



Rewarding Learning

POLICY ON OFFERS AND THE ACCEPTANCE OF GIFTS AND HOSPITALITY

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GUIDANCE ON OFFERS AND THE ACCEPTANCE OF GIFTS AND HOSPITALITY

Introduction

Section 1

- 1.1 CCEA recognises that contractors and other customers of our services may extend from time to time offers of gifts and hospitality to staff. CCEA also recognises that its employees have a responsibility, in the interests of public confidence, to exhibit high standards of propriety, and carry out their role with dedication and a commitment to the core public service values of integrity, honesty, objectivity and impartiality.
- 1.2 **Section 2** of this guidance sets out the principles governing the acceptance of gifts and hospitality by staff and provides some specific advice on how these principles should be interpreted across CCEA. The guidance is designed to remind staff of their responsibility to exercise judgement and propriety regarding offers of gifts and hospitality. **The guidance is effective immediately but will be subject to review when required.**
- 1.3 All CCEA staff should conduct themselves with honesty and impartiality in the exercise of their duties. As a consequence, they should never receive benefits of any kind from a third party which might reasonably be thought to compromise their personal judgement or integrity. In this field, **perception is as important as reality.**
- 1.4 **The fundamental principle is that no member of staff should do anything which might give rise to the impression that he or she has been or might be influenced by a gift or hospitality or other consideration to show bias for or against any person or organisation while carrying out official duties.**

- 1.5 **Section 3** of this guidance sets out the monitoring arrangements that are now in place to ensure that the arrangements are operating effectively and that they can be seen to be operating effectively.

Section 2

- 2.1 This guidance sets out good practice concerning the acceptance or rejection of gifts or hospitality, and details responsibilities and procedures for the authorization and recording of such instances. As Public Servants our standards of conduct are determined by what the Government and the public as taxpayers expect and not by what may be a common practice in the private sector.
- 2.2 External people acting on behalf of CCEA (for example, examiners, moderators, contracted staff, etc) must also abide by the policy. If it is believed that an external person may have breached the policy, the matter should be reported to the Business Assurance Team or Director of Corporate Services, who will take the matter forward with the individual or his/her company. **This requirement should be notified to external staff before they start work within CCEA.**
- 2.3 This guidance should also be seen as applying to **spouses, partners or other associates** if it can be argued or perceived that the gift or hospitality is in fact for the benefit of the official.
- 2.4 Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.
- 2.5 This Guidance focuses on the key issues and the specific rules, which all staff in CCEA should adopt.

Legal Obligations and Fundamental Principles

2.6 Under the Prevention of Corruption Acts of 1906 and 1916 it is an offence for an officer in his/her official capacity:

- to corruptly accept any gift or consideration as an inducement *or* reward for doing, or refraining from doing, anything in that capacity; or
- to show favour or disfavour to any person; or
- to receive money, gifts or consideration from a person or organisation holding or seeking to obtain a Government contract.

All of these are deemed by the Courts to have been received corruptly unless it is proven otherwise.

Record of gifts, hospitality, invitations, etc

2.7 CCEA (through the Chief Executive's office) will maintain a **Register of Gifts, Hospitality and Awards** which will be available for periodic review. The purpose of the Register will be to counter any possible accusations or suspicions of breach of the rules of conduct by staff. The registers are subject to **Freedom of Information (FOI)** queries. A template is attached at **Annex A** that should be used to register gifts, hospitality, invitations etc.

2.8 It will be the responsibility of Business Assurance to ensure all staff are made aware of this guidance and that the register are in place and properly maintained and updated.

Publication of Hospitality Registers on Websites

2.9 It is recommended good FOI practice for NDPB's to produce "disclosure logs" of gifts and hospitality, although it is not mandatory for

them to do so. CCEA will publish its register of gifts and hospitality annually at the close of the financial year.

Acceptance of Gifts

2.10 The general principle is that all gifts offered should be refused. However seasonal, promotional or trivial gifts (such as calendars, diaries, pens etc), which bear Company names and/or logos of the provider of the gift and have a value of less than £50, may be accepted by individuals without the need for these to be reported or approved in advance. A token gift may be accepted if it is presented by an organisation, however, these and the acceptance of any other gifts must have been approved by management (see paragraph 2.16) and must be declared by the member of staff in the CCEA register.

2.11 More expensive or substantial items, valued at **£50** or more and gifts of lottery tickets, cash, gift vouchers or gift cheques, **cannot on any account be accepted**. All gifts offered (apart from those which are trivial or inexpensive), even if they are declined/returned need to be recorded in the register.

Trade, loyalty or Discount Cards

2.12 Trade, loyalty or discount cards by which an officer might personally benefit from the purchase of goods or services at a reduced price are classified as gifts and **should be refused or returned to sender**.

2.13 Frequent flyer cards used by airlines can be used by staff to avail of special departure lounges and priority booking and check-in. They must **NOT make private use of any flights/air miles**, which derive from flights paid for from the public purse.

