CITY OF LONDON ACADEMIES TRUST

GIFTS AND HOSPITALITY POLICY

Responsibility:	Chief Financial Officer
Approved by Board:	8 September 2022

This Gifts and Hospitality Policy is intended to assist all relevant persons in following the various Academy guidance and relevant legislation on the giving and receipt of hospitality or gifts

The policy covers both the receipt and delivery of hospitality and gifts to:

- Employees of the Trust
- Trustees
- Members of the Local Governing Bodies (LGBs) or subcommittees of any of the Academies in the Trust

The term 'gifts' is deemed to include:

- Goods provided for personal or other private use
- Personal services
- Loans of equipment, vehicles etc for personal use
- The provision of goods and/or services at preferential cost (including loans of money) for personal or other private use.

The term 'hospitality' is deemed to include the offer or receipt of:

- Food and drink
- Travel
- Accommodation
- Entertainment

Legal Framework & National Guidance

The Bribery Act 2010 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. So, this could cover seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender process.

The Act provides for two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery).

It also sets out two further offences relating to bribery of a foreign public official in order to obtain or retain business or an advantage in the conduct of business and a new form of corporate liability for failure to prevent bribery on behalf of a commercial organisation.

General Principles

The City of London Academies Trust is responsible for ensuring the guidelines are brought to the attention of all employees, trustees and members of LGBs, and that a framework is put in place to ensure they are effectively implemented.

It is the responsibility of staff, trustees and members of LGBs and subcommittees to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their duties at the Trust or any individual Academy. This applies to both those who commit resources directly (e.g. the ordering of goods or services), or indirectly (e.g. by policy development).

Each employee, trustee and member of a LGB or subcommittee has a personal responsibility to declare hospitality and gifts in accordance with the policy. Non-compliance with the policy by a member of staff may lead to action under the Disciplinary or other relevant policy. Staff also need to be aware that a breach of the provisions under legislation may make them liable to prosecution and may also lead to loss of employment and pension rights.

Any hospitality or trivial gifts accepted should be entered on a Gifts and Hospitality Register maintained by the Head of Finance in the relevant Academy.

Receipt of Hospitality

General Principles

Gifts, hospitality or benefits of any kind from a third party perceived as compromising personal judgement or integrity should not be accepted. Employees, trustees and members of LGBs or subcommittees must ensure that they do not use their official position to further their private interests or those of others. In relation to this, all forms of private interests in relation to the Trust or any Academy must be declared. Purchasing decisions and contract negotiations must be based solely on achieving the best value for money for the taxpayer.

Any hospitality accepted of a value exceeding £10 should be recorded on the Gifts and Hospitality Register.

Exceptional Cases

It is recognised that there are exceptional cases where refusal of a gift will clearly offend a donor, cause embarrassment or appear discourteous. In these cases, the donor should be advised that the permission of the Trust or Academy management will have to be sought as to whether or not the gift can be accepted. Decisions will then be taken by the Trust or Academy management on whether to

- allow the recipient to accept the gift; or
- return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
- use or dispose of it, if possible, in or by the Trust or the Academy.

Provision of Hospitality

The provision of hospitality by employees, trustees or members of LGBs or subcommittees to representatives of other organisations should be modest and appropriate in the circumstances.

Provision of hospitality by the Trust or any Academy to employees or others would not normally be appropriate except in the case of working lunches in the course of meetings, training courses or workshops.

The use of Trust monies for hospitality and entertainment at conferences and seminars should be carefully considered. The Trust and each Academy needs to be able to demonstrate good value in incurring public expenditure.

In all cases where hospitality is provided, the hospitality must not include alcohol.

Note that where individuals have accepted hospitality from another organisation, for example, in order to fulfil a speaking engagement this should be of a value equivalent to that normally provided by the Trust, and there is no further entitlement to claim expenses from the Trust or any Academy.

Hospitality and meetings

Hospitality must be secondary to the purpose of the meeting and the level must be appropriate and in proportion to the event. The costs involved must not exceed the level which the recipients would normally adopt when paying for themselves at such an event or that which could be reciprocated by the Trust or an Academy.

Business - gifts

Acceptance of gifts

Employees, trustees and members of LGBs or subcommittees should not accept gifts which may be, or are capable of being, construed as influencing a purchasing decision or casting doubt on the integrity of such decisions.

Personal gifts offered by parents and students to members of staff, for example, at holiday or end of term times, should be recorded on the Gifts and Hospitality Register if the estimated value is in excess of £10.

In certain instances, for example, where a class contributes collectively, gifts greater than a value of £10 up to a maximum value of £300 may be accepted but must be recorded on the Gifts and Hospitality Register.

Commercial or corporate business gifts and donations made to the Trust or any individual Academy, other than items of very small intrinsic value, should be reported separately to the Head of Finance at the Academy.

Presents and donations to an Academy or a Department therein should be reported and added to the register.

All gifts (other than items of very small intrinsic value) or hospitality received shall be acknowledged in writing and a copy of that acknowledgement shall be held on file by the Head of Finance at the Academy.

Giving of gifts

Charitable donations should not be given by any member of staff, trustee, LGB member of subcommittee member, on behalf of the Trust or any individual Academy. Alcohol should not be given by any member of staff, trustee, LGB member of subcommittee member, on behalf of the Trust or any individual Academy.

Monetary gifts

The acceptance or giving of cash is not acceptable in any circumstances.

Records of Hospitality and Gifts

All gifts and hospitality must be recorded on the Gifts and Hospitality Register held by the Head of Finance in each Academy. When in doubt employees, trustees and members of LGBs or subcommittees are advised to record any matters concerning gifts and hospitality which may be covered by this policy to ensure that an individual does not expose themselves to risk.

The information required for the hospitality and gifts register is set out below

- date of entry
- name of recipient / provider
- job title
- nature and purpose of hospitality or gift received or provided
- action taken, accepted/refused /returned
- estimated value

Submissions should be made as soon as is practically possible.

The Hospitality register will be available to the External Auditors.