

# Newham Community Learning: Gifts and Hospitality Policy

Last updated: December 2023 as v3.0

Applies to: Newham Community Learning and all our schools

Approved by: Trust Board, February 2024 (further to scrutiny by the Board's Finance and Resources Committee in January 2024)

## Contents

<b>1. Overview of the Policy Management Process</b>	<b>3</b>
1.1. Document history	3
1.2. Review	3
<b>2. Newham Community Learning - Gifts and Hospitality Policy</b>	<b>4</b>
2.1. Introduction and purpose	4
2.2. Anti-bribery	4
2.3. Dealing with contractors, agents and business partners	5
2.4. Giving and receiving gifts (and notification requirements)	5
2.5. Giving and receiving hospitality (and notification requirements)	6
2.5.1. Providing hospitality	6
2.5.2. Acceptance of hospitality	6
2.5.3. Considerations	7
2.5.4. For the avoidance of doubt	8
2.6. Compliance	8
2.7. Conflicts of interest	8
2.8. Reporting bribery, corruption and non-compliance	9
2.9. Appendix 1 – Management of the Policy	10
2.10. Appendix 2 – Bribery Act and frequently asked questions	11
2.10.1. What is the Bribery Act 2010?	11
2.10.2. What is the definition of a gift?	11
2.10.3. What is the definition of hospitality?	11
2.10.4. Why do gifts and hospitality need to be recorded?	11
2.10.5. What does NCL do with this information?	11

# 1. Overview of the Policy Management Process

## 1.1. Document history

Date	Revision	Version number (substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point)
Dec 2020	NCST Finance Policy in place	v1.0
Sept 2022	Reviewed, updated and released as a Newham Community Learning Policy  Establishment of new Newham Community Learning forms for use for staff and for trustees and governors	v.2.0
Dec 2023	Updates made as follows: <ul style="list-style-type: none"><li>- Addition of Appendix 1 which describes the management of the declaration process</li><li>- New form developed and linked to ensure a single Trust wide process</li></ul> NOTE - Finance Policy sections on gifts and hospitality also reviewed to ensure they are in line with the revisions to this policy.	v3.0

## 1.2. Review

The Gifts and Hospitality Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.

## 2. Newham Community Learning - Gifts and Hospitality Policy

### 2.1. Introduction and purpose

Newham Community Learning (NCL hereafter) is committed to the highest level of integrity, honesty and accountability in all its business dealings. All staff, trustees and governors are expected to maintain a high standard of propriety and professionalism in all their dealings, ensuring they are free from any conflict of interest through their business in the name of the Trust.

This policy defines standards and guidelines in relation to adherence to the measures and standards that should apply to the acceptance and provision of gifts and hospitality. In particular, the policy is designed to comply with The Bribery Act 2010.

The policy is set out under the following headings:

- anti-bribery;
- dealing with contractors, agents and business partners;
- giving gifts and hospitality;
- receiving gifts and hospitality;
- compliance;
- conflicts of interest; and
- reporting bribery, corruption and suspected non-compliance.

### 2.2. Anti-bribery

NCL values its reputation for ethical behaviour and financial regularity and propriety, and acts, at all times, in line with the guidance provided in the [Treasury's Managing Public Money](#) (2018) document. The Trust recognises that any involvement in bribery is illegal and will reflect adversely on its image and reputation.

A bribe can be defined as the offering of money, goods or other benefits to a Trust or staff member with a view to altering decision processes or outcomes in favour of the person or associate of the person offering the benefit. One of the most common forms of perceived bribery within an organisation is inappropriate offers of gifts, hospitality and benefits in kind from a third party.

The Trust prohibits the offering, giving, soliciting or the acceptance of any bribe in whatever form to or from any person or company, public or private by any trustee, governing body member, member of staff, contractor, consultant, agent, external examiner and any non-employee service provider engaged on Trust business for whatever reason.

The prevention, detection and reporting of bribery is the responsibility of all staff.

### 2.3. Dealing with contractors, agents and business partners

The Bribery Act 2010 highlights two specific types of bribery that could lead to prosecution of the Trust:

- the liability to prosecution if a person associated with it bribes another person....., where an associated person is one who performs services on or behalf of the organisation; and
- bribery of a foreign public official, where an official is one who holds a legislative, administrative or judicial position in a territory or country outside the UK.

This means that the Trust needs to take care to ensure that any contractors, agents or business partners acting on its behalf comply with the Act.

It is therefore essential that contractors and agents acting on the Trust's behalf are made aware of the Trust's anti-bribery procedures, through the Trust's terms and conditions or through the tendering process for larger contracts. In the case of international agents, reasonable due diligence must be carried out to ensure that they are not acting in a way that would compromise the Trust.

### 2.4. Giving and receiving gifts (and notification requirements)

There can be little doubt that the acceptance of gifts by trustees, governors or members and staff from persons who have, or may seek to have, dealings with the Trust would be viewed by the public with grave suspicion and would make all concerned vulnerable to criticism. You must not receive gifts, of any kind from a third party which might be seen to compromise personal judgement or integrity.

A trustee, governor or employee must tactfully refuse any personal gift which is offered to them or to a member of their family which is attributable to their position in the school.

The only exceptions to this rule are:

- Small gifts of token value i.e. estimated to be £25 or below given by way of trade advertisements to a wide range of people, e.g. pens, calendars, diaries, key-rings only for use in the office.
- Small gifts of token value i.e. estimated to be £25 or below given on the occasion of a courtesy visit, e.g. to a factory or other business premises, for use in the office.
- Small gifts i.e. estimated to be £25 or below received from parents and students as a token of gratitude.

NB: Care must always be taken to ensure that whenever such gifts/hospitality is accepted no obligation to the person or organisation in question is accepted. If there is any doubt about whether a gift may be accepted, the gift should be politely and tactfully refused.

Under no circumstances should any teacher give gifts to a child on an individual basis without consulting a member of the Leadership Team first. Any such actions may result in an investigation under the disciplinary procedures. Class gifts of pencils, pens etc at the end of term are fine.

In the event of ANY **member of staff** receiving a gift which **does not** fall in any of the exceptions mentioned above, this should immediately be reported as per the Trust processes outlined in [Appendix 1](#) to this document. **It is prohibited for alcohol to be purchased using school funds. Therefore under no circumstances should alcohol be gifted to an individual or staff on behalf of the Trust.**

## 2.5. Giving and receiving hospitality (and notification requirements)

### 2.5.1. Providing hospitality

Hospitality provided by employees should be justified as in the public interest and be on a scale appropriate to the occasion – extravagance must be avoided.

### 2.5.2. Acceptance of hospitality

Employees must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or expecting a decision from, the Trust, particularly where the offer is to an individual staff.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and where no criticism could reasonably arise from the acceptance of the hospitality.

The following are examples of hospitality may be acceptable:

#### Acceptable

- An offer of a drink following a visit, meeting or site inspection.
- A working lunch of a modest standard provided to enable the parties to continue to discuss business.
- Invitations to attend functions where the staff represents the school (e.g. dinners where they are invited to speak, opening ceremonies, trade shows) or to functions where they attend by virtue of their professional position.

- Hospitality offered by other non-commercial public bodies.
- Hospitality provided at meetings of professional bodies, which are attended in a school / Trust capacity.

In very exceptional circumstances, there may be instances where other staff's attendance at a sporting or other event as above may be considered acceptable. This should be subject to the staff attending as a representative of the school and invitations being formally received at school.

Where the hospitality amounts to more than a drink, the recipient should complete the Gifts and Hospitality Form as per the arrangements detailed in previously. All details collected via this Google Form are retained on Drive, and are accessible by the Trust Finance Officer and the CFO for reporting purposes (a download of the information provided on all forms submitted makes up the Trust's Gifts and Hospitality Register, which is available for public inspection).

Trustees and governors should similarly follow the arrangements detailed above.

The following are examples of hospitality which are always not acceptable:

### **Unacceptable**

- Free or subsidised holidays or travel.
- Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- Personal invitations to socialise with representatives from a Company or organisation who have business or other dealings with the school/Trust.
- Offers of any free or subsidised accommodation (i.e. hotel, flat, villa, holiday home).
- Any offer, whatsoever, of free services.
- Hospitality offered to a staff member involved in the procurement of goods and services and /or tenders for work.

The above examples of hospitality must always be refused.

In the case of any hospitality offered but rejected as being outside the guidelines, the relevant School Business Manager should be notified by email within seven working days of the offer being made.

### **2.5.3. Considerations**

Staff should consider the following questions before accepting gifts or hospitality:

- Is the nature of the gift or the extent of the hospitality appropriate?

