

Gifts and Hospitality Policy

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1. Aims

This policy aims to ensure that:

- The academy trust's funds are used only in accordance with the law, its articles of association, its funding agreement and the latest Academy Trust Handbook
- The trust and those associated with it operate with integrity and in a way that commands broad public support
- The trust has due regard to propriety and regularity, and ensures value for money, in the use of public funds
- Trustees fulfil their fiduciary duties and wider responsibilities as charitable trustees and company directors
- Members, trustees and staff are aware of what constitutes acceptable gifts and hospitality, and the process that must be followed if they are presented with any of the same

2. Legislation and guidance

This policy is based on the [Academy Trust Handbook](#), which states that academy trusts should have a policy and register on the acceptance of gifts, hospitality, awards, prizes or any other benefit which might compromise their personal judgement or integrity. This should include members, trustees, staff and/or any other representative of the trust. The handbook states that the trust should ensure that all staff are aware of this policy.

This policy also complies with our funding agreement and articles of association and takes into consideration the requirements under the [UK Bribery Act 2010](#), which came into effect on 1 July 2011.

3. Definitions

Gifts are any items, cash, awards, prizes, goods or services, offered without expectation of payment or benefit. Gifts also include goods or services offered at a discounted rate, or on terms not available to the general public.

Hospitality is defined as food, drink, accommodation or entertainment (such as cultural or sporting events) provided free of charge, heavily discounted or on terms not generally available to the general public.

4. Roles and responsibilities

4.1 Members, trustees and staff

Members, trustees and staff:

- Must not give or accept gifts or hospitality to or from a third party where it might be perceived that their personal integrity has the potential to be compromised, or that the trust might be placed under any obligation as a result of acceptance
- Must not use their official position to further their private interests or the interests of others
- Must not solicit personal gifts or hospitality under any circumstances
- Must record any gifts or hospitality offered to them or the trust with a value of over £25 on the gifts and hospitality register (see appendix 1) within 7 working days, even if the gift is declined
- Must consult the finance director] or headteacher before accepting or offering any gifts or hospitality with a value of over £25.
- Gifts which are intended for Bolder Academy can be accepted but must not be retained by the individual who receives them. Such gifts should be deposited with the Office staff, for use by Bolder Academy. This includes supplier special offer gifts.
- Items of nominal value (approximately £25 or below) or free promotional pens, calendars, diaries or similar items may be accepted.

4.2 Academy trustees

Academy trustees will ensure that the trust's funds are used in a way that commands broad public support, pays due regard to propriety and regularity, and provides value for money.

4.3 The Headteacher

The headteacher is responsible for ensuring that staff are aware of and understand this policy, and that it is being implemented consistently.

The Headteacher will act with the utmost integrity on all matters relating to gifts and hospitality, ensuring that they set a good example to the rest of the school and trust and to those outside the organisation.

They will also ensure, alongside the Finance Director, that decisions on whether individuals or the trust can accept or offer gifts or hospitality with a value of over £25 are in line with this policy.

The Headteacher is responsible for communicating the trust's rules and expectations about gift-giving to parents.

4.4 The Finance Director

The Finance Director will ensure that:

- The trust maintains a gifts and hospitality register on a day-to-day basis.

- Figures for transactions relating to gifts made by the trust are disclosed in the trust's audited accounts, in accordance with the Academy Trust Handbook
- The academy trustees and Headteacher are provided with information on gifts and hospitality received and given, as appropriate

They will also ensure, alongside the Headteacher, that decisions on whether individuals or the trust can accept or offer gifts or hospitality with a value of over £25 are in line with this policy.

5. Acceptable gifts and hospitality

5.1 Offer of gifts and hospitality received

Members, trustees and staff can accept gifts and hospitality that have a value of up to £25. These do not have to be pre-approved or recorded on the gifts and hospitality register.

Generally, gifts of nominal value, such as small tokens of appreciation, may be accepted. If in any doubt, members, trustees and staff must consult the Finance Director or Headteacher.

Similarly, hospitality such as working lunches may be accepted in order to maintain good relationships with key contacts, provided the hospitality is reasonable in the circumstances and does not exert an improper influence over the way you carry out your duties. If in doubt, guidance must be sought from the Finance Director or Headteacher.

The timing of hospitality in relation to procurement or purchasing decisions that Bolder Academy may be taking is especially sensitive. You should never solicit hospitality. As a general rule, you should not accept hospitality that the Academy would not reciprocate in similar circumstances.