Staff involved in the procurement or monitoring of a contract

2.14 Apart from trivial or inexpensive seasonal gifts, such as diaries, no gifts or hospitality of **ANY** kind from any source should be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier.

Gifts received in recognition of work done

2.15 On no account should a gift or gratuity be solicited or requested. Where gifts by way of gratuities, vouchers or book tokens etc for lectures, broadcasts or similar occurrences are offered, then acceptance should be based on how much of the preparatory work for the event was done in the officer's own time, how much in official time and the extent to which Departmental/Agency resources, other than, for example, use of an officially issued lap-top at home, were used in the preparation. The following guidelines should be applied:

- a) If the preparation was carried out entirely in the individual's own time and the event took place outside normal working hours at no expense to CCEA, it would be acceptable for the individual officer to retain the whole fee, token or other gift;
- b) If, however, the preparation was done wholly in CCEA time with use of CCEA resources, no gifts or fee should be accepted unless the event is carried out outside of normal working hours when a gift or token to the value of up to **£50** is acceptable; and
- c) If the preparation was carried out and the presentation, lecture etc, delivered in an officer's own time but CCEA facilities were used for typing, preparation of PowerPoint / overheads etc, then a gift or token to the value of not more than **£75** is acceptable.

2.16 In the case of either b, or c, CCEA can, if it so chooses, charge the organisation or body a fee based on the salary costs of the individual and/or the use of resources. If a series of gifts from the same source exceed the monetary limits set out above the same rules apply.

Reporting Gifts and Approval Process to be followed

2.17 If gifts (apart from those trivial or inexpensive gifts for which approval is not required under Paragraph 2.10 of this Guidance) are received, the **approval of the Chief Executive should be sought using form A1 which is attached at Annex B**. If the recipient has or will reject the gift, they only need to send details to their line manager for inclusion in the CCEA register.

2.18 In each case submitted to him/her, the Chief Executive will decide in writing or email, whether to:

- a) allow the recipient to keep the gift;
- b) return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted. A template has been attached at **Annex C** which should be tailored to suit each individual circumstance;
- c) use or dispose of it, if possible, in or by the Department/Agency;
or
- d) donate the gift to a nominated Charity.

The Chief Executive will ensure that the details of the case and his/her decision are recorded in the Gifts and Hospitality register.

Hospitality

2.19 The handling of offers of hospitality is recognised as being much more difficult to regulate but it is an area in which staff must exercise careful judgement. In exercising this judgement it is acknowledged that there

can be difficulty in distinguishing between a "gift" and "hospitality". It is also recognised that it can be as embarrassing to refuse hospitality, as it can be to refuse a gift.

2.20 The acceptance of what would be accepted as conventional hospitality, for example working lunches, should, in the main, cause no problem especially if there is some official means of reciprocity and provided that it is **limited to isolated occasions** and its acceptance is in the **interests of CCEA**. Hospitality, which would not be acceptable, would include invitations to frequent or more expensive social functions where there is no direct link to official business (sporting events, the theatre, opera or ballet etc), particularly where these come from the same source, and those which involve travel, hotel or other subsistence expenses. For further guidance refer to the checklist at **Annex D**.

2.21 It can be argued that if officers are to achieve the best value for money in dealings with customers or stakeholders then they need to build up contacts and that it is quite legitimate for them to have a close working relationship with organisations or individuals, which may involve a degree of hospitality. There may also be instances where staff receive invitations to events run by voluntary organisations such as Annual Conferences or Dinners. Attendance at such events is considered an integral element in building and maintaining relationships with these sectors and any hospitality received is likely to be reasonable and proportionate, and therefore acceptable. Additionally, very occasional acceptance of meals or tickets to public sporting, cultural or social events may be accepted if attendance is justified as being in the Department's or Agency's particular business interest. But it will be for the officer and his/her managers to demonstrate clearly that acceptance was in the departmental interest.

2.22 **The main point is that in accepting hospitality staff need to be aware of and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host.**

2.23 To sum up, in deciding whether hospitality can be accepted, staff should consider if it:

- a) is likely to help business effectiveness;
- b) places no obligation or perceived obligation on the recipient;
- c) is not frequent, lavish or prolonged;
- d) is unconnected with any decision affecting the organisation or the individual offering it;
- e) can be justified; and
- f) provides benefits to the Department or Agency, which outweigh the risk of possible misrepresentation of the hospitality.

Reporting Hospitality and Approval Process to be followed

2.24 When in doubt about accepting hospitality or an invitation, line management or the Director of Corporate Services should be consulted. In **all instances** where other than conventional hospitality (infrequent working lunches) is offered, the **approval of the Chief Executive should be sought using form A1 which is attached at Annex B**. If the recipient has or will reject the offer of hospitality, they only need to send details to the Chief Executive's office for inclusion in the CCEA register. It is particularly important to ensure that CCEA is not over-represented at an event or function and care should be taken to ensure that this does not happen, for example, by enquiring from the host as to other staff who have received similar invitations. To guard against the multiple acceptance of invitations to the same event, each Director should make arrangements to ensure that corporate consideration is given to all invitations.

