

# **GUIDANCE ON OFFERS OF GIFTS, HOSPITALITY AND DECLARING INTERESTS**

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## **1. GENERAL**

- 1.1 The Council's Code of Conduct for employees sets out the requirements of employees in respect of the acceptance of gifts and hospitality and the declaration of interests. This guidance is intended to provide assistance to you when considering offers of gifts and hospitality or whether to declare an interest as well as setting out how the associated Registers are maintained by or on behalf of the Chief Executive.
- 1.2 As an officer of the Council you may occasionally be placed in a position where you have to decide whether or not to accept gifts or hospitality from individuals, organisations or businesses that either are or wish to be associated with the Council. It is impossible within guidance to cover every circumstance which may arise and you are personally responsible and accountable for decisions you take when offered gifts or hospitality. This guidance, which applies to all Council employees, is designed to provide a basis for that decision making and also sets out the requirements to report and record offers of gifts and hospitality. However, if you are in any doubt about the appropriate action to take then you should seek guidance from your line manager.
- 1.3 It is imperative that the good reputation of West Dunbartonshire Council and its standing in the community be protected at all times. This will always be the prime consideration in any decisions you make regarding the acceptance of gifts or hospitality. However, this code should not be enforced in a way that is over rigid or discounts individual circumstance.

## **2. INTERPRETATION**

- 2.1 For the purpose of this guidance, Chief Officers are the Chief Executive, those officers reporting directly to them and those officers reporting to that second tier. Accordingly for most officers their Chief Officer will be their Strategic Lead, for Strategic Leads it will either be the Chief Executive or a Strategic Director and for Strategic Directors the Chief Executive. For Council employees working for West Dunbartonshire Health and Social Care Partnership the Chief Officer is the relevant contact.

## **3. GIFTS**

- 3.1 You should treat respectfully, but with caution, any offer of a gift, service or favour that is made to you, or to a member of your family, by a person or body who have, or may seek to have, commercial dealings with the Council e.g. who do, or might, provide work, goods or services to the Council, or who need some regulatory consent or decision from the Council, such as a grant, planning permission or a licence application.
- 3.2 The person or body may hope to gain preferential treatment in any dealings they have with the Council. Even if this is not the intention, acceptance could

lead others to believe this was a factor. The general rule should be to refuse or return, tactfully, offers of gifts from such persons or bodies. It is, however, recognised that the Council and its officers carry out a wide range of duties and activities within the community and that some degree of discretion is appropriate in certain circumstances. Exceptions or additional consideration should be given to the following areas:

### **Civic Gifts**

It is recognised that the offer of gifts from overseas visitors or civic dignitaries is normal practice and to refuse them could have a negative impact on the image of the Council and potentially offend visitors.

### **Community Events**

If undertaking a particular task relating to a community based event such as a school prize giving, gala day or fête openings or Scout or Boys Brigade Inspections then a token gift or hospitality can be accepted as to refuse would be likely to cause offence and could adversely affect the Council's civic role.

### **Promotional Goods**

Another exception to the general presumption to refuse gifts relates to modest gifts of a promotional nature given to a wide range of people and not uniquely to you. These gifts are usually given at Christmas time when commercial custom and practice may lead to gifts being sent to customers including Council Officers. Such gifts can include a calendar, diary or other item of office stationery and, where the gift is clearly promotional and has only modest value, it may be accepted.

### **Small Gifts offered as tokens of appreciation**

Small gifts may be accepted where refusal would cause needless offence and the giver is not seeking a decision or business from the Council but merely wishes to express thanks for advice, help or co-operation received. This would apply, for example, to a small box of chocolates offered as a thank you for excellent service or a token gift to a teacher or refuse collectors at Christmas. Similarly where small tokens are given in lieu of payment for undertaking training, presenting at conferences and the like, then these may also be accepted.

- 3.3 With the exception of token gifts of minor value (below £20), all gifts and offers of gifts shall be recorded within the Registers as described in section 5 below. If, however, minor gifts are offered repeatedly from the same source they should be recorded and normally refused. If you are in any doubt about whether or not to accept a particular gift then advice should be sought from your line manager.

