

Gifts and Hospitality Policy, Procedure and Form

Key points and policy

- You may, in certain circumstances and subject to strict rules, accept offers of gifts, benefits and hospitality. However, you must at all times be, and be seen to be, fair, impartial and unbiased.
- Gifts and hospitality should not be, or seen to be, part of usual business; any acceptance should be infrequent.
- Within 28 days of receiving gift(s) and/or hospitality in connection with your official duties with a value of £50 or more, you must register those items with the Corporate Governance and Performance Manager including providing details of the source of the gift/hospitality, its actual value and your reason for accepting it.
- As a member of staff, you must seek approval in advance from your Director (unless exceptional circumstances apply) for the receipt of any hospitality and, where it is possible to do so, for any gift that is offered.

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General caution

Treat with caution any offer or gift, favour or hospitality that is made to you. Your personal reputation and that of OPDC can be seriously jeopardised if you inappropriately accept gifts or hospitality. Be aware of the wider situation in which the offer is made. It can also be an offence to accept a fee or reward for undertaking your duties.

OPDC recognises that a refusal may cause embarrassment or offence, but this must be balanced with your other responsibilities.

Board members are, when acting in their OPDC capacity, required to act in accordance with the principles of public life and the Code of Conduct.

Staff must consider whether acceptance conforms to the requirements of the law and the Code of Ethics and Standards.

The acceptance of gifts and hospitality is not always inappropriate. OPDC staff must – in conjunction with their senior manager – in every case determine whether or not it is proper to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

For example, staff should consider whether the donor is in, or may be seeking to enter into, a business relationship with OPDC or may be applying to OPDC in relation to the exercise of the Corporation's functions. The receipt of gifts, benefits and hospitality can create conflicts of interest and may give rise to an adverse inference as to the integrity of either the donor or the recipient.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you (and your senior manager, for staff) to make your own decision. You should also contact the Governance team for advice where you are uncertain as to how best to treat an offer of a gift or hospitality.

Date of approval (v4)	<ul style="list-style-type: none">• Approved by the Head of Performance and Governance• Noted by Audit and Risk Committee, 12 September 2023
Changes from previous version	<ul style="list-style-type: none">• Updates to relevant job titles
Review date	August 2024
Senior owner	Head of Performance & Governance
Document owner	Senior Corporate Performance and Governance Manager

Part A. Scope, definitions and application

1. Purpose

1.1 This document sets out the principles and procedure staff must follow in relation to accepting offers of gifts and hospitality. It forms part of the Corporation's wider governance arrangements, including those set out under the GLA Group's Corporate Governance Framework. Collectively, these arrangements are designed to set clear expectations for Board and Committee Members and staff – and in particular that all of us uphold the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2. Scope

2.1 The principles and procedures set out here apply to:

- all OPDC staff
- all Board and Committee Members, when acting in those roles or otherwise representing OPDC (i.e. receiving or potentially receiving gifts or hospitality in connection to your role on the Board/Committee)

2.2 They should be read alongside OPDC's Code of Conduct and the GLA Staff Code of Ethics (which OPDC has adopted), which at a high-level set the framework for managing and receiving gifts and hospitality

3. Responsibility and reporting

3.1 This policy and its procedures will be implemented by the Senior Office Responsible for Governance, supported by the Governance team, working closely with the Executive Director, Corporate Operations / Chief Finance Officer. The Governance team will maintain and publish a register of all gifts and hospitality declarations, ensuring it is refreshed and republished, where there have been declarations, at least once in every quarter. Refreshed registers will be reported to the Audit and Risk Committee.

3.2 The Board is responsible, at a high-level, for determining OPDC's gifts and hospitality regime, supported by the Audit and Risk Committee. The Chief Executive Officer (CEO) has overarching responsibility for its effective implementation. All breaches of the regime will be reported to the CEO, who will also deal with any complaints, and summary details will be reported to the Audit and Risk Committee and, where particularly serious or raise questions about the efficacy of the regime, referenced in the Annual Governance Statement.

