



## The Robert Carre Trust

### Acceptance of Gifts and Hospitality Policy

#### Introduction

This policy applies to all Members, Trustees, Governors and members of staff of the Robert Carre Trust.

The Robert Carre Trust is committed to the values of probity and accountability. Members, Trustees, Governors and all members of staff of the Trust should conduct themselves with integrity, impartiality and honesty at all times, maintaining high standards of propriety and professionalism.

The guiding principles are:

- The conduct of individuals should not create suspicion of any conflict between their official duty and their private interest.
- The action of individuals acting in an official capacity should not give the impression to any member of the public, to any organisation with whom they deal or to their colleagues that they have been (or may have been) influenced by a benefit to show favour or disfavour to any person or organisation.
- Procedures apply to gifts from students and their families as well as from existing and potential suppliers.

#### Statement of Policy

Hospitality received from or the giving of hospitality to a third party is generally not acceptable.

The exception to this general principle is where there is a genuine need for the development of legitimate and ethically sound business relationships and the hospitality offered will genuinely assist the development of this.

Even then only modest hospitality is acceptable **AND** the following procedures must be complied with at all times. Any gift or hospitality over the value of **£50** needs to be declared.

Failure to do so can result in disciplinary action and possibly termination of employment.

#### Meaning of words:

For the purpose of this policy:

- **“hospitality”** means any form of gift, entertainment, personal reward or favour or anything of value
- **“modest”** means nature, scale, low cost and moderate frequency and level complying with all other company policies
- **“trivial”** means a very small low value item such as a calendar, pen, a small box of chocolates or a very small promotional item.

## **General Principles**

Employees shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the Trust by:

- Maintaining an unimpeachable standard of honesty and integrity in all their business relationships
- Complying with the letter and spirit of the law, and contractual obligations, rejecting any business practice that might be deemed improper
- At all times in their business relationships acting to maintain the interests and good reputation of the Trust.

Any employee who becomes aware of a breach of policy must report this immediately to his or her manager who will instigate investigations as necessary.

## **Register of Pecuniary and Personal Interests**

Any personal interest that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the Trust in any matter relevant to an employee's duties (such as conflicting business interests) should be declared in writing. Any member of staff who is aware of any business dealings conferring personal gain, or involving relatives or associates of members of staff must supply details of such transactions to the Director of Finance and Resources for entry into the Register of Pecuniary and Personal Interests.

All staff, Members, Trustees and Governors are required to annually complete a Declaration of pecuniary and personal interest.

## **General Guidance**

Always say "no" if you think the giver has an ulterior motive. Be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a prompter service or preferential treatment.

Never accept a gift or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Trust, seeking employment with the Trust or is in dispute with the Trust, even if you are not directly involved in that service area.

If you are in doubt about the acceptability or provision of any gift or offer of hospitality, it is your responsibility to consult the Director of Finance and Resources or Executive Headteacher.

Employees are permitted to accept gifts, rewards or benefits from members of the public or organisations that the Trust has official contacts with only where they are isolated gifts of a trivial character (such as diaries, calendars or bunch of flowers). Gifts should not therefore be accepted if they appear to be disproportionately generous or could be construed as an inducement to affect a business decision.

Any hospitality other than of a nominal value (up to £50) or facilities provided during the normal course of business should be reported to the Director of Finance and Resources for entry in the 'Register of Gifts and or Hospitality'.

Where items purchased for the Trust include a 'free gift', such a gift should either be used for Trust business or handed to Director of Finance and Resources to be used for charity raffles.

If unsolicited gifts of a substantial nature arrive from contractors, they should be returned with a polite explanation that the Trust's policies do not allow their acceptance.

## Acceptance of Hospitality

In relation to conventional hospitality (lunches, outings, tickets for CPD events etc.) provided that it is normal and reasonable in the circumstances they may be accepted. Such invitations should not be accepted where there is no reasonable business justification for doing so, where an invitation is disproportionately generous, or where the invitation could be seen as an inducement to affect a business decision.

A gauge of what is acceptable in terms of hospitality is whether this Trust would offer a similar level of hospitality in similar circumstances.

- Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business provided they are not to an unreasonable level or cost.
- Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules have been taken into account, it may be acceptable to join other company/organisation guests at:
  - a. sponsored cultural and sporting events, or other public performances, as a representative of the Trust;
  - b. special events or celebrations.

But, consider the number of these events, and always take into consideration what public perception is likely to be if they knew you were attending.

