

GIFTS, GRATUITIES AND HOSPITALITY

1. POLICY STATEMENT

This Policy provides guidance as to circumstances when it is and is not appropriate to accept gifts, gratuities and hospitality. It is also designed to provide protection for staff members and the organisation on those occasions when a gift has been accepted by recording such gifts and the reasons for acceptance in an accountable and transparent way. The Policy is aimed at all levels of the organisation and applies to all full-time and part-time staff.

2. LEGAL BASIS

The *Bribery Act 2010* (the “**Act**”) came into force on 1 July 2011 and replaces and enhances fragmented and complex existing laws which date from 1889, 1906 and 1916. The Act applies to offences committed from 1 July 2011. The Act is concerned with bribery. Very generally, this 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 having already done so. The Act creates a new offence under section 7 which can be committed by commercial organisations which fail to prevent persons associated with them from bribing another person on their behalf.

The following legislation applies to offences committed prior to 1 July 2011 (subject to any statutory limitation periods):

- (a) The *Prevention of Corruption Act 1906 (repealed)* and the *Prevention of Corruption Act 1916 (repealed)* - any money, gift or consideration, including hospitality, received from a person or organisation holding or seeking to obtain a contract may be deemed by the courts to have been received corruptly unless proven otherwise;
- (b) The *Public Bodies Corrupt Practices Act 1889 (repealed)* extends to soliciting gifts and, in certain circumstances, these offences could even be committed by a gift or consideration being accepted by a friend or relative on behalf of a staff member; and
- (c) Common law offences of bribery and accepting a bribe.

Please refer to the University’s Bribery Act Guidance for further details.

3. BACKGROUND

- (a) All staff should conduct themselves with integrity, impartiality and honesty at all times.
- (b) Staff should maintain high standards of propriety and professionalism. This includes avoiding leaving themselves open to suspicion of dishonesty and not putting themselves in a position of conflict between their official duty and private interest.
- (c) Some staff necessarily spend their time with other organisations where it is normal business practice or social convention to offer gifts, hospitality or awards. Offers of this kind can place staff in a difficult position: to refuse may cause misunderstanding or offence, whilst to accept may give rise to questions of impropriety or conflict of interest.

- (d) It is a disciplinary (and potentially criminal) offence for staff to accept any benefit as an inducement or reward:-
- For taking any action (or specifically not taking action) in his or her official capacity.
 - For showing favour (or disfavour) to anyone in his or her official capacity.
- (e) 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.

4. GIFTS & GRATUITIES

The term gift or gratuity includes any personal, material or financial advantage or reward.

- (a) Staff should not accept any gift, reward or hospitality from any organisation or individual with whom they have contact in the course of their work as an inducement either for doing something or not doing something in their official capacity.
- (b) Particular care should be taken about any gift from a person or organisation which has, or is hoping to have, a contract with the University. Although it is conventional in some part of the private sector for businesses to exchange seasonal gifts, this is not acceptable practice in the University.

Gifts of a trivial or inexpensive nature (£50 or less in value) may be accepted, in certain circumstances, but more substantial or expensive offerings should be declined. If unsolicited gifts of a substantial nature arrive from contractors, they should normally be returned with a polite explanation that the University's rules do not allow their acceptance.

In the following circumstances gifts or gratuities must not be accepted:

- (i) If acceptance results solely in personal benefit, i.e. there is no benefit to the institution. Employees must be in a position to justify how acceptance benefits the organisation and these reasons must be listed in the register (see subparagraph (e) below).
- (ii) If there is any possibility of an ulterior or dishonest motive on the part of the donor.
- (iii) Donations that are connected with political parties, elections, trade disputes or from any person whose business comes in any way under police supervision.
- (iv) When the gift or gratuity originates from a media organisation or journalist or other employee of such an organisation.
- (v) In connection with the procurement of goods and services for the institution.
- (c) If staff have any doubts about whether an offer of a gift should be refused (it is accepted that refusal of a gift may sometimes cause offence) they should consult their manager, who in turn should discuss the matter with the University Secretary if it is considered that the gift should be accepted.

(d) There are particular circumstances pertaining to the offer of sporting event/match tickets. All acceptance or refusal of sporting event/match tickets must be recorded. Accepted tickets will be distributed in accordance with the agreed priorities listed below and through the mechanisms of competitive process as appropriate:-

- Priority 1 Distributed to the appropriate University Sports Union Clubs Student Members
- Priority 2 Distributed to internal Sports Centre Members
- Priority 3 Distributed to all students & staff via global email or social media
- Priority 4 Distributed to external sports partners

Tickets distributed to Students will be free of charge. All other recipients will be charged face value and the proceeds will be donated to the Student Hardship Fund.

(e) The University Secretary is the final arbiter on the advisability of accepting or refusing gifts. If the University Secretary considers that a gift cannot be used to support the University's business, the retention of the gift by the individual may be authorised. Alternatively, if the individual does not wish to retain the gift, arrangements may be made for the gift to be stored until disposal, for example through a local charity.

(f) The office of the University Secretary will record notified disclosures of gifts accepted by staff in excess of £50 in a central gift and hospitality register. Staff must notify any gifts accepted or refused, regardless of the value, to this office for recording in the central register. Notification must take place within 28 days of acceptance/refusal of the gift. Any queries about the contents of the register should be directed to the University Secretary. The Gift Register will be published as part of the University's Publication Scheme.

