



GIFTS & HOSPITALITY POLICY

Status:	Statutory	
Version:	1.0	
Committee:	Human Resources & Finance	
Approved by:	HR & Finance	Date Introduced: 01.02.2023
Review Cycle/when:	Annual/Spring 1	
Last reviewed on:	1 st Approval	
Next review due by:	February 2024	
Review Managed by: (drafting/checking)	CFO	
Master stored:	SharePoint/governance/policies/gifts&hospitality	
Published (where/by):	Trust Website	
Distributed to:	All staff	
Distributed by:	CFO:OWN Staff, Office Managers: School Staff	
Inform on completion:	Governance & Compliance Manager	

REVISIONS

Version	Page/ Item No.	Description of Change	Approved On
1.0		First approval	15.10.2020

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1. Introduction

- 1.1. OWN Trust is committed to the highest level of integrity, honesty, and accountability in all its business dealings. All staff, trustees, and governors are expected to maintain high standards of propriety and professionalism in all their dealings, ensuring they are free from any conflict of interest through their business in the name of each School and in the name of OWN Trust.

2. Scope

- 2.1. The intention of the policy is to ensure that OWN Trust can demonstrate that no undue or improper influence has been applied, or could be perceived to have been applied, by any supplier or anyone else dealing with OWN Trust. The Trust must be able to show that all decisions, whether educational, financial, or otherwise are reached on the basis of the proper application of laid-down procedures and for no other reason. Any breach of this policy could lead to disciplinary action and may constitute gross misconduct.

3. Purpose

- 3.1. In order to protect all individuals associated with the Trust, and the reputation of the Trust and its schools from accusations of bribery or corruption, staff, trustees, and governors must take extreme care to ensure that none of their dealings, directly or indirectly, could be deemed as a reward or benefit, in line with the Prevention of Fraud and Bribery Act 2010. This Act makes it a criminal offence to:
 - offer, promise, or give a bribe
 - request, agree to or accept a bribe

- (by an organisation) fail to prevent bribery by those acting on its behalf ('associated persons') to obtain or retain business or a business advantage for the organisation.

3.2. Under this Act, a bribe is 'a financial or other advantage' offered, promised, or given to induce a person to perform a relevant function or activity improperly or reward them for doing so.

4. Definition

4.1. A gift is any item or service, award, prize or any other benefit which is received free of charge; or personally offered at a discounted rate or on terms not available to the general public or which might be seen to compromise the personal judgment or integrity of the recipient. Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event not available to the public.

5. Dealing with Gifts and Hospitality

- 5.1. OWN Trust expects all staff, trustees, and governors to exercise the utmost discretion in giving and accepting gifts and hospitality when on Trust or school business. Particular care should be taken about a gift from a person or organisation that has, or is hoping to have, a contract with our organisation. In any instance of doubt, advice must be sought from the CFO of the Trust.
- 5.2. Staff, trustees, and others involved in governance must not make use of their official position to further their private interests or those of others.
- 5.3. Staff, trustees, and others involved in governance must not accept gifts, hospitality or benefits of any kind from a third party where it might be perceived that their personal integrity is being compromised, or that the Trust/School might be placed under an obligation.
- 5.4. Gifts of low intrinsic value such as promotional calendars or diaries, or small tokens of gratitude, may be accepted. If there is any doubt as to whether the acceptance of such an item is appropriate, individuals should decline the gift or refer the matter to the Trust's CFO or CEO.
- 5.5. It is common for appreciative parents and pupils to register their thanks for the work of staff in the form of a small personal gift of trivial benefit.

6. Trivial Benefit

- 6.1. To qualify as a trivial benefit and therefore exempt from taxations all of the following conditions have to apply:-
 - The cost must not exceed the amount detailed in the Financial regulations per employee

- The benefit must not be cash or a cash voucher
- It must not be part of a contractual obligation
- It can't be a reward for good performance
- Employees have no limit as to the number of trivial benefits they can benefit from in one year but Directors have a cap of £300 per year.

6.2. If these are valued at less than the amount specified in the Financial Regulations these are perfectly acceptable without reference to senior members of staff. These will not need to be recorded in the register. Where gifts valued over the amount specified in the Financial regulations are accepted, they must be recorded in the register (See Financial Regulations). Please note this register is kept by the CFO.

6.3. Where a more valuable gift, benefit or service is offered which is to the good of the School, rather than an individual, it must be referred to the school's Headteacher and Trust CFO/CEO for approval within their discretion; if acceptable, these items must be recorded in the register.

