

The logo for Orchard Hill College & Academy Trust features a red horizontal bar at the top. Below it is a red house-shaped icon with a white ampersand inside. The text "Orchard Hill College" is on the left and "Academy Trust" is on the right, both in a bold, black, sans-serif font.

**Orchard Hill College & Academy Trust**

# **GIFTS AND HOSPITALITY POLICY**

**The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 16<sup>th</sup> March 2018.**

Jay Mercer  
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", with a horizontal line extending to the right.

Darren Coghlan  
Chair of OHC Board

A handwritten signature in black ink, appearing to read "Darren Coghlan", with a horizontal line extending to the right.

# Gifts and Hospitality Policy

## INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. Part of this commitment is the resolution to operate in an honest and ethical manner at all times.

This document sets out the OHC&AT policy and procedures for dealing with offers of gifts, hospitality or other benefits.

## GENERAL PRINCIPLES

Dealing with offers of gifts, benefit or hospitality is largely a matter of common sense. If ever in doubt, a polite but firm refusal is the right action.

OHC&AT employees must not accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise their personal judgement or integrity.

Staff are required to behave, and be seen to have behaved, with all interested parties in a fair, impartial, professional and open manner. This approach will have a bearing on how to deal with offers of gifts, benefits and hospitality.

In addition to this policy, all staff are required to complete a declaration of interest form (available from the Clerk to the Governors) where they have any personal interest in any business activity, supplier, contractor, project or arrangement carried out under the OHC&AT Family.

Offers of gifts, benefits and hospitality are seen by many outside organisations and individuals as normal business practice, perhaps to promote useful contacts and working relationships. Such contacts and relationships may also further the interests of OHC&AT, but they can place you in a very difficult position:

- to refuse may cause misunderstanding or offence to the donor;
- to accept could involve criminal liability (see below) or otherwise give rise to questions of impropriety or suspicion of conflict of interest.

It is, therefore, important that you follow the procedures set out in this policy.

"Hospitality" in this context means meals and functions such as parties, receptions, presentations and conferences; and also invitations to social, cultural and sporting events. Some offers may include overnight accommodation and travel to and from a venue at which an event is being held.

Invitations extended to spouses, partners and/or other family members must be declined, unless the invitation makes clear that all invitees should be accompanied.

The presence of a spouse, partner or family member may then be recognised as being part of your official duties. Prior approval for a spouse, partner or family member to attend events is required. Such approval must be obtained from ESLT.

Staff are required to follow OHC&AT Finance Regulations and policy to ensure legal compliance.

## **DISCIPLINARY PENALTIES**

Under the Bribery Act 2010 it is an offence for any employee to solicit or accept any gift or consideration as an inducement or reward for:

- doing, or knowingly doing, anything in their official capacity or
- showing favour or disfavour to any persons in their official capacity.

Note that the unauthorised acceptance of a gift, benefit or hospitality – even if it could be demonstrated that it had not been received corruptly – and/or failure to report gifts, benefits or hospitality as specified below, could render you liable to disciplinary action up to and including dismissal.

### **The Bribery Act's Offences**

1. Active bribery: promising or giving a financial or other advantage.
2. Passive bribery: agreeing to receive or accepting a financial or other advantage.
3. The failure of commercial organisations to prevent bribery by an associated person.

OHC&AT Financial Regulations state that transactions have to be approved in accordance with the regulations. Expenditure (including expenses and credit cards) is approved by line managers and/or the Executive Senior Leadership Team. If a member of staff breaches financial regulations or policy, this could lead to disciplinary action.

Before accepting any gift, benefit or hospitality you should refer to OHC&AT Finance Regulations and policies, and ask your line manager.

## **DISCLOSURE**

The procedures contained in this policy cannot cover every situation that may arise. You are required to seek and follow the advice of your Principal, line manager and/or a member of the Executive Senior Leadership Team.

The CEO is the final arbiter on the advisability of acceptance or refusal of gifts, benefits and hospitality.

- You must disclose to your line manager any monetary and/or material gifts or services which have a **value in excess of £50**, from potential or actual

pupils/students, families, suppliers or any other person having similar connection to the organisation. If ever in doubt, a polite but firm refusal is the right action.

