



# **Gifts and Hospitality Policy**

Author: Jennifer McLaren, Vice Principal, Finance and Estates

Impact Assessment Date: April 2024

Date: April 2024 (Revised)

## Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Legal Obligations .....</b>	<b>1</b>
<b>3</b>	<b>Conduct of Employment.....</b>	<b>1</b>
<b>4</b>	<b>Gifts and Gifts Register .....</b>	<b>2</b>
<b>5</b>	<b>Hospitality and Hospitality Register .....</b>	<b>3</b>
<b>6</b>	<b>Actions and Responsibilities .....</b>	<b>4</b>
<b>7</b>	<b>Review.....</b>	<b>4</b>
	<b>Appendix A.....</b>	<b>5</b>
	<b>Equality Impact Assessment .....</b>	<b>6</b>

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authorised by</b>	<b>Date</b>
1.1	Minor changes to original policy.	J McLaren	July 2021
1.2	Minor changes to original policy	J McLaren	April 2024

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. All college policies and procedures can be provided in an accessible format.

## **1 Introduction**

West Lothian College aims to provide the highest standards of education for all of its students and to care for the well being of its staff. Students and the public are entitled to expect the highest standards of conduct from the Board of Governors and staff.

This policy will ensure that the Board of Governors and staff remain free from any conflict of interest with respect to their acceptance of gifts and hospitality from parties to which they are associated through business with the college.

West Lothian College subscribes to the Seven Principles of Public Life recommended by the Nolan Committee (Appendix A). These Principles require that the Board and the staff of West Lothian College should not place themselves under an obligation that might influence, or be perceived to influence, the conduct of their duties. This means that the receipt of hospitality and gifts must be subject to clear restrictions and that any that are accepted must be declared and recorded.

## **2 Legal Obligations**

Under the Prevention of Corruption Acts of 1906 and 1916 it is an offence for an officer in his or her official capacity:

- to corruptly accept any gift or consideration as an inducement or reward;
- for doing, or refraining from doing, anything in that capacity;
- to show favour or disfavour to any person; or
- to receive money, gifts or consideration from a person or organisation;
- holding or seeking to obtain a Government contract.

## **3 Conduct of Employment**

In the conduct of their employment college staff must:

- Not accept gifts, hospitality or benefits of any kind from a third party which might be perceived as compromising their personal judgement or integrity, including assessment judgements.
- Not make use of their official position to further their private interests or those of others.
- Declare any private interests which may impact upon their ability to fulfil their day to day work, or which might compromise the college.
- Base all purchasing decisions and negotiations of contracts solely on achieving best value for the college.

If a member of staff is in any doubt or feels that there is no adequate guidance he/she should seek advice from the Executive Leadership Team.

## **4 Gifts and Gifts Register**

### **Gifts made**

A gift is something voluntarily given or donated without the expectation of receiving anything in return and generally without preconditions. In the context of this guidance gifts made can be defined as:

- payments to individuals or bodies other than grant or grant in aid or payments made in the normal course of business;
- the extent to which assets are sold or transferred (including the sale or assignment of leases) to individuals or bodies at less than market value i.e. the best price reasonably obtainable in the market;
- income foregone where individuals or bodies are given the use of resources at concessionary rates; and
- other transactions which are virtually indistinguishable from gifts e.g. the loan of an asset for its expected useful life.

Gifts made may have Tax and VAT implications.

### **Gifts received**

In the context of this guidance gifts received can be defined as the donation of cash or other resources with a current market value.

Individuals must not accept cash under any circumstances. Personal gifts up to the value of £50 or gifts for an individual's personal use may be accepted but permission should firstly be obtained from a member of the Executive Leadership Team and recorded in the college's gifts register. In the case of the Principal, permission should be sought from the Chair of the Board of Governors. Free promotional pens, calendars, diaries and similar items, may be accepted.

If there are circumstances in which individuals receive a gift on behalf of the college then it should be recorded in the college's gifts register.

The college's gift register will be maintained by the Principal's PA and overseen by the Board Governance Adviser.

If a gift has to be declined, individuals should be courteous but firm, and inform the person making the offer of this policy.

## 5 Hospitality and Hospitality Register

The guiding principles are:

- an individual's conduct should not foster the suspicion of any conflict between official duties and private interests;
- an individual's actions, when acting in an official capacity, should not give the impression of having been influenced by a gift or consideration to show favour or disfavour to any person or organisation; and
- if an individual is in doubt about the propriety of accepting a gift or an item of hospitality a member of the Executive Leadership Team must be consulted.

The college may provide hospitality in connection with its business affairs.

The hospitality may be provided to: -

- Governors
- College Staff
- Representatives from firms or companies visiting the college's premises on business
- Any other visitors connected with the business of the college

The hospitality provided should normally not exceed the provision of tea/coffee/sandwiches or lunch. Hospitality provided outside of the college premises shall require the authorisation of the Principal.

