

ELECTORAL OFFICE FOR NORTHERN IRELAND



POLICY ON GIFTS, HOSPITALITY AND AWARDS

POLICY ON GIFTS, HOSPITALITY & AWARDS



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1. **INTRODUCTION**

- 1.1. The Electoral Office for Northern Ireland (EONI) recognises that from time to time offers of gifts and hospitality may be extended to staff by contractors and other customers of our services. The EONI also recognises that its employees have a responsibility, in the interests of public confidence, to exhibit high standards of propriety, and to ensure that all goods and services used provide value for money and represent the best use of public funds.
- 1.2. This document sets out the principles governing the acceptance of gifts and hospitality, and provides some specific advice on how these principles should be interpreted across the EONI. The guidance is designed to remind members of staff of their responsibility to exercise judgement and propriety regarding offers of gifts and hospitality. The guidance is effective immediately but will be subject to review when required.
- 1.3. The EONI indicates in the staff handbook that the corporate aims demand the very highest level of public service in the exercise of their duties. As a consequence, they should never receive benefits of any kind from a third party which might reasonably be thought to compromise their personal judgement or integrity. In this field, perception is as important as reality.
- 1.4. The fundamental principle is that no member of staff should do anything which might give rise to the impression that he or she has been, or might be influenced by a gift or hospitality, or other consideration to show bias for or against any person or organisation while carrying out official duties.

2. **GