

Human Resources Conduct

Gifts and hospitality policy



Essex County Council

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The aim of this policy

This policy provides guidance to ECC employees and all who work on behalf of ECC, including interims, agency workers and ECC employees who are seconded to other organisations on how to deal with:

- offers of gifts or hospitality from third parties and
- offering gifts or hospitality to third parties.

For foreign travel and visits to or by overseas representatives, the ECC Foreign travel, gifts and hospitality policy applies.

Principles

Employees must:

- Comply with this guidance when considering offers of gifts or hospitality made to them by outside individuals or organisations.
- Declare all gifts or hospitality they receive, other than modest promotional items or modest hospitality accepted in the course of your work.
- In addition, take advice and where possible do not accept gifts or hospitality that may be worth more than £25; if acceptance cannot be avoided, gain approval before accepting.
- Not place themselves under any financial or other obligation to outsiders or third parties that might seek to influence them in the performance of their official duties.
- If it is likely that a member of the public would see something as inappropriate then they should decline and declare the offer of gifts or hospitality on the declaration form.
- Follow this policy when providing gifts or hospitality as part of their work.
- Comply with this policy; failure to do so is a disciplinary offence and will be taken very seriously.
- Ask their line manager or authorising officer if unsure what is required of them.

Gifts and Hospitality Policy

Essex County Council (ECC) is funded almost entirely through public funds. As a representative of ECC your conduct is expected to be of the highest standard. It is essential that you are seen to be open and honest in any dealings with outside individuals and organisations. These relationships are examined in detail through formal and regular channels, such as our auditors. They are also of great interest to the public through Freedom of Information requests and other ad hoc channels.

This policy applies to all employees and all who work on behalf of ECC, including interims, agency workers and ECC employees who are seconded to other organisations. It also applies to immediate family members (spouse, spousal equivalent, and dependants) whose interests and business relationships may need to be considered in the context of your contract with ECC.

This policy is divided into two sections: receiving gifts and hospitality, and offering gifts and hospitality.

Note: for gifts and hospitality offered by overseas representatives, follow the Foreign Travel, Gifts and Hospitality policy.

Authorisation

Except as stated in this policy, authorisation is required to accept gifts or hospitality. Use the declaration form to let your line manager know about any gifts or hospitality you are offered before accepting them.

Receiving gifts and hospitality

This section provides guidance on how you deal with offers of gifts or hospitality from:

- Contractors or potential contractors - including those who have previously worked for ECC
- service users
- outside suppliers
- any person or organisation who has - or seeks to have - dealings with the council or is seeking a decision from ECC.

Requirements for all employees, interims and agency workers

As a representative of ECC you must be extremely cautious if you are offered gifts or hospitality as these can easily give the impression of improper behaviour or favour. The guidance below advises you how to deal with such offers and gives some examples. If you are in any doubt, you should decline any gift or hospitality and refer to your line manager or authorising officer for guidance.

Complete the declaration form if you are offered a gift or hospitality. It is wise to be cautious. If any offer seems to be inappropriate due to its size, nature, or timing then it probably is. In these cases, once you have completed the declaration form inform Internal Audit.

Declaration forms will be reviewed in the order they are received and within three weeks of being submitted. If there is the potential for a conflict of interest or bias then your line manager will contact you to arrange a meeting to discuss this and any possible solutions to manage the risks.

Acceptable gifts and hospitality

Modest gifts and hospitality in appropriate circumstances do not need to be declared. Examples are:

- You may accept modest promotional gifts and merchandise sent out as part of a general mail shot – for example, pens, diaries, and calendars. These do not need to be declared or authorised.

- You can accept modest hospitality such as a modest working lunch provided during a meeting attended in the course of your work for ECC. This also applies to conferences or courses. These do not need to be declared or authorised.
- Where ECC should be seen to be represented, for example at an event as part of the life of the community, modest hospitality may be accepted. If in any doubt whether this could be seen to be excessive, declare the offer and gain your authorising officer's approval before accepting.

See also the section below on unacceptable gifts and hospitality and on using your judgement for exceptions to this rule.

If you believe a gift or hospitality may be worth more than £25, then be cautious about accepting it and consider refusal. If in doubt, take advice from your line manager or authorising officer. If you do accept, make sure you record it on the register.

For gifts and hospitality offered by overseas representatives, the Foreign Travel, Gifts and Hospitality policy applies.

Gifts of more than modest value

Gifts of greater than modest value must be returned to the donor. If you cannot return such a gift it becomes the property of ECC and you must complete the declaration form.