- The standard conditions of OHC&AT contracts prohibit a contractor from offering or making a gift or other consideration of any kind as an inducement to some action relating to the contract. Examples of gifts and benefits include, but are not limited to:
  - free use of company sporting or other facilities
  - use of discount shopping card provided by company
  - provision of services or goods at a reduced price
  - free membership of a local club or facility
  - participation in a foreign trip, either free or at a rate charged to the company's own employees
  - financial support or gifts for an office party
  - option to buy a company car at favourable price
  - awards and prizes

## **REPORTING AND RECORDING**

All gifts, benefits and hospitality, other than items up to the value of £50, must be reported, in writing using the reporting form in Appendix A, to your line manager and the Executive Director, Finance.

Principals and Directors should report gifts, benefits or hospitality directly to ESLT. Details of the gift will be recorded in a central register that OHC&AT is required to maintain.

When reporting receipt or refusal of gifts, benefits or hospitality, you must include the following information:

- when the gift was received
- who the donor is
- what the gift/benefit/hospitality is
- an estimate of the gift/benefit/hospitality's value and
- what you propose to do with the gift/benefit/hospitality (i.e. retain it, put it on display in the office, surrender it to OHC&AT, or refusal).

It is not necessary to record the following:

- light refreshments;
- (if you are not involved in procurement or in a tendering process) working meals, or meals provided at a conference;
- working lunches and dinners incidental to meetings (formal and informal) and to training events, presentations, conferences or seminars or similar events for which OHC&AT has paid;
- attendance at lunches, dinners, receptions or comparable functions organised by professional bodies, and their equivalents in local government and in the non-governmental public sector;
- hospitality relating to normal approved activity;

- items up to the value of £50.

## **GUIDANCE FOR LINE MANAGERS**

Line managers should consider the following risks when assessing acceptance of gifts, benefits or hospitality:

- Will acceptance create any possible conflicts of interest?
- Is the offer from an individual or organisation that has or is actively seeking to enter into a specific contractual or financial relationship with OHC&AT?
- Will acceptance create any obligation to the donor?
- Will acceptance compromise OHC&AT's (or the individual's) impartiality, or otherwise be improper?
- Will acceptance result in unfair advantage being conferred or thought to be conferred upon the outside organisation or individual?

## **HOSTING STAFF FUNCTIONS / EVENTS / GIFTS**

OHC&AT seeks guidance from the HM Treasury publications 'Managing Public Money' and 'Regularity, Propriety and Value for Money' in relation to staff entertaining and giving gifts. It is crucial for OHC&AT to be able to demonstrate integrity and transparency in its management of public funds.

Therefore, any social function, event or gift provided for the benefit of OHC&AT staff must meet the criteria set out in OHC&AT Finance Regulations in relation to purchasing:

- Probity – it must be demonstrable that there is no corruption or private gain involved in the financial conduct of the College, the Trust or its academies;
- Accountability – the College/Trust/academy is publicly accountable for its expenditure and the conduct of its affairs;
- Fairness – that all those dealt with by the College/Trust/academy are dealt with on a fair and equitable basis.
- The EU procurement regime – based on the Treaty principles of transparency, non-discrimination, equal treatment and proportionality as described by the Public Contracts Directive and Regulations.

Any exception to this policy must be requested in writing to the Executive Head, Quality & Development/Deputy CEO.

In any event, delegated budget must not be used to purchase alcohol for the sole benefit of staff (e.g. social functions or wellbeing events).

## **POLICY REVIEW**

*Version:* 1.1  
*Reviewer:* Corrina Jenkins, John Prior  
*Approval body:* Family Board  
*Date this version approved:* 16.03.18  
*Due for review:* Spring 2021

## **RELATED POLICIES AND PROCEDURES**

Disciplinary Procedure  
OHC and OHCAT Finance Regulations  
Fraud Policy  
Staff Code of Conduct

**APPENDIX A: NOTIFICATION OF GIFTS, BENEFITS AND HOSPITALITY OFFERED**

This form should be used when reporting a gift to be placed on the OHC&AT Gift and Hospitality Register in accordance with the guidance above.

<b>Personal details</b>	
Your name:	
Line manager's name:	
Location & telephone no:	
<b>Gifts and Hospitality details</b>	
Date of offer:	
Reason for offer (where known):	
Name of person making the offer:	
Name of their organisation (if appropriate):	
Description of offer:	
Has the offer been accepted or refused?	
If accepted, name of person authorising acceptance:	
<b>Registration details</b>	
Estimated value:	
Has this this been recorded on any other register?	
If Yes, which register and where is it located?	
<b>Please use this space for any other information e.g. what is to happen with the gift or hospitality</b>	
Please send your completed form by e-mail to <a href="mailto:finance@ohcat.org">finance@ohcat.org</a> or <a href="mailto:finance@orchardhill.ac.uk">finance@orchardhill.ac.uk</a>	