



CROMWELL HIGH SCHOOL

GIFTS AND HOSPITALITY

Author	Head Teacher
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Details of dissemination of Policy/ Guidance (to who, date, method)	

1. Purpose

1.1 The purpose of this guidance note is to provide a guide to employees of Cromwell High School about:

- The legal rules on gifts and hospitality and what may happen if they are breached
- When gifts and hospitality may be accepted
- The procedure to follow if you are offered a gift or hospitality
- What to do if you think an employee of Cromwell High School has acted inappropriately

1.2 Persons in public service (both employees and elected officials) are expected to act in the interest of the public and to act impartially – and be seen to act impartially. Moreover, they should avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation. As well as avoiding actual impropriety, the appearance of it should also be avoided. Cromwell High School employees should not benefit personally in any way from their position as paid employees of Cromwell High School.

1.3 To quote from the judgment in a 1970s corruption case:

“People who take you to Wimbledon or to watch the Rugby are not doing it because they like you, it is because they want you to like them. It is because when you go to make a decision on a contract it is going to be based on friendship”.

2. Organisational Scope

This is a School-wide policy and applies to all staff at Cromwell High School.

3. Enforcement

Any employee found to have violated this procedure will be subject to the schools disciplinary procedures, as detailed in the Staff Handbook and also shared on the shared drive _school policies.

4. Definition's

The Legal Rules on Gifts and Hospitality:

Title of rule	Applies to	What the rule says	Consequences of breach
The Bribery Act 2010	Headteachers and employees	<p>Four offences are introduced in the Act:</p> <p>A. Bribing another person Offering or giving a financial or other advantage to a person, a) intending to induce (or to reward) them, or another person, to perform improperly a public function or business activity; or b) knowing or believing the acceptance in itself would constitute improper performance</p> <p>B. Being bribed a) requesting or accepting an advantage or reward intending personally, or through another, to perform improperly a public function or business activity; b) requesting or accepting such advantage when the request or acceptance would constitute improper performance of a public function or business activity; c) improperly performing such a function or activity in anticipation of receiving such an advantage</p> <p>C. Bribery of foreign public officials Offering or giving to (or with the assent of) a foreign public official any advantage that is neither permitted nor required by the written law applicable to that official intending a) to influence them in their capacity as a public official and, b) to obtain or retain business or business advantage</p>	<p>Criminal offence – prosecution</p> <p>Offences A - C carry a maximum of 10 years imprisonment and/or unlimited fine</p> <p>If the offence is committed with the consent of a senior officer, that person is also personally guilty</p> <p>Offence D carries an unlimited fine to the organisation as well as debarment from public contracts.</p>

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		<p>D. Failure of commercial organisations to prevent bribery</p> <p>A relevant commercial organisation will be guilty of an offence if an associated person (including an employee, agent or subsidiary providing services for the organisation) bribes another person intending a) to obtain or retain business for the organisation or b) to obtain or retain an advantage in the conduct of business for the organisation.</p>	
Local Government Act 1972	Employees only	S117 Local Government Act 1972 states that an employee of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.	Criminal offence - prosecution
Local Authority Employees Conditions of Service (“the Green Book”)	Employees only	Employees will maintain conduct of the highest standard such that public confidence in their integrity is maintained.	Breach of contract of employment – disciplinary action/ dismissal
Code of Conduct for Headteachers	Headteachers and co-opted members only	<p>Headteachers must not use or attempt to use their position as a Headteacher improperly to confer on or secure for them self or any other person, an advantage or disadvantage.</p> <p>Headteachers must register with the Monitoring Officer the name of any person from whom they have received a gift or hospitality with an estimated value of at least £25.</p>	Suspension or disqualification by Standards Committee or a Case Tribunal

5. Policy Content and Guidelines

5.1 When gifts and hospitality may be accepted

The legal rules, and the potentially severe penalties for breaking them, mean that Headteachers and employees must be cautious about accepting gifts or hospitality in the course of their duties.

5.2 Gifts

5.2.1 Employees and Headteacher should usually refuse gifts offered to them or to a member of their immediate family by any person or body who has or seeks to have dealings with the Authority. Governors must record all offers of gifts and hospitality received with a value of £25 or more but are encouraged to register all gifts, even those under £25. Employees must record all offers of gifts and hospitality regardless of value or whether accepted or not.

5.2.2 However, the following gifts may generally be accepted, although employees notify the school's Business Manager subsequent to accepting:

- (i) A modest gift of a promotional/advertising character given to a wide range of people and not uniquely to the employee. The gifts would normally bear the Company's name and/or trademark/ logo and would be the sort of item that would be useful in the every-day working environment e.g. pens, calendars, diaries, note pads, desk sets, tape measures.
- (ii) A modest gift given to a teacher or a "carer" from a pupils' family. However, cash or monetary gifts should be refused – as should a legacy (a gift given under a will).
- (iii) From time to time, as part of a sales promotion drive, firms offer gifts or vouchers exchangeable for gifts, for ordering in excess of certain targets. When this happens Value for Money and the best interests of the School should always be uppermost in an employee's mind. Employees should not over order, over stock, or purchase items not forming part of the Authority's normal requirements.
- (iv) Modest gifts given in a lottery at Exhibitions, Conferences, Seminars etc., as part of a free raffle or draw.
- (v) Modest gifts of food, such as chocolates, from organisations should be shared within the appropriate team.
- (vi) Modest gifts of alcohol should be donated to the School's PTA as this cannot be consumed on the premises or shared with team mates.