3.3 Any fundamental changes to OPDC's gifts and hospitality regime will be approved by the Board, usually following consideration by the Audit and Risk Committee. Wide-ranging changes, albeit which do not impact on the fundamental principles of the regime, may be approved by the Audit and Risk Committee. The CEO has delegated authority to approve non-substantive changes to the policy and to also approve changes to the procedures and gifts and hospitality form, where such changes do not in turn alter the fundamental basis of the gifts and hospitality regime. The Senior Officer Responsible for Governance has delegated approval to make minor drafting changes to this document.

3.4 Significant changes to this document are likely to require consent from the Mayor, in particular insofar as they apply to Members. This consent can be provided in line with the OPDC Governance Direction.

4. Definitions

4.1 The terms 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. For the purpose of this policy, the following definitions apply.

What is a gift?

4.2 Gifts include (but are not limited to):

- The free gift of any goods or services provided to Board or Committee Members (where acting in their OPDC roles), OPDC staff individually or as a gift to the organisation.
- The opportunity to acquire any goods or services at terms not available to the general public, including additional services, privileges and other advantages related to your position at OPDC (benefits and favours). This does not include discounts which may have been negotiated by OPDC (or the GLA) on behalf of all staff; for example, discounted membership fees at a fitness centre.
- The opportunity to obtain goods or services not available to the general public.

What does hospitality mean?

4.3 Hospitality refers to the offer of food, drink, accommodation or entertainment (except that which is provided by OPDC) or the opportunity to attend any cultural, business or sporting event. Common hospitality includes lunches or dinners provided by external bodies or tickets to events. Where you are providing hospitality, you must act in accordance with the OPDC's Expenses and Benefits Framework.

4.4 Where travel or accommodation associated with attendance at an international function, event, conference or similar is made on OPDC business or as an OPDC representative and paid for by a third-party, a gifts and hospitality declaration should be made. The travel and/or accommodation will, where the expenditure is reimbursed to the OPDC, be an expense under the Expenses and Benefits Framework and should be approved in advance and reported as such.

Part B. Principles

5. Principles to apply

5.1 In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do at the OPDC. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- Do not accept a gift or hospitality of significant value or the value of which is excessive in the circumstances.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- Wherever possible, you must be clear as to the value of the gift / hospitality at the time that you agree to accept it; where the actual value of a gift or hospitality is not known or is not reasonably obtainable, you should decide how much a person could reasonably be expected to pay for it at a commercial rate. Where an item is difficult to value, even as an estimate, the senior officer responsible for governance is able to accept, in appropriate circumstances, a form showing 'value unknown'.
- For staff, offers of hospitality should be accepted only with the prior approval of a Director, wherever this is practicably possible. See table of approvers in section 5.5.
- You should declare receipt of any gift or hospitality that an ordinary member of the public might reasonably deem to be significant (for example, the identity of the provider or the wider context in which the item was provided), regardless of its formal cash value.
- Do not accept a gift or hospitality from: parties involved with the OPDC in a competitive tendering or other procurement process; from applicants for planning permission and other applications for licences, consents and approvals; from applicants for grants, including voluntary bodies and other organisations applying for public funding; from applicants for benefits, claims and dispensations; or from parties in legal proceedings with the OPDC. You should take care and use your judgement as to how accepting an offer might be perceived.
- If accepting a gift in kind from a third party - e.g. the provision of a free meeting venue - you should only declare if this would not have been obtained in the OPDC's normal business, for example it has been obtained through a personal contact.

6. Items that do not need to be declared

6.1 As a general rule, you will not need to declare:

- Gifts and hospitality wholly and clearly unrelated to your position/role at OPDC.
- The acceptance of facilities or hospitality provided to you by the GLA or OPDC as part of an OPDC staff meeting and/or working meals including meals taken in the course of attending meetings or conferences or training courses where they are provided to all attendees as part of the event. The Expenses and Benefits Framework sets out the rules for organising meals/refreshments for staff at off-site meetings.
- Attendance at formal functions as a representative of the OPDC. However, if hospitality is received which is estimated to exceed the value of £50, a hospitality declaration will be required for that hospitality.
- Attendance at formal social functions in relation to which invitations have been issued to all members of staff.
- Attendance at information gathering or sharing events with public, charitable or think tank bodies, such as meetings with representatives of other public sector organisations, noting that this does not apply to conferences held by political parties. However, if hospitality is received which is estimated to exceed the value of £50, a hospitality declaration will be required for that hospitality.
- Travel or accommodation associated with attendance, on behalf of the OPDC, at an international function, event, conference or similar which is directly paid for by the OPDC and legitimately funded by a grant award to the OPDC.