Gifts from service users or relatives

Any legacy, gift or bequest offered or left to you by a person or relative of those who benefit from your services as an employee or interim (or those whom you manage or supervise) must be declared using the declaration form. Do not accept without written authorisation.

Unacceptable gifts and hospitality

You must not accept any hospitality or gifts from a potential supplier during a procurement competition, or where an outsider would view the offer as excessive, or as a misuse of time and therefore public money. In this case you must decline the offer and declare it on the declaration form.

The following are examples of gifts or hospitality you must not accept:

- Gifts or hospitality with a high intrinsic or resale value such as expensive theatre tickets or invitations to prestigious sporting events.
- Holiday or weekend accommodation or the use of company flats, etc.
- Lunch or dinner from a developer whose planning application is awaiting consideration by ECC.
- Where hospitality is offered solely to ECC employees by a company seeking work or contracts from the Council
- Hospitality or gifts from a supplier or potential supplier during contract negotiations or a tendering period, unless it is necessary such as sampling food during a catering contract evaluation process. This also applies if a contract is under re-negotiation.

Use your judgement

Always use your judgement. If you think something could be regarded as excessive, you must adopt a cautious approach, decline and record on the register.

One-off gifts or hospitality that may be initially regarded as acceptable may become unacceptable if they are provided regularly or during a sensitive period.

Offering gifts and hospitality

This section covers when gifts and hospitality may be provided by ECC employees and representatives. Hospitality in this context covers the offer of gifts and services to people or organisations outside ECC, not between employees or between Councillors and employees. For matters involving organisations abroad, see the Foreign Travel, Gifts and Hospitality policy.

Gifts

With the exception of the corporate schemes, such as 'You Make the Difference Awards', or in accordance with any other policy, you should never use ECC funds to buy gifts of any kind. This includes:

- Christmas and other greeting cards, other than corporate Christmas cards which are charged directly to individual cost centres.
- Gifts, gratuities, tips or donations of any kind to individuals, including ECC employees, or external bodies, other than where a restaurant includes a standard service charge as part of the bill.

Hospitality

You should not normally use ECC funds to offer hospitality to third parties. In **exceptional** circumstances (such as an official visit from another Authority) you may be in a position where you need to provide hospitality, for example, buying a modest lunch, in order to manage ECC's reputation.

If this is the case you must obtain prior agreement from your authorising officer to incur the expense. You must provide the appropriate supporting information with the claim/P-Card including:

- Relevant receipts
- Confirmation of the authorisation given and the reason why it was given

- The names of the third party/ies and the employee/s involved.

Normal subsistence rates usually apply, although there may be times when it is necessary to provide a higher level of hospitality to appropriately represent Essex. If this is the case an amount of £40 per head including alcohol should be used as a general guide to appropriate expenditure, and exceptions approved by the relevant Director beforehand.

You may provide catering for formal meetings with outside bodies in certain circumstances, for example where such meetings take place outside normal office hours.

For matters relating to foreign travel, the Foreign Travel, Gifts and Hospitality policy applies in place of this policy.

- Travel and Subsistence Policy

Legislation and conduct

The Bribery Act 2010 makes it an offence for you to ask for or accept any gifts or other awards for showing favours in relation to Council business. Such gifts or rewards are deemed to have been given and received corruptly unless it can be proved to the contrary. If you are convicted you will be liable to a fine, or imprisonment, or both. You must give the reward to ECC and you may in exceptional circumstances lose your pension rights as well as your job.

The Local Government Act 1972 makes it an offence for you to accept any fee or rewards, including gifts, for your employment other than proper pay. If you are convicted you may be fined. You may also be convicted for any fraudulent claim.

Compliance with the policy

You must comply with the guidance in this policy. Failure to do so may result in disciplinary action and will be treated very seriously.

More information and help

Associated documents

Form

- [Declaration form](#)

Other policies

- Officer Travel and Subsistence policy
- Declaration of interests policy
- Foreign travel, gifts and hospitality policy
- Code of conduct

Contact for more information

HR Advice and Support

Tel: 03330 134300

Email:

HRadviceandsupport@essex.gov.uk

Corporate Governance and Internal Audit (Counter Fraud team) are also able to advise.

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Last updated: 1 November 2015

Changes made: New online declaration form launched.

Previous version: 15 August 2014

Changes made: Alternative paper-based process added for employees without intranet access.

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Changes made: Electronic registration, approval and review process replacing paper-based individual and service/function registers.

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This document is issued by

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