

Gifts Hospitality and Bribery Policy

Bolder Academy

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Gifts, Hospitality and Bribery Policy V1

This policy/ appendix is called:	Gifts, Hospitality and Bribery
It applies to:	All staff and Governors at Bolder Academy
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Introduction

The principle of integrity requires that Bolder Academy staff and governors should not place themselves under an obligation that might influence, or be perceived to influence, the conduct of their duties. This means that the receipt of hospitality and gifts must be subject to clear restrictions and that any that are accepted must be declared and recorded.

The purpose of this policy is to provide information and guidance on how gifts should be given and received, and provide Bolder Academy staff and governors with guidance as to how to raise any concerns.

The process set out in this policy and procedure is designed to safeguard Staff from any misunderstanding or criticism.

This policy takes into consideration the requirements under the UK Bribery Act 2010, which came into effect 1 July 2011. The Ministry of Justice has published guidance which provides the basis for inclusion in this policy. This guidance is under section 9 of the Act.

This procedure applies to all Bolder Academy staff and Governors.

Failure to comply with this policy may, depending on the circumstances, result in disciplinary action, up to and including dismissal, and/or prosecution.

Gifts

- You must not accept cash, or personal gifts with a significant monetary value (approximately over £25).
- Items of nominal value (approximately £25 or below) or free promotional pens, calendars, diaries or similar items may be accepted.
- 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.
- Personal gifts may not be solicited under any circumstances.
- When you must decline a gift, 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.
- All gifts received, except token gifts of insignificant value, must be recorded in Bolder Academy's gifts and hospitality register, which is maintained by the Finance Director.
- Any gift or hospitality of significant value must be recorded in the gifts and hospitality register, even if it is not accepted.

Supplier Special Offer Gifts

Gifts are sometimes offered by suppliers with the purchase of items. All special offer gifts are the property of the Bolder Academy and must be turned into the Office for use by the Academy.

Hospitality

- You should never accept lavish hospitality that could be interpreted as a way of exerting an improper influence over the way you carry out your duties. Nor should you offer such hospitality to others on behalf of Bolder Academy. 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.
- 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.
- 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.

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.

Expense Claims

- Where hospitality is to be provided by Bolder Academy this should be approved in advance by a member of the Leadership Team. The Headteacher should review the hospitality in light of the UK Bribery Act 2010. Hospitality is not prohibited by the Act but should be considered in light of it.
- Any hospitality provided should not be extravagant.
- Claims for reimbursement of expenses should be made on the relevant Expenses Claim form and VAT receipts should always be enclosed.

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?

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.

Appendix 1: 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 2: Register of Gifts and Hospitality

Staff Name	Nature of gift/hospitality	Value	Name of Company or individual	Date	Headteacher approval

