

Heart of the South West Local Enterprise Partnership

Gifts and Hospitality Policy

September 2018

Creating opportunities in Devon, Plymouth, Somerset and Torbay

Heart of the South West LEP CIC, is a Community Interest Company Limited by Guarantee.

Registered in England and Wales.

No. 8880546, Registered Office, PO Box 805, Exeter, Devon, EX1 9UU



Purpose

The purpose of this policy is to set out the restrictions placed on employees when offered a gift or hospitality in the course of their duties whilst working for, or on behalf of, the Heart of the South West Local Enterprise Partnership, this policy has been introduced in order to conform to the Mary Ney Recommendations.

Introduction

It is essential that the HotSW can demonstrate the highest standards of probity in general and specifically in relation to its dealings with third parties. These relationships are a source of considerable interest and are subject to close scrutiny and also through more ad hoc channels such as Freedom of Information requests.

It is essential that the public can be confident that decisions of whatever nature are made for good and proper reasons and are not influenced inappropriately by the interests of individual employees, their relatives or friends.

If it is likely that a typical member of the public would think that a specific gift or incidence of hospitality is inappropriate, then it probably is and should therefore be declined. It is always better to be cautious and decline any offer of payment, a gift or hospitality.

The overriding principle is that employees/members should not compromise their position by accepting gifts or hospitality and allowing themselves to reach the position where they might be, or might be thought by others to have been, influenced in making an important decision as a consequence. Therefore employees are required to ensure that all offers of gifts or hospitality are registered within 28 working days of the being made, whether or not the offer has been accepted.

Gifts & Hospitality Declarations

Government has decided that all offers of gifts/hospitality worth £50 or more, whether accepted or not, must be declared and recorded in order to ensure openness and transparency. Therefore an employee/member is personally responsible for ensuring that any gift/hospitality or offer of a gift/hospitality worth £50 or more is declared as soon as reasonably practicable and in any event within 28 days of the offer of the gift/hospitality.

Whilst Government requires you to register the gift or hospitality if the value is over £50, it is your responsibility to notify HM Revenues and Customs (HMRC) of a gift or hospitality provided by a 3rd party and of any value, if it is in recognition, or anticipation, of services performed.

For clarification, the requirement to declare applies to the acceptance and/or offer of any gift worth £50 or more even if it has been declined or returned or if it has been accepted on behalf of the HotSW and later given away for a charitable purpose (e.g. raffled off).

Employees/members are personally responsible for ensuring that any offer of multiple gifts/hospitality from one source within 12 months (which is reasonably estimated as having a cumulative value of £50 or more), is declared as soon as reasonably practicable and in any event within 28 days of the offer.

Employees/members must declare any offer of any arrangement where goods or services are offered either free of charge or below the market price and which could be seen as a means of trying to gain the HotSW's approval or curry favour in some way. This is especially

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important if the offer comes from a potential supplier who is currently engaged, or may shortly be engaged, in a tendering process.

Additionally, it is up to each employee/member to report their gift and/or hospitality to their employer following their own processes as well as providing the information to the HotSW.

It is recognised that, on occasions, the business of the HotSW can be progressed through, for example, working lunches or dinners with external individuals or groups. As a general rule, an employee/member should only accept offers of such hospitality if there is a genuine need to impart information or there is a benefit to the HotSW in representing the LEP to the community or to a professional association e.g. society or institute dinner.

In order to declare the offer of a gift and/or hospitality (and acceptance if appropriate), an employee/member can do this in one of two ways. They can either complete the online form located on the HotSW website located [HERE](#)¹, or by providing the below requirements in an email to (LEPAdmin@somerset.gov.uk) who maintain the centralised Register of Gifts and Hospitality. Enquiries may also be directed to this email address.

Declaration Requirements

The following should be provided when making a declaration:

- Your Name
- Your Company/Employer
- Date of Registration
- Details of Gift/Hospitality
- Who provided/offered the Gift/Hospitality
- Estimated value of Gifts/Hospitality being registered
- Date Received/Declined
- Why was the Gift/Hospitality accepted or rejected.

Interpretation

Several parts of this protocol refer to a reasonableness test. The CEO of the HotSW shall be the ultimate arbiter of what is reasonable (and the Chair the arbiter of the CEO). Where an employee/member is unsure whether the gift and/or hospitality is beneficial to the HotSW then they shall seek clarification from the CEO who will have ultimate authority in the matter.

¹ <https://heartofswlep.co.uk/gifts-and-hospitality-registration-form/>

Gifts & Hospitality Declarations

Employees/members should be aware that:

- Under the Bribery Act 2010, both individuals and organisations are liable for conviction in court, imprisonment and/or fines if found guilty of an offence;
- Fraud is defined as “deliberate deception intended to provide a direct or indirect personal gain”;
- Corruption is defined as the “deliberate use of one’s position for direct or indirect illegitimate personal gain”.

Any queries or concerns about whether the offer of, or the receipt of a gift or hospitality is appropriate, or if any clarification is required about this policy employees should approach their line manager in the first instance.

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