

# Gift and Hospitality Acceptance Policy and Procedure

<b>Policy no:</b>	5.11
<b>Version no.</b>	V24.11
<b>Next review due:</b>	September 2025
<b>Last review date:</b>	November 2024
<b>Responsible Board:</b>	Corporate & Planning Board
<b>Approved by &amp; date:</b>	SMT July 2022
<b>Linked policies and documents:</b>	Whistleblowing Policy Anti-Bribery Policy Student Handbook Equality and Diversity Policy Anti-Bullying and Anti-Harassment Policy Staff Handbook Risk Register Staff and Students Relationships Policy
<b>External reference points</b>	Bribery Act 2010
<b>Audience:</b>	OBC Staff, Students and Website (General Public)

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# 1 Introduction

The College expects all staff and governors to behave with integrity, impartiality and honesty and to maintain high standards of propriety and professionalism at all times. The College prohibits any form of corruption, bribery or misuse of authority. Everyone connected with our business is expected to comply with the highest ethical standards, such as integrity, honesty, respect and transparency, which are of the utmost importance to us. The College operates a zero-tolerance policy towards malpractice of any kind, whether committed by administrative or academic staff of the College.

Staff must avoid placing themselves in a position where they may be suspected of impropriety or where their actions may create perceptions of a conflict of interest between their professional duty and their private interest.

Staff should be aware that acceptance of offers gifts, made by contractors, suppliers, service providers, students and others, might place them in a vulnerable position regarding perceptions of their professional integrity. Even when offered and accepted in innocence, other people may misconstrue the intention behind such gifts.

## 2 Purpose

The purpose of this Policy is to help to ensure that staff and governors do not place themselves in a position where their professionalism, integrity, impartiality and honesty might be questioned or where the activities of the College are brought into disrepute

This Policy, informs staff, students, and other College stakeholders on what actions should be taken in the following circumstances:

**when offered gifts by students;**

**when offered gifts and/or hospitality by external organisations;**

**they have personal, financial, or other beneficial interests in any transaction between the College and a third party; and**

**they are in a position which requires them to offer gifts/hospitality.**

## 3 Aims and Objectives

The policy aims to protect staff and governors from allegations of actual or perceived conflicts of interest in relation to offer and acceptance of gifts. The main objectives of the policy are to:

To inform staff and governors on what actions to take when gifts are offered to them by students and other external organisations and individuals connected to the college.

To ensure a conducive (positive and supportive) working environment where everyone is treated fairly and with respect

Ensure compliance with the highest standards of integrity and to provide guidance about accepting gifts and hospitality

Convey a clear message that OBC will not permit any form of corruption which may potentially culminate in conflict of interest

## **4 Scope**

This Policy applies to all staff members at OBC, third parties acting on behalf of the College and students accepting gifts whilst undertaking business on behalf of the College

This Policy also applies to all members of the governing body and those serving on its committees.

This Policy covers the solicitation, acceptance, recording, oversight, and reporting requirements related to all gifts received into the College system – whether it is conducted by any staff members, students, volunteers, or third-party partner organisations including affiliated charitable organisations.

## **5 Definitions**

### **5.1 Conflict of Interest:**

Conflict of Interest is when there is a real or perceived conflict between acting in the best interests of the College and other formal and/or informal commitments, obligations, or promises to another body/association/affiliation in connection with the same or related subjects, a conflict of interest occurs.

### **5.2 Bribery**

Bribery is defined under the UK Bribery Act 2010 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, in order to gain an advantage, whether personal or commercial. Specifically, the Act makes it an offence to:

- 5.2.1 Give a bribe: The direct or indirect promise, offering or authorisation of anything of value
- 5.2.2 Receive a bribe: Request, agree to receive kickback, loan, fee, reward, gift or another advantage
- 5.2.3 Bribe a foreign public official: Offer money or a gift in order to obtain or retain business, or a business advantage; includes aid, donations or voting designed to exert improper influence
- Fail to prevent bribery on behalf of an organisation (corporate liability) **Staff member** refers to any individual engaged by the College as an employee, whether full-time, part time or any other permanent or temporary worker who holds a College post.

**Student** includes any individual pursuing a course of study offered at the College, whether full- or part-time.

## 6 Senior Leadership Team Commitment

The College is committed to ensuring that suitable safeguards and procedures are in place to prevent conflicts of interests among its staff and students.

## 7 Gifts and Hospitality

We realise that the giving and receiving of gifts and hospitality as a reflection of friendship or appreciation, where nothing is expected in return, may occur, or even be commonplace, in the higher education industry. This does not constitute bribery if it is proportionate and recorded properly.

Staff and governors must not accept hospitality from students or students' relatives. Gifts from individual students may be accepted only if refusal would cause offence but the intrinsic financial value of such a gift should never exceed £50 and staff must take great care to ensure that acceptance would not place them in a position of compromise.

