

Enterprise Cheshire + Warrington

Gifts and Hospitality Policy

Reference: CWLEP006
Version: 4
Revised: March 2025
Review Date: March 2026

Introduction

The guiding theme is that it is never Enterprise Cheshire and Warrington's (ECW's) intention to create an obligation on either party as a result of hospitality, but that such occasions will be used to enhance our professional working relationships.

Recommendation 32 of the Nolan Committee requires that:

"...a record of invitations and offers of hospitality should be kept. There should be clear rules specifying the circumstances in which staff should seek management advice about the advisability of accepting invitations and offers of hospitality".

This requirement applies to ECW, and the Chief Executive should therefore ensure that:

- Staff maintain the hospitality register
- The register can provide the basis for the provision of information to Partners
- Staff are fully aware of the duty upon them to record gifts and hospitality, and the procedures for doing so.

It must be emphasised that the intent of this policy is not to discourage or prevent the acceptance of hospitality where this is helpful to further the interests of ECW: the Nolan Committee accepted that there were advantages in officials continuing to be free to accept invitations to working lunches and dinners for those with a representational role to attend other events.

Nor is it intended to imply a lack of trustworthiness' on the part of staff, but rather it is intended to demonstrate probity and protect staff and members of the Board from any suspicion (no matter how unfounded) of misconduct.

Scope

This procedure applies to all ECW staff and aims not just to safeguard the position of the company by demonstrating its freedom from corruption, but also give protection to staff against personal embarrassment and criticism (however misplaced) and enable them to prove their freedom from corruption.

Definitions

Staff

ECW Board Members, Directors and Employees.

Policy

The acceptance of any hospitality and/or gifts must be consistent with:

- The provisions of the Prevention of Corruption Acts, which make it a criminal offence for staff in their official capacity, to accept any gift or consideration corruptly as an inducement or reward for doing (or not doing) anything or showing favour (or disfavour) to any person in their official capacity.

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- The general principle that staff should not receive benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity.

The guiding principles are that:

- Staffs conduct in a private capacity must not give rise to any suspicion of conflict between their official duty and private interests
- Staff's conduct in an official capacity must not give the impression, to any member of the public, to any organisation with which they deal, or to colleagues, that they have been (or may have been) influenced by a gift or consideration to show favour or disfavour to any person or organisation
- Any gifts or hospitality should always be refused if the member of staff or the company is in any doubts about the propriety of accepting

The Register

The Chief Executive will maintain the register. This will include:

- Satisfying himself/herself that the register is being properly maintained
- Reviewing the entries with a view to checking, to the best of his/her knowledge, that it is complete, and that the rules are being observed
- Reporting to the Board
- Keeping a record of the carrying out and date of these checks

Reporting on the Chief Executives Own Acceptance of Gifts and Hospitality

The Chief Executive should report his own log entries, together with a confirmation that logs are being maintained and checked to the Board on an annual basis.

Reporting on Board Members Acceptance of Gifts and Hospitality

Board Members should also report their own log entries and are required to abide fully by this policy. The Gifts and Hospitality register for Board Members will be published annually.

Coverage

Staff with a significant representational role may accept tickets to sporting, cultural or social events, unless there is a contractual (or potential contractual) relationship with the donor and assuming attendance is appropriate.

Acceptance will generally only be appropriate in isolated instances. Accepting frequent, regular, annual or seasonal invitations (particularly from the same source) would normally go beyond the accepted standards of conduct. Where such tickets are accepted, they must be logged in the register.

The key test is whether attendance is consistent with the general rules on acceptance of gifts and hospitality and is in the interest of the company and will it further its objectives- and normally this will mean that there will be an opportunity to discuss official business. This must be clearly demonstrable, since the fact that tickets could not become the property of the company in the way that another gift would, may make them look like a personal gift and thus more open to public criticism.

Any favours, benefits or considerations which are not gifts or hospitality e.g. special discounts, access to services and/or facilities, free membership of clubs or other privileges not available to others, offered by a firm or organisation with which a member of staff is in official contact should be refused with, if necessary, a polite letter explaining the companies rules. Any such offer should be reported to the member of staff's Line Manager.

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Failure to Comply

Failure to observe these requirements could constitute a disciplinary offence and could, in the event of allegations of fraud and/or corruption, leave the individual involved open to criminal proceedings under the Prevention of Corruption Acts.

Gifts

All members of staff should:

- Not solicit any gift
- Decline any personal gift
- Decline or return any official gift unless it is trivial e.g., items such as calendars, diaries, blotters, or other simple pieces of office equipment of modest value, and then only if it bears the company's name or logo and can thus be regarded as advertising material or refusing would cause serious embarrassment.

When gifts are received in the office and have to be returned, they should be sent back to the donor with a polite covering letter explaining the company's rules and policy.

- Accept only in cases where a refusal would clearly cause misunderstanding or offence. When accepted, such gifts become the property of the organisation
- Make it clear to the donor of any such gift that it has been accepted on behalf of the company, and thus that the recipient is gaining no personal benefit
- List in the gifts and hospitality register any gift accepted which is valued at over £20
- NEVER accept gifts of money
- Report immediately to the Chief Executive any overt or covert offer of a gift or other inducement to some action pertaining to a contract.

Hospitality

All members of staff should:

- Not solicit any hospitality
- Consider carefully whether it is appropriate to accept any invitation, taking into account:
 - The value: firstly, whether it is sufficiently great in itself to give rise to criticism- the yardstick is the perceived value, rather than the actual cost to the provider. But secondly whether the offer, whatever the value, is disproportionately generous in relation to normal day-to-day relations with the individual or organisation involved
 - The frequency: whether it is more frequent or regular than would be regarded as normal or reasonable, taking into account the nature of the event
 - The potential for embarrassment: whether the organisation or individual is under any investigation or whether (even if the member of staff involved is not concerned in financial, contractual or regulatory matters), the acceptance of the invitation would still be open to misconstruction or misrepresentation
 - The nature of the host's relationship with the company: contacts which are promotional, representational and/or relate to information gathering are less likely to create (or appear to create) an obligation than those which are regulatory or could lead to a contractual relationship. Particular care is needed where the individual or organisation stands to benefit commercially or in other ways from the goodwill of the company.

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- Consult management about any hospitality that is disproportionate, frequently repeated or otherwise unusual.
- Treat with special caution any offers of hospitality which include a member of staff's family
- Have regard to the need to avoid over-representation at any particular event
- Register all instances accepted other than the trivial
- Report immediately to the Chief Executive any (overt or covert) offer of hospitality or other inducement to some action pertaining to a contract.

Responsibility

It is the responsibility of all staff to implement and comply with this policy and the responsibility of the Chief Executive to maintain the Register.