- Are you expected to attend a function because of your position within the school?
- What is the motive for the gift or hospitality?
- How will you respond to the gift or hospitality?
- Would acceptance of the gift or hospitality be inappropriate or compromise you in respect of any current or future issue involving the school?
- Could you justify your action to the Trust, the school at which you work, press and public?
- Do you feel comfortable with your decision?

#### 2.5.4. For the avoidance of doubt

It is common for appreciative parents and pupils to register their thanks for the work of the staff in the form of a small personal gift eg. flowers/chocolates. If such gifts are valued at £25 or less, they are generally acceptable if they are provided on a one-off basis and do not need to be recorded in the gifts and hospitality register.

Only gifts and hospitality exceeding the estimated value of £25.00 should be recorded as per the processes outlined in [Appendix 1](#) of this document.

For all trustees, governors and members of staff, if an excessive gift or hospitality is found to have been accepted without being authorised and notified, then the circumstances will be discussed with the recipient and agreed as to how to deal with it e.g. a gift can be returned or steps can be taken to ensure that the acceptance of hospitality does not influence a decision or situation in favour of the giver. If excessive gift(s) or hospitality are accepted on more than one occasion or are found to have influenced decisions inappropriately, against Trust policy (or potentially illegally), then appropriate disciplinary procedures will be followed.

## 2.6. Compliance

All staff and Trust members are required to comply with The Bribery Act 2010. The CEO is responsible for the Trust's policy in relation to The Bribery Act 2010. Please contact the CEO if further guidance is required.

## 2.7. Conflicts of interest

A conflict of interest occurs when you advance a personal interest (or that of others with whom you are connected) at the expense of the Trust. The Trust's Declaration of Business and Pecuniary Interests Policy can be found on the [Policies Page](#) of the Trust website.



On an annual basis, and thereafter, whenever circumstances change, trustees, governors and school and Trust executives are asked to complete a Declaration Form. Declarations are also requested at the start of every trustee and governor meeting, which form part of the minutes.

## 2.8. Reporting bribery, corruption and non-compliance

*The Trust is committed to ensuring that no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future.*

If you know of, or have good reason to suspect that, an unlawful or unethical situation or that you suspect that either an act of bribery or non-compliance to this policy has occurred, you should report the matter to the Head teacher as appropriate. Should reporting in this way be inappropriate, you should refer to the Trust's Whistleblowing Policy, which is available on the [Policies Page](#) of Trust's website.

## 2.9. Appendix 1 – Management of the Policy

Across Newham Community Learning, we have a number of policies in place to ensure the robust management of the public funds under our stewardship - as outlined in the Academy Trust Handbook.

As per this policy, gifts received by any trustee, governor or member of staff at Newham Community Learning need to be declared.

The declaration can be made using the [form designed for this purpose](#). This is sent to the Central Team for approval, which is communicated back to the person submitting the declaration. Any queries are flagged for the attention of the CFO.

The form can be found on the via the [Staff/Forms Platform page](#) of the website.

## 2.10. Appendix 2 – Bribery Act and frequently asked questions

### 2.10.1. What is the Bribery Act 2010?

The Bribery Act 2010 came into force on 1 July 2011. Around the world it is now regarded as the legislative best practice standard and, along with the US Foreign Corrupt Practices Act (FCPA), is one of the two most significant legislative models for dealing with international bribery.

One of the principal policy objectives associated with the Bribery Act, and in particular the corporate failure to prevent bribery offence at section 7, is to influence behaviour and encourage bribery prevention as part of corporate good governance. The aim is to promote the establishment of Bribery prevention in which policies, procedures and strategies are embedded in all aspects of The Trust's business management, administration, and operations.

### 2.10.2. What is the definition of a gift?

A Gift is any item or service of value transferred to another free of charge , including, without limitation, wine, champagne, flowers, gift baskets, chocolates.

### 2.10.3. What is the definition of hospitality?

Hospitality is anything of value transferred to another, including tickets to a sporting cultural or social event, meals, travel.

### 2.10.4. Why do gifts and hospitality need to be recorded?

It protects staff from accusations of bribery and corruption and thereby also protects the reputation of the Trust.

### 2.10.5. What does NCL do with this information?

The information is recorded via Google Forms and is stored securely in the Trust's Google Drive folders, accessible by authorised personnel. It is available for inspection by trustees and auditors, and as such, forms the Trust's register.

You will receive acknowledgement once you have completed the form, which will be flagged as 'approved/declined' to you via email.