



Hospitality and Gifts Procedure

Review Date: 10th April 2025

Summary

Aberdeenshire Council requires that its employees adopt a high moral, ethical and legal standard in their relationships with all companies or organisations and individuals with whom they do business. It is important that all employees are aware of the ethical and financial regulations in connection with the acceptance or provision of hospitality and gifts. This procedure contains the practices and procedures which must be followed in relation to hospitality, gifts and fees.

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Rationale

Employees of Aberdeenshire Council should not compromise their position by offering or accepting hospitality, gifts or fees in relation to their work with the Council. This is to ensure that no employee can be accused of acting inappropriately, to have offered or taken a bribe or reward, or to have abused their position within the organisation.

Aberdeenshire Council is required to comply with the Ethical Standards in Public Life (Scotland) Act 2000, the Code of Conduct for Councillors (March 2002) issued under that Act and the Bribery Act 2010.

The Bribery Act 2010 includes general offences of offering or receiving bribes, a specific offence of bribing a foreign public official and a new criminal offence of failure to prevent a bribe being paid for or on behalf of an organisation. A bribe can be an offer, promise or a financial advantage given to an employee or bribing another person with the intention of causing or rewarding to improperly perform a public or commercial function in any jurisdiction.

Introduction

This procedure will apply to all permanent and temporary employees (including volunteers) of Aberdeenshire Council, and will ensure compliance with the Council's Financial Regulations, and Strategy for the Prevention of Fraud and Corruption, which are available on Viva Arcadia.

This Procedure links to other policies, agreements, legislation and procedures including:

- Disciplinary Policy and Procedure
- Disclosure of Information (Whistleblowing) Policy and Procedure
- Strategy for the Prevention and Detection of Fraud and Corruption
- The Bribery Act 2010
- Financial Regulations
- Public Disclosure Act 1998

Accepting Hospitality

Employees dealing with outside bodies may be invited to various types of functions e.g. golf outings, dinners etc. As a general rule such invitations should be treated with caution. There are a variety of factors which an employee should consider before accepting an invitation:

Would the invitation benefit Aberdeenshire Council or the individual's service by having an employee attend the event? Could the information be used to gain or improve relationships with other bodies which could prove useful to Aberdeenshire Council or the individual service? Would Aberdeenshire Council or the individual service benefit from the contacts made?

Due regard should be given, and approval sought from your Head of Service, before accepting an invitation from a company, which is either negotiating or tendering for an Aberdeenshire Council contract.

Would the acceptance of the invitation be in any way, inappropriate or place the employee under pressure in relation to any current or future issues involving the outside body and Aberdeenshire Council?

Could the decision to attend be justified to the press or public if asked?

In terms of the Council's Financial Regulations reasonable hospitality extended to Council employees by current or prospective clients, customers or suppliers, is an accepted practice. However, the acceptance of excessive hospitality or gifts, other than mere tokens, goes beyond what is proper for a public official, regardless of whether such gifts actually do, or are intended to, influence him or her in an official capacity. Any such hospitality must be recorded in a Hospitality Register kept for that purpose by the Head of Legal and People who is the Monitoring officer for the Council.

Employees should note that there are also taxation implications where the value of gifts or rewards exceeds £100.

Employees must not accept any offer of gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land or property, then as a general rule you should ensure that the Council pays for the cost of these visits.

The Declaration of Gifts, Hospitality and Interest Form must be completed by the employee and the line manager to disclose any high value gift received. These gifts will be determined as high value if they exceed £100. This will be sent onto the Head of Legal and People. A record of ALL invitations and acceptances/refusals should be logged in the Hospitality Register retained by the Head of Legal and People.

Information required is:

- Recipient of hospitality (Name, Job Title, Service)
- Provider of hospitality
- Type/nature of hospitality
- Date hospitality is received
- Any additional relevant comments

Included in this book will be the record of the appropriate authorisations and invitations where permission was not granted.

Accepting Gifts

Aberdeenshire Council does not believe that giving and receiving gifts is appropriate to the proper conduct of its business. There are, however, limited exceptions to the policy. Employees should therefore be aware which gifts they may keep and which are unacceptable. The offer of gifts generally should be treated with caution.

Gifts that could be considered as nominal (and do not require to be recorded) and may therefore usually be accepted include ones of a promotional nature e.g. diaries, pens, calendars etc. Gifts offered under the following circumstances would also be acceptable:

- Book vouchers or a bottle of wine, whiskey etc, for giving presentations at conferences or seminars.
- Retirement gifts from an outside organisation or company to an employee who has had a long association with them. e.g. vouchers.
- Only a small gift should be accepted (e.g. a Social Work client or parent/pupil) at a holiday time, for example a box of chocolates or toiletries. However, if the employee has concerns about the gift's intention or is offered at any other time, employees must seek advice from their line manager.

The above list is not exhaustive and if in doubt, an employee should discuss the matter with their line manager, or a senior manager within their service. It should also be noted that the receiving of gifts is acceptable in an isolated or seasonal time only and that the receiving of gifts on a more frequent basis is not acceptable.

The Head of Legal and People is responsible for keeping records of any gifts received by Aberdeenshire Council employees in relation to guidelines outlined in this Procedure. Thus services are required to ensure that prompt notification is given to the Head of Legal and People of any gifts received in order that they are logged appropriately.

Any offer of cash or reward in kind, other than the above, should be declined and reported to the Head of Legal and People.

Officers who are members of a professional body should also refer to that body's own Codes of Practice for further advice on the matter e.g. Codes of Practice for Social Service Workers.

Any employee who is given or offered a gift of any sort by a business contact, supplier, contractor or member of the public must disclose receipt of that gift and its nature to his or her immediate line manager. It is important that, except as stated previously employees should not accept remuneration in cash or kind from those who use our services as our suppliers.

If it is decided by the line manager that the gift might constitute a bribe or other inducement the employee will be required to return the gift to the donor politely explaining the Council policy on receipt of gifts. There is also a requirement to notify Internal Audit of any such instances.

In exceptional cases where it is decided by the line manager that to return or refuse the gift would cause serious damage to the working relationship between the Council and the donor and that the gift was made as a token of the donor's gratitude for a service already carried out to a very high standard, the recipient will be allowed to retain the gift. If the gift is of high value, this must be reported to the Head of Legal and People as Monitoring Officer to log in the Hospitality Register.

Failure to disclose receipt of gifts may result in the Disciplinary Procedure being invoked. In cases where a gift has been given to the recipient who is in a position to influence business dealing with or on behalf of the donor, the offence will be treated as gross misconduct under the terms of the Disciplinary Procedure. Employees are also required to note that acceptance of a payment or gift under such circumstances may constitute an offence under S. 68 of the Local Government (Scotland) Act 1973, Prevention of Corruption Acts and/or the Bribery Act 2010.

If any member of staff is asked to choose a small remembrance from a client's effects after their death, please report this to your immediate line manager, in order that the matter can be dealt with in an appropriate and sensitive manner. (Line manager may contact Head of Legal & People or Human Resources for guidance if required).

Employees should not accept discount on any purchase or service which is directly being offered as a consequence of the employee's position or role within Aberdeenshire Council. (Please note this does not apply to corporate discount schemes offered to all local government employees).

Main Principles

The main principles behind this procedure are:

- The conduct of an individual should not create suspicion of any conflict of interest between official duty and private interest.
- 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, may have been, or may in the future be, influenced by a benefit to show favour or disfavour to any person or organisation.

It is a disciplinary offence for employees to accept, or indicate that they may accept, any benefit as an inducement or reward that leads them, or may lead them, in an official capacity to take any action or not to take action; to show favour or disfavour to anyone; or to fail to disclose that they have received such gifts and/or hospitality as required by this procedure.

If an employee is found to be in breach of this procedure, any action taken will be in accordance with the Council's disciplinary procedure. If the gift or hospitality in question is regarded as anything other than modest in value, the offence will be treated as gross misconduct.

Accepting Fees

The Council will not normally restrict employees from undertaking work on their own behalf or with other employers provided such work does not conflict with their paid employment with the Council, impair in any way the performance of their Council duties or involve the use of knowledge and information concerning Council business or materials, equipment or tools belonging to the Council. This includes persons who are Directors/Partners of businesses. Employees must seek written approval from their line manager before taking on such employment, except teaching staff who should seek written approval from their Director.

Employees are sometimes requested to give lectures/advice etc., using their professional skills and expertise, for organisations other than the Council. If the work forms part of the duties of the post, and the employee is carrying out an official duty, they must not retain any fee, commission or other payment collected. If a fee is given it should be forwarded and declared to their Head of Service. If the lecture or work does not form part of their duties, employees may retain the 'fees' provided that the preparation and the lecture/advice is undertaken in the employee's own time and the employee is not acting as a representative of the Council. The Council will not provide the equipment and/ or materials used.

If an employee believes bribery or a breach of this procedure has taken place, this must be reported to the Monitoring in accordance with the Disclosure of Information (Whistleblowing) Policy. All incidents reported will be kept confidential.

Any breach of this Procedure or attempt at bribery by an employee will result in the instigation of procedures under the terms of Aberdeenshire Council's Disciplinary Procedure and may result in police action.

Offering Gifts and/or Hospitality

There will be circumstances where it may be appropriate to provide gifts or hospitality, e.g. show gratitude to a volunteer or someone who has carried out work for us. Where this is deemed appropriate, prior approval should be obtained from the Head of Legal and People, who should be told who the gift is for, why it should be given, the nature of the intended gift and its value.

Register of Gifts and Hospitality Accepted

The Head of Legal and People as the Monitoring Officer is responsible for keeping records of any gifts and hospitality received by Aberdeenshire Council employees in relation to guidelines outlined in this Policy. Thus Services are required to ensure that prompt notification is given to the Monitoring Officer of any gifts or hospitality received in order that they are logged appropriately.

If an employee believes bribery or a breach of this policy has taken place, this must be reported to the Monitoring Officer who is the Head of Legal and People through the Disclosure of Information (Whistleblowing) Policy. All incidents reported will be kept confidential.

Any breach of this Policy or attempt at bribery by an employee will result in the instigation of procedures under the terms of Aberdeenshire Council's Disciplinary Policy and may result in police action.

Sponsorship

Where Aberdeenshire Council organises events for which sponsorship is received from another source, the organiser must record details of the sponsorship received. This must include the date and title of the event, the name of the sponsoring organisation and the nature and extent of sponsorship received. The Head of Legal and People will log the details in the Gifts and Hospitality Register.

For further advice and guidance on any of the above please contact [askHR](#).

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001	01/05/2004	Creation of all Documents			
002	01/03/2012	Bribery Act 2010 and Sponsorship			
003	08/07/2015	Format Update			
004	22/03/2024	workSTYLE – New Format	HR Operational	M Chapman	
005	10/04/2025	Committee Services – Register of Members Interest	HR Operational	M Chapman	

Appendix One – The Resource Pack

Resource Pack

