



*“An Excellent Authority”*

**Service Instruction**

**Document Control GUIDANCE FOR EMPLOYEES ON GIFTS AND HOSPITALITY**

**Description and Purpose**

This document is intended to give guidance to event managers about matters connected with events.

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Permanent		Temporary	If temporary, review date must be 3 months or less.	

**Amendment History**

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**Risk Assessment (if applicable)**

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**Related Documents**

Doc. Type	Ref. No.	Title	Document location

**Contact**

Department	Email	Telephone ext.

**Target audience**

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

**Relevant legislation (if any)**

## Guidance for Employees on Gifts and Hospitality

As an employee of the Authority, you are personally responsible for declaring all offers of any gift or hospitality indicating the background to the offer and if such offers have been accepted or declined.

You should treat with extreme caution any offer of gifts or hospitality made to you personally or partners/members of your family. You should refuse any gift or offer of hospitality which might be perceived by the public as influencing your decisions or actions as an employee of the Authority. Acceptance in the context of your employment of any fee or reward, other than your proper remuneration, can constitute a criminal offence.

You do not need to declare gifts of a **nominal** value (e.g. pens, calendars or a token promotional gift) or hospitality given as part of an event you attend as an employee.(e.g. conferences and training events).

If you are invited to an event to discuss Authority business and the value of the hospitality is substantial make sure that you really need to go and ensure that your line manager and Head of Service/Area Manager/Director is aware of this. It **MUST BE REGISTERED**. For the avoidance of doubt the post titles of those who may approve any acceptance of a gift or hospitality is provided on the form.

Tactfully refuse any gift or hospitality where these might be seen by the public to compromise your integrity, e.g. paid holidays, complimentary tickets to sporting events, except where these can be considered to be in the spirit and role as part of the life of the local community/where the Authority should be seen to be represented and is authorised by your Head of Service/ Director/Area Manager.

If gifts are sent to your office, return them to the sender if possible, providing that this would not cause offence. If it is not possible for you to return the gifts, make arrangements for them to be donated to the Firefighters' Charity. This must be recorded in the Register as accepted and the donation also recorded

If the gifts are perishable goods (e.g. chocolates, biscuits) it is acceptable for these to be shared with Office colleagues and the gift to be recorded in the Register of Gifts and Hospitality. Alcohol must not be shared on the Authority's premises and it is normally the case that offers of alcohol are declined

Declare **all** offers of gifts, (unless of nominal value as described in paragraph 3 above), whether you accept them or refuse them. Declare all offers of hospitality referred to at paragraph 4 above. You should complete Part 1 of the Form attached. Your Head of Service/Director or Area Manager must complete Part 2 of the Form attached and sign to give their approval if you are to accept

Declarations must be made on this form and no other method of declaration is valid.

You must answer **all** of the questions on the form.

Hand the completed form to your Area Manager/Director or Head of Service who will check that it has been properly completed and will sign to approve any acceptance. The register will be periodically checked by the Deputy Chief Executive and the Monitoring Officer to ensure that the procedure on gifts and hospitality is being complied with.

If you have any doubt at all about whether to accept a gift or hospitality, seek the advice of the Clerk to the Authority

## **1. Introduction**

- 1.1 This Protocol provides guidance for employees of the Authority.
- 1.2 The Protocol relates to gifts and hospitality offered to an employee, as an employee of the Authority. It does not apply to gifts and hospitality offered to an employee by their family and friends. Any employee must not have any work dealings with anyone who is sufficiently closely connected to the employee by ties of kinship or friendship so that a gift from him/her would fall into this category. If such a person approaches the Authority for any reason, the employee must declare the relationship/friendship to his/her Director/Head of Service/Area Manager and ensure that he/she has no involvement in the transactions/dealings. He/she must not seek to influence any other employee who is dealing with the matter.

## **2. General Caution**

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.
- 2.2 Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.3 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.
- 2.4 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This Protocol offers general principles to enable you to make your own decision with the approval of your Senior Manager.

## **3. Criminal Law**

- 3.1 Section 117 of the Local Government Act 1972 requires that “an officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration”.

