



**Law
Commission**
Reforming the law

Gifts and Hospitality Guidance Note

January 2012

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Table 1: Related Policies and Guidance

Central Government

The Civil Service Code

Sets out the framework within which all civil servants work, and the core values and standards they are expected to uphold.

The HMT Handbook: Regularity, Propriety and Value for Money

Includes a range of Case Studies (“Learning From Others’ Mistakes”) where public bodies have been openly criticised for various actions deemed inappropriate.

The Nolan Report

Sets out ‘Seven Principles of Public Life’ that civil servants must abide by.

MoJ

Issues relating to staff conduct and behaviour, including *Whistleblowing Policy and the Reward and Recognition Scheme*.

Note: Director-level approval for the purpose of this guide means Law Commission Chief Executive / Budget Holder.

1. SCOPE

What is covered?

This guidance covers any gift or hospitality offered to or by Law Commission staff which may be associated with activities in their official capacity as set out on the Gifts & Hospitality section of the MoJ Intranet except where additional internal instructions have needed to be provided.

Rules regarding conflicts of interest, where Law Commission staff have a personal involvement with outside organisations are covered by the MoJ Conduct Policy, accessible via the HRD Staff conduct and behaviour Intranet page.

Excluded from scope are rewards and prizes internal to the Commission e.g. within the Long Service Award and Reward and Recognition schemes.

Who is covered?

This policy is mandatory for all those working for the Law Commission. This includes all staff, consultants, contractors and agency staff. The Chairman and Commissioners have agreed to be bound by it.

The requirement to seek authorisation for gifts and hospitality arising from official activity and to record on the register applies equally where the beneficiary may be a relative or associate. Examples are where a gift is made or employment offered to a spouse, partner, relative, or friend or where a spouse / partner is included in an invitation to a function.

Definition of terms

Gifts include tickets to events; vouchers, rewards and prizes, and items loaned or bought at below their market value.

Hospitality includes the provision of meals and invitations to functions, and being accompanied to sporting, entertainment and other venues where the other party pays some or all of the costs of the MoJ attendees.

2. GUIDING PRINCIPLES

The principles governing the provision and acceptance of gifts and hospitality are set out in: the **Civil Service Code** and the HMT handbook **Regularity, Propriety and Value for Money**. The Code sets out the framework within which all civil servants work, and the core values and standards that are required to be upheld. This states that civil servants:

‘must not accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise personal judgement or integrity’.

A list of further related Government and MoJ Policies and Guides is set out in Table 1 at the beginning of this policy.

Staff often come into contact with outside organisations where it is normal business practice to offer hospitality, and sometimes gifts, to promote useful contacts and working relationships. However within the Civil Service, acceptance of money, gifts or other consideration, even when not seen as corrupt, can still represent a breach of discipline. Therefore always bear in mind that:

- conduct must not foster the suspicion of any conflict between official duty and private interest
- actions whilst acting in an official capacity must not give the impression (to any member of the public, organisation or colleague) that a gift or consideration may have had an influence in showing favour or disfavour, and
- gifts or hospitality must be refused if either the individual or the Commission is in any doubt about the propriety of accepting them.

Questions to consider when deciding on accepting gifts or hospitality should include:

- Could my actions be perceived by others as gaining an improper advantage?
- Could I satisfactorily defend my decision before the Law Commission Accounting Officer (the Permanent Secretary of MoJ)?
- Could I satisfactorily defend the decision in public or before Parliament?

3. ACCEPTANCE AND PROVISION OF GIFTS/HOSPITALITY

The general principle is that gifts and hospitality must only be provided / accepted in exceptional circumstances and which:

- are **appropriate to the circumstances**, for example offered in the course of a normal business meeting or by a delegation of an overseas government;
- are **modest and appropriate**, for example a token item such as a promotional pen or key-ring, or routine hospitality such as coffee and biscuits, or a light working lunch.

When deciding whether to accept gifts / hospitality, the context is important, and you need to consider whether:

- it is a regular occurrence? or
- the timing of the offer raises any potential issues of propriety?

