

**GIFTS AND HOSPITALITY****Purpose of the Report**

To obtain the Committee's views on issues raised regarding the guidance to employees in relation to the acceptance of gifts and hospitality.

At a meeting with the Head of Human Resources and Councillor Shenton in April, the trade unions raised the following issues regarding the council's current guidance and procedures on Gifts and Hospitality. The issues raised have been considered by officers with a view to reviewing the guidance as necessary and a report being submitted to the Staffing Committee on 7 November 2012.

The issues raised and officers' responses are as follows:

- (a) *Employee access to the policy should be improved by it being included in the A-Z listing of Policies and Procedure on eVoice.*

Agreed. The policy is now listed in the A-Z listing of Policies and Procedures.

- (b) *The current practice of allowing 'promotional gifts such as calendars, diaries or office stationery' should be reconsidered as this is a form of advertising.*

It is considered that as such gifts are of a minor nature, the promotional element is not a significant issue and they can continue to be accepted. The 1994 National Code provides:

"Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries etc."

- (c) *The policy is based around office staff and not front line operational staff. Clarification is required around cash tips traditionally accepted by refuse collectors from service users at Christmas time.*

It is considered that cash tips offered by service users to employees at Christmas time, or at any other time of year, should be politely refused.

The law (Section 117(2) of the Local Government Act 1972) forbids local government employees from accepting any fee or reward other than proper remuneration for doing their job. The only items that are considered to be exceptions to this are as set out in the council's current policy.

- (d) *Consideration should be given to allowing employees to accept gifts from councillors, members of the public and representatives of outside organisations and specifying a value (eg, £25) under which acceptance is permitted. It is understood that it is acceptable for senior managers to give their secretaries bottles of wine at Christmas.*

It is considered that under the provisions of the Bribery Act and the Policy, gifts between colleagues and from elected members to employees are acceptable, provided they are not offered, solicited or accepted 'as an inducement to improper behaviour. However, gifts and hospitality from members of the

public, businesses or agencies are clearly covered by the policy and generally, all offers of gifts or hospitality should be refused unless they are of an extremely minor nature and this should be retained.

- (e) Clarification is required on acceptance of gifts of perishable nature (eg, flowers, confectionary).

It is considered that all gifts should be treated the same, whether perishable or not and that non-cash gifts with an estimated value of up to £5 (average of £5 per employee if offered to a team) would be acceptable, provided they are not offered solicited, or accepted as inducements to improper behaviour.

- (f) *Clarification is required on situations when gifts arrive unexpectedly and it is not possible for them to be returned. It is understood that the gifts have to be handed over to the Mayor's Charity. Staff should have a say which charity should benefit.*

It is considered that in such circumstances the employees can pass the gift on to any suitable charity but that this should be recorded and the donor notified.

- (g) *Consideration should be given to the policy only applying to those employees who are in a position to influence the awarding of contracts.*

The public have the right to expect the highest standards of conduct, integrity and probity in the public service. Local government employees must not place themselves under any financial or other obligations to individuals or organisations that might influence them in the performance of their duties. This is a statutory obligation and legal requirement that applies to all local government employees, not only to those who may be in a position to influence decisions regarding the awarding of contracts.

The responses to the issues raised are to be discussed to a meeting of officers, trade union representatives and the Chair on 10 October 2012 and the trade unions will report their views verbally at your meeting.