

## **Guidance for Committee Members on the Acceptance of Gifts and Hospitality**

### **1 Introduction**

- 1.1 NILGOSC recognises that Committee members may, from time to time, receive offers of gifts and hospitality from suppliers and other third parties. This policy sets out the principles governing the acceptance and provision of gifts and hospitality and provides some specific advice on how these principles should be interpreted. The policy is intended to complement the guidance set out in the Committee Member's Handbook, Code of Conduct for Committee Members, the Purchasing Policy, the Anti-Bribery Policy and the Anti-Fraud Policy regarding gifts and hospitality.
- 1.2 The overall aim of the policy is to ensure that NILGOSC can demonstrate that no undue influence has been applied (or could be inferred) by anyone dealing with NILGOSC and that decisions reached regarding public expenditure and hospitality expenditure are based on value for money and incurred in accordance with the principles of regularity and propriety. The guidance extends to gifts or hospitality offered to close family members or associates which may be perceived as benefiting the Member.
- 1.3 The purpose of the policy is to set out:
- The principles and guidance to be followed when gifts or hospitality are offered;
  - The principles and guidance to be followed when offering gifts or hospitality to others; and
  - The process for authorising and reporting gifts and hospitality.
- 1.4 The guidance is not exhaustive and cannot cover every conceivable circumstance. It is instead intended to provide an ethical framework for decision making with respect to gifts and hospitality.

### **2 General Principles**

- 2.1 The overriding principle is that Members should conduct themselves with honesty and impartiality in the exercise of their duties and must not use public resources for personal benefit or receive any benefit which might reasonably be seen to compromise their judgement or integrity. In this respect, perception is as important as reality.
- 2.2 Members should not use their position within NILGOSC for personal gain and should:
- maintain an irreproachable standard of honesty and integrity in the exercise of their duties;
  - comply with the letter and spirit of the law, and contractual obligations;
  - reject any business practice that might be deemed as improper; and
  - at all times in their business relationships act to maintain the interests and good reputation of NILGOSC.
- 2.3 Should a Member become aware of a breach of the policy around gifts and hospitality they must report this immediately to the Secretary (as Accounting Officer) who will instigate investigations as necessary.

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### **3 Legal Considerations**

- 3.1 There are a number of pieces of legislation dealing with bribery and corruption that may need to be taken into account should seriously inappropriate business gifts be made. These include the Bribery Act 2010, the Anti-terrorism, Crime and Security Act 2001, the Proceeds of Crime Act 2002.
- 3.2 The Bribery Act 2010 permits the provision and receipt of gifts and hospitality provided that they are proportionate and reasonable. Gifts or hospitality which are disproportionate or are made with the expectation of a business advantage by either party is considered bribery and is unlawful. NILGOSC will not provide or accept gifts or hospitality with the intention of causing anyone to act improperly in the performance of their duties.
- 3.3 Other relevant legislation includes the Public Interest Disclosure Order 1998, this protects whistleblowers from victimisation and dismissal where they raise concerns, in good faith, about misconducts and malpractices.
- 3.4 For further information, Members should consult NILGOSC's Anti-Fraud and Anti-Bribery Policies.

### **4 Acceptance of Gifts**

- 4.1 As a general guideline Members should not accept any gifts offered as a result of their position with NILGOSC. However, where the gifts are isolated and of a trivial nature or are inexpensive seasonal or promotional gifts (such as diaries, pens etc) and have value of less than £50, then these may be accepted without the need for approval or reporting.
- 4.2 Should a gift appear to be disproportionately generous or could be construed as an inducement to affect a business decision then it must not be accepted.
- 4.3 Acceptance of any other gift must be approved by the Secretary (as Accounting Officer) in advance and must be recorded on the Gifts Register. The Secretary will advise if the gift may be accepted or if it should be returned with a suitably worded letter explaining why the gift cannot be accepted. The Secretary is also responsible for updating the Gifts Register.
- 4.4 Gifts of lottery tickets, cash, gift vouchers or alcohol cannot, on any account, be accepted. Gifts that are expensive or substantial, with a perceived value of more than £50, cannot normally be accepted.
- 4.5 Frequent flyer cards can be used by Members to avail of special departure lounges, priority booking and check-in when travelling on official business. Members must not however make personal use of any benefits or air miles which are obtained as a consequence of business travel paid for by NILGOSC.

### **5 Acceptance of Hospitality**

- 5.1 The receipt of hospitality is an area which requires careful judgement and the general principle is that hospitality should only be accepted when it is demonstrably in NILGOSC's interest. There is however a distinction between

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conventional and non-conventional hospitality.