5. HOSPITALITY

(a) The Act does not strictly prohibit hospitality and it is accepted that staff sometimes receive conventional hospitality.

They may attend, as part of their official function, an event organised by another body for promotional or influential purpose.

There are a number of situations when hospitality can be accepted:

- A working lunch of modest standard in the course of visits or meetings so the parties can continue to discuss business relating to the strategic aims of the University.
- An offer to attend a purely social or sporting event where it is considered appropriate for the University to be represented. Prior authorisation should be sought from your Line Manager.
- Participation in an official capacity e.g. speaking at a conference on behalf of the University.
- Attendance at a charity event should not be free unless the recipient is invited as a valued dignitary. Staff are advised to pay as part of the contribution to the charity.
- When a member of staff is attending a function in an official capacity and their partner is also invited, consideration should be given to paying their expenses. If the function involves travel or an overnight stay, the partner's expenses should be paid in full by the staff member.

(b) Offers of hospitality that exceed this norm should, in general, be refused. Hospitality refused should be notified to the University Secretary by completing the appropriate form. The following items should be avoided:-

- Hospitality offered in substitution for fees for broadcasts, speeches, lectures or other work done.
- Inducements which could lead to a contractual position between the University and a supplier, contractor or consultant.
- Substantial offers of social functions, travel or accommodation. Offers of free accommodation, holidays, travel, weekend breaks, free invitations to sporting occasions and civic entertainment, where there is no institutional benefit, should not be accepted. Staff should take particular care when an offer is from an organisation that supplies, or has potential to supply goods or services to the institution. As a general rule such hospitality should not be accepted.
- Where hospitality is accepted this should be notified to the University Secretary within 28 days for inclusion in the gift and hospitality register, using the form appended to this policy.

From time to time staff will be invited by suppliers to sporting, social and cultural events. The University does not wish to impose a blanket restriction on the acceptance of such hospitality. However, staff are advised that they need to be mindful of the cumulative effect of accepting multiple hospitality invitations from the same supplier over a short timescale, which could be deemed to compromise an individual's integrity.

(c) Particular care should be taken when offered any form of hospitality or gift from a person or organisation which has, or is hoping to have, a contractual relationship with the University. If staff have any doubt whether to accept hospitality offered, they should refer the matter to their manager, who in turn may discuss it with the University Secretary.

6. ISSUES FOR CONSIDERATION

The policy is designed to protect University integrity and that of staff. Before a gift, gratuity or hospitality is accepted, the following issues should be considered in every circumstance, and staff should ask themselves the following questions:

- i. Why is the offer being made?
- ii. Does the donor feel obliged in any way to make the offer?
- iii. What does the donor expect in return?
- iv. What could be the outcome for the University or me if the offer was accepted or declined?
- v. Would the Senior Management be happy for me to accept this? If in doubt, prior approval should be sought.
- vi. Would I be able to justify its acceptance to the public?
- vii. Does the offer in any way contravene this policy?

If, on consideration of these questions, acceptance of a gift or hospitality seems inappropriate then the offer should be declined. If an inappropriate approach is made to any member of staff by a supplier or potential supplier this should be reported to the University Secretary.

7. BREACH OF POLICY

Failure to comply with this policy may lead to disciplinary action and in some circumstances may result in a referral to the PSNI / Serious Fraud Office. The policy guidance is not designed to be prescriptive but to invite every staff member to exercise judgement and propriety when considering offers of gifts and hospitality.

8. GIFTS MADE BY THE UNIVERSITY

The University will not pay for any gifts made to staff. This covers all occasions such as retirement, illness, marriage, bereavement etc. Where colleagues of the person concerned wish to make a gift, this should be funded by personal contributions.

The University will help to facilitate the payment of any monies raised for a gift provided a corresponding amount is lodged to an appropriate cost centre and evidence of this is produced with the request for payment.

9. GIFTS FOR SERVICES PROVIDED TO THE UNIVERSITY

The University recognises that there are occasions where a gift to a person contributing services to the University is appropriate. In choosing gifts consideration should be given to University memorabilia (<https://daro.ulster.ac.uk/estore>). Other gifts should not exceed £30 in value. Where, by way of expediency, gifts have been purchased by members of staff, the cost may be reclaimed through petty cash or the submission of an expenses claim.

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RECEIPT OR REFUSAL OF CORPORATE GIFT/HOSPITALITY

This form must be completed in relation to all relevant gifts or hospitality which are accepted or refused on behalf of the University. Forms must be authorised at Director/Dean level and forwarded to the office of the University Secretary for inclusion in the corporate register. Please read the University guidelines on Gifts & Hospitality prior to completing this form.

1. PROPOSED RECIPIENT DETAILS:

Name		Grade	
Dept/Faculty		Campus	
Job Title		Contact No	

2. INFORMATION ON GIFT(S) OR HOSPITALITY: *(to be completed by recipient only)*

i) Source of Gift(s)/Hospitality			
ii) Description and estimated value of Gift(s)/Hospitality			
iii) Date of Offer		iv) Accepted/refused	
v) Please indicated reasons for acceptance / refusal of offer			

Print name		Grade	
Signed		Date	

3. DIRECTOR/DEAN AUTHORISATION: *(to be completed by Director/Dean)*

Please delete as appropriate:

I approve the acceptance of gift(s)/hospitality described above I note the refusal of gift(s)/hospitality described above

Print name		Grade	
Signed		Date	