Permissible gifts will include, for example, ceremonial or promotional gifts, mementos or low value gifts which are proportionate to circumstances and not of a scale or frequency that these might reasonably be judged inducements to undertake or award business, or to influence business decisions. For the purposes of this Policy, a low value gift should have a monetary value of not more than £50.

On occasions such as graduation, it is not uncommon for students or their families to offer gifts to the academic and/or administrative staff. Staff are permitted to accept low value (under £50) gifts, such as chocolates, a single bottle of wine or low-value handicrafts or souvenirs from a student's home country at the end of their course or graduation.

Personal gifts of money (or monetary instruments) must never be accepted regardless of amount

There is a risk that gifts of a higher value may be seen as leading to a potential conflict of interest, particularly regarding assessment and examination results. In contrast, to refuse a gift may cause offence.

No member of staff should accept high-value gifts or any offer of hospitality from students without receiving prior written approval from the Managing Director.

If staff or governors are sent a gift without forewarning (for example through the postal system) by an external organisation or external individual, then the gift must be delivered for storage to the Managing Director or designated person within the college of college who will determine the action to be taken regarding the use, return or disposal of the gift and this will be recorded in the gifts register.

## **8 Declining Hospitality and Gifts**

If it is necessary to decline offers of hospitality and gifts, then this should be done politely and discretely. It should then be explained that this is not permitted by college policy.

## **9 Unacceptable Gifts/Hospitality**

The types of gift/hospitality below (not limited to) are unacceptable, and acceptance of such gifts/hospitality could result in disciplinary action being taken against the member of staff involved:

9.1 Personal gifts of money (or monetary instruments) must never be accepted regardless of amount.

9.2 Gifts/hospitality which are lavish or expensive, particularly where received on a frequent basis

9.3 From the same source. Frequent acceptance of meals, tickets and invitations to sporting, cultural or social events.

9.4 Travel, holidays, or accommodation which does not have a clear business purpose.

9.5 Acceptance of gifts/hospitality which could be deemed as influential in the award of a contract or business to an external organisation

This also applies to staff in relation to the timing of student gifts. Some staff could be perceived as being able to influence student marks and grades, progression and awards.

## **10 Risk Assessment**

The College will assess the extent of its exposure to potential internal and external risks of corruption, abuse of authority and bribery. The assessment will be documented and subject to regular review and updating

## **11 Record Keeping and Monitoring**

In accordance with the Office for Students' guidance (March, 2018) the College has a robust and comprehensive system of risk management, control and governance in place. This includes the prevention and detection of corruption, fraud, bribery, and irregularities.

The register will be used to inform risk assessments of every instance in which gifts or hospitality are given or received. As the law is constantly changing, this policy is subject to review, and the College reserves the right to amend this policy without prior notice.

## **12 Policy Review**

The College is committed to reviewing the policy on an ongoing basis, and the Senior Leadership Team (SLT) will review the effectiveness of the policy. Therefore, the application of the policy will be subject to regular review through the College's risk management register.

## **13 Breach of Policy**

Staff who contravene this Policy will be subject to disciplinary action and may also risk criminal charges and prosecution under bribery and corruption legislation. The best safeguard against impropriety or suspicion of impropriety is therefore complete openness and adherence to this policy and procedures.

## **14 Procedures**

To ensure maximum awareness of this procedure the College will annually ensure that all stakeholders are reminded of offer to our staff and agents any loan, fee, reward, gift, or any emolument

### **14.1 Disclosure and Recording of Hospitality and Gifts**

Members of staff and governors must disclose (in advance if possible) their acceptance of any corporate hospitality and/or gifts in accordance with the disclosure requirements detailed below. Disclosures must be made to your line manager or the designated person using the disclosure form at appendix 1 below.

The designated person will produce a summary of all disclosures on a quarterly basis for review by the Board of governors.

## 14.2 Registration of gifts and Hospitality

The College will maintain a register in respect of the acceptance/refusal of offers of gifts and hospitality, which is held in the Office of the Principal.

Members of staff and governors should record receipt or offers of gifts and hospitality in the gift's declaration form at appendix 1 below.

Staff or any third party acting on behalf of the College are required to record gifts and hospitality with a value in excess of £50 on the form immediately or within 28 days of receipt or being offered.



## APPENDIX 1 : Declaration of gifts/Hospitality form

Notification of gifts and hospitality with a value in excess of £50 (or equivalent) must be formally registered using this pro-forma within 28 days of the date of offer, whether the offer is accepted or declined

Name of the Person who is offered the gift/Hospitality	
Department and role	
Date of offer of Gift/ Hospitality	
Person or Organisation offering the Gift/hospitality	
Reason for the Gift/hospitality	
Description of Gift/hospitality	
Estimated or Actual Value of Gift/hospitality	
Gift/hospitality accepted ?	
Gift retained?	
Location of gift	
Reasons for accepting or declining gift/hospitality	

APPROVED BY:

Signed: .....

Date: .....