If the Headteacher is the recipient, or intended recipient, of **any** offer of gifts or hospitality, they must inform the chair of the board of trustees and record the offer on the gifts and hospitality register.

Staff attendance at sporting and cultural events at the invitation of suppliers, potential suppliers or consultants is not normally acceptable. Where it is considered that there is a benefit to Bolder Academy in a member of staff attending a sponsored event, the attendance should be formally approved by the Headteacher.

If necessary, you should pay your share of any costs and claim these in the usual way.

When you must decline hospitality, you should be courteous but firm, and draw the attention of the person making the offer to the existence of this policy and the UK Bribery Act 2010 (see Appendix 4).

You may accept modest working meals and light refreshments without making any declaration. All other hospitality must be recorded in the Academy's gifts and hospitality register which is maintained by the Finance Director.

Other hospitality may be accepted where:

- You are representing Bolder Academy in the community or are imparting information about Bolder Academy to the public.
- An event is clearly part of the life of the community or where Bolder Academy should be seen to be represented.
- The hospitality concerns attendance at a relevant conference or course where it is clear the hospitality is corporate rather than personal.

Failure to declare any offer of gifts or hospitality on the register in line with this policy will be treated as a staff disciplinary matter.

5.2 Offer of gifts and hospitality given, including Staff Entertainment

- In the event that the Academy decides to contribute towards a staff social event this must be approved in advance by the Governors and should comply with HMRC guidelines.
- All expenditure of this kind will come from the school's unrestricted funds and not GAG funding.

Any gifts or hospitality provided by the trust, such as a working lunch for visitors, must not be extravagant. A maximum value of £25 per head should be used as a guideline.

Alcohol must not be purchased out of the academy's budget.

Expense claims should be approved by the Line Manager and receipts must always be enclosed.

The Finance Director or Headteacher must be consulted about any proposal to provide gifts or hospitality with a value of over £25.

6. Unacceptable gifts and hospitality

the following must never be offered or accepted:

- Monetary gifts
- Gifts or hospitality offered to family members, partners or close friends of members, trustees or staff
- Gifts or hospitality from a potential supplier or tenderer in the immediate period before tenders are invited or during the tendering process

- Lavish or extravagant gifts or hospitality, even if they relate to activities the recipient undertakes in their own time

This list is not intended to be exhaustive.

7. Declining gifts and hospitality

Any members, trustee or staff member who is offered any of the unacceptable gifts or hospitality outlined in section 6 above should politely decline the offer.

If they feel it would not be appropriate for them to decline, they should refer the matter to the Headteacher or Finance Director. The Headteacher or Finance Director may decline the offer, or donate the gift or hospitality to a worthy cause, and must also record the offer on the gifts and hospitality register.

Disciplinary action will be taken against anyone who fails to decline gifts or hospitality the trust has deemed unacceptable.

Failure to declare any gifts or hospitality offered on the gifts and hospitality register, in line with this policy, will be dealt with as a staff disciplinary matter.

8. Monitoring arrangements

The gifts and hospitality register is monitored regularly by the Finance Director.

9. Links with other policies and legislation

This Gifts and Hospitality Policy is linked to the:

- Staff Expectations and Code of Conduct Policy, section 10
- Staff Discipline and Misconduct Policy
- Financial Regulations Policy
- UK Bribery Act 2010

Appendix 1: Gifts and Hospitality Register

DATE	NAME	DESCRIPTION OF GIFT/HOSPITALITY AND APPROXIMATE VALUE	PARTY OFFERING GIFT/HOSPITALITY	ACCEPTED /REJECTED	APPROVED BY

Appendix 2: Checklists

Checklist 1: Factors to consider before accepting gifts and/or hospitality

Checklist for Staff and Governors

The following questions will help you identify situations, which could cause concern. The questions may not all apply to your particular circumstances:

1. Why am I being offered this?
2. Am I in a position to influence decisions that affect the giver?
3. Why was this addressed to me specifically?
4. Is the provider a prospective or current supplier or business partner?
5. Is there a contract that will be renewed shortly or is the Academy involved in a tender process?
6. Could it in any circumstances appear to improperly influence a business decision or place an obligation on me?
7. Would I be happy/able to justify the receipt/giving of the gift/hospitality to the Governing Board?
8. If you think this policy will be contravened, or you feel uncomfortable with the intention behind any offer, regardless of its value, you should politely refuse/return the gift and refer to this policy as the reason.