Guiding criteria and examples

A list of examples of Gifts and Hospitality that would normally be considered acceptable and unacceptable is set out below. This is a broad guide only as each case needs to be considered on its merits, bearing in mind the nature of the relationship with the other party and the value of the item.

Table 2: Acceptable and Unacceptable Gifts and Hospitality		
	Acceptable	Unacceptable
Gifts	Isolated, trivial and inexpensive e.g. <ul style="list-style-type: none"> • Pocket diary • Calendar or other stationery • Calculators • Key ring • Paperweight • Decorative item (plate / box) • Box of chocolates • Flowers • Bottle of wine (see paragraph 'Provision of Alcohol') 	All other gifts e.g. <ul style="list-style-type: none"> • Gift vouchers (other than through Departmental Reward and Recognition schemes) • Membership / subscription to an organisation such as sports or other clubs • Tickets to sporting or social / leisure events • Holidays (UK or abroad) or holiday travel • Goods or services at trade/discount prices
	Acceptable	Unacceptable
Hospitality	Catering service refreshments (tea/coffee) at meetings with those coming from outside the Commission.	Catering service refreshments/lunch at internal Law Commission meetings
	Catering service lunch/other meal for guests to Commission - but only with Director-level approval	Payment to Commission staff by an outside body of hotel expenses or other subsistence
	Law Commission funded drinks/drinks reception to guests to the Commission - but only with Director-level approval	Payment to Commission staff of travelling expenses by an outside body.
	Attendance at one-off / annual dinner or modest social function of an organisation, association or body with which the Law Commission is in regular contact – but only with Director-level approval	Attendance at frequent or extravagant social functions, (particularly invitations from the same source).

For staff attending pre-paid functions such as conferences and receptions, there is normally no additional cost. Where a bill is presented and it deemed appropriate that it should be paid, however, costs may be met by the:

- Government Procurement Card (GPC) or Travel and Subsistence (T&S) claim. These would require full disclosure on the Register. Always consider if such expenditure could be perceived negatively by the public and media, as public money subsidising hospitality for officials
- Individual - Such instances would need to be recorded on the register as 'declined'.

Provision of alcohol

When providing in-house hospitality (e.g. conferences and away days) for Law Commission/MoJ people, no alcohol is to be paid for from Law Commission funds. When providing hospitality to external parties, then discretion can be exercised, e.g. a modest amount of wine with a meal.

Catering for meetings with those visiting the Law Commission

The Chief Executive / Budget Holder has delegated authority to Band A staff to allow online MoJ catering requests as follows - though only staff who hold a Statement of Financial Authority can commit expenditure. If you are unsure please speak to the Law Commission Finance & IT Officer.

- Access the Facilities Online Request Form (MOJ intranet\A-Z\F\Facilities Online Order Form (London HQ)\Catering\
- Enter your computer ID username and continue
- Select/enter your correct details
- Under building select **Steel House**
- Under category select **Catering**
- Under sub-category select **Hospitality**
- Our business entity is **ME110**
- When all cells are completed on that page click continue.
- Complete your order (remember to take a note of the cost)
- Once you have completed the order click on submit and you will then receive a catering order number (keep a note of this)
- Once the event has taken place if a) food items (excluding biscuits or cakes served with refreshments) were ordered or b) the order value was £50 or above you must complete a 'gift and hospitality' form (located on our Intranet under Finance\Gifts and Hospitality) to include the catering order number and the cost and send it to the Law Commission Finance & IT Officer.

Alternatively, facilities exist for DIY catering (teas/coffees) for small meetings with people external to the Law Commission. Please speak to Alison Meager. These facilities are not available to staff for internal meetings, which must be catered privately. A 'gift and hospitality' form does not require completion in this instance.

4. AUTHORISATION

Authorisation when considering the provision, acceptance (or declining) of gifts or hospitality is:

- mandatory for non Senior Civil Service (SCS) Grades in all circumstances.
- not mandatory for Senior Civil Service (SCS) Grades.

