

Policy on the Receipt of Gifts and Hospitality

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Purpose

The purpose of this policy is to set out the restrictions placed on employees when offered a gift or hospitality in the course of their duties whilst working for, or on behalf of, Leicestershire County Council.

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Scope

This policy applies to all employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Service Employees;
- Joint Negotiating Committee for Chief Officers;
- School Teachers' Pay and Conditions (for Centrally Employed Teachers only).

This policy does not apply to employees of Schools and Colleges.

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Equalities

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

Introduction

The County Council is funded almost entirely from public funds, either through grants from Central Government or through Council Tax and it is essential that the Council can demonstrate the highest standards of probity in general and specifically in relation to its dealings with third parties. These relationships are a source of considerable interest and are subject to close scrutiny, both through formal and regular audit and scrutiny, and also through more ad hoc channels such as Freedom of Information requests.

It is essential that the public can be confident that decisions of whatever nature are made for good and justifiable reasons and are not influenced inappropriately by the interests of individual employees, their relatives or friends.

If it is likely that a typical member of the public would think that a specific gift or incidence of hospitality is inappropriate, then it probably is and should therefore be declined. It is always better to be cautious and decline any offer of payment, a gift or hospitality.

The overriding principle is that employees should not compromise their position as public service workers by accepting gifts or hospitality and allowing themselves to reach the position where they might be, or it might be thought by others to have been, influenced in making an important decision as a consequence. Therefore, employees are required to ensure that all offers of gifts or hospitality are registered within 5 working days of the being made, whether or not the offer has been accepted.

Failure to register a gift or any hospitality offered, whether or not they are accepted, may result in disciplinary action which could lead to dismissal.

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Payments and Gifts

Employees need to identify situations where their personal interests may conflict with their public duty or the interests of the County Council.

In general terms an employee must:

- Treat any offer of a gift or hospitality if it is made to them personally with extreme caution;
- Not receive any reward or fee other than their salary;
- Never accept monetary gifts of any kind;
- Always refuse offers of gifts or services to them (or their family members) from organisations or persons who do, or might, provide work, goods or services, to the County Council or who require a decision from the County Council;
- Always report any such offer to their line manager.

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from an organisation seeking to do business with or provide services to the County Council or in the process of applying for permission or some other decision from the Council is unlikely ever to be acceptable, regardless of the value of the gift. By contrast, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned.

Whilst an employee must never accept monetary gifts of any kind, whether in the form of cash or cheques, vouchers from service users may be acceptable depending on the circumstances but should be treated with great care.

Employees must always record, in the register of interests maintained by their Department, the reason for accepting any gift. For a gift valued at under £25, the reason recorded may be no more than “token value”.

Generally, all other gifts should be refused, and the offer of the gift recorded in the register of interests maintained by the employee’s Department.

If as a result of their employment an employee becomes a beneficiary in a service user's Will, this must always be reported to their line manager and recorded in the Departments register of interests. The employee must not accept the bequest, regardless of its size or value unless granted explicit permission by their Line manager. Permission will only be granted where the legacy is of little financial value, such as a sentimental item.

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Sponsorship

Where an external organisation wishes to sponsor, or is seeking to sponsor, a County Council activity, whether by invitation, tender, negotiation or voluntarily, this policy will apply. Care must be taken when dealing with contractors or potential contractors.

From time to time the County Council sponsors, or gives grants for, sporting and cultural events such as exhibitions, plays or performances, or games. No employee or any member of the employee’s family should receive any benefit from such sponsorship or grant in a direct or indirect way without there being full disclosure to their line manager of any such interest which must be declared in the register of interests maintained by the employee’s Department.

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Hospitality

It is recognised that, on occasions, the business of the County Council can be progressed through, for example, working lunches or dinners with external individuals or groups. As a general rule, an employee should only accept offers of such hospitality if there is a genuine need to impart information or there is a benefit to the County Council in representing the authority to the community or to a professional association e.g. society or institute dinner.

If the hospitality offered is primarily a social function, at which business matters are of a secondary concern (for example sporting events, film premiers or concert performances) then such invitations should be refused. When hospitality is declined, those making the offer should be informed of the procedures and standards operating within the County Council.

It is of vital importance that the possibility of an employee being deemed by others to have been influenced in making a business decision, as a result of accepting such hospitality, should be avoided both for the employee’s own protection and for the protection of the County Council.

If an offer of hospitality is accepted, it must be declared in the register of interests maintained by the employee's Department.

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Other Information

Employees should be aware that:

- Under the Bribery Act 2010, both individuals and organisations are liable for conviction in court, imprisonment and/or fines if found guilty of an offence;
- Fraud is defined as “deliberate deception intended to provide a direct or indirect personal gain”;
- Corruption is defined as the “deliberate use of one's position for direct or indirect illegitimate personal gain”.

Any queries or concerns about whether the offer of, or the receipt of a gift or hospitality is appropriate, or if any clarification is required about this policy employees should approach their line manager in the first instance.

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Making a Declaration

An employee wishing to make a declaration should complete the [registration form](#) and submit this to their manager. The form must include details of the donor, the reason for the offer, whether or not it was accepted and the estimated value.

The employee's manager will ensure that sufficient information has been provided on the form and will then discuss the contents with their Head of Service. The Head of Service will complete Part B of the form to confirm whether or not the declaration is acceptable, identifying, if appropriate, any action that needs to be taken.

In situations where the declaration relates to a Head of Service or Assistant Director, approval should be sought from the relevant Director. For declarations involving a Director, approval should be sought from the Monitoring Officer (i.e. the Director of Law and Governance).

A copy of the completed registration form should be sent to the Employee Service Centre for inclusion on the employee's personal file and the details recorded on the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests.

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Operation of the Register

It is the Departmental Directors responsibility to ensure that an up-to-date Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests is maintained in the standard format.

The register will be reviewed by the Monitoring Officer as required. The Monitoring Officer will report annually to the Corporate Governance Committee on the operation of the policy.

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Document control:

Version Number	Agreed At	Date Agreed	Review Date
2021-1	CNCC	27/05/2021	27/05/2024