

# EXPECT GROUP OF COMPANIES

## Acceptance of Gifts by Staff, Bribes and Witnessing of Legal Documents

### Scope

This policy is intended to set out the values, principles and policies underpinning Expect's approach to the giving of gifts to staff by Service Users or their relatives. It also aims to set out the organisation's policy on bribery, hospitality and legacies.

### Related Documents

GSCC Code of Conduct

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Signed: Chief Executive Officer

**EXPECT GROUP OF COMPANIES**  
**THE ACCEPTANCE OF GIFTS BY STAFF, BRIBES AND**  
**STAFF WITNESSING LEGAL DOCUMENTS**

**1. POLICY - STATEMENT**

Expect acknowledges that Service Users within our care may place members of staff in an awkward position by asking them to accept money or gifts or to assist them in the preparation of wills, deeds of gifts, or any other document with the purpose to pass property: also the Service Users may bequeath to employees gifts which could subsequently be disputed by the Service User's relatives or beneficiaries. This could cause embarrassment to both to the member of staff concerned and to the organisation.

**2. AIM**

- Service Users are protected from fraud and staff are not put in a position that could adversely affect them.

**3. STANDARDS OF EXCELLENCE**

- Service Users have a right to expect that the organisation will be run on an honest and sound financial basis.
- There are robust procedures for dealing with and protecting the financial interests of Service Users.
- No employee of Expect or persons acting on Expect's behalf accept: gifts, hospitality, bribes or benefits of any kind which might be perceived as compromising their personal judgement or personal integrity.
- All procurement decisions and negotiations of contracts are based solely on achieving the best value for money for Expect as a charity.

## 4. LEGISLATION

4.1 Expect upholds the principles of the Bribery Act 2010

## 5. DEFINITIONS

5.1 The following terms are used in this document:

- **Hospitality:** includes, for example, offers of food, refreshments, transport, accommodation and the use of facilities, equipment or services.
- **Legacies:** property or items bequeathed (left) to individuals in a persons last will and testament.
- **Gifts:** includes, for example, offers of cash or cash equivalents (e.g. gift vouchers, lottery tickets, or trade cards) and non cash gifts e.g. pens, diaries, wine and spirits, hampers, electrical goods by suppliers, contractors, Service Users or their relatives.
- **Bribery:** dictionary definition of “to bribe” - “to dishonestly persuade (someone) to act in one’s favour by paying them or giving other inducement”.

## 6. HOSPITALITY

6.1 Hospitality received by Expect, its employees or others acting on its behalf:

- The organisation or individual receiving the hospitality should never put themselves in a position where there could be any suspicion that their business decisions could have been influenced by accepting hospitality from others.
- Acceptable hospitality is viewed as simple, low cost hospitality of a conventional type, for example, a working lunch or evening meal compared with more expensive and elaborate hospitality.
- Modest hospitality is an accepted courtesy of a business relationship. In general, the frequency and/or scale of any hospitality accepted should not be significantly greater than what Expect Ltd would normally provide for others in similar circumstances.

- The acceptance of frequent, regular or annual invitations to events or functions, particularly from the same source and where a considerable degree of hospitality is involved, should be refused. However, there may be instances where staff receive invitations to events run by voluntary organisations such as annual conferences or dinners. Attendance at such events is considered an integral element in building and maintaining relationships with these sectors and any hospitality received is likely to be reasonable and proportionate, and therefore acceptable.
- The offer and/or acceptance of hospitality which goes beyond simple low cost or conventional type refreshments provided at meetings should be recorded and the staff members line manager informed.
- Staff must be aware of and guard against, the dangers of misrepresentation or perception of favouritism. It is easier to justify meetings which relate directly to work, but where these happen outside working hours and on purely social occasions then they need to be justified as not being a personal gift or benefit.
- Where a contract is being negotiated, hospitality of any kind, including attendance of staff at seasonal events hosted by suppliers or contractors, should not be accepted.

## 6.2 Hospitality offered by Expect Ltd to others:

- In circumstances where hospitality is provided to other persons or organisations, the use of Expect's funds for hospitality should be carefully considered. All expenditure on these items should be capable of justification to both internal and external auditors as reasonable. Any hospitality provided must be recorded.

## 7. GIFTS AND LEGACIES

7.1 It is not uncommon for Service Users who have developed sometimes long and close relationships to individual staff to offer gifts or gratuities or to seek to include a member of staff in their will. However, such activities can lead to accusations of coercion, exploitation and fraud. It is vitally important for staff at all times, to uphold the highest standards and always act in an honest manner

with the best interests of Service Users in mind, therefore, Expect's staff including bank, must:

- a) not accept personal gifts and never, under any circumstances, accept valuables belonging to a Service User or monetary gifts.
- b) never become involved with the making of Service Users' wills or with soliciting any form of bequest or legacy from a Service User.
- c) never agree to act as a witness or executor of a Service User's will nor become involved in any way with any other legal document - if a Service User does need help with making a will or requests help from staff then the Service User should be referred to an impartial or independent source of legal advice, such as the local citizens advice bureau or local law society which will hold lists of local solicitors.

**7.2 Accepting a gift, or attempting to solicit money or items through a Service User's will or legacy:** will be considered a disciplinary offence. Staff must consult with their line manager if they are unsure about complying with any of the above points.

**7.3 Offers of cash or cash equivalents:** made by suppliers, contractors, Service Users or their relatives to employees or individuals acting on behalf of Expect Ltd should be declined. Instead, the supplier, contractor, Service User or relative should be made aware that they can make a donation to Expect and specify its intended use. This will be classed as a donation for either general or specific purposes depending on the wishes of the benefactor. The money will be recorded as a donation in Expects account and a receipt will be provided.

**7.4 Non cash gifts or gifts of a small or inexpensive nature:** such as calendars, pens or diaries or other simple or inexpensive items such as flowers and chocolates can be accepted. This type of gift can be easily distinguishable from more expensive or substantial items which cannot on any account be accepted. If there is any doubt as to whether the acceptance of such an item is appropriate, the matter should be referred to the relevant the Departmental Head.

**7.5 Exceptional cases:** It is recognised that there are exceptional cases where refusal of a gift will clearly offend a donor, cause embarrassment or appear discourteous. In these cases the donor should be advised that the permission

of management will have to be sought as to whether or not the gift can be accepted. The relevant Head of Service should be asked to decide whether to:

- Allow the recipient to accept the gift; or
- Return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
- Use or dispose of it, if possible, in or by Expect Ltd.

## **8. BRIBERY**

8.1 It is an offence for a person to request, agree to receive or accept (either directly or through any other party) a financial or other advantage in connection with the improper performance of a relevant function, irrespective of whether the recipient of the bribe is the same as the person who is to perform, or has performed, the relevant function, i.e. you will still be guilty if you coerce or manipulate others into acting improperly.

8.2 A company or partnership, incorporated or operating in the UK, may be guilty of bribery if a person associated with that organisation takes the offending action. A person performing any services for an organisation (for example, as employee or agent) may be associated with that organisation.

8.3 Any member of staff suspected of any activity outlined in 8.1 above will be investigated under HR011 Disciplinary Procedure and, where appropriate, may be subject to, (after Police investigation), prosecution in accordance with the Bribery Act 2010.

8.4 All members of staff have a responsibility to report any instances of bribery, or suspected bribery, as outlined in 8.1, to their line manager.

**NOTE:** On summary conviction, the penalties for these offences include a fine of up to £5,000 and (in the case of individuals) imprisonment for up to 12 months. On conviction on indictment, these penalties increase to an unlimited fine and (in the case of individuals) imprisonment for up to 10 years.