- 3.2 An officer who contravenes the provisions of Section 117 shall be liable on summary conviction to a fine not exceeding £2,500.
- 3.3 The Bribery Act 2010 also contains two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery). A bribe in this context is either where someone offers, promises or gives a financial or other advantage to another person, and intends the advantage to induce a person to perform improperly a function or activity, or to reward a person for the improper performance of such a function or activity and/or knows or believes that the acceptance of the advantage would itself constitute the improper performance of such function or activity.

#### **4. Policy Statement**

- 4.1 The Authority's 'Officer Code of Conduct' states that the public is entitled to demand of a local government employee conduct of the highest standard. Employee's actions must not be influenced by offers or gifts or hospitality and their actions must not give the impression that they have been influenced in this way.
- 4.2 Authority employees must not accept gifts, loans, fees or rewards from any person or organisation in particular those who may potentially expect to receive an advantage or benefit in return. This includes gifts, loans, fees or rewards from contractors, (including those who may wish to or be likely to contract even if they are not currently involved in any tendering exercise) outside suppliers or members of the public. However, some incidental gifts or hospitality can be accepted, as detailed in this Protocol.
- 4.3 This Protocol applies to all employees of the Authority including the Chief Fire Officer, the Deputy Chief Executive, Area Managers, Directors and Heads of Service

#### **5. Principles**

- 5.1 Employees must maintain a good working relationship with the public but avoid favouritism and the potential for perceptions of favouritism towards any group or individual in the course of their work.
- 5.2 Employees must act with integrity at all times.
- 5.3 If it is suspected that a contractor, outside supplier or other person/organisation is acting in an improper manner, employees should report it to their line manager as a matter of urgency.

#### **6. Gifts**

- 6.1 Employees may accept low value promotional work related gifts, preferably marked with the donor's name, provided that the gift is to be used at work.

**Examples could be:**

- diaries
- calendars
- pens
- blotters
- rulers
- mouse mats
- other low value stationery used as promotional gifts.

Low value gifts that are not used at work are generally unacceptable and they should be **refused**.

Examples could be:

- discounts on items for personal use
- bottles of spirits, wine or beer for personal use
- personal gifts for personal use

- 6.2 Without causing offence, employees should discourage service users or other organisations from offering gifts. However, where small gifts, e.g. chocolates, are given as thanks for service provided, for example from a person who has been assisted by the Service, these can be accepted if they are shared within the team or raffled for/given to charity. They must however still be declared and recorded
- 6.3 If gifts have a higher value, employees should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, the Area Manager/ Director/Head of Service should dispose of them to charity and record this fact. A declaration will need to be made in these circumstances with an explanation of what has been done
- 6.4 Employees should not accept significant personal gifts from existing or potential contractors and outside suppliers, although the keeping of insignificant items of token value such as pens, diaries, etc, is acceptable. The acceptance of gifts of small value from outside suppliers or private individuals may be allowable in certain circumstances if approved by a senior manager
- 6.5 All gifts, apart from low value promotional work related gifts, should be registered on the appropriate form, even if the gift is returned. Please see 9.1 of this procedure.
- 6.6 Under no circumstances may gifts of cash to an employee of the Authority by any person or organisation be accepted.

## **7. Hospitality**

- 7.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend local social or sporting functions/events should be accepted only when these can be considered to be part of the life of the community or where the Authority should be seen to be represented. For example, this would mean that it may be inappropriate for employees to accept invitations to a premiership football match but it may be appropriate to accept an invitation to a match where a local team was involved and is part of the local community and it has been agreed at a senior level that the Authority should be seen to be represented. Each case needs to be considered on its merits
- 7.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 7.3 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 7.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc, are required, employees should ensure the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 7.5 Invitations to social events offered as part of normal working life, e.g. opening celebrations, annual dinners, may be accepted if authorised by the appropriate Area Manager/Director/Head of Service.
- 7.6 Invitations to any types of hospitality that are of no benefit to the Authority must not be accepted.
- 7.7 All offers of hospitality, other than incidental, must be registered on the appropriate form, please see 9.1 of this procedure.

