the offer of gifts and services to people or organisations outside the charity.

**Gifts**

You should never use Active Essex Foundation funds to buy gifts of any kind. This includes:

* Christmas and other greeting cards, other than corporate Christmas cards which are charged directly to individual cost centres.
* Gifts, gratuities, tips or donations of any kind to individuals, including our employees, or external bodies, other than where a restaurant includes a standard service charge as part of the bill.

**Hospitality**

You should not normally use Active Essex Foundation funds to offer hospitality to third parties. In **exceptional** circumstances (such as an official visit from another Authority) you may be in a position where you need to provide hospitality, for example, buying a modest lunch, in order to manage the charities reputation. If this is the case you must obtain prior agreement from your authorising officer to incur the expense. You must provide the appropriate supporting information including;

* Relevant receipts
* Confirmation of the authorisation given and the reason why it was given
* The names of the third party/ies and the employee/s involved.

Normal subsistence rates usually apply, although there may be times when it is necessary to provide a higher level of hospitality to appropriately represent Active Essex Foundation. If this is the case an amount of £40 per head including alcohol should be used as a general guide to appropriate expenditure, and exceptions approved by the relevant Director beforehand.

You may provide catering for formal meetings with outside bodies in certain circumstances,

for example where such meetings take place outside normal office hours.

**Legislation and conduct**

The Bribery Act 2010 makes it an offence for you to ask for or accept any gifts or other awards for showing favours in relation to Council business. Such gifts or rewards are deemed to have been given and received corruptly unless it can be proved to the contrary. If you are convicted you will be liable to a fine, or imprisonment, or both. You must give the reward to Active Essex Foundation Board of Trustees and you may in exceptional circumstances lose your pension rights as well as your job.

The Local Government Act 1972 makes it an offence for you to accept any fee or rewards, including gifts, for your employment other than proper pay. If you are convicted you may be fined. You may also be convicted for any fraudulent claim

**Compliance with the policy**

You must comply with the guidance in this policy. Failure to do so may result in disciplinary action and will be treated very seriously.