Individuals should not accept lavish hospitality that could be interpreted as a way of exerting an improper influence over the way individuals carry out their duties. Individuals should not offer such hospitality to others on behalf of West Lothian College.

The timing of hospitality in relation to admission of students, procurement or purchasing decisions that the college may be taking is especially sensitive. When in doubt, seek the advice of the Executive Leadership Team. The Principal should seek the advice of Board Governance Adviser, and or Board members should seek advice from the Chair. As a general rule, do not accept hospitality that the college would not reciprocate in similar circumstances.

Individuals may accept modest working meals and light refreshments without making any declaration. Never solicit hospitality.

Hospitality may be accepted, for instance where:

- There is genuine need to impart information or represent the college in the community or when abroad, where the hospitality offered is not lavish.
- The hospitality concerns attendance at a relevant conference or course, or is part of a speaking engagement.

If hospitality has to be declined, individuals should be courteous but firm, and draw the attention of the person making the offer to the existence of this policy.

**Gifts & Hospitality Policy/APCS&F/FRegs-AppM /Updated: April 24, Review: April 27**

If necessary, and preferably have taken advice, individuals should pay their own share of any costs and claim these in the usual way.

If individuals receive hospitality, with the exception of working meals or refreshments at courses, conferences or receptions, individuals should record this in the college's Hospitality Register. This will be maintained by the Principal's PA and overseen by the Board Governance Adviser.

Where hospitality is provided by West Lothian College and the value of the hospitality exceeds £50, it should be approved in advance by the Principal. In exceptional circumstances the Principal will seek the advice and approval of the Chair.

Claims for reimbursement of expenses should be made in line with the college Financial Regulations and relevant financial procedures.

## **6 Actions and Responsibilities**

It is the personal responsibility of all college staff and Governors to declare any receipt of gifts or hospitality covered under this policy.

## **7 Review**

This policy will be reviewed every three years by the Vice Principal, Finance and Estates.

## **Appendix A**

### **The Seven Principles of Public Life**

Recommended by the Nolan Committee and accepted by West Lothian College

- **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

- **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership**

Holders of public office should promote and support these principles by leadership and example.



## Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on Serengeti

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

<b>Policy/Practice (name or brief description):</b>	<b>Gifts &amp; Hospitality Policy</b>
<b>Reason for Equality Impact Assessment (choose from the following options):</b>	
<ul style="list-style-type: none"> <li>Proposed new policy/practice</li> <li>Proposed change to an existing policy/practice</li> <li>Undertaking a review of an existing policy/practice</li> <li>Other (please give detail):</li> </ul>	Review of an existing policy
<b>Person responsible for the policy area or practice:</b>	
Name:	Jennifer McLaren
Job title:	Vice Principal, Finance & Estates
<b>An Equality Impact Assessment must be carried out if the policy/practice:</b>	
<ul style="list-style-type: none"> <li>affects <b>operational</b> or <b>strategic functions</b> of the College</li> <li>is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)</li> </ul>	
Why the EIA is being carried out	<b>The policy directly affects the operational functions of the college</b>

## Equality Groups

Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:

- Age
- Disability
- race (including ethnicity and nationality)
- religion or belief
- sex
- sexual orientation
- gender reassignment
- pregnancy and maternity
- marriage or civil partnership

**None.**

## Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	This policy will ensure that the Board of Governors and staff remain free from any conflict of interest with respect to their acceptance of gifts and hospitality. There are no identified needs or missing gaps in relation to the equality groups.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	N/A.
State how this policy/practice will foster good relations:	One of the guiding principles in the Policy is that an individual's actions, when acting in an official capacity, should not give the impression of having been influenced by a gift or consideration to show favour or disfavour to any person or organisation.

Will the policy/practice create any barriers for any other groups?	No the Policy actively promotes not showing favour or disfavour to any person.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	No
Which equality groups or communities have been consulted in the development and review of this policy/practice?	The Executive Leadership Team was consulted during the review process.

<p><b>Equality Impact Assessment Outcome</b>  Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):</p>	
<p><b>Option 1:</b> No change required – the assessment is that the policy/practice is/will be robust.</p> <p><b>Option 2:</b> Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p><b>Option 3:</b> Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p> <p><b>Option 4:</b> Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	<p><b>Option 1</b></p>
<p><b>Monitoring</b></p>	
When will the policy/practice next be reviewed?	<b>The Policy is reviewed every three years or whenever change affects any part of it</b>

<b>Publication of EIA</b>	
<p>Can this EIA be published in full, now? Please state Yes or No</p> <p>If No – please specify when it may be published or indicate restrictions that apply:</p>	<b>Yes</b>
<b>Sign-off</b>	
<p>EIA undertaken by</p> <p>Name:</p> <p>Date:</p> <p>Accepted by person responsible for the policy/practice named above:</p> <p>Name:</p> <p>Date:</p>	<p><b>Jennifer McLaren</b></p> <p><b>April 2024</b></p>

Retain a copy of this form for your own records and send a copy to [lbyrne@west-lothian.ac.uk](mailto:lbyrne@west-lothian.ac.uk)