## 8. Inducements

- 8.1 Employees must not accept inducements, e.g. a bribe.
- 8.2 All offers of inducement must immediately be reported to the appropriate senior manager and be registered as per section 9.1 of this procedure.

## 9. Procedure

- 9.1 All offers of accepted/declined gifts or hospitality (other than incidental) must be entered onto Part 1 of the form "Declaration of Gifts and Hospitality Offered to Employees" **Form 'A'**, together with an estimate of value and reasons behind the offer and passed to the relevant Area Manager, Director or Head of Service

- 9.2 These Managers will sign Part 2 of **Form 'A'** to approve or otherwise any acceptance of the same. The form (both Parts 1 and 2 ) should then be submitted to the Clerk to the Authority (The Monitoring Officer and Director of Legal, Procurement and Democratic Services) who will ensure that it is entered onto the Register. The Clerk will contact the Manager who has sent in the form when this has been done and will, where she or he considers that an approved gift/hospitality should not have been accepted, discuss this with the Manager in question. A record of any such discussions and action agreed will be recorded and attached to the form.
- 9.3 The Director for Legal, Procurement and Democratic Services will retain a file of higher value gifts or hospitality offered, declined or accepted. A report to the Audit sub Committee will be presented summarising the information. on the Register annually
- 9.4 Where gifts, hospitality or inducements are offered to a Head of Service the Director or relevant Principal Officer will sign the form.
- 9.5 Where gifts, hospitality or inducements are offered to the Area Managers or Directors, the appropriate Principal Officer will sign the form.
- 9.6 Where gifts, hospitality or inducements are offered to the Deputy Chief Executive, The Deputy Chief Fire Officer or the Clerk the Chief Fire Officer will sign the form.
- 9.7 If any employees are uncertain how to deal with an offer of a gift or hospitality, he/she should contact their Line Manager.
- 9.8 If an employee's interpretation of this Guidance and/or their actions is called into question, it is the responsibility of the appropriate manager to investigate whether the person acted in good faith according to their understanding of the Code of Conduct

**APPENDIX B GIFTS AND HOSPITALITY FORM PART 1**

(Part 1 to be completed by recipient – part 2 overleaf to be completed by approving officer)

<b>GIFT/HOSPITALITY FORM (Part 1) DETAILS</b>	
Offered to:	
Name of ultimate recipient if not as above (i.e. if gift or hospitality passed on to someone else):	
Date of event or gift offered:	
Description of offer:	
Why was the offer made:	
Estimated/actual value of offer:	
State whether offer was declined:	
Is there a current/potential contract with the donor? If yes provide details:	
Signature:	Signed:  Date:

**PLEASE TURN OVER FOR PART 2 TO BE COMPLETED BY THE APPROVING OFFICER****LIST OF APPROVING OFFICERS:  
(N.B. Only these officers may approve acceptance)**

CHIEF FIRE OFFICER  
 DEPUTY CHIEF FIRE OFFICER  
 DEPUTY CHIEF EXECUTIVE  
 AREA MANAGER  
 DIRECTOR  
 HEAD OF SERVICE (i.e. Head of ICT, Head of Assets, Head of Procurement, Head of Finance)



## APPENDIX C GIFTS AND HOSPITALITY FORM PART 2

<b>GIFT/HOSPITALITY FORM (Part 2) OUTCOME</b>	
Decision: (Approved/Not Approved)	
Reasons why approval has/has not been granted:	
Is gift being returned? If so, a letter should be issued (example at Annex B)	
Has the gift been used or disposed of? If so give details:	
Has the gift been donated to a nominated charity?	
Has the Gifts and Hospitality register been updated?	
Signature of Approving Officer:	Signed:  Date:

**NB: FORM NOT VALID UNLESS BOTH PARTS 1 AND 2 HAVE BEEN COMPLETED**

APPROVING OFFICER TO SEND BOTH PARTS TO THE CLERK TO THE AUTHORITY  
(KEEPING A COPY IF NECESSARY)