

GLENMEAD PRIMARY SCHOOL



GIFTS, HOSPITALITY AND ANTI-BRIBERY POLICY

Signed by:

H. Clau Head Teacher

Date: 29.03.23.

Am An Chair of Governors

Date: 29.3.23.

March 2023

Presented to Finance & Personnel Sub-Committee
Ratified by Full Governing Body

Statement of intent

Glenmead Primary School is committed to the highest ethical standards and acting with integrity in all business activities. This policy details the school's position on preventing and prohibiting bribery.

Bribery by, or of, employees, governor, or any person acting on behalf of the school will not be tolerated. The senior leadership team is committed to implementing effective measures to prevent, monitor and eliminate bribery.

Bribery and corruption by individuals is punishable by up to ten years' imprisonment and the school could face an unlimited fine and serious damage to its reputation. Therefore, **Glenmead Primary School** takes its legal responsibilities very seriously.

The purpose of this policy is to:

- Establish the responsibilities of the school in observing and upholding our position on bribery and corruption.
- Provide information and guidance to school staff on how to recognise and deal with bribery and corruption concerns.

This policy covers all individuals working for **Glenmead Primary School** at all levels (whether permanent, fixed-term or temporary), and includes governors, volunteers, agents and any other person associated with the school (known throughout the policy as employees).

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Bribery Act 2010

This policy operates in conjunction with the following school policies and documents:

- Gifts and Hospitality Register
- Whistleblowing Policy

2. Roles and responsibilities

The head teacher will be responsible for:

- In collaboration with the School Business Manager, approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances, including where they are being offered to staff from pupils and/or parents.

The School Business Manager will be responsible for:

- In collaboration with the head teacher, approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances, including where they are being offered to or accepted from government officials and representations.
- Approving charitable donations offered or made in the school's name.

All staff will be responsible for:

- Following the procedures set out in this policy.
- Considering whether gifts and hospitality offered, given or received are appropriate to the circumstances, and reflecting on the intention behind them.
- Seeking approval from the head teacher and/or SBM, as appropriate, to offer, give or accept gifts or hospitality in the necessary circumstances.
- Reporting instances of known or suspected bribery to the head teacher at the earliest opportunity.

3. Bribery

Under the Bribery Act 2020, a **'bribe'** is defined as a financial or other type of advantage offered with the intention of inducing or rewarding improper performance of a function or activity, or knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A criminal offence will be committed under the Act if:

- An employee or associated person acting for, or on behalf, of the school:
 - Offers, promises, gives, requests, receives or agrees to receive bribes.
 - Offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties.
 - And, in either case, the school does not have the defence that it has adequate procedures in place to prevent bribery.

4. Acceptable practice

4.1 This policy does not prohibit normal and appropriate gifts/hospitality (both given or received), if the following requirements are met:

- It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in exchange for favours or benefits.
- It is given in Glenmead Primary School's name, not in the individual's.
- It complies with local law.
- It does not include cash or a cash equivalent i.e. vouchers, gift certificates.
- It is appropriate in the circumstances i.e. the giving of small gifts at Christmas time.
- The type and value of the gift is reasonable given the reason the gift is offered.
- It is given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the Head Teacher or School Business Manager.
- The gift or hospitality is a small gesture and have a value of £30 or less

4.2 The advice of the school is to, in all circumstances, consider whether the gift or hospitality is reasonable and justified and to consider the intention behind the gift.

4.3 Gifts or hospitality valued **£30** or less are acceptable and deemed as small gestures. Gifts and hospitality of this nature do not need to be recorded in the School's Gifts and Hospitality Register.

5. Unacceptable practice

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- It is not acceptable for employees to:
 - Give, promise or offer a payment, gift or hospitality, with the expectation or hope that an advantage for **Glenmead Primary School** will be received or to reward an advantage already received.
 - Give, promise or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure.
 - Accept payment from a third party if they know or suspect that it is offered with an expectation of a business advantage in return.
 - Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy.
 - Engage in any activity that may lead to a breach of this policy.

6. Gifts and Hospitality Received

- School staff should consider if the acceptance of any gift and/or hospitality could be regarded by a third party as compromising or likely to compromise the impartiality or integrity of a public servant.
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- If in doubt, the offer should be declined in a polite manner so as not to offend the giver of the gift and/or hospitality and so that they understand there are high corporate and ethical standards to be maintained
- During the course of undertaking their duties it is inevitable that school staff will be offered some gifts and/or hospitality at some point and in particular this may apply to staff with financial responsibility – Head Teachers, Bursars, Business Managers, Budget Holders etc. Accordingly, all such staff should lead by example and uphold high standards of integrity.
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- Where any gift and/or hospitality is offered by a person or organisation seeking to do business with the school, particularly where the offer is made to an individual member of staff, it is necessary to exercise extreme caution. The expectation is that as a minimum the individual should consult either the Head Teacher, or in the case of the offer being made to the Head Teacher, the Chair of Governors.

