

Gifts and Hospitality Procedure

Summary description: This document sets out the procedure to be followed by employees and members of Council and its committees when giving or receiving gifts or hospitality.

Scope: all staff of the University (including those employed on a temporary or casual basis), members of Council and its committees

Other related policies/documents:

- Financial regulations
- Anti-bribery policy
- Conflicts of interest/register of interest procedures
- University ethics framework
- Policy and procedures on disclosures in the public interest (whistle blowing)
- Protocol for Officers of the University regarding benefits to family members

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Approved by:

Executive/SMG

With effect from: July 2013 **Next due for review:** July 2016

Reference to any superseded policy/amalgamations

1st version June 2011

2nd version July 2013

Relevant legal framework - Bribery Act 2010

Equality analysis

The implementation of this policy is not considered to have a negative impact on protected characteristics.

Freedom of information

This Procedure is publicly available through the University's Publication Scheme under the Freedom of Information Act 2000

Other professional standards reference points

HEFCE specimen policy (publication 99/65 refers)

1 Context

- 1.1 The Financial Regulations require staff of the University to declare gifts and hospitality offered or received unless they are of nominal value. It is important that the University and those representing it are seen to act with integrity and in accordance with the seven principles of public life.
- 1.2 Under the provisions of the Bribery Act 2010, the inappropriate giving or receiving of gifts or hospitality may leave individuals open to charges of bribery. The University's Anti-Bribery Policy provides more information.
- 1.3 Some roles require individuals to spend time with other organisations where it may be normal business practice or social convention to give and receive gifts or hospitality. This can often place individuals in a difficult position: where refusal may cause misunderstanding or offence; however, to accept may give rise to questions of impropriety or conflicts of interest. This document sets out the procedure to be followed. It aims to support staff and members of Council and its committees in maintaining high standards of propriety and professionalism. Following this procedure helps protect individuals from accusations of impropriety.

2 Principles

- 2.1 All members of staff and members of Council and its committees are expected to adhere to the principles of public life (the 'Nolan Principles': selflessness, integrity, objectivity, accountability, openness, honesty, leadership) as ambassadors for the University.
- 2.2 The conduct of staff and members of Council and its committees should not create suspicion of any conflict between official duty and private interest.
- 2.3 The actions (or inaction) of staff and members of Council and its committees should not give the impression (to any member of the public, any organisation with whom they deal or to colleagues) that they may have been influenced by a gift or hospitality in carrying out their duties on behalf of the University.
- 2.4 Any gifts or hospitality that might bring discredit to the University should be refused.
- 2.5 Members of staff and members of Council and its committees are personally responsible for declaring all gifts or hospitality, given or received (whether accepted or not) including gifts/hospitality to family members', in accordance with this procedure.
- 2.6 A family member should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with, in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

3 Acceptance of Gifts and Hospitality

- 3.1 Staff and members of Council and its committees should carefully consider whether to accept a gift or hospitality, taking into account:

- the context and timing of the offer of a gift or hospitality, including frequency
- the nature of the provider/host and their relationship with the University (this should be understood to include students)
- the nature of the gift or hospitality
- the perceived value of the gift or hospitality, rather than the actual cost to the provider/host.

3.2 The giving and receiving of modest hospitality and token gifts, where this is done to build relationships and networks and there is no risk of it being misconstrued, is acceptable within the limits defined in this procedure. Acceptable gifts are typically capable of display and may be offered in a ceremonial context. Acceptable hospitality is typically linked to a business meeting or is offered on a non-exclusive basis (for example, a networking event for all clients of a particular contractor).

4 Registration of gifts and hospitality

4.1 Gifts with a value of less than £50 or hospitality with a value of less than £100, whether received or declined, need not usually be registered. The offer of all other gifts or hospitality must be declared within 10 days or on return to the UK if the gift or hospitality is offered during an overseas visit.

4.2 Offers of gifts and hospitality must be approved by the relevant Line Manager. Details of how to do this, including the information required, is provided at appendix 1.

5 Offer of gifts or hospitality with low monetary value (<£50 for gifts; <£100 for hospitality): no declaration in the register required

5.1 **Gifts** may be accepted without declaring them on the register, providing that the gift:

- undoubtedly worth less than £50
- has a negligible resale value or onward giving potential
- is not money, and
- has relevance to work.

Typically acceptable gifts carry the name of the provider or other promotional marking, are capable of display and may be offered in a ceremonial context.