## **4. HOSPITALITY**

- 4.1 Hospitality can have many forms - lunch/dinner invitations, tickets to sporting, theatre or other events. As with Gifts, the general rule should be to refuse, tactfully, offers of hospitality from persons or bodies that are associated, or wish to be associated, with the Council commercially. Hospitality should also be refused from organisations or individuals who are seeking, or at some stage in the near future may reasonably be expected to seek, a

particular decision or action from the Council. However, hospitality and entertaining are normal business activities in particular sectors and the acceptance of such hospitality may on occasions be in the Council's interests. Further, the creation of good external relations, both inside and outside the Council's area, is an important responsibility of Senior Officers and extreme strictness could give unnecessary offence to people and organisations with whom the Council's relationship should be both professional and cordial. The decision on whether or not to accept such offers is a matter of judgement depending on the individual circumstances but the following considerations should be made:

- Is there a genuine need to impart information or represent the Council in the community?
  - Offers to attend purely social or sporting functions should be accepted only where these are part of the life of the community and where the Council should be seen to be represented.
  - Is it clearly evident that the work of the Council will be facilitated by attending?
  - Is there an opportunity to promote the Council's image or standing in the community or in the business sector by accepting the hospitality?
  - Is the offer of hospitality proportionate to the benefit to the Council?
  - Is the offer of hospitality made to a group or is it unique to you? It may be more reasonable to join in hospitality offered to a group than to accept something offered to oneself.
  - Will the acceptance of the hospitality prejudice, in any way, the good standing and reputation of the Council in the community?
  - If a contractual relationship exists with the provider of hospitality is this likely to be compromised by the acceptance of hospitality?
  - Can the decision be easily justified to the Council, press or the public?
  - Is the motivation behind the invitation or offer absolutely clear?
  - Could any decision of the Council either now or in the future be prejudiced in any way by the acceptance or otherwise of the offer?
  - Is the person or body involved in competitive bidding for Council work or support on which decisions will be taken in the immediate future?
- 4.2 It is unlikely that there will ever be a situation where offers of hospitality which involve a significant amount of paid travel or residential stays for leisure purposes would ever be acceptable.
- 4.3 You must never canvass or ask for hospitality, even in the belief that this may save the Council money. There is too much scope for misinterpretation of intentions and uncertainty about your impartiality.

- 4.4 All offers of hospitality should be reported to the relevant Chief Officer (see 2.1 above) and recorded timeously within the Register described in paragraphs 5.1-5.3 below.

## **5. REGISTER OF OFFERS OF GIFTS OR HOSPITALITY**

- 5.1 How the Council deals with offers of gifts or hospitality can be open to public scrutiny. You must report the offer of any gifts or hospitality to your Chief Officer (2.1 above). Each Strategic area must have in place a Register within which reports will be recorded, on the form annexed, of all offers of gifts and hospitality and whether it has been decided that they should be accepted or refused. If you accept an offer you must detail your justification for your acceptance on the form.
- 5.2 The Chief Executive will retain a similar Register within which they will record offers of gifts or hospitality made to the Chief Executive and to their direct reports. Entries on the Register for the Chief Executive will be inspected by the Strategic Lead – Regulatory Services, as the Council's Monitoring Officer.
- 5.3 In the case of schools, employees will require to report to the Head Teacher on the offer of any gifts or hospitality, and it will be the responsibility of the Head Teacher to maintain the appropriate Register. Offers of gifts and hospitality made to Head Teachers themselves must be reported to the Strategic Lead – Education, Learning and Attainment as the Council's Chief Education Officer.
- 5.4 A form for recording offers of gifts and hospitality is attached as Appendix 1.
- 5.5 All registers maintained for the purpose of recording offers of gifts or hospitality may be made available to the public, Chief Executive and Internal Audit.

## **6. CORRUPTION**

- 6.1 It is a serious criminal and disciplinary offence for you to corruptly receive any gift, loan, fee, reward or other advantage for doing, or not doing anything in your official capacity.
- 6.2 If an allegation is made, it is for you to demonstrate that any such reward has not been corruptly obtained.
- 6.3 You must report immediately to your Chief Officer if you are concerned that an individual or organisation has made you an offer of a gift or hospitality with a view to gaining preferential treatment in their dealings with the Council.