- A 'trivial gift' (see point 6.4) or modest gift of a promotional nature given to a wide range of people and not uniquely to one individual may be deemed as acceptable. Such gifts may include calendars, diaries, pens or other small items and in such cases do not need prior approval for acceptance and do not need to be recorded in the Gifts and Hospitality Register
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- Hospitality is sometimes offered to representatives of schools and in such cases extreme caution is needed particularly where the host is seeking to do business with the school or the Directorate or to obtain a decision from it. It is important to avoid any suggestion of improper influence.
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- A working lunch of a modest standard may be acceptable to allow parties to continue a business discussion but extreme caution is needed if any such working lunches are taken with the same company on a frequent basis. Any such hospitality should be recorded in the Gifts and Hospitality Register
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- It is not acceptable to receive hospitality in the form of holidays or weekends away, tickets to theatres or other entertainment events or the use of company flats, hotel suites or hospitality boxes at sporting and other events.
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- If any gifts and/or hospitality are accepted they must be recorded, within 7 days of the offer of the gift and/or hospitality being made, within the schools' Register of Gifts and Hospitality (See Appendix A). This Register should be presented to the Governing Body on a termly basis. Failure to record the receipt of any gifts or hospitality will be deemed as a disciplinary matter.
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- Please note that where hospitality is provided at an official function of the City Council there will be no need to declare it within the Gifts and Hospitality Register.
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- If schools are in any doubt over any gift or offer of hospitality they should seek appropriate advice from the Directorate. Corruption and bribery are criminal offences and the City Council will not hesitate to refer such issues to the police for prosecution.

7. Gifts and Hospitality Register

- High ethical standards, along with open and transparent arrangements, are essential to ensure integrity of all staff employed by the City Council. Accordingly gifts and/or hospitality must be discussed with the Head Teacher or the Chair of Governors and if a decision to accept is taken, the details should be recorded in the Gifts and Hospitality Register.
- The Gifts and Hospitality Register should be held and maintained by a nominated officer within the school and should be freely available for inspection by governors, staff, parents and Local Authority representatives.

8. Liability for Income Tax and National Insurance Contributions

- In theory, the provision of any gift or reward to an employee may create some form of liability for the employee.
- ALL gifts in the form of money or 'cash vouchers' (vouchers which can be exchanged for cash e.g. premium bonds or savings stamps) are subject to deductions of Income Tax and National Insurance Contributions.
- 'Non Cash Vouchers' (vouchers redeemable for goods and services must be reported on Forms P11D and are also liable to National Insurance Contributions. P11D Forms are completed by the Local Authority based on information provided by schools on the Annual Return for the Provision of Gifts and Rewards for Employees. [\(See Appendix B\)](#))
- Her Majesty's Revenue and Customs acknowledge that some gifts may fall under the heading 'Trivial Gifts'. There is no legal definition of a trivial gift but some examples may include:
 - Seasonal gifts such as a small box of chocolates or bottle of wine
 - A diary or a key ring
- If the School is providing gifts/rewards to employees we will apply caution as there may be a tax liability to the employee. Clarification and advice will be sought from the Payroll and Pensions Office to remove doubt.

9. Long Service Awards

9.1 Long Service Awards are exempt from tax liability provided that 'qualifying conditions' are met:

- The award marks not less than 20 years' service
- No other long service award has been made in the preceding 10 years
- The chargeable amount does not exceed £50 per year of service
- The provision is not money or a cash voucher

Employee, Governor and Volunteer Do's and Don'ts

Do

- Read and follow the guidance on gifts and hospitality
- Seek advice from the Head Teacher, School Business Manager or Chair of Governors if you are in doubt
- Record all offers of gifts and hospitality which have a value of £30 or more in the School's register, whether accepted or not
- Treat with caution any gifts or hospitality offered to you and think very carefully before accepting anything
- Take into account what the public's perception would be in deciding whether or not to accept a gift or hospitality
- Consider whether the offer is proportionate in deciding whether or not to accept hospitality from an outside body
- Err on the side of caution when deciding whether to accept a gift or hospitality. If the thought of the acceptance makes you uncomfortable, do not accept
- Consider paying for yourself if offered any hospitality by a supplier or third party

Don't

- Accept any gifts or hospitality which have a value of more than £30 without the approval of the Head Teacher, or the Chair of Governors as necessary
- Accept gifts or hospitality in the immediate period before tenders are invited or during the tender process.
- Accept cash or monetary gifts
- Accept a gift or hospitality as an inducement or reward
- Accept gifts or hospitality unconnected to your work, even if the hospitality is taken in your own time
- Accept a gift or hospitality which you or a member of the public would think is lavish, extravagant or excessive, even if the hospitality is taken in your own time
- Accept gifts or hospitality offered to your husband, wife, partner, family member or friend

RECORD OF GIFTS & HOSPITALITY (accepted */refused *)

This form must be completed by any member of staff or governor receiving or declining a gift or hospitality, which relates to their position in the School and has a value of £30 or more. If the individual is concerned about the likely 'level' or 'value' of any gift or hospitality that he or she may receive, agreement from the Head Teacher, School Business Manager or Chair of Governors must be obtained in accordance with the School's guidance.

Name of staff/governor

Position held

Individual, company or organisation offering gift or hospitality

Hospitality offered details: Date/time/venue

Gift offered: Description

Approximate value of gift/hospitality offered

Gift or Hospitality: Accepted Declined

If accepted, has the gift/hospitality been retained for personal or school use?

School use Personal use

If accepted the reason for acceptance

Signed

Date

Approved by Head Teacher

Date

Approved by Chair of Governors

Date

** delete as appropriate*