



## Receipt and Provision of Gifts, Hospitality and Other Benefits Policy

### 1. Policy statement

In accordance with the highest standards of professional practice and good governance, the University does not tolerate bribery or corruption of any kind as outlined in the University's Anti-Bribery and Corruption Policy.

Staff must not offer, promise or give a bribe and they must not request, agree to receive or accept a bribe. The University will also expect the highest standards of compliance in this area from other parties that provide services for or on behalf of the University.

This Policy sets out the practices to be followed by staff in the case of: (i) unsolicited gifts and hospitality offered in the course of their University duties; and (ii) the provision of gifts and hospitality to third parties in the course of their University duties.

This Policy applies irrespective of the country in which staff are in or dealing with. Where there are differences between the local law and this Policy, staff must apply either this Policy or the local law, whichever sets the highest standard of behaviour.

### 2. Purpose

This Policy sets out the practices to be followed by staff in respect of retention of gifts and the receipt of other non-tangible other benefits. This Policy does not apply to staff tips and staff voucher rewards that recognise and reward acts of excellence or exceptional effort.

This Policy should be read in conjunction with the University's [Anti-Bribery and Corruption Policy](#) and [Conflict of Interest Policy](#).

This Policy constitutes one of the University's Key Commercial Policies. Colleagues who are budget holders or procurement professionals must register annually to confirm adherence to the Key Commercial Policies.

In the context of the [Bribery Act 2010](#), it is possible that the giving and receiving of gifts and hospitality may put staff into situations which might fall within the terms of the Act, and therefore lay them open to accusations of bribery. This Policy offers guidance to staff in regard to the potentially difficult question of (i) how to react to unsolicited gifts and hospitality offered in the course of their University duties; and (ii) the provision of gifts and hospitality to third parties in the course of their University duties. It has been prepared against the background of the need for staff to maintain high standards of propriety and professionalism, and to avoid placing themselves in a position where their integrity might be called into question.

This Policy recognises the practical reality that there will be circumstances where the provision or receipt of small gifts may be appropriate, that on occasion refusal of gifts could cause offence and be to the detriment of the University. It similarly recognises that there are circumstances in which it is appropriate to provide or accept offers of hospitality.

Proper and professional behaviour is of particular importance when staff are choosing sources for supplying the University, or if engaged in a procurement or tendering process for goods, services or capital works.

There are also circumstances where it is inappropriate to provide or accept a gift or hospitality, either because of the value of the gift or hospitality, its timing in connection with a decision making process, or procurement or tender process, or because the receiving or providing party is, or is related to, an applicant to the University, or related to members of staff. Please note that gifts and hospitality offered by public officials must be treated with particular care to ensure compliance with anti-bribery legislation.

### 3. Receipt of gifts

#### 3.1 Gifts from visitors to the University

Gifts of a personal nature should not normally be accepted; see also the guidance in paragraph [6]. All gifts offered to or accepted by staff should be recorded in accordance with paragraph [7] where the value exceeds £50. Any series of gifts or hospitality accepted by or offered to the same staff member and the cumulative total value exceeds (or is estimated to exceed) £100 in any rolling 12-month period should also be recorded in accordance with paragraph [7].

Gifts of a value up to £50 and branded or promotional gifts from visitors from other universities or organisations can normally be accepted without question. Frequently these are mementoes of the visitor's own institution/organisation. According to the nature of the visit and of the gift, it will be a matter of discretion by the Head of School/Professional Services unit whether any gift offered and accepted up to the value of £500 is retained by the individual to whom it was given, or retained by the School/ Professional Services unit: the latter might be more appropriate in cases where the gift can be put on display.

Gifts of value over £500 are occasionally offered by visitors (especially by visiting dignitaries) and it would normally be inappropriate to decline them. However, they must not be retained by the recipient for personal use and are always regarded as University property. The appropriate location for their retention/storage/display will depend on the nature of the gift. The appropriate University officer(s) must be consulted according to the nature of the gift and its value (for example, the University Librarian, the Director of University Collections, the University Secretary, etc.). Gifts of significant value must not be retained at School/ Professional Services unit level without such consultation.

#### 3.2 Gifts from others

This section applies to gifts from others including visitors with no formal or contractual relationship with the University but who may be seeking such a relationship.

It is essential that members of staff do not put themselves in a position where they might be regarded as receiving any benefit in kind or gift as an inducement or reward for taking any action (or specifically not taking action) or for showing favour. **In any case of doubt, staff must consult their Head of School/ Professional Services unit or line manager as appropriate.**

Gifts from individuals or bodies with, or wishing to have, a formal relationship with the University (for example, applicants and students or their immediate relatives; suppliers; contractors; etc.) must not be accepted.

Not accepting gifts is particularly important when staff are choosing sources for supplying the University, or if engaged in a procurement or tendering process for goods, services or capital works in which the individual or body may have an interest. This is also important where the person, or a connected person, is applying for a place at the University. In such circumstances the Conflict of Interest Policy must be followed. **Connected persons** would include individuals who are family members and other bodies in which you or your family members have certain interests.

