



# Bribery Prevention, Hospitality and Gifts Policy

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## **1. Introduction**

- 1.1 From time to time, staff of Colchester Borough Homes will be offered gifts or hospitality by residents or service providers. Similarly, a member of staff may wish on behalf of Colchester Borough Homes to offer gifts or hospitality to residents or service providers. A gift is given without expectation of receiving anything in return and may include hospitality or services.
- 1.2 This Policy is to provide practical help with how staff are expected to treat hospitality and gifts and prevent bribery.
- 1.3 The Policy defines standards and guidelines in relation to adherence to the anti-bribery measures and standards that should apply to the acceptance and provision of gifts and hospitality. In particular, the Policy is designed to comply with The Bribery Act 2010.

## **2. Scope and Aim**

- 2.1 This Policy applies to all staff of Colchester Borough Homes irrespective of the type or term of their contract.
- 2.2 The Policy aims to ensure that ethical business practices are followed in relation to gifts and hospitality and that all staff are aware of this Policy.

## **3. Definitions of terms used in this Policy**

- 3.1 "Advantages" means Gifts and Hospitality, as defined above and when collectively referred to.
- 3.2 "Bribery" is defined under the Bribery Act 2010, as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.
- 3.3 "Gift" means any payment, gratuity, gratification, present or advantage, pecuniary or not, offered, promised, given or received, without any direct or indirect material or immaterial compensation.
- 3.4 "Hospitality" means all forms of social amenity, entertainment, travel or lodging, or an invitation to a sporting or cultural event.
- 3.5 "Service Providers" are agents, suppliers, joint venture partners and companies with whom we have entered an agreement or do business.

## **4. Anti-Bribery Statement**

- 4.1 Colchester Borough Homes recognises that any involvement in bribery is illegal and will reflect adversely on its image and reputation.
- 4.2 Colchester Borough Homes prohibits the offering, giving, soliciting or the acceptance of any bribe in whatever form to or from any person or company, public or private by any Board Member, member of staff, contractor, consultant, agent and any non-employee service provider engaged on Colchester Borough Homes business for whatever reason.
- 4.3 The prevention, detection and reporting of bribery is the responsibility of all staff of Colchester Borough Homes. Staff must not accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise their personal judgement or integrity.

## **5. Dealing with Residents, Contractors, Agents and Business Partners**

5.1 The Bribery Act 2010 highlights a specific type of bribery that could lead to prosecution of Colchester Borough Homes:

- *the liability to prosecution if a person associated with it bribes another person....., where an associated person is one who performs services on or behalf of the organisation.*

5.2 This means that Colchester borough Homes needs to take care to ensure that any contractors, agents or business partners acting on its behalf comply with the Act.

5.3 It is therefore essential that contractors and agents acting on Colchester Borough Homes behalf are made aware of this Policy, through Colchester Borough Homes procurement processes for contracts to ensure that they are not acting in a way that would compromise the company.

## **6. Giving Gifts and Hospitality**

6.1 Staff may not, directly or through others, offer or give any, money, gift, hospitality or other thing of value to an employee or representative of any supplier, customer or any other organisation, if doing so could influence or reasonably give the appearance of influencing the organisation's relationship with Colchester Borough Homes.

6.2 Staff may:

- give gifts of a nominal value (such as CBH advertising novelties);
- with management approval, provide meals and other entertainment at Colchester Borough Homes offices or at venues outside Colchester Borough Homes, provided that the expenses are kept at a reasonable level. For the avoidance of doubt, the per capita cost of a meal should not exceed £20 and would normally be much less.

## **7. Receiving Gifts and Hospitality**

7.1 A member of staff should not, directly or through others, solicit or accept money, gifts, hospitality or anything else that could influence or reasonably give the appearance of influencing the relationship with that organisation or individual.

7.2 Staff members may accept invitations to events provided the hospitality is not provided by a third party during a bidding process or when Colchester Borough Homes is negotiating an agreement with such third party.

