

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 (whether or not this is accepted) 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).
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Others who may provide services to the Council (whether paid or unpaid) are expected to familiarise themselves with the contents of this policy and to apply the principles of it; this includes casual workers, volunteers, agency workers, consultants and those engaged on a temporary interim appointment. Please refer to the [Appendix](#) attached for declarations that may be required.

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 if there is any doubt.

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 that they 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 offer of a gift or hospitality 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 or someone with whom they have a close personal relationship) from organisations or persons who provide (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 refused.

An employee must never accept monetary gifts of any kind, whether in the form of cash, cheques or vouchers from service users.

Employees must always record when registering the gift the reason for accepting it. 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 registered. Employees are referred to the ‘Making a declaration ‘ section below for how to do this.

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 Director in consultation with the Monitoring Officer. Permission will only be granted where the legacy is of little financial value, such as a sentimental item.

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.

Regardless of whether an offer of hospitality is accepted, it must be registered. Employees are referred to the ‘Making a declaration ‘ section below for how to do this.

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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. Offences include both offering and receiving a bribe and the council may also commit a corporate offence if it is deemed to have not taken adequate steps to prevent bribery within the organisation ;
- 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

Any employee who is required to register the offer of a gift or hospitality under this policy is required to complete the [registration form](#) providing as much detail as possible. It is important this is done as soon as the offer of the gift or hospitality is made to enable the declaration to be considered and advice to be taken if necessary. The form must include details of the donor, the reason for the offer, whether or not it was accepted and the estimated value.

The form will be submitted to the Employee’s Head of Service who (in consultation with the employee’s line manager) is responsible for making a decision applying this policy. If the Head of Service believes the gift or hospitality is not acceptable within this policy, the employee will be advised of the reasons. .

Where the declaration is made by 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 form when completed by the approving officer will be sent to the employee and the Employee Service Centre to be placed on the personal file.

The data generated by the above process will be used to compile the Departmental Register of Gifts, Hospitality, Personal, Business, Financial or Other Interests.

Operation of the Register

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

Directors will review the register at quarterly intervals. 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:

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2024-1	CNCC	21/11/2024	21/11/2027

Appendix - Agency Workers, Consultants and Contractors

As mentioned in the policy others who may provide services to the Council (whether paid or unpaid) are expected to familiarise themselves with the contents of this policy and to apply the principles of it. This includes **casual workers, volunteers, agency workers, consultants and contractors and those engaged on a temporary interim appointment.**

Recruiting managers are responsible for drawing this policy to the attention of workers in these categories and workers in these categories are required to familiarise themselves with the contents of this policy and to apply the principles of it and to disclose any gift or hospitality by completing the declaration form below.

Workers in these categories are advised that if they are in any doubt as to whether they need to disclose a gift or hospitality or the offer of such (even if refused) they should make a declaration using the form below and bring this to the attention of their manager or supervisor.

Please note that making a declaration does not mean that the placement or arrangement with the council will end but instead is a means of ensuring that the gift/hospitality is properly recorded and that any measures that may be required can be put into place.

Declaration

I have read the Council's policy on the declaration of gifts and hospitality and wish to declare the following;

Date gift or hospitality offered	Person/body making the offer	Details of gift including estimated value	Details of hospitality including estimated value	Nature of relationship between person/body offering and LCC	Has the offer of gift/hospitality been refused?	Date gift received or hospitality taken

I hereby declare that the information I have declared above is truthful, accurate and complete.

Name (please print)

Signature

Date