



Gifts and Hospitality

Policy

DRAFT

DRAFT

1.0 Policy Statement

- 1.1 Wirral Council is funded almost entirely from public funds, either through grants from central government, or through council tax, funded from the local tax payer and it is essential that the Authority can demonstrate the highest standards of probity in general, and specifically in relation to its dealings with third parties.
- 1.2 Wirral Council is committed to the highest standards of ethical conduct and integrity in its business activities. This policy sets out the Council's position if situations arise where employees and managers at all levels are offered gifts and hospitality in connection with their employment.
- 1.3 The aim of the policy is to ensure transparency in the activities of the Council and consequently protect officers from accusations of misconduct.
- 1.4 This policy applies to all Council employees (non-schools). There are specific provisions for employees of Merseyside Pension Fund (see Section 7).
- 1.5 All employees are required to familiarise themselves and comply with this procedure, including any future updates that may be issued from time to time by the Council.

2.0 Anti-Bribery Policy

- 2.1 This Policy should be read in conjunction with the Council's Anti-Bribery Policy <http://wbcnet.admin.ad.wirral.gov.uk/Personnel/anti-bribery.htm>
- 2.2 Under the terms of the Anti-Bribery policy it is unacceptable to:
 - Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
 - Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return.
- 2.3 Employees should also refer to the Employee Code of Conduct and Conflict of Interest Policy.

3.0 General Principles

- 3.1 Acceptance of gifts or hospitality by officers could be construed by others as influencing decisions made by those officers. The basic principle of this policy is that officers should not behave in a way that might give the impression that a gift or hospitality has influenced their decision. An officer should consider whether it would be reasonable for a member of the public to think so - it is not enough for an officer to be satisfied that he/she would not in fact be influenced, or that it was not the intention of the person offering the gift or hospitality to influence him/her.
- 3.2 The following general rules should apply:
 - Always refuse where you think there may be an ulterior motive.
 - Be sensitive to the possibility that the giver may consider that even small gifts or humble hospitality will elicit prompt service or preferential treatment.

- Never accept gifts or hospitality from anyone who is or may be in the foreseeable future, tendering for a contract with the Council.
- Never accept gifts of hospitality from anyone who is or may be in the foreseeable future, seeking planning consent from the Council.
- Never accept gifts or hospitality from anyone who is in conflict with the Council.

4.0 Requirements of the Policy

- 4.1 All employees must ensure that gifts and hospitality offered, as well as received, are declared using the M17 Form. This is attached at Appendix A.
- 4.2 This should be authorised by Head of Service **prior** to the acceptance of gift or hospitality.
- 4.3 Heads of Service and Directors should submit forms to Strategic Directors. Strategic Directors should submit forms to the Chief Executive.
- 4.4 It is acknowledged there may be circumstances where gift or hospitality is offered without the opportunity for an officer to seek prior authorisation. In such circumstances, officers should consider whether the gift/hospitality being offered is appropriate, in accordance with this policy and guidance, but in all cases must declare the gift/hospitality within 14 days. Further guidance is attached at Appendix B.

5.0 Gifts and Hospitality that do not need to be registered

- 5.1 There are some gifts and hospitality which do not need to be registered:
- A small/low value gift of promotional character given to a wide range of people and not uniquely to specific employees. These gifts are usually given at Christmas time and include calendars, diaries, pens, mugs or other articles of use in the office or for the job.
 - Small/low value gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm.
 - Light refreshments (e.g. tea, coffee, biscuits, sandwiches) provided as part of a meeting, event or conference is acceptable and do not need to be registered.
- 5.2 Without causing offence employees should also discourage service users or other organisations from offering gifts. However, where small, low value gifts eg chocolates are given as a thanks for service provided, for example from a person in residential care, these may be accepted if they are shared within the team or raffled for charity.

6.0 Gifts and Hospitality that must be declared

- 6.1 The following may be acceptable, but **must be** declared and approved by the authorising officer:
- Gifts which may not reasonably considered as small/low value and/or which cannot easily be returned or to do so may cause offence. These should be declared and a decision taken by the Chief Officer as to whether it is appropriate for it to be retained by the person for whom the gift is intended, returned, kept by the Council or passed on to charity.

- Hospitality at an event where there is a genuine need to exchange or impart information or represent the Council.
- Hospitality at a purely social, entertainment or sporting function which is part of the life of the community, and where the Council should be seen to be represented.
- Subsidised or free of charge conferences and courses, where it is clear that:
 - The conference or course content is relevant to the business of the Council.
 - Procurement or other decisions are not compromised.
 - Hospitality is corporate rather than personal.
- A meal provided in the course of duties incidental to normal Council business, beyond what would normally be expected to be provided (e.g. a three course meal at a business meeting), can only be accepted where it is clear that procurement or other decisions are not compromised.

6.2 All other offers should be declined, but must still be declared.

6.3 Special caution is needed where the host is a private individual or seeking to do business with the Authority or to obtain a decision from it or has been involved with the Authority commercially. It is important to avoid any suggestion of undue influence and therefore in these circumstances hospitality/entertainment should normally be avoided with the exception of modest refreshments provided during discussions/negotiations. Again, any hospitality/entertainment received should be registered.

7.0 Merseyside Pension Fund

7.1 Gifts and hospitality for Merseyside Pension Fund are declared in accordance with the Council's procedure, subject to the Pension Fund's Guidance as set out in its Compliance Manual.

