CARDIFF COUNCIL

GUIDANCE NOTES FOR SCHOOLS

GIFTS AND HOSPITALITY

1 INTRODUCTION

1.1 The Local Government Act 2000 established a Code of Conduct for staff which is embedded in the Council's constitution. The terms of the Code are deemed by law to be incorporated into the contract of employment of all qualifying employees of the Council, i.e. all employees except teachers. Staff employed by the Council should be mindful of, and comply with, the Council's requirements for recording gifts and hospitality received personally (available on the CIS system under reference 1.CM.070).

1.2 Teachers are bound by the Code of Professional Conduct and Practice for Registered Teachers, which include the values of public life as set out by the Nolan Committee. Under the revised Code, registered teachers must comply with policies, procedures and guidelines in respect of the use of school property, facilities, finance and ICT. Policies, procedures and guidelines include those issued nationally, by a school, local authority or diocesan authority.

1.3 Regulations for the acceptance of gifts and hospitality are set out in the Financial Procedure Rules for Schools, and this guidance note supplements those rules. The content of the guidance note is intended to encourage a consistent approach to the acceptance of gifts and hospitality, and to keep in line with recognised good practice. Any officers seeking to make alternative arrangements should seek advice and approval from the Audit and Risk Manager.

1.4 The acceptance of any gift or hospitality by school staff (other than those employed by the Council) shall be subject to the approval of the Headteacher/Governing Body. Governors should seek approval from the Chief Education Officer. Wherever possible, approval should be obtained before acceptance.

1.5 The school should establish a gifts and hospitality register. An example is shown in Appendix A, and it is recommended that a new register should be started for each academic year. The main aim of the register is to create transparency about any gifts and hospitality received, so that there are no grounds for suspicion about influence on school decisions as a result of gifts/hospitality. If no gifts or hospitality are received by the school in an academic year, the register should be crossed through and marked as "nil".

1.6 In accordance with The School Governor's Annual Reports (Wales) Regulations 2001, the Governing Body must include details in the annual report to parents of the "application of any gifts made to the school".

2 DEFINITIONS

2.1 "Hospitality received" – any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to the teacher or officer at the school in his/her official capacity or in the course of their duties as a teacher or employee of the school. Hospitality can include (but not exclusively) entertaining individuals to meals, travel opportunities, hotel accommodation, invitations to events, sporting and theatre tickets.

2.2 "Gift" – any tangible item given to a member of the teaching or support staff (including the Headteacher) arising out of his/her official duties and position within the school.

2.3 "Hospitality provided" – any hospitality, gifts or other benefits offered to organisations or individuals.

2.4 "Other benefits" – any other benefit offered to a member of the teaching or support staff in the course of or arising from their official duties, not covered by the definitions of "Gifts" or "Hospitality" above.

2.5 "Trivial" – small, low value item such as a calendar, pen, small box of chocolates or small promotional item.

3 PROCEDURES

3.1 Governors, Headteachers and employees should not accept significant personal gifts from contractors and outside suppliers. In order to protect both staff and the reputation of the Council from accusations of bribery or corruption, staff are not permitted, directly or indirectly, to accept any gift, hospitality, reward or other benefit from any source (including organisations, students, other employees and members of the public) with whom he/she has been brought into contact or maintains contact only by reason of the duties for which they are employed by the Council/Diocese.

3.2 It is not possible to describe all the situations where an improper obligation may arise. For instance, the offer of hospitality, gifts or benefits, which do not appear to have any proper purpose connected with the Council (examples could include the offer of private holidays or the use of holiday accommodation, personal gifts of substantial value or other benefits offered to employees at substantially below the price they would normally be offered to the public) should be refused.

3.3 Regular and repeated hospitality from the same person or organisation should be refused, as should hospitality offered where the Council or

employee would be the sole guest on an essentially private occasion. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the school / Council should be seen to be represented.

Exceptions to this are:

(a) occasional gifts which are regarded as trivial and where the nominal value received by any one person is under £25, such as

- Diaries
- Calendars
- Pens
- Modest gifts given by individuals (such as parents or children) to express gratitude.

It is recognised that it is becoming more prevalent for groups of parents to contribute together to provide a gift. Gifts of up to £100 are per class can be accepted. In exceptional circumstances, a Headteacher can approve such items up to a limit of £150, but this approval must be recorded in the register.

It is also permissible, where gifts of this nature are regularly received from a variety of sources, for the gifts to be collected and raffled in order to raise money for charity. This is acceptable as long as the Headteacher is agreeable to taking responsibility for ensuring that the administration of such events is properly conducted.