5.2.3 The Headteacher's PA will write to the donor to thank them for the gift and tell them that, as employees cannot accept gifts, their gift has been donated to the School's PTA. A copy of this letter will be sent to the employee who accepted or received the gift.

5.3 Hospitality

5.3.1 Hospitality above and beyond simple refreshments/working meal should in general be declined. Employees should never accept any such hospitality without the consent of the Headteacher.

5.3.2 The following are examples of what is generally acceptable:

- (i) A working meal provided to allow the parties to discuss or continue to discuss business. Employees are reminded they must not claim subsistence unless money has actually been expended by them on paying for their share of the meal or purchase of drinks. Employees should endeavour to pay their share of the cost where practicable; for example where the meal is taken in a café/restaurant.
- (ii) An invitation from an established or prospective trading partner to a function that is part of a wider gathering e.g. conference lunches or dinners, where contacts beneficial to the school and its pupils may be made or maintained. For example where other local government employees connected with the service provided by the trading partner are also invited.

5.3.3 The following would never be acceptable:

- (i) Holidays or free accommodation.
- (ii) Offers of hotel vouchers, theatre tickets, free travel etc (this should be treated as a gift)
- (iii) Tickets for football matches or other sporting events provided by a non-authorised partner of the school; and
- (iv) Use of a company flat or hotel suite

5.3.4 If you are unsure then you should contact the Headteacher.

5.3.5 When a firm is participating in a tendering exercise or in a dispute with the School about an existing contract then clearly offers of hospitality should be refused even if in normal times they would be acceptable.

5.4 The procedure for responding to offers of gifts or hospitality

5.4.1 The form must be completed as soon as the offer has been received. Employees must complete the form even if the offer is rejected.

5.4.2 Employees must not accept the gift or hospitality (above basic immediate refreshments/working meal) without the **written permission of the Headteacher**. They must therefore complete the form and give it to the Headteacher. Once the Headteacher has made a decision he or she will keep a copy of the form for school records.

- 5.4.3 There may be occasions where an offer of hospitality is received where approval by the Headteacher cannot be received in advance, for example if you are visiting a clients premises and they offer you some form of hospitality over and above usual refreshments/modest working meal. On these occasions the employee or member should refuse this offer as prior approval has not been obtained.
- 5.4.4 The register of gifts and hospitality will be open to inspection by the Finance and Resources Committee and by Internal Audit.

5.5 What should I do if I think that someone isn't following this procedure

- 5.1 If you have a concern that any gifts or hospitality are being inappropriately accepted then you should raise it with the Borough Solicitor.

6. School hospitality to visitors

6.1 School believes that it is in the interest of pupils to present and promote the school to visitors in a professional and hospitable manner. School notes that this is also the case within the business community in the interest of private companies. Therefore school will provide visitors to the school with refreshments including tea, coffee, biscuits and other suitable snacks and, where visitors are present over a meal-time period, a light meal of sandwiches and/or other finger food. Staff may partake of hospitality provided to visitors whilst in their company.

7. Governors' pastoral support for staff

- 7.1 School believes that it is in the interest of pupils to show support for staff- particularly through trying circumstances and for substantial length of service. School notes that many private companies also consider this to be in the interests of pursuing a high performing organisation. Therefore the management of the school are authorised to approve expenditure to purchase a card and flowers or other suitable token of support for instances such as a close bereavement and for staff with substantial service on the occasion of their leaving employment with school and for each 5 years service after 10 years. The Governors' Finance and Resource committee will be notified of all such expenditure.
- 7.2 As a token of appreciation for the good will and efforts of staff throughout the year – often above and beyond the limits of regulation- the governors approve the purchase of refreshments for staff during In Service Training sessions. This may include a meal when the INSET is over a meal period- including a sandwich and a cake (or equivalent) for full day training days.
- 7.3 Governors note the reported benefits of occasional training off the school site- including occasional team-building through experiences not directly connected with specific educational policies and practice- and therefore authorise the

management of the school to purchase such sessions as they deem suitable and beneficial to developing the skills, knowledge and attributes of the staff team of the school. The Governors' Finance and Resource committee will be notified of all such expenditure.

8. Governor refreshments

8.1 Governors give of their time without any payment. School believes that they are entitled to be respected as valued visitors to the school and the same hospitality should apply- see above.

9. Support for pupils' families

9.1 School believes that it is in the interest of all pupils to show support for individual pupils' families- particularly through trying circumstances. Therefore the management of the school are authorised to approve expenditure to purchase a card and flowers or other suitable token of support for instances such as a close bereavement within the family. The Governors' Finance and Resource committee will be notified of all such expenditure.

10. Legislative Compliance

10.1 The school is required to manage its policy documentation within a legislative framework. The legislation directing this policy is covered under section 4.

11. References

Tameside Metropolitan Borough Council's Model Financial Guidelines 2009

12. Appendices

Not Applicable

13. Approval Authorising Body

[Finance & Premises Committee]

[June 2022]

14. Contact Person

The following person may be approached in relation to this policy:

Ali Syed

INSERT FORM [ONCE OBTAINED FROM THE LA]