## **7. CONFLICT OF INTEREST**

- 7.1 It is likely that you or your family and friends will have dealings with the Council in a private capacity, for example as a Council taxpayer, applicant for a regulatory consent or decision or as a recipient of Council services. You must never use your position to seek preferential treatment for or further the interests of yourself or your family and associates. If you are involved in any

work for the Council in which close members of your family, friends or people living in the same household as you may have financial interests these interests must be declared to and recorded by your line manager. Similarly s68 of the Local Government (Scotland) Act 1973 requires you to give notice in writing to the Council if you have any financial interest in a contract the Council has or proposes to enter into. The code of conduct also requires you to give notice of any personal interest in any such contract. Such notice should be given to your Chief Officer and failure to do so is an offence. Any breaches may be dealt with in accordance with the Council's Disciplinary Policy.

- 7.2 Chief Officers (as defined in Paragraph 2.1 above) are required to make an annual return including a nil return if appropriate, of any financial interests in contracts the Council has or is proposing to enter into. These returns will be made to the Chief Executive or, for the Chief Executive, the Strategic Lead – Regulatory Services, as the Council's Monitoring Officer. A form for recording declarations is attached as Appendix 2. All completed forms may be made available to the public, Chief Executive and Internal Audit.
- 7.3 As outlined in the Code of Conduct, paragraph 8.2, where such declarations are made as set out in paragraphs 7.1. and 7.2 above, it is incumbent on the manager to ensure that alternative arrangements are made to avoid further involvement in any contract and with the supplier in relation to said contract(s). These actions must be recorded with the disclosure and retained in the relevant Chief Officer Register.

## **8. RETENTION**

- 8.1 All Declarations made in accordance with this guidance shall be retained for five years following the end of the financial year to which they relate, and thereafter destroyed.

<b>Register of Gifts and Hospitality offered</b>			
<b>Officer Entry</b>			
<b>Name of Officer</b>			
<b>Designation</b>			
<b>Name(s) of person(s) or organisation(s) making or offering gift or hospitality</b>			
<b>Describe the gift, hospitality, or service offered</b>  (Provide details of the gift, etc. including relevant date(s))			
<b>Estimated value of gift, hospitality or service *</b>			
<b>Have you accepted the gift, hospitality or service offered? *</b>	Yes <input type="checkbox"/>	<b>Have you attached a copy of the invitation, offer, etc.?</b>	Yes <input type="checkbox"/>
	No <input type="checkbox"/>		No <input type="checkbox"/>
<b>Does the individual/organisation currently have, or previously had, or is likely to have, dealings with the Council – and if so, specify*</b>			
<b>Decision on whether the offer of the Gift/Hospitality/Service is to be accepted and, if accepted, justification for the acceptance*</b>			
<b>Any additional comments</b>			
<b>Signature of Officer</b>			
<b>Date</b>			
<b>Signature of Officer to whom disclosure made</b>			
<b>Date of disclosure</b>			

## **Guidelines for Appendix 1**

1. No member or employee should accept personal gifts, hospitality or services from anyone which would, or might appear to, place them under any obligation.
2. It is a matter for the individual to decide if it is appropriate to accept personal gifts, hospitality or services.
3. It is a matter for the recipient to determine the estimated value.
4. You should not accept frequent personal gifts, hospitality or services from the same source.
5. The Register will be held by each Strategic Lead. You can see your own entries at any time. No access will be available to any other unless under Freedom of Information Legislation.

<b>Register of Interests</b>	
<b>Officer Entry</b>	
<b>Name of Officer</b>	
<b>Designation</b>	
<b>Section 2 – Declaration of Interest</b>	
<b>Financial (officer)</b>	<input type="checkbox"/> <b>None</b> <input type="checkbox"/>
<b>Financial (close family member / friend)</b>	<input type="checkbox"/>
<b>Section 3 – Explanation of Potential Conflict</b>	
<p>Please provide as much detail as possible and explain why you consider this is or could be interpreted as a potential conflict of interest. (Continue on separate page if necessary).</p>	
<b>Section 4 – Alternative Arrangements to avoid Potential Conflict</b>	
<p>Please provide as much detail as possible and include all actions taken to avoid involvement with the contract(s) and supplier in relation to same where appropriate. (Continue on separate page if necessary).</p>	
<b>Signature of Officer</b>	
<b>Date</b>	
<b>Any additional comments</b>	
<b>Signature of Officer to whom disclosure made ( if applicable)</b>	
<b>Date of disclosure</b>	