(b) conventional hospitality e.g. working lunches in the course of official visits, where the frequency and the total cost of hospitality is reasonable and would not be construed by an impartial observer as affecting the employee's judgement regarding the work for which they are employed. It should be clear that the hospitality received is corporate, rather than personal, in nature. This kind of corporate hospitality will often be reciprocated by the school. Employees who are in doubt about the nature, regularity or value of any such hospitality or benefit must receive express written authorisation from the Headteacher/Chair of Governors before accepting the hospitality or benefit. It is not possible to define 'reasonable' and employees must use their discretion. In cases of corporate hospitality it would normally be expected, for example, that any hospitality where the value exceeds £25 be referred for authorisation.

(c) where a more valuable gift or benefit is offered from which the school in general might benefit, rather than an individual employee, acceptance will be at the discretion of the Headteacher and should be referred to the Governing Body.

(d) occasions when it is necessary for the school to offer hospitality to organisations or individuals. Such arrangements should be made by the Headteacher or Chair of Governors.

3.4 More expensive or unique civic gifts from, for example, foreign visitors, may be accepted on behalf of the Council and will remain the Council's property.

3.5 Staff responsible for the purchase of supplies, equipment, services or the commissioning of contractors must take particular care to ensure that there can be no criticism that unequal treatment has been given to suppliers involved in tendering processes through the acceptance of gifts or other benefits.

3.6 Any officers specifically responsible for approving contracts must not accept any gifts or hospitality from any contractor which may have an interest in such contracts.

3.7 School Governors, Headteacher and employees must not take personal advantage of any discount arrangements that the Council has with its suppliers / contractors unless the Council has made special arrangements for all employees. In addition, governors and school staff should not accept any offers to benefit personally from those arrangements that may have been made as result of their position.

3.8 Staff should always bear in mind the need not to behave so that the impression might be given or interpreted by any member of the public, pupil / parent or organisation with whom they deal that they may be influenced by any gift, benefit or behaviour to show favour or disfavour to any person or organisation in respect of the work for which they are employed. If a member of staff is in any doubt as to the propriety of receiving any gift or hospitality then the employee must consult the Headteacher. If the Headteacher is in doubt, the Chair of Governors should be consulted.

3.9 Any promotional offers given by suppliers to employees responsible for purchasing goods are the property of the Council.

3.10 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

3.11 When a gift is received, but not authorised for acceptance, it shall be returned to the giver.

4 THE BRIBERY ACT 2010

4.1 The Bribery Act 2010 came into force in July 2011 and applies to all businesses and organisations, no matter their size in terms of numbers or offices or employees. The Council takes its responsibilities under the Act seriously.

4.2 Although there is no definition of bribery in the Act, the Ministry of Justice in their guidance notes define it as 'giving someone a financial or other advantage to encourage that person to perform his/her functions or activities improperly or to reward that person for having already done so. This could cover seeking to influence a decision-maker by giving some kind of extra benefit to that decision-maker rather that by what can legitimately be offered as part of a tender process.' Bribery does not have to involve cash or payment exchanging hands; it can take many forms, including a gift or tickets to an event, although hospitality itself is not prohibited under the Act.

4.3 The Act creates offences that can impact heavily on schools. There are four new offences created by the Act:

(i) offering, promising or giving a bribe;
(ii) requesting, agreeing to receive, or accepting a bribe;
(iii) bribing a foreign public official to obtain or retain business (Section 6); and
(iv) failing to prevent bribery (Section 7), although having clear and practical policies and procedures in place would provide a defence against this.

4.4 Certain activities may constitute offences under the Act.

5 FAILURE TO COMPLY

5.1 Employees who are found not to have acted in accordance with the above policy may be disciplined and in serious cases this may be treated as gross misconduct.

5.2 It is a criminal offence for an officer in a school to corruptly accept any inducement or reward for doing, promising or refraining from doing anything in the course of their employment, or corruptly showing favour or disfavour, in the handling of contracts. In acting corruptly, the officer would demonstrate their intention to purposefully act with a lack of probity and with a disregard for the implications of their actions.

Signed (Chair of Governors): S Osborne

Date Approved: 25/09/2025

APPENDIX A

Appendix 1

RECORD OF GIFTS & HOSPITALITY (accepted*/refused*)

*Delete as appropriate

This form must be completed by any member of staff or governor receiving or declining a gift or hospitality, which relates to their position in the School and has a value of more than £25. If the individual is concerned about the likely "level" of any gift or hospitality that he or she may receive, agreement from the Headteacher or Chair of Governors must be obtained in accordance with the School's guidance.

Name of staff member/Governor:	
Position Held at the School:	
Individual, company or organisation offering gift or hospitality:	
Date, time and venue:	
Gift/Hospitality Accepted* or refused*	
Nature and approximate value of hospitality/gift If accepted, has the gift been retained for personal use or for School use?	
If accepted, reason for accepting hospitality/gift:	
Signed:	
Date:	
Approved by:	
PLEASE RETURN COMPLETED FORM TO THE SCHOOL OFFICE FOR RETENTION ON THE GIFTS & HOSPITALITY REGISTER.	