7.3 Gifts or hospitality may not be accepted, irrespective of value, which might influence or be seen to influence such situations as the award of business (contract) or the use of Colchester Borough Homes Intellectual Property or other assets, or to benefit personally or for the benefit of any person connected to that person.

7.4 Unless you have been informed otherwise you may accept:

- a gift of nominal value, such as an advertising novelty, when it is customarily offered to others having a similar relationship with that individual or organisation. Gifts with a value in excess of £10.00 should be turned down or returned to the donor, and the Head of Service or CEO informed.
- customary meals or entertainment provided that the expenses are kept at a reasonable level (up to £30.00 per spend)

7.5 For the avoidance of doubt:

- gifts with a value of more than £10 and hospitality expected to cost in excess of £30 should be authorised by your Head of Service;
- There is no need to record minor refreshments or sandwich lunches or an invitation by a service provider where invitation is extended to all of the customers of that service provider. Such low-cost hospitality and is a courtesy and occurs too frequently to be worth recording.

7.6 You may not accept more than two gifts or hospitality offered from the same individual or Company in any 12 months period. This restriction does not apply to meals with existing service providers where the meal follows a business meeting.

7.7 If an excessive gift or hospitality is found to have been accepted, then your manager will discuss the circumstances with you and agree how to deal with it e.g. a gift can be returned or steps can be taken to ensure that the acceptance of hospitality does not influence a decision or situation in favour of the giver. If excessive gift(s) or hospitality are accepted on more than one occasion or are found to have influenced decisions inappropriately, against Colchester Borough Homes guidelines (or potentially illegally), then appropriate disciplinary procedures will be followed.

## **8. Gifts and Hospitality Log**

8.1 Unless otherwise stated, the details of all gifts and hospitality received should be recorded on the Gifts and Hospitality form which can be found on SharePoint.

8.2 This form must be used to record all gifts and hospitality given or received by staff members.

8.3 The log must be maintained and monitored by the Governance Officer, and must be made available at any time at the request of the Senior Management Team

8.4 Gifts and/or hospitality received during festive seasons, including the Christmas period, will be acknowledged and recorded on the gifts and hospitality log.

## **9. Compliance**

All staff are required to comply with The Bribery Act 2010. The Director of Business Improvement is responsible for Colchester Borough Homes guidance in relation to The Bribery Act 2010, which is found in the Prevention of fraud, corruption and money laundering policy.

## **10. Conflicts of Interest**

10.1 A conflict of interest occurs when you advance a personal interest (or that of others with whom you are connected) at the expense of Colchester Borough Homes

10.2 Colchester Borough Homes declaration of interest form offers an opportunity for staff members to declare any conflicts of interest at the earliest instance.

## **11. Reporting Bribery, Corruption and Non-compliance with this Policy**

If you know of, or have good reason to suspect that, an unlawful or unethical situation or that you suspect that either an act of bribery or non-compliance with this Policy has occurred; you should report the matter to your Head of Service or a member of the Senior Management Team. Should reporting in this way be inappropriate, you should refer to Colchester Borough Homes Whistleblowing procedure.

### Document Control Sheet

<b>Title</b>	CBH Bribery Prevention Gifts and Hospitality Policy					
<b>File location</b>	<a href="https://colchbh.sharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH%20Bribery%20Prevention%20Gifts%20and%20Hospitality%20Policy.docx">https://colchbh.sharepoint.com/sites/fnc/corpdoc/PolDevLib/CBH Bribery Prevention Gifts and Hospitality Policy.docx</a>					
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### Document amendment history

<b>Version</b>	<b>Type</b>	<b>Date</b>	<b>Brief Description of changes</b>
1.	New policy	Mar 2009	
2.0	Revised policy	Jul 2014	Added policy statement Significant amendments throughout.
2.1	Minor revision	July 2017	Correction of grammar and amendment of Appendix 1, 6.1 to allow inspection/review of gift/hospitality forms more frequently than once every quarter, should the need arise.
3.0	Policy Re-written	July 2020	Complete refresh of Policy to provide more a more practical guide for staff to use the policy to understand their obligations under the Bribery Act 2010 and to incorporate the conflicts of interest declarations