

# Gifts and Hospitality Policy

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## 1.0 SCOPE

### Purpose

- 1.1. This Policy aims to protect the reputation of whg and individuals by defining whg's expectations around accepting and giving gifts and hospitality. It applies to all colleagues, Board and Committee Members.

### Legal and regulatory framework

- 1.2. The RSH's Regulatory Standards and the NHF's Code of Governance require accountability and openness in order to protect the reputation of the organisation and the sector as a whole.
- 1.3. The RSH's Governance and Financial Viability Standard requires Registered Providers (RPs) to adhere to all relevant law and comply with their governing documents and all regulatory requirements. It also stipulates that the interests of the taxpayer and the reputation of the sector are protected. Additionally RPs must have effective risk management and internal controls in place. This is also required under the NHF Code of Governance.
- 1.4. It is explained in the Charity Commission's guidance document, 'Public Benefit: The Public Benefit Requirement', that a 'personal benefit' means a benefit that someone receives from a charity. That 'someone' might be an individual or an organisation. Personal benefit is 'incidental' where it is a necessary result or by-product of carrying out the purpose. This is relevant to the section in the Policy that refers to offering gifts and hospitality.
- 1.5. In some circumstances offering or accepting a gift or hospitality could constitute an act of bribery. The Bribery Act 2010 makes it an offence for a company or individuals to accept or offer a bribe. This is explained in whg's Anti-Bribery Policy.

## 2.0 POLICY STATEMENT

- 2.1. The Policy is linked to whg's Corporate values, in particular 'accountable' and 'trustworthy'.
- 2.2. Colleagues and Board and Committee Members must never accept or offer any gifts and/or hospitality which might, or reasonably appear to, compromise

their personal judgment or integrity or place them under an improper obligation.

- 2.3. It is not uncommon for gifts or hospitality to be offered, and dealing with this can be a sensitive issue. Individuals should make a reasonable judgement about whether or not to accept gifts and/or hospitality based on the guiding principles below.
- 2.4. No gifts and/or hospitality can be accepted if they are likely to affect whg's impartiality, create a potential conflict of interest or be thought to imply an obligation to the person or organisation offering it.

### **Guiding Principles**

- 2.5. Colleagues and Board and Committee Members are responsible for their decisions on the acceptance of gifts and/or hospitality and for ensuring that any gifts or hospitality accepted can stand up to scrutiny and do not bring whg into disrepute.
- 2.6. Colleagues and Board and Committee Members should adhere to the following principles:
  - Gifts and or hospitality should generally not be accepted and should be politely declined;
  - Gifts and/or hospitality should never be canvassed;
  - If it will cause offence or returning it is impossible given the nature of the gift (e.g. flowers and other perishable goods), it can be accepted if it has only a modest value. Any gifts accepted must be handed over to the Governance Team so that they can be raffled. The exception to this is where the gift is perishable, in which case if possible it should be shared with colleagues. All gifts accepted must be recorded in the Gifts and Hospitality Register;
  - Any gift with an estimated value of £25 or more, or hospitality that is likely to exceed £100, must not be accepted without the express approval of the Corporate Director of Governance and Compliance. Colleagues must seek their manager's approval before accepting hospitality that exceeds £50 but is less than £100. In exceptional circumstances, if seeking prior approval is not possible, colleagues must obtain retrospective approval as soon as practically possible. Board and Committee Members should refer to the whg Chair or the Corporate Director of Governance and Compliance;
  - No gifts and/or hospitality of an extravagant nature can be accepted, for example concessionary rates, paid holidays, free travel, hotel accommodation, social events e.g. a day at the races unless there is a clear business case justifying attendance of a social event;
  - Working lunches, which could include drinks/meals at conferences offered to colleagues by companies that whg does business with, will be deemed routine hospitality. As a guideline, costs per head should not

exceed £50 and there must be an obvious business benefit or it would put whg at a commercial disadvantage to refuse;

- In no circumstance should monetary gifts (including gift vouchers) ever be accepted;
- Gifts of a promotional nature, e.g calendars and stationery, can be accepted;
- Gifts or hospitality of any level from a firm in the process of bidding or tendering for work, or about to do so, with whg would be unacceptable and must not be accepted;
- Invitations accepted on a personal basis in personal time should still be accepted or declined in accordance with the rules set out above;
- Any gifts and/or hospitality accepted or declined must be declared and recorded in the Gifts and Hospitality Register, kept by the Corporate Director of Governance and Compliance;
- Failure to comply with this Policy may result in disciplinary action being taken against the individual(s) involved;
- Any gifts or hospitality offered to Board or Committee Members that has not been declared, must be done so at the next Board or Committee meeting attended, under the relevant item on gifts and hospitality.

- 2.7. When a gift or hospitality is being declined, individuals should be courteous but draw whg's Policy to the attention of the person making the offer.

### **Gifts from Customers**

- 2.8. Gifts of money (including gift vouchers) from customers should not be accepted. Other small gifts with a value of less than £10 may be accepted where refusal would cause offence. Wherever possible, such gifts should be shared with colleagues but must still be declared on the Gifts and Hospitality Register.
- 2.9. Offers of gifts/legacies under the wills of deceased residents must always be declared and refused.