Manager's approval checklist

1. Does the staff receiving the benefit have a decision-making role and could it compromise their objectivity?
2. Could it be construed as a bribe or as an incentive intended to influence a commercial decision, which benefits the giver or a closely related person or entity?
3. Why was this addressed to this particular staff?
4. Was it offered openly?
5. Does it create a real or perceived conflict of interest?
6. How would another person perceive this, e.g. another Staff?
7. Does it negate the appearance of fair, impartial and equal treatment by Bolder Academy?
8. Are there any reasons why a gift/hospitality cannot be accepted? E.g. In the case of a legal dispute or a forthcoming or ongoing tendering process with the party concerned.

Checklist 2: Factors to consider before offering gifts and/or hospitality

1. What is Bolder Academy's purpose in offering? They should be made for the right reason: if a gift or hospitality, it should be given only to maintain cordial relations, if travel expenses then for a bona fide business purpose;
2. Is it made openly? If made secretly and not documented, then the purpose will be open to question.
3. Is the expense fully documented including purpose and approvals given and properly recorded in the books and appropriately reported?
4. Proximity to any contract negotiations?
5. Does it raise a feeling of obligation to give Bolder Academy something?
6. Does it raise expectations in the giver or have a higher importance attached to it by the giver than the recipient would place on it?
7. Is it of reasonable value: the size of the gift is small, and the value of the hospitality or reimbursed expense accords with general business practice?
8. Is it appropriate: the nature of the gift, hospitality or reimbursed expense is not immoral and is appropriate to the relationship and accords with general business practice?
9. Does it conform to the recipient's rules: the gift, hospitality or reimbursement of expenses meets the rules or code of conduct of the recipient's organisation? Would the transaction be viewed unfavourably by the recipient's organisation; do you need to check?
10. Is it occasional: the giving or receiving of gifts and hospitality is not a regular happening between the giver and the recipient?

Appendix 3: PROVEIT Test

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift or hospitality should always be considered. If you are in any doubts about acceptability, no gift should be offered or provided.

Please use the following guideline to determine whether an offer of a gift or hospitality is acceptable:

- PURPOSE – Token thanks or seeking a favour? (token/thanks = yes; favour = no)
- RULES – What are they? Does this situation conform?

- OPENNESS – Is the offer transparent?
- VALUE – Expensive or inexpensive?
- ETHICS – Does the offer fit with Academy's ethics?
- IDENTITY – Who has made the offer?
- TIMING – Are you about to make a decision affecting the giver?

Appendix 4: UK Bribery Act 2010

The Bribery Act 2010 (the 'Act') addresses bribery and corruption and came into force on 1st July 2011. It is a far-reaching Act creating broadly scoped offences in relation to both (i) public and private sector corruption and (ii) the giving and receiving of bribes. These offences apply to acts committed anywhere in the world by British citizens, UK residents, UK entities, and organisations operating outside of the UK with even a very limited UK connection. Under the Act it is an offence for you (or someone on your behalf) to:

- Give, promise to give, or offer, anything of value (including a payment, gift or hospitality) if the purpose or expectation is to influence the recipient to improperly take or fail to take action that would provide a business benefit or advantage, or to reward a business advantage already given.

Give, promise to give, or offer, anything of value (including a payment, gift or hospitality) to a government official, agent or representative in order to improperly facilitate or expedite a routine procedure regardless of the amount (i.e. there is no limit below which facilitation payments are acceptable) - Facilitation Payments, payments to induce officials to perform routine functions they are otherwise obligated to perform, are bribery under the Act. It is an offence under Section 7, which can be committed by a commercial organisation which fails to prevent persons associated with them from bribing another person on their behalf.

- Accept anything of value (including a payment, gift or hospitality) from a third party if you know or suspect that it is offered and/or provided with an expectation that it will improperly obtain a business advantage for them or that such business advantage will be improperly provided by Bolder Academy in return.
- Engage in any activity that might lead to a breach of this policy.

Governors and Senior Leadership do not tolerate bribery in any form.

Senior Leadership considers all organisations which the Academy does business with, in order to consider the risk.

As risk of bribery can often be greater in overseas transactions, all overseas transactions must be approved in writing on the purchase order by the Headteacher and the Chair of Governors, regardless of the value of the transaction.