5.2 Examples of acceptable and unacceptable low value gifts are given below. Please note this list is not exhaustive

May be accepted	Should be declined
<ul style="list-style-type: none"> • diaries, calendars, pens • mouse mats • other low value promotional gifts bearing the logo or name of the donating organisation (e.g., ties, scarves, t-shirts, sweatshirts, books, bags) • packs of the above items from one or more sponsor offered at a conference or training event attended as a University employee • small gift regarded as trivial where refusal 	<ul style="list-style-type: none"> • Discounts on items for personal use • Money for personal use • Lavish personal gifts for personal use (e.g watches, jewellery)

would cause needless offence	
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5.3 **Hospitality** may be accepted without declaring it on the register, providing that the hospitality is undoubtedly worth less than £100 and is:

- refreshment provided at, or immediately before or after, a work meeting, or
- a standard form of transport to or from a work meeting, or
- a working meal whilst engaged on University business.

5.4 Attendance in an official capacity where hospitality is provided such as attending HE related functions, accreditation visits, external examining, research trips, speaking at conferences, seminars, etc should be considered acceptable and will not typically need to be declared. However, staff are required to consider the circumstances and nature of the hospitality offered - where acceptance of such hospitality could lead to suspicion of a conflict between the performance of official duties and personal interest, it should be declined.

6 Offer of gifts or hospitality that exceed the maximum values (£50 for gifts; £100 for hospitality)

6.1 Gifts with a value greater than £50 or hospitality with a value greater than £100 should not generally be accepted. Any gift or hospitality offered exceeding these limits must be declared, whether or not it is accepted. Individuals must inform their line manager (or the Registrar and Secretary in the case of members of Council or its committees) of the offer. In cases of doubt and where time permits (for example where an invitation to an event has been issued, or refusal of a gift may offend) guidance on acceptance or refusal should be sought from your line manager, Dean/Head of Service, the Chief Finance Officer or the Deputy Secretary. Where it has not been possible to obtain advice and the gift or hospitality is accepted it must be declared immediately upon return.

7 Breaches of the declaration requirement

7.1 It is a disciplinary offence for staff to accept any benefit as an inducement or reward for action (or inaction) or for showing favour (or disfavour) in an official capacity. Non-compliance with this policy and procedure may be deemed a disciplinary matter.

8 Use of accepted gifts

8.1 Accepted gifts may be used or displayed at work, or may be deposited with the University Registrar and Secretary's Office for disposal. Where possible, gifts identified for disposal will be used for charitable purposes.

9 Offering of gifts or hospitality by members of staff on behalf of the University

9.1 The giving of gifts and hospitality to third parties must be reasonable, justifiable and proportionate. Where the University gives gifts over £50 or hospitality over £100 this must be recorded in the Gifts and Hospitality Register.

10 Summary: Steps to Compliance

- a) You should treat with caution any offer of gifts or hospitality made to you personally or to partners/members of your family: ask yourself, why is this offer being made?
- b) You should refuse any gift or hospitality which might be perceived as influencing your decisions or actions as a member of staff or member of Council or its committees.
- c) You should always consider whether the donor is in, or may be seeking to enter into, a business or contractual relationship with the University.
- d) Under no circumstances should gifts or hospitality be accepted from individuals or organisations that are currently tendering or are about to tender for any contract from the University. Under no circumstances should personal gifts of cash of any value be accepted. Cash gifts for the University (recorded and banked in accordance with financial procedures) should usually be handled through the Development and Alumni Office to ensure that any ethical or other considerations are taken into account prior to acceptance and so that a formal relationship with the donor can be established. Separate arrangements exist for staff operating within Commercial Services. You should seek advice from your line manager (or the University Registrar and Secretary in the case of members of Council and its committees) if you have any doubts about whether an offer of a gift or hospitality should be refused.
- e) You should immediately report to your line manager (or the University Registrar and Secretary in the case of members of Council and its committees) any overt or covert offer of any gift or hospitality or other inducement which might give rise to accusations of impropriety.
- f) It is recognised that refusal of gifts or hospitality could cause embarrassment to both parties. Refusal should be courteous and firm and the donor informed of the University policy. Where the context of the offer makes refusal impossible (for example, where the offer is part of a ceremony or where refusal would be damaging to the University's relationship with a non-commercial organisation), advice should be sought from your line manager as soon as possible on appropriate action.
- g) You do not need to declare gifts of a nominal value or hospitality given as part of an event that you attend as an employee e.g., conferences or training events.
- h) In situations where a gift or hospitality is clearly unacceptable, the registration of receipt does not make it acceptable.

11 Further information and advice

11.1 Further information and advice is available within the University:

Chief Finance Officer	For advice on the acceptance and refusal of gifts and hospitality where there may be financial implications.
Members of the Ethics Committee, contactable via Sarah Birtwhistle, Assistant Secretary.	For advice on the acceptance and refusal of gifts and hospitality where there may be ethical implications.
University Registrar and Secretary	Primary contact for advice to members of Council and its Committees
Deputy Secretary	For advice on procedural matters relating to this document including conflicts of interest.
Line manager or Dean/Head of Service	For initial guidance on giving, accepting or declining gifts and hospitality.

A set of frequently asked questions (FAQ) is available in Appendix 2.

Appendix 1

Declaration of Gifts and Hospitality

The University maintains a Register of Gifts and Hospitality for staff and members of Council's use. The register is open and transparent. A guide to completing the form is provided below.

ID	<i>This is an automatic field. No information required.</i>
Faculty/Directorate/ Service Area	<i>Enter the name of your Faculty/Service area or Directorate</i>
Department/School/Centre/institute	<i>Enter the name of your Department/School/Centre/institute</i>
Gift or hospitality	<i>Please enter a brief description of the gift or hospitality offered to the University or given by the University</i>
Date gift/hospitality given or received	<i>Please enter the date the gift/hospitality was given by the University or received from a third party</i>
Received or given	<i>Please Indicated whether you are registering a gift given by the University received from a third party.</i>
Recipient of the gift/hospitality	<i>Enter the name of the individual/team/department that received the gift/hospitality. For example, the offer of a gift may have been made to a whole office or group of work colleagues, or to a close relative.</i>
Provider of the gift/hospitality	<i>Enter the name of the individual and or organisation that provided the gift/hospitality (their full name and job title).</i>
Person declaring the gift/hospitality	<i>Enter the name of the individual making the declaration in the register.</i>
Accepted or rejected	<i>Select the appropriate flag to indicate whether the gift or hospitality was accepted or rejected.</i>
Description of gift or hospitality received or given	<i>Please enter a brief description of the item or hospitality received or given.</i>
Permission to retain gift sought	<i>Please indicate by ticking the box if you are seeking to retain the gift for your own use. Otherwise, it should be deposited with the University Registrar and Secretary for disposal.</i>
Reason for declaration	<p><i>Please provide information about why you are making the declaration. This might be because of the:</i></p> <ul style="list-style-type: none"> • <i>Value of the gift/hospitality, if it exceeds the normal maximum (£50 for gifts, £100 for hospitality)</i> • <i>Nature of the gift/hospitality: e.g., if it is for personal use or does not meet the normal criteria for acceptance</i> • <i>Nature of the provider: e.g., if the gift or hospitality is from an organisation or individual with a history of unethical practice</i>

	<ul style="list-style-type: none"> • Context of offer: e.g., if the offer of the gift or hospitality by a service provider coincides with their tender for a contract. • Another reason <p>You may tick all that apply on the online register and also enter further information in the "additional comments" box.</p>
Recipient/provider relationship (if any)	Please provide details of any relationship (including potential future relationship) which you or the University has with the person or organisation.
Estimated value	Please enter the estimated value in £ sterling. This should relate to the value of the item/hospitality offered, and not the cost to the provider.
Approved by (managers full name)	Insert the full name of the Manager who approved the gift/hospitality
Approved by (managers user id)	Insert the approving Manager's ID
Date approved	Insert the date of approval
Additional comments	Add any further information required to clarify any points about the declaration.



Gifts_Hospitality Form

ID:

Faculty /Directorate/Service Area:

Department / School/Centre/Institute:

Gift or hospitality:

Date gift/hospitality Given or Received:

Recieved or Given:

Recipient of Gift/Hospitality:

Provider of gift/hospitality:

Person declaring gift/Hospitality:

Accepted or Rejected:

Description of Gift/Hospitality:

Permission to retain gift sought:

Reason(s) for declaration (tick all that apply):

Recipient/Provider relationship (if any):

Estimated value £:

Approved by (Insert Managers Full Name):

Approved by (Managers User ID):

Date approved:

Additional Comments:

Example of Gifts and Hospitality Form

Appendix 2

Frequently asked questions

1	What if the students want to buy something personal for staff to say thank you for doing a really good job.	Students are discouraged from doing this. Information to this effect is included in the student handbook.
2	What is the difference between fraud and bribery?	<p>There is no precise legal definition of fraud. Fraud may be described as the use of deception with the intention of obtaining an advantage, avoiding an obligation, or causing loss to another party. This most often occurs in the context of a relationship with a client or colleague on an individual or organisational basis.</p> <p>Bribery is defined as “giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for already having done so”.</p>
3	Who receives the emails sent to briberyprevention@hull.ac.uk ?	The emails are reviewed by the Deputy Secretary at least once a week.
4	Are we allowed to enter prize draws/raffles at business events?	Yes if it is open to all delegates to enter.
5	Will the register of interest be made available to the public – eg will it be published on our website.	There are currently no plans to publish the register on the website. If a freedom of information request is received details from the register will be made available.
6	The risk assessments referred to in the bribery policy – who is supposed to do them? Are they done at a University level or a faculty level?	These risk assessments will be done at departmental level.
7	Will I be caught by the G&H policy if I buy a gift that is greater than £50 for a colleague	No. The policy is designed to govern relationships between the University and third parties, not relationships between staff.
8	Should instances where companies waive the joining fee normally charged for attending an event be recorded as a gift?	Attendance in an official capacity where hospitality is provided such as attending HE related functions, conferences, seminars, etc should be considered acceptable and will not typically need to be declared. However, staff are required to consider the circumstances and nature of the hospitality offered. Where acceptance of such hospitality could lead to suspicion of a conflict between the performance of official duties and personal interest, it

		should be declined.
9	We work in partnership with companies who, undertake work for us and receive payment for say a period of weeks or months. We buy lunch for the consultants every day and the cumulative cost of this is likely to cost more than £100. Do we need to declare under G&H Procedure?	If the cumulative cost of the hospitality over a 6 month period is greater than the £100 threshold it will need to be declared.
10	What if gifts of less than £50 were repeatedly given over a six week period would a declaration need to be made?	If the cumulative value of the gifts were greater than the £50 threshold a declaration would need to be made. In addition staff are required to consider the circumstances and nature of the gift. Where acceptance of these gifts could lead to suspicion of a conflict between the performance of official duties and personal interest, it should be declined
11	I used a company to get my visa to travel abroad. I paid a fee to get my visa quicker. Is this potentially a bribe?	Where companies openly advertise a 'fast track' service as part of their usual business requiring a fee to be paid to receive a faster service is not considered bribery.
12	Can you clarify what should be declared in relation to attendance at events and conferences.	Attendance in an official capacity where hospitality is provided such as attending HE related functions, accreditation visits, external examining, research trips, speaking at conferences, seminars, etc should be considered acceptable and will not typically need to be declared. However, staff are required to consider the circumstances and nature of the hospitality offered - where acceptance of such hospitality could lead to suspicion of a conflict between the performance of official duties and personal interest, it should be declined.
13	Research requires some of us to go to parts of the world where a fee has to be paid in order to get access to research sites. If the fee is not paid access to the site will not be granted. What should we do if we consider this to be bribery?	These types of 'facilitation' payments are prohibited under the Bribery Act and the University's Anti-Bribery policy. The University does not support nor endorse the making or accepting of facilitation payments by staff or anyone carrying out business on its behalf. Where a public official has requested a payment, the member of staff/Agent should ask for further details of the purpose and nature of the payment in

		<p>writing. If the public official refuses to provide the information requested this should be reported immediately to the member of staff/agents line manager who will liaise with the University Solicitor, Chief Finance Officer or Registrar and Secretary to obtain advice. Where agreed arrangements are in place local legal advice can be sought.</p>
14	Will prizes given to students for good performance need to be declared as a gift?	No. Separate internal controls should be in place to manage this process.
15	What about free text books that we are sent by publishers as a way of inducing us to buy them – should these be declined?	Gifts from publishers to academic staff where the books are relevant to the academic and/or professional interests of the staff concerned can be retained.
16	I have accepted a gift and I realise that I should have declined it. What should I do with the gift?	Wherever possible unacceptable gifts should be declined. Where it is not possible for the gift to be returned and it cannot be put on display, the department should arrange a raffle with each ticket sold for a nominal fee. The funds collected from the sale of the tickets are to be donated to the HUU Hardship Fund via the HUU Reception at University House, or to a charity as agreed by the Head of Department/Service Area. A record of the gift and the fund raised from its disposal will need to be logged in your department's gifts and hospitality register.
17	What does the manager do if he/she suspects that bribery is going on? What advice is available to him/her? Where should he/she go? When does HR get involved?	<p>Line Managers who suspect bribery are to follow the procedure in the University's Public Interest Disclosure Policy (available through the eDocs Repository) - particularly sections 20 - 28.</p> <p>Further advice can be obtained from the University Solicitor, Registrar and Secretary, Chief Finance Officer or Deputy Secretary.</p> <p>HR's involvement depends on the outcome of any investigation undertaken as part of the University's Public Interest Disclosure Policy.</p>
18	We already have a gift and hospitality register in our own departments. If someone is accepting a gift or hospitality they let their Head of Department know and declare it on a register whether it is accepted or refused.	A standard gift and hospitality form will be issued to all departments to enable consistency in reporting and analysis.