In the rare situation where refusal of a gift would give rise to offence detrimental to the University, the gift must immediately be declared to, and surrendered to, the relevant Head of School/ Professional Services unit. The Head must then consult with the appropriate University Officer regarding retention or disposal of the gift.

### 4. Receipt of hospitality

University staff must avoid accepting gifts of hospitality that could be construed as offering an undue influence to a potential or current bidder, supplier, outside contractor, private or public organisation or other third party over the staff member's professional judgement or decisions made in the course of their work.

Hospitality could include meals, alcohol, admittance to ticketed events, travel packages, etc. This policy applies when such hospitality services extended to a University staff member or their immediate family at no cost or at preferential rates by an interested potential bidder, external individual, contractor or another party or agent, whether or not the offer was extended in that staff member's official capacity. This also includes add-ons that might be attached to a trip for official University business, such as lavish meals or entertainment events or heavily discounted hotel or travel rates while at a professional conference or on a student recruiting or commercial fundraising or research trip.

In the course of attending events hosted by outside organisations, University staff members must be alert as to the propriety of any supplementary offer of hospitality and whether it could be seen by the Press, or a competitor as offering influence or advantage to an outside party (see University's Anti-Bribery and Corruption Policy and Conflict of Interest Policy).

However, hospitality normally offered as part of a professional activity, for example, as part of conference attendance or as an external examiner is not considered to be as untoward if it is a well-established non-preferential practices, which would not be likely to be construed as an attempt to gain influence with the University.

**In any case of doubt, staff must consult their Head of School// Professional Services unit or line manager as appropriate.** All offers of hospitality offered or accepted by University staff must be reported to the line manager, and a record kept by the **School// Professional Services unit in accordance with paragraph [7].**

#### **5. Receipt of other benefits**

Other benefits may be offered to University staff by third parties, and staff must be alert to the need for caution should such circumstances arise. Examples might include sponsorship or funding, and the offer (by a supplier or agent) of a discount for the purchase of an item for personal use not generally available to University staff. These kind of benefits should not normally be accepted, and staff must inform the Head of School// Professional Services unit or line manager.

Gifts of money or of a monetary nature such as vouchers are prohibited with no de minimis.

#### **6. Authorising the receipt of gifts and hospitality**

Gifts and hospitality that are in accordance with this Policy are authorised for acceptance as follows:

- a) any gifts and/or hospitality offered up to £50 can be self-certified; or
- b) any gifts and/or hospitality offered above £50 must be approved for acceptance by the relevant Head of School or Professional Services unit (and recorded in accordance with paragraph [7]).

#### **7. Recording receipt of gifts and hospitality**

A formal record must be kept in a Gifts and Hospitality Register in the School or Professional Services unit of gifts and hospitality accepted by or offered to staff where:

- a) any single gift or act of hospitality is offered to a staff member with a value exceeding (or estimated to exceed) £50; or
- b) any series of gifts or hospitality not otherwise recorded is accepted by or offered to the same staff member and the cumulative total value exceeds (or is estimated to exceed) £100 in any rolling 12-month period.

A record of all required details must be submitted in advance of acceptance, and, in exceptional circumstances if not within 14 days of the provision concerned, in accordance with Appendix 1. Such records must be maintained by the relevant School or Professional Services unit in a complete, up-to-date, and accurate manner. On request by an interested party, the information may be published at the discretion of the University, requested for review by Internal Audit, or made available under the provisions of the Freedom of Information (Scotland) Act.

## **Provision of gifts and hospitality**

### **8. Providing gifts and hospitality**

All University staff must be mindful that the value of all gifts and hospitality offered by the University to others are sourced from public and charitable funding. Such funding must be used for legitimate purposes and demonstrate value for money. This includes (but is not limited to) gifts of University-branded items.

Accordingly, gifts and hospitality must only be provided when:

- a) the offer is consistent with the purpose of the University;
- b) the purpose is not to influence the recipient or another party improperly;
- c) it is appropriate and its value reasonable and proportionate to the circumstances; and
- d) the provision is fully compliant with all relevant University policies and relevant legislation.

The offer or provision of gifts and hospitality by any member of University staff or associated persons must only occur when the purpose is clearly to:

- a) promote the values and reputation of the University for academic, professional or charitable purposes; or
- b) aid the establishment and maintenance of academic, collaborative, professional or business relationships with partners and supporters of the University, which does not exclude competitive fair treatment of all parties; or
- c) provide a small token of thanks to University staff, associates or supporters for their contribution to the work of the University.

In every case, gifts and hospitality must not be offered when any of the following criteria apply:

- a) the purpose aims to influence individual recipients or bodies improperly, or solely to provide personal entertainment;
- b) the gift or hospitality offered is inappropriate and the value is excessive, unreasonable and not proportionate to the circumstances; and
- c) the provision is not clearly in accord with all applicable University policies, legislation and, to the extent it can be reasonably determined, the rules and policies of the recipient organisation or its legal environment (if overseas).