6.4. Hospitality is generally only provided in the workplace and must be available to all employees. It is usually restricted to tea/coffee, biscuits and, soft drinks. or sandwiches. If the hospitality is available to all staff members the benefit is exempt from charge as it is deemed a trivial benefit. Meals that are taken on site and not paid for must be reported on a P11D as they are deemed as a taxable benefit. (A working lunch is a taxable benefit.)

6.5. A modest lunch can be offered occasionally (for example training days) provided they are available for all staff members working and are on a reasonable scale (not elaborate) and must not exceed the amount specified in the Financial Regulations per year per employee.

6.6. Modest hospitality is occasionally provided outside the workplace. The Headteacher maintains a register of the occasions when hospitality is provided, the number of people involved, and the costs incurred. All details must be maintained for HMRC should they visit the site.

6.7. If a member of staff, trustee or others involved in governance is offered a gift or hospitality whilst involved in the procurement of goods and services, tenders for work or when liaising with anyone conducting business with the school(s) (other than light refreshments) it is their responsibility to discuss this with the CEO immediately.

6.8. If not accepting a gift would be regarded as causing offence (such as a sudden and unexpected gift or one where refusal could cause cultural offence) the item should be accepted. The matter should then be brought to the attention of the CEO as soon as possible who may decide to return the gift or may donate it to a school raffle/fair or a charitable cause.

6.9. If any of the above applies to the CEO or CFO, the Chair of Trustees will assume their roles.

6.10. Examples of gifts or hospitality that must not be accepted include:

- cash or monetary gifts;
- gifts or hospitality offers to a member of your family;
- gifts or hospitality from a potential supplier or tenderer in the immediate period before tenders are invited or during the tender process, staff, trustee or other involved in governance attendance at sporting and cultural events at the invitation of suppliers, potential suppliers or consultants. (Where it is considered that there is a benefit to the Trust, or one of its Schools, in a member of staff, trustee or governor attending a sponsored event, the attendance must be formally approved and registered by the CEO).

6.11. Where a gift is received on behalf of the school, the gift remains the property of the school. The gift may be required for departmental display, or it may, with the headteacher's approval, remain in the care of the recipient. Unless otherwise agreed, the gift must be returned to the School or OWN Trust's central office on or before the recipient's last working day.

6.12. Gifts are sometimes offered by suppliers with the purchase of items. All such special offer gifts are the property of the school and must be used accordingly.

7. Giving Gifts

7.1. OWN Trust and its schools will not normally give gifts to other individuals or organisations. In the exceptional circumstance that gifts are given, staff must ensure that the decision is fully documented in the Gift and Hospitality Register and has regard to the propriety and regularity of the use of public funds. This does not apply to the award of gifts, prizes etc related to the achievement of pupils e.g., attainment or merit awards.

7.2. Gifts can be purchased for staff members as long as they meet the above conditions. They can be for a birthday, anniversary etc as this would not be deemed a benefit in kind and therefore not taxable.

8. Giving Hospitality

8.1. Where hospitality is provided by the Trust or its schools this should be approved in advance by the Trust's CEO or by the Headteacher.

8.2. In approving hospitality, the CEO/Headteacher must ensure it is not in breach of the UK Bribery Act 2010 and also that the costs are appropriate for a publicly funded organisation.

8.3. Expenditure on hospitality and related areas must be directly related to, or associated with, the active conduct of official school business. When the school spends public money on hospitality

or related areas, the occasion must, in the best judgement of the Headteacher, produce a clear benefit for the School with no personal benefit for staff, Governance Committee or Trust.

- 8.4. Hospitality in this context includes meals, snacks, refreshments, and beverages such as tea or coffee. Staff should not be provided with hospitality except when work sessions extend over meals times or beyond normal working hours. The Headteacher's/CEO's discretion and due regard for economy will be the guide on such occasions and in ensuring that hospitality is not offered to close colleagues working together on a regular basis.
- 8.5. Free Tea and coffee making facilities are available in all academies and staff should use these facilities for internal meetings / cross school meetings. In exceptional circumstances a school may wish to acknowledge long service. Hospitality may be provided to the main guest, the official host (Headteacher or Chair of Local Governance Committee), to Governors and visiting dignitaries. Hospitality at such events shall not be extravagant and should normally be provided on school premises, using the in-house services whenever possible. If in-house facilities are not appropriate, then as a general rule expenditure per head should not exceed the current rates of OWN Trust approved subsistence.

9. Non-Compliance

- 9.1. In the case where it is believed a member of staff, a trustee or a Local Governance Committee member has not declared a gift or hospitality then a formal investigation will be instigated by OWN Trust's CEO, CFO or Chair of Trustees. If misconduct is indicated, this may take the form of