6.2 You are not required to declare a gift or hospitality that was offered but declined. However, you should report to the OPDC senior officer responsible for governance any offers you have declined that could be perceived as significant or controversial.

6.3 The key criteria are:

- whether the offer was novel (i.e. unusual)
- the frequency of the offer
- the persistence of the offer

Such offers will not be published on the gifts and hospitality register; reporting of any such offers will, however, allow action to be taken corporately and/or further guidance to be given.

Part C. Declarations process

7. Making a declaration

7.1 The key points are:

- For staff (only) – you must seek approval in advance from your Director (unless exceptional circumstances apply) for the receipt of any hospitality and, where it is possible to do so, for any gift that is offered. Where prior approval was not obtained, the declaration form must record the reasons why and the steps taken to try and obtain the proper approval retrospectively.
- You must declare on the appropriate form (see Part F below) any gift or hospitality of £50 or over that you receive in connection with your official duties with OPDC, the source of the gift or hospitality, and your reason for accepting it.
- You must register the form/declaration with the senior OPDC officer responsible for governance within 28 days of receiving it.
- You must include within the form/declaration the actual value of the gift or hospitality or its value estimated in accordance with this guidance. Where an item is difficult to value, even as an estimate, after speaking with senior OPDC officer responsible for governance is able to accept a form showing 'value unknown.'

7.2 Senior staff will be asked to declare, on a six-monthly basis, that all declarations have been properly made or that no such declarations have been necessary.

7.3 Where the senior officer responsible for governance has queried a particular declaration and/or taken action in respect of any declaration, summary details of the issues raised will be reported to OPDC's Audit and Risk Committee.

7.4 Completed declaration forms must be approved by:

Declarer	Approver
Board and Committee Members	Not required
Chief Executive Officer	Executive Director, Corporate Operations / Chief Finance Officer
Senior staff (directors and others in a 'Head of' role reporting to the CEO)	Chief Executive Officer
All other staff	Director

- You must provide the form to the senior officer responsible for governance within 28 days of receipt of the gift or hospitality.
- The senior officer responsible for governance will retain the form on file and see that the information therein is recorded on the Register (save for the contact details).

8. Gifts accepted on behalf of OPDC

8.1 On occasion gifts may be given to the OPDC that you accept on its behalf and which are retained by the Corporation and not by you personally. These gifts may include items of significant value, artworks, gifts from representatives of other nations and items commemorating an event or relationship. Some items may be suitable for display and Facilities Management will be able to discuss display options. These gifts should be registered in the normal way and they will be able to advise on gifts to the OPDC more generally. Insurance implications should be considered, where applicable, in discussion with the OPDC's insurance adviser.

9. Declaration of gifts under the £50 limit

9.1 There is no obligation to make a disclosure in relation to gifts and hospitality below £50 in value. You should, however, declare receipt of any gift or hospitality that an ordinary member of the public might reasonably deem to be significant, regardless of its formal cash value. You should also register an accumulation of small gifts you receive from the same source over a short period that add up to £50 or more.

10. Charitable donations

10.1 From time to time you may be offered a donation to a charity of your choice for the provision of services, for example a research interview or a presentation. This should be declared as a gift in the normal way. Please note there may be tax implications to accepting these types of gifts. Please contact the Finance team for advice. Individuals do not need to declare any personal charitable donations.

11. Corporate declarations

11.1 From time to time, tickets for sporting or cultural events may be received by OPDC and allocated to staff through a ballot. These will be recorded and published online as 'Corporate Declarations' where those tickets are made available to staff or suitable members of the public (such as community groups). However, this does not negate the requirement for staff to make a personal declaration for any tickets they receive as an individual, connected to their position, whether directly or that have been gifted to OPDC as an organisation.