### **9. Circumstances where the provision of gifts or hospitality is not permitted**

It is never permitted to offer or provide any gifts or hospitality:

- a) of money or of a monetary nature;
- b) to induce an individual or organisation improperly to provide particular services or preferential treatment;
- c) in expectation of or reward for an individual or body for not performing their work in a proper or for doing so in an impartial manner;
- d) to any individual or organization responsible for a formal application, finance decision, sourcing or tendering or in a procurement process or closely prior to or during that process, and/or
- e) to gain influence with a foreign public official.

### **10. Authorising the provision of gifts and hospitality**

Gifts and hospitality that are in accordance with this Policy are authorised for offer and provision as follows:

- a) any gifts and/or hospitality being provided up to £50 can be self-certified if the budgetary authority is available or has been provided; or
- b) any gifts and/or hospitality above £50 must be approved by the relevant Head of School or Professional Services unit;

NB. Gifts and hospitality offered to public officials must be treated with particular care to ensure compliance with anti-bribery legislation.

**11. Recording provision of gifts and hospitality**

A formal record must be kept in a Gifts and Hospitality Register in the School or Professional Services unit of gifts and hospitality offered and/or provided where:

- a) any single gift or act of hospitality is offered to an individual, group or organisation (whether as private individuals or in an official capacity) with a value exceeding (or estimated to exceed) £50; or
- b) any series of gifts or hospitality not otherwise recorded is offered to the same individual, group or organisation and the cumulative total value exceeds (or is estimated to exceed) £100 in any rolling 12-month period.

A record of all required details must be submitted in advance of acceptance, and, in exceptional circumstances if not within 14 days of the provision concerned, in accordance with Appendix 2. Such records must be maintained by the relevant School or Professional Services unit in a complete, up-to-date, and accurate manner. On request by an interested party, the information may be published at the discretion of the University, requested for review by Internal Audit, or made available under the provisions of the Freedom of Information (Scotland) Act.

**12. Support**

Please contact [Finance.helpline@ed.ac.uk](mailto:Finance.helpline@ed.ac.uk) or 0131 651 5151 (option 1) for further information.

Please contact [Finance.helpline@ed.ac.uk](mailto:Finance.helpline@ed.ac.uk) if you require this Policy in an alternative format.

**13. Equality and diversity**

The Equality Impact Assessment has been completed and there are no equality and diversity impacts of this Policy.

**14. Useful Links**

[Finance Policies and procedures](#)

Financial Regulations

Anti-Bribery and Corruption Policy

Fraud and Misappropriation Policy

Code of Practice on Reporting Malpractice and Raising Concerns under the Public Interest Disclosure Legislation ('Whistleblowing')

Conflict of Interest Policy

The Procurement Code of Conduct

Policy on Disclosure of Intimate Relationships

Disciplinary Policy

**15. Approval and review**

The University's Risk Management Committee will monitor the effectiveness of this policy on an annual basis. Any potential improvements identified by the Committee will be actioned by production of an updated policy as appropriate and subsequent training where necessary. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

Date policy approved	tbc (plan 29 August 2019)
Final approval by	University Executive (& CJCNC)
Consultations held	Heads of HR; HR Policy Development Group; Project Bearing Steering Group; Finance Executive; Internal Audit
Date of commencement of policy	tbc (plan 1 October 2019)
Date for review of policy	tbc (plan 1 October 2021)
Policy owner	Director of Finance
Policy review by	Senior Financial Controls Accountant

## Version control

Version	Amendment made	Approval date	Approved by
1.0	First version	June 2009	
1.1	Minor updates in terminology	June 2017	
2.0	Review & update	tbc (October 2019)	University Executive

## **Appendix 1 Register: recording receipt of gifts and hospitality**

Paragraph [7] states that a formal record must be kept in a Gifts and Hospitality Register in the School or Professional Services unit of gifts and hospitality accepted by or offered to University staff.

The Register must include, as a minimum, the following details:

- a) description of gift, hospitality or other benefit accepted or offered;
- b) the reason(s) for the gift, hospitality or other benefit accepted or offered;
- c) name of the person and organisation offering the gift, hospitality or other benefit;
- d) name of University staff member who is offered the gift, hospitality or other benefit;
- e) date of offer
- f) estimated value of gift, hospitality or other benefit;
- g) gift, hospitality or other benefit accepted (Y/N);
- h) gift, hospitality or other benefit retained by the individual (Y/N);
- i) location of gift
- j) approval by
- k) date of approval

## **Appendix 2 Register: recording provision of gifts and hospitality**

Paragraph [11] states that a formal record must be kept in a Gifts and Hospitality Register in the School or Professional Services unit of gifts and hospitality offered and/or provided by University staff.

The Register must include, as a minimum, the following details:

- a) description of gift, hospitality or other benefit offered and/or accepted;
- b) the reason(s) for the gift, hospitality or other benefit offered;
- c) name of the University staff member offering the gift, hospitality or other benefit;
- d) name of the person and organisation who is offered the gift, hospitality or other benefit;
- e) date of offer
- f) estimated value of gift, hospitality or other benefit;
- g) gift, hospitality or other benefit accepted (Y/N);
- h) approval by
- i) date of approval