

# **Gifts and Hospitality Policy**

**October 2020  
(Agreed by Trade Unions)**



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# 1. Objectives and scope

- 1.1 From time to time officers are faced with the difficulty of deciding whether or not to accept offers of gifts or hospitality which arise during the course of business activities. Whilst it is impossible to cover every set of circumstances, this policy should provide a basis for making a decision in the vast majority of cases.
- 1.2 This policy relates primarily to relationships with commercial bodies and outside individuals in the private sector. Different circumstances will usually apply where dealings are with other public authorities.
- 1.3 Officers are strongly advised to err on the side of caution when deciding whether or not to accept gifts or hospitality. If they are in any doubt in a particular case they should consult their Assistant Director in the first instance. Advice can also be obtained from the Monitoring Officer. This policy is intended primarily for senior managers who should in turn ensure that their staff are given clear instructions. Generally, hospitality should be avoided unless a manager has agreed that the circumstances are such that a member of staff can properly accept hospitality as a representative of the Council.
- 1.4 It is the responsibility of the employee to seek approval from their Assistant Director **before** accepting any offer of hospitality or a gift of more than nominal value. This must be done using the form in Appendix 1, which will be sent to the Assistant Director for a decision on whether or not it can be accepted.
- 1.5 Officers should be aware that it is an offence under the Bribery Act 2010 to accept a bribe (whether given directly or indirectly) as an inducement to improperly perform (or fail to perform) any act or function of a public nature. A bribe can be any financial or other advantage, but it is made clear in the statutory guidance that this is not intended to cover genuine promotional materials or corporate hospitality for example; there must be an intention to induce the officer in his or her official role. Following this policy will help to protect officers from inadvertently committing such an offence.

# 2. Gifts

- 2.1 If an employee has any about doubt whether a gift is of more than nominal value they must seek advice from their Assistant Director or the Monitoring Officer before accepting it.
- 2.2 The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully all such offers from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council, for example, in respect of a planning application.
- 2.3 Exceptions to this general rule would include modest gifts of a promotional character, including such things as calendars, diaries, articles for use in the

office etc, or a small gift on the conclusion of a courtesy visit to a factory or firm.

- 2.4 Such exceptions relate only to modest gifts and obviously an expensive gift would raise questions even if it is impossible to be more precise in dealing with what does and does not amount to an acceptable gift. This is very much a matter for the individual judgement of senior managers, given the particular circumstances.

### **3. Hospitality**

- 3.1 When to accept hospitality is again very much a matter of judgement given the particular circumstances, and it would be wrong to produce an atmosphere in which officers refused all invitations for social involvement with persons or bodies who have, or may seek to have in the future, business dealings with the Council. Contacts established at a social level can often be helpful in pursuing the Council's interests. What is important is to avoid any suggestion of improper influence or giving others the opportunity to raise a concern about improper influence.

- 3.2 The following are intended as examples only:

#### **3.2.1 Acceptable**

- (i) Meals provided to allow the parties to discuss business, or following or prior to, such a discussion. A useful test will often be whether you would provide refreshments if the venue was reversed.
- (ii) Invitations to institute dinners or functions, e.g. an invitation from private architects to the Royal Institute of British Architects' dinner.
- (iii) Invitations to join other company guests in company opening events or other special occasions e.g. company hospitality at sporting events.

#### **3.2.2 Unacceptable**

- (i) Paid holidays or specials concessionary rates which are not openly and, as a matter of practice, available equally to other organisations. This would also apply to goods or services which may not be generally available to staff at that price.
- (ii) Offers of hotel and/or tickets for theatres or sporting events.
- (iii) The use of company flats or hotel suites.

## **4. Negotiations**

- 4.1 When a particular person or body has a matter currently in issue or negotiation with the Council, then a more restrictive approach must be taken. This is even more relevant when, for example, negotiations are in train with an outside organisation. An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance. For example, if negotiations will extend over a long period of time, it will be sensible to act as a host alternately with the other party.

## **APPENDIX 1**

### **DECLARATION OF GIFTS AND HOSPITALITY**

It is essential that members of the public have confidence in the trust, impartiality and integrity of Council employees. Employees must avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation. As well as avoiding actual impropriety, the appearance of it should also be avoided.

It is your responsibility, and essential to your own protection, that you seek approval from your Assistant Director before accepting gifts or hospitality of more than nominal value and that the relevant information is submitted to him/her using this form. Your Assistant Director will notify you of his/her decision via email and the form will be saved on your Personal Record File.

#### **PART 1 – TO BE COMPLETED BY EMPLOYEE**

<b>Employee's Name:</b>	
<b>Employee's Job Title:</b>	
<b>Employee's Directorate:</b>	
<b>Date gift received/date of hospitality event:</b>	
<b>Details of gift hospitality, including value (if known) or estimated value:</b>	

#### **PART 2 – TO BE COMPLETED BY ASSISTANT DIRECTOR (OR EXECUTIVE DIRECTOR)**

<b>Assistant Director's Name:</b>			
<b>Assistant Director's Decision:</b>			
<b>Signed:</b>		<b>Dated:</b>	

**PLEASE SEND A COPY OF THIS FORM TO HR FOR THE EMPLOYEE'S PERSONAL RECORD FILE**