12. Disposal of gifts

12.1 From time to time it may be appropriate to dispose of some gifts presented to OPDC or its members. The recipient of the relevant gift, or other person seeking to dispose of it, must consult the senior officer responsible for governance before disposing of it. Gifts must never be resold for personal profit or to raise funds for political organisations. It is likely to be permissible, subject to consulting the senior

officer responsible for governance, to donate a gift for charitable purposes. Advice should be sought from OPDC's Finance team on any tax implications.

13. Gifts and hospitality and the procurement cycle

13.1 Particular caution should be taken where any gift and/or hospitality is offered from any company that holds a contract with OPDC or which is likely to bid for a future contract with the OPDC.

13.2 During the planning and tendering phases of a contract award process, no member of OPDC, or their partners should accept any gifts or hospitality from an organisation likely to tender for the contract to avoid any inference of preferential treatment. Similarly, caution should be applied in connection with any planned acceptance of gifts or hospitality associated with the awarding of a contract (as this may create the impression of preferential treatment or favouritism). Staff should seek advice from the senior office responsible for governance, who can authorise (or not) such activity.

13.3 From time to time during the normal course of a contractual relationship, it may, however, be appropriate to accept gifts or hospitality from an established provider in order to develop and maintain good working relations. But this should not take place at a point in time that is reasonably close to the commencement of any contract renewal process and as long as other criteria in this document are satisfied (especially that you do not feel that it will put you under any obligation to the provider). Be particularly cautious about accepting gifts or hospitality if there are any performance issues with the provider.

Part D. Legal and other requirements

14. Bribery Act

14.1 Under the Bribery Act 2010, it is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the OPDC. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the OPDC.

15. Board and Committee Members

15.1 Under the Code of Conduct, Board and Committee Members are required to register gifts and hospitality worth £50 or over received in connection with your role on the Board – and within 28 days. This guidance is intended to support Board Members in complying with the Code.

15.2 Where a gift or hospitality had been received and it is connected to a Board or Committee discussion or decision, then the Member would be expected to declare this as an interest in line with OPDC's interests regime.

16. Staff

16.1 Staff are expressly prohibited from soliciting benefits or rewards in return for providing services whether those services should be provided as part of their usual role or are provided because a gift or inducement has been offered. Such behaviour may, in certain circumstances, amount to a criminal offence for which the penalty may be a prison term, a fine or both. A convicted OPDC member of staff might also be liable to forfeit any compensation or pension rights.

16.2 Members of staff are personally responsible for making declarations appropriately. A failure to make a declaration, to declare it within 28 days of receipt, or making an incomplete or misleading declaration may be misconduct under the Code of Ethics and Standards for Staff, which is part of staff contracts of employment, and may result in disciplinary action. Penalties range from an informal warning to dismissal for gross misconduct depending on the severity of the breach.

17. Reporting of inappropriate gifts and hospitality offered

17.1 You must immediately report to the senior officer responsible for governance any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

Part E. Form to Register the acceptance of Gifts and Hospitality

Name:		Directorate:	
Job Title/Position:		Tel:	
<i>Mandatory requirements for declarations:</i>			
Date of gift / benefit / hospitality			
Details of gift / benefit / hospitality			
Estimated value of gift / benefit / hospitality			
Person / body providing gift / benefit / hospitality			
OPDC's, or your, relationship with the organisation / individual providing the gift / hospitality			
Reason for acceptance			

Declaration			
I declare that the receipt of the above described gift / benefit / hospitality is appropriate for the reason stated and accords with the OPDC policy and procedure for the acceptance of gifts and hospitality.			
Signed:		Date:	

Approval:			
Director (for staff) / CFO (for CEO) / CEO (for senior staff) / N/A for Board Members			
I confirm that I am satisfied that the receipt of the above described gift / benefit / hospitality is appropriate for the reason stated and accorded within the requirements of the OPDC Gifts and Hospitality Policy.			
Signed:		Date:	
Directorate and job title:			

Please return the completed form to the Project Support Officer, Corporate Operations