8.0 Monitoring and Compliance

8.1 Each Director/Head of Service is required to ensure that:

- An up to date Departmental Gifts and Hospitality Register is maintained for each department (M21).
- The register is in standard format. The register should consist of a full record of all offers of gifts and hospitality offered and received, irrespective of whether they were accepted.
- The Director/Head of Service reviews entries within the register to ensure that this policy is being complied with.
- Departmental Management Teams review formally registers on quarterly basis to assess any at risk operational areas where gifts and hospitality are most likely to be offered and re-enforce corporate guidance where appropriate.

- Signed copies of all M17 Forms are sent to Human Resources for retention on the employees' personal file.
- 8.2 The Head of Human Resources and Organisational Development, in consultation with the Monitoring Officer, will collate departmental returns and produce a report to the Council's cabinet on an annual basis. This report will be in the public domain with individual details redacted as appropriate.
- 8.3 Any breach of the Council's Gifts and Hospitality policy is likely to be considered under the Council's disciplinary policy and this could, in some circumstances, lead to dismissal.
- 8.4 The Council may also face criminal liability for unlawful actions taken by its employees under the Bribery Act 2010.
- 8.5 The Head of Human Resources and Organisational Development will keep this policy under review on an annual basis.
- 9.0 Communication of Policy**
- 9.1 Line Managers should ensure the employees are clear about the requirements of the Gifts and Hospitality policy. This should be discussed regularly at Key Issue Exchanges, reviews and team meetings.
- 9.2 Directors/Heads of Service should ensure that the requirements of the policy are periodically discussed at Departmental Management Team Meetings.
- 9.3 Human Resources will ensure that the requirements of the policy are communicated regularly via the Intranet and organisational newsletters.

Employee Name: _____
Employee No: _____ Post No: _____
Designation: _____
Band/Grade: _____
Department: _____
Section: _____

Declaration of Gift and/or Hospitality

Employees must declare any Gift or Hospitality below (see guidance overleaf).

Date Offered/Provided:	
Provider of Gift/Hospitality:	
Nature of Gift/Hospitality:	
Where Offered/Provided:	
Reasons:	
Does the provider of the Gift/Hospitality have an existing contact with the Council? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the Organisation Seeking Work? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Estimated Value: £	
Offer Accepted: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Disposal Arrangements:	
Employee's Signature:	Date:
The completed form should be reviewed by the Head of Service and signed to indicate they have discussed any potential issues.	
Head of Service/Strategic Director/Chief Executive:	Date:
Comments:	
Date Entered on Departmental Register:	
Date sent to Human Resources	

Guidelines

Each situation should be considered on its own merit and within the basic principles of the policy.

The public perception of the offer should always be considered. It should be considered in the context of what is being offered, to whom the offer is being made, the purpose of the offer, the benefits to the giver and the relationship between the giver and the Council at that time.

Whilst impossible to produce a wholly exhaustive list of situations, the following guidelines are provided to assist officers in dealing with offers.

The Council's Monitoring Officer can be contacted for advice and further guidance and on responding to specific offers.

Gifts

The basic principle of this policy should be considered in every case

- Small/low value gifts such as pens, diaries, calendars and other stationary items are often offered (usually seasonally) by companies. It is permissible to accept these without the permission of a senior officer or registering them. It is not necessary to find the exact worth of the gift, but if it is deemed worth more than £10, it should be refused.
- It can sometimes be impractical or impossible to return a gift, but that does not necessarily mean that the officer should keep it. Consideration should be given to donating it, i.e to a charity, exhibit it in the office foyer.
- It can be awkward for an officer who provides personal care (e.g. care staff) to refuse a gift from a client, as refusal could be hurtful to that client. In such circumstances it is possible to exercise some discretion. A (senior officer) should be informed of the offer and he/she should decide whether to accept/refuse or to deal with it another way (e.g. donate it to a charity).
- Consideration should be given to who is making the offer, what is their relationship to the Council, and whether it is likely that they will want something from the Council?
- The timing of the offer could be significant. If the offer comes from someone who is expecting any sort of decision from the Council (i.e contract, grant, planning permission) the offer should be refused.
- Any offer to officers to buy goods or services cheaply should be taken as a gift and refused every time.
- A gift is sometimes given as an acknowledgement of work done beyond the call of duty e.g speaking at a meeting during the evening. The circumstances should be considered carefully, but accepting a small, reasonable gift could be acceptable under these circumstances.

Hospitality

The basic principle of this policy should be considered in every case

- Occasional attendance at business dinners is acceptable as routine business practice and permission is not required, but should be registered.
- Similarly, light refreshments (e.g. tea, coffee, biscuits, sandwiches) provided as part of an acceptable event is acceptable and do not need to be registered.
- Any officer receiving an invitation to dinner or a more formal event, or to a regular business dinner, or if he/she has any misgivings about any offer, they should request (senior officer) permission before responding.
- Consideration should be given to who is making the offer, what is their relationship to the Council, and whether it is likely that they will want something from the Council?
- The timing of the offer could be significant. If the offer comes from someone who is expecting any sort of decision from the Council (i.e. contract, grant, planning permission) the offer should be refused.
- Is it necessary for the officer to be present to receive information of use to the Council or to give information on behalf of the Council?
- Will the officer be the only invitee? If so, the invitation should normally be refused.
- Is the hospitality too generous for the event? There is a danger that such offers could be perceived as an attempt to influence.
- Where a visit to inspect equipment, or in relation to the awarding of any contract/agreement, is necessary, officers should ensure that the authority pays for these visits so that any decisions resulting from them are seen to be fair.