The SCS, with their seniority, general levels of delegated authority and ability to 'influence' are more likely be offered gifts or hospitality. When accepting gifts / hospitality, there is therefore an onus on SCS to consider reputation risk and ensure that they act as an exemplar to others in recording all offers and the reason for acceptance/refusal. It is also the responsibility of SCS to ensure that their staff adheres to this Policy.

SCS must still provide the necessary degree of assurance to the (Principal) Accounting Officer through the Statement on Internal Control, and should exercise discretion in informing, (or

seeking approval of), a senior manager where further clarification/assurances may be considered necessary.

Authorising Officers

The role of Authorising Officer at the Law Commission is the Chief Executive / Budget Holder.

Where prior authorisation is not possible / practical

In certain circumstances it may be necessary to make an immediate decision regarding an offer of a gift or hospitality, and prior authorisation may not be possible, (e.g. in order to avoid offence to a visiting overseas delegation). On such occasions the circumstances and reasons for the action taken should be reported at the first opportunity to the respective Authorising Officer.

5. RECORDING

The Law Commission is required to hold a Gifts and Hospitality Register to ensure instances of offers made and received, (whether accepted or declined), are recorded. Those instances of a wholly routine or trivial nature do not need to be recorded. The template is at Annex A.

As an aid to transparency, it is important to cross-reference any supporting documentation to the register. The use of a standard format, is designed to ensure consistency of information in the event of a Parliamentary Question, Freedom of Information request, and will ease any further analysis required across MoJ Business Groups.

The Law Commission Finance & IT Officer manages our Register and submits quarterly returns to MoJ.

Where the offered gift or hospitality is to be declined, you should write to the donor citing the reason. You should then:

- confirm it in writing to the Chief Executive
- complete a gift and hospitality form (located on our Intranet under Finance) and send it to the Law Commission Finance & IT Officer along with any supporting documentation (so that they can make an entry in our Register).

Anyone accepting a gift or hospitality other than of a notional value must:

- complete a gift and hospitality form (located on our Intranet under Finance) and send it to the Law Commission Finance & IT Officer along with any supporting documentation (so that they can make an entry in our Register).

Record keeping and retention

In order to establish a robust audit trail that supports accountability and the Statement on Internal Control, records must be maintained. Electronic copies of the register, and any supporting documentation, must be retained securely for a period of three years. Where there is any related retention period (e.g. contract records), then that of the greatest period should be applied.

6. REPORTING, MONITORING AND REVIEW

In order to provide the necessary level of assurance that this policy is being complied with, Registers must be regularly reported, monitored and reviewed. The Law Commission Finance & IT Officer receives all completed Gift & Hospitality forms and manages our Register and the Head of Corporate Services ensures that it is subject to the necessary compliance control. As a minimum standard reviews must be:

- completed biannually;
- conducted by an Officer at an appropriate level of seniority to ensure effective challenge.

The Register is available for inspection. Assurance on the overall compliance with the Departmental Policy will be supported through periodical checks by MoJ Internal Audit.

7. PROCEDURAL FLOWCHARTS

The Procedures set out in this policy document for the Acceptance, Approval, Recording, Reporting and Review, are detailed in the Procedural Flow Charts at Annex **B1 and 2**.

8. FURTHER GUIDANCE

If you have any questions about gifts or hospitality please speak to:

- Elaine Lorimer(Chief Executive / Budget Holder) – ext. 0250
- Donna Greene (Head of Corporate Services) - ext. 0251
- Jacqueline Griffiths (Finance & IT Officer) - ext. 0253

Annex A

Register of Gifts & Hospitality (Provided by & Offered to MoJ Officials).

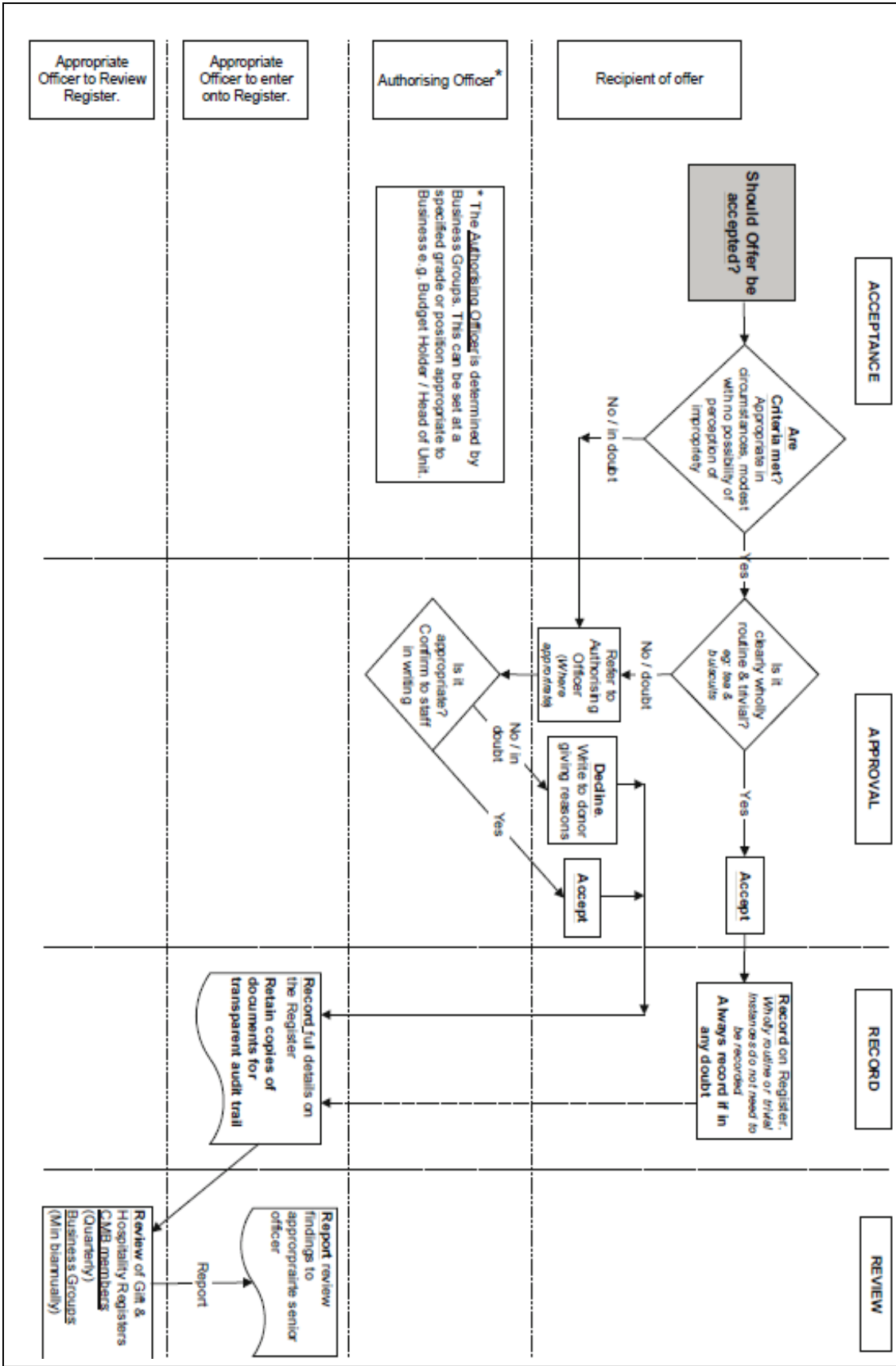
Business Area

Business Entity Code

Annex A

Gift / Hospitality		Details						Approval							
Reference	Date of Offer	Offered (a) To MoJ (b) By MoJ	Name & Position MoJ	SCS (Y/N)	Name of Individual and Organisation	HM Govt (Y/N)	Diplomatic Function: (Y/N)	(A) Accepted or (D) Declined	Description	Venue	Value (unless to be paid)	Date attended	Approved By: (Name, grade/ position)	Reasons for Offer, Acceptance or Decline	Date
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Annex B1 Procedural Flowchart: Gifts and Hospitality – Offered to Department



Annex B2 Procedural Flowchart: Gifts and Hospitality – Offered by Department