Awards or Prizes

2.25 Staff should consult with their line management if they are offered an award or prize in connection with their official duties. They will normally be allowed to keep it provided:

- a) there is no risk of public criticism;
- b) it is offered strictly in accordance with personal achievement;
- c) It is not in the nature of a gift nor can be construed as a gift, inducement or payment for a publication or invention to which other rules apply.

2.26 A process as outlined in Paragraph 2.16 should be followed.

Section 3

Monitoring arrangements

3.1 The CCEA Register of Gifts, Hospitality and Awards will be subject to the following monitoring arrangements.

- Directors will be responsible for monitoring the Register entries of their respective Business Units on an annual basis.
- The Chief Executive will review the CCEA Register on an annual basis.
- The Chairman will review entries in the CCEA Register for all staff, including the Chief Executive, annually.

Section 4

Enquiries

4.1 Any enquiries about this guidance should be directed in the first instance to the Business Assurance Team.

Annex B

(Part 1 to be completed by recipient – part 2 overleaf to be completed by approving officer)

GIFT/HOSPITALITY FORM A1 (Part 1) DETAILS	
Offered to:	
Name of ultimate recipient if not as above (ie if gift or hospitality passed on to someone else):	
Date of event or gift offered:	
Who made the offer:	
Description of offer:	
Why was the offer made:	
Estimated/actual value of offer:	
State whether offer was declined:	
Is there a current/potential contract with the donor? If yes provide details:	
Signature:	Signed: Date:

PLEASE TURN OVER FOR PART 2 TO BE COMPLETED BY THE APPROVING OFFICER

**GIFT/HOSPITALITY FORM A1 (Part 2)
OUTCOME**

Decision: (Approved/Not Approved)	
Reasons why approval has/has not been granted:	
Is gift being returned? If so, a letter should be issued (template at Annex B to be used)	
Has the gift been used or disposed of? If so give details:	
Has the gift been donated to a nominated charity?	
Has the Gifts and Hospitality register been updated?	
Signature of Chief Executive	Signed: Date:

NB: FORM NOT VALID UNLESS BOTH PARTS 1 AND 2 HAVE BEEN COMPLETED

Annex C

Template Letter for Return of Offer of Gift/Hospitality

(The content of this template should be tailored to suit each circumstance)

Date

Contact name

Name of company

Address of company

Dear

The Council for the Curriculum, Examinations and Assessment (CCEA) operates a Gift and Hospitality Policy to ensure high standards of propriety in the conduct of its business.

On account of public confidence, perception is as important as reality and because of this I am obliged to return your offer of INSERT: *Name of gift / hospitality.*

This is not in any way meant to offend or to imply that your [gift/hospitality] was offered in anything but the utmost good faith, but is designed to protect both individual members of staff and CCEA. I hope you will accept our response in that spirit and that we can look forward to continued effective working relationships.

Yours, etc

CCEA Officer Name

Staff Title

Offers of Hospitality Checklist

Type of gift/hospitality	Approval required	Guidance reference
1. Modest conventional hospitality (eg working lunch).	No	2.24
2. More formal lunch or dinner, by prior invitation.	Prior approval required from Head of Division or Head of Department/Chief Executive as appropriate.	2.19 to 2.24
3. Hospitality for a team	Prior approval required from Head of Division or Head of Department/Chief Executive as appropriate.	2.22
4. Commemorative or similar occasion organised by contractor, consultant or supplier (eg to celebrate an anniversary, opening or handover).	Prior approval required from Head of Division or Head of Department/Chief Executive as appropriate.	2.19 to 2.24
5. Trade promotion on company's premises with meals or drinks.	Prior approval required from Head of Division or Head of Department/Chief Executive as appropriate.	2.19 to 2.24
6. Annual dinner of Professional Institute or Association: <ul style="list-style-type: none"> • where the officer is a guest of the Institution or Association • where the officer is a guest of a particular consultant, contractor or supplier. 	Prior approval required from Head of Division or Head of Department/Chief Executive as appropriate.	2.19 to 2.24
7. Overseas visits to inspect manufacturers' products/premises.	Prior approval required from Head of Division or Head of Department/Chief Executive/Head of the Civil Service as appropriate.	2.19 to 2.25
Form A1: Gifts and Hospitality Approval Form and Gift and Hospitality Register must be completed on all occasions.		
Examples where hospitality may not be accepted (not a prescriptive list)		
*Leisure Events * Complimentary Tickets *Sporting Events *Weekend breaks or holidays, whether paid for or not. (very occasional acceptance of meals or tickets may be accepted - see paragraph 2.21)		