- 5.2 Conventional hospitality is defined as modest hospitality offered in the normal course of business, such as light refreshments and working lunches. Members may accept conventional hospitality provided that it is modest and reasonable in the circumstances and is limited to isolated occasions.
- 5.3 Non-conventional hospitality includes but is not limited to invitations to frequent or more expensive dinners and social functions, sporting or cultural events. Such hospitality should not be accepted except in a limited number of circumstances where there is a demonstratable link or benefit to NILGOSC. Further examples of hospitality that should not be accepted include complimentary tickets, leisure events, sporting events, weekend breaks or holidays (whether paid for or not).
- 5.4 There may be occasions where it is considered acceptable for Members to be offered a modest level of hospitality. Should Members be required to attend an event deemed an integral element of their role, such as building and maintaining a business relationship, then provided it is not disproportionately generous, the hospitality may be acceptable.
- 5.5 In accepting hospitality Members need to be aware of and guard against the dangers of misrepresentation or perception of favouritism. In deciding whether hospitality can be accepted, the following questions should be considered:
  - Will acceptance improve business effectiveness or is it in NILGOSC's interest?
  - Does acceptance place an obligation or perceived obligation on the recipient?
  - Is the offer frequent, lavish or prolonged?
  - Is the offer unconnected with any decision affecting NILGOSC or the individual offering it?
  - Can the offer be justified? A useful test is whether the course of action could be satisfactorily defended in public.
  - Does the benefit to NILGOSC outweigh the risk of possible misrepresentation or reputational damage?
- 5.6 If in doubt whether an offer of hospitality can be accepted, advice should be sought from the Secretary.
- 5.7 It is important that NILGOSC is not over-represented at an event or function where hospitality is provided, so Members should check with the host or with other members to ascertain who may have received a similar invitation before accepting.
- 5.8 All hospitality offered must be recorded on the Hospitality Register, regardless of whether it is accepted or declined.

## **6 Approval and Recording of Gifts and Hospitality Offered by Third Parties**

- 6.1 Approval is required for the acceptance of all gifts and hospitality, with the exception of trivial gifts and modest conventional hospitality outlined at 4.1 and 5.2 respectively.
- 6.2 Approval should be obtained from the Secretary, who is responsible for

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updating the Gifts or Hospitality Register, as applicable. Approval is not required to decline the offer of a gift or hospitality.

- 6.3 NILGOSC maintains separate Gifts and Hospitality Registers. The purpose of maintaining such registers is to respond to any possible accusation or suspicions of a breach of the rules. Both registers may be subject to public disclosure under Freedom of Information legislation and consideration should be given to this when deciding whether to accept or decline any offer of a gift or hospitality.
- 6.4 All offers of gifts or hospitality made to Members, close family members or associates, should be recorded on the Gifts or Hospitality Registers regardless of whether they are accepted or declined. There are two exceptions to this:
- It is not necessary to record clearly trivial, seasonal and low value gifts such as calendars, diaries or pens which have corporate branding,
  - Conventional hospitality such as light refreshments or a working sandwich-style lunch provided as part of a business meeting does not need to be recorded,
- 6.5 Members who receive a gift or offer of hospitality are responsible for notifying the Secretary to obtain approval as soon as possible after an offer has been made. In order to facilitate accurate and timely recording on the Gifts/Hospitality Register, Members should provide the following information:
- Date of offer
  - Recipient of offer
  - Who made the offer
  - Description of offer
  - Reason for offer
  - Relationship/contract with offeror
  - Estimated value
  - Action taken – accept, decline, return
- 6.6 In the event a Member is offered a gift, prize or award in connection with their official duties, advice should be sought from the Secretary prior to acceptance. If the gift or award relates to work done in accordance with normal official duties it is unlikely that retention would be acceptable. If the award relates strictly to personal achievement and cannot be construed as a gift, inducement or payment for a publication, then provided there is no risk of public criticism, it may be permissible to accept. All such gifts, prizes or awards must be declared on the Gifts Register regardless of whether they are accepted or declined.

## **7 Provision of Gifts by NILGOSC**

- 7.1 NILGOSC does not normally provide gifts to third parties however it is acknowledged that in exceptional circumstances, such as a visit from overseas government officials, there may be a cultural expectation of an exchange of gifts. The guiding principle in such circumstances is that any gifts provided by NILGOSC must be proportionate and justifiably in the direct interest of NILGOSC.
- 7.2 Where it is deemed appropriate to provide a corporate gift to either an individual or organisation, the gift should be modest and should not exceed £250.

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### **8 Policy Review**

- 8.1 The Acceptance and Provision of Gifts and Hospitality by Committee Members policy was last reviewed in January 2022 and will next be subject to review in January 2025.