- Acceptability depends on the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee. In all such cases the Headteacher must be consulted.
- Paid holidays or concessionary travel rates are not acceptable. Neither are offers of hotel accommodation nor the use of company villas/apartments.
- If you are visiting a company to view equipment that the Trust is considering buying, you should ensure that expenses of the trip are paid by the Trust. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Trust's purchasing and/or tender procedures are not compromised.
- Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to your work are acceptable.
- Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Trust must be agreed in advance with the Executive Headteacher. Where your spouse or partner is included in the invitation, and approval has been given for you to attend, it will be acceptable for your spouse or partner to attend as well, but if expenses are incurred, these will be met personally.
- Payments received as a result of speaking at such events, or for writing papers or articles, whether published or not, must be paid over to the Trust, unless otherwise agreed by the Executive Headteacher, or in the case of the Executive Headteacher, the Chairman of the Trustees.

Any invitation you accept should be made to you in your professional/working capacity as a representative of the Trust

If any member of staff is in doubt about whether it is appropriate to accept any offer of hospitality, the advice of the Executive Headteacher should be sought, who may also seek the advice of the Director of Finance and Resources.

Staff must never canvas or seek gifts or hospitality.

### **Declaring the acceptance of a gift**

Governors and staff must record being offered (even if declined) or accepting any gifts by completing a Declaration of Gifts and Hospitality (Appendix A). The declaration should be approved by the Executive Headteacher for staff and by the Chairman of the Trustees for Members, Trustees and Governors. The Director of Finance and Resources will maintain the Register for Gifts and Hospitality.

### **Failure to comply**

In all instances where there is a reasonable belief that there has been a failure to declare, the Chairman of the Board and/or the Executive Headteacher will conduct a formal investigation of the situation. Employees may be subject to disciplinary procedures to pursue potential matters of misconduct.

It is a criminal offence for an employee of the Trust to corruptly accept any inducement or reward for doing, promising or refraining from doing anything in the course of their employment, or corruptly showing favour or disfavour, in the handling of contracts. In acting corruptly the employee would demonstrate their intention to purposefully act with a lack of probity and with a disregard for the implications of their actions for the Trust.

### **THE BRIBERY ACT 2010**

UK anti-bribery law underwent a significant change with the introduction of the Bribery Act 2010, which came into effect in July 2011. The Act applies to all businesses and organisations no matter what their size in terms of numbers of offices or employees.

Although most schools would not expect to have to review their business practices in light of the legislation, the Bribery Act creates offences which can impact as heavily on schools as they can other businesses. Four new offences created by the Bribery Act are:

- offering, promising or giving a bribe
- requesting, agreeing to receive or accepting a bribe
- bribing a foreign public official to obtain or retain business
- failing to prevent bribery by not having in place "Adequate Procedures".

Certain activities, even local practices, may constitute offences under the Bribery Act. Examples are of a catering supplier offering the school a financial incentive for the renewal of a catering contract, or parents offering a contribution to the school if their child is made Sports Captain, or Head Boy or Girl.

If in doubt Trust representatives should apply the following 'tests':

- Is the 'favour/benefit' payable to an individual?
- Is this individual authorised to receive such benefit?
- Is the individual the decision maker or in a position to influence decisions?
- Is it an inducement for that individual to act improperly or breach a duty of good faith and impartiality?
- It is transparent?

- Is it part of the contract?
- Will it result in obtaining an 'unfair' business advantage?
- Do you feel comfortable with it?
- Could you justify it if challenged (in a court of law, for instance)?

For further information follow the link below:

<http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>

**Reviewed at the meeting of the Finance & Resources Committee on 16 May 2022**

**Ratified at the meeting of the Board on 19 May 2022**

**Next Review Date: May 2024 (2 years)**

**Appendices:**

A. Declaration of Gift or Hospitality



## The Robert Carre Trust

### Declaration of Gift or Hospitality

Please indicate by ticking box A or B whether you have been offered and declined or have accepted a gift or hospitality

Name:	
Position:	

A I have been offered a gift / hospitality which I have declined

B I have been offered a gift / hospitality which I have accepted.

Declaration details		
Name of external organisation and their relationship with the Trust	Nature of interest / gift / hospitality	Estimated Value if applicable

I believe my objectivity and independence in relation to the above external organisation has not been impaired in any way by the offer of gifts or hospitality.

SIGNED (Recipient)

Date

NAME (capitals)

SIGNED

(Chairman/ Executive Headteacher)

Date

NAME (capitals)

Completed forms should be sent to the Director of Finance and Resources to enter in Register.