### **Offering gifts and hospitality**

- 2.10. As a general rule, there should be no need to offer any gifts other than small promotional gifts, e.g branded stationery, to any person or organisation.
- 2.11. There will be times when it will be appropriate for whg to extend hospitality. It is important to ensure that whg practice is consistent with the rest of this Policy and standards of probity (strong moral principles, honesty and decency) are maintained.
- 2.12. Hospitality should not be offered if it could be interpreted as an attempt to exert improper influence over others. When hospitality is offered, the colleague, Board or Committee Member concerned should be able to justify that the

arrangements made are:

- In the interests of whg as a whole;
  - Clearly linked with the business;
  - Consistent with whg objectives; and
  - Within budgetary limits.
- 2.13. Hospitality of an extravagant nature is highly inappropriate and must never be offered.
- 2.14. Working lunches, which could include drinks/meals at conferences offered to representatives of organisations with which whg does business will be deemed routine hospitality. As a guideline, costs per head should not exceed £50.
- 2.15. When extending hospitality of any nature, colleagues are reminded of the requirement to record this in the Gifts and Hospitality Register.
- 2.16. Colleagues should obtain authorisation from their manager, director, the Head of Governance and Risk or the Corporate Director of Governance and Compliance before any hospitality is offered.
- 2.17. It is acceptable for routine hospitality offered by Corporate Directors to be reported to the Group Chief Executive after the event.
- 2.18. When considering more generous hospitality, either of a promotional or strategic nature, control over the guest list and decisions over the level of colleague attendance will be the responsibility of the relevant Director. The Chair will approve promotional or strategic hospitality offered by the Group Chief Executive.

### **Social Value in Contracts**

- 2.19. whg has a Social Value in Procurement Policy. The Policy allows for whg's contractors or suppliers to add social value to the services they provide to whg. This includes improving residents' prospects, developing flourishing communities, building capacity and promoting environmental sustainability.
- 2.20. Gifts and/or hospitality that demonstrate the social value element of a contract can be accepted, but details should be recorded. Anything outside contractual arrangements must not be accepted if offered or canvassed.
- 2.21. Where a contractor or supplier wishes to support whg's chosen charity, cash donations or cheques made out to whg must not be accepted. Cheques made out to the chosen charity are acceptable.

### **Bribes and inducements**

- 2.22. Any offer of a bribe or an inducement should be reported immediately to the Corporate Director of Governance and Compliance, who is also the Fraud Prevention Officer. It must also be reported to the Group Chief Executive, who will draw it to the attention of the whg Chair. Any individual or company offering a bribe or inducement shall be debarred from any transactions or employment with whg and the matter will be considered as a reason for contract termination.
- 2.23. Any colleague who accepts or offers a bribe or inducement shall be subject to disciplinary procedures and the matter will be considered as gross misconduct.
- 2.24. Steps will be taken to remove any Board or Committee Member who accepts a bribe on the basis that such behaviour is damaging to the reputation and interests of whg. This will be done by a resolution of the Board or Committee in line with the relevant governing instrument.

### **Maintaining proper records**

- 2.25. All offers and receipt of gifts and hospitality, including significant gifts or hospitality which have been refused must be recorded. An electronic register will be held by the Corporate Director of Governance and Compliance.
- 2.26. Colleagues, Board and Committee Members must complete an annual declaration of interest return whether or not they have any conflicts of interest to declare. The return should be updated immediately if there are any changes. Returns must be sent to the Governance Team. The annual return includes a section requesting the declaration of any gifts and/or hospitality which have not already been declared during the preceding year.
- 2.27. The Corporate Director of Governance and Compliance will review the entries in the registers, and raise any issues with the Group Chief Executive or whg Chair. Where a common question or area of confusion arises, the Corporate Director of Governance and Compliance will issue guidance.

## **3.0 PERFORMANCE MEASURES**

- 3.1 Managers are responsible for ensuring that all colleagues:
- Complete the annual declarations of interest return; and
  - Declare any gifts and/or hospitality offered or received.

## **4.0 MONITOR AND REVIEW**

- 4.1. This Policy will be monitored by the Corporate Director of Governance and Compliance and reviewed every three years by the Policy Group.
- 4.2. Declarations of Gifts and Hospitality will be monitored by the Corporate

Director of Governance and Compliance.

- 4.3. Declarations of Interest and Gifts and Hospitality will be a standing item on every Board/Committee agenda.
- 4.4. The Gifts and Hospitality Register will be presented for inspection and signature by the Audit and Assurance Committee on an annual basis.

## **5.0 ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES**

- 5.1. Documents, policies and procedures associated with this policy are:
  - Bribery Act 2010
  - Bribery Act 2010 Guidance
  - RSH Governance and Financial Viability Standard
  - Homes England Hospitality and Gifts Guidance
  - NHF Code of Governance: Promoting Board Excellence for Housing Associations 2015
  - Charity Commission Guidance Public Benefit; the public benefit requirement (PB1)
  - Colleague Code of Conduct
  - Board and Committee Member Code of Conduct
  - Anti-Bribery Policy
  - Social Value in Procurement Policy

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<b>Legal advice</b>	Richard Dewsbery confirmed the references to the legislation are correct.
<b>Consultation</b>	N/A
<b>Approved by</b>	Policy Group May 2019
<b>Review Date</b>	November 2022
<b>Corporate Plan aim</b>	Deliver a strong business, fit for today and prepared for tomorrow
<b>Equality analysis</b>	Hyacinth Austin confirmed that it was not necessary to carry out an equality impact assessment
<b>Key changes made</b>	<ul style="list-style-type: none"> <li>• Legal and regulatory framework section and guiding principles re-worded</li> <li>• Social Value in Contracts section added</li> <li>• Performance measures, monitor and review section re-worded.</li> <li>• Documents, policies and procedures associated with this policy updated</li> </ul>