

HR & OD POLICIES

human resources and organisational development



Hospitality and Gifts Policy

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1. POLICY STATEMENT

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 policy contains the practices and procedures which must be followed in relation to hospitality, gifts and fees.

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.

This policy 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 Arcadia.

This Policy 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

2. POLICY

General Statement

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 his or her position within the organisation.

The Bribery Act 2010 came into force on 1st July 2011. This introduces 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.

Main Principles

The main principles behind this policy 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 policy.

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

Accepting Gifts

Aberdeenshire Council does not believe that giving and receiving gifts is appropriate to the conduct of its business. There are, however, limited exceptions to policy. Please refer to Hospitality and Gifts Procedure for advice on acceptable gifts.

Any offer of cash or reward in kind should be declined and reported to the Head of Legal and Governance.

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. Please refer to Hospitality and Gifts Procedure for advice on considerations before accepting any hospitality.

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 Governance will log the details in the Gifts and Hospitality Register.

Fees

The Council will not normally restrict employees from undertaking work on their own behalf or with other employers. This is 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. Please refer to Hospitality and Gifts Procedure for further advice.

Offering Gifts and/or Hospitality

There will be circumstances where it may be appropriate to provide gifts or hospitality, eg 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 Governance, 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 Governance 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 Governance 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.

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

Hospitality and Gifts

Index of Documents

Policy

Revision Date	Previous Revision Date	Summary of Changes
01-05-2004	-	Creation of all Documents
01-03-2012	01-05-2004	Bribery Act 2010 and Sponsorship
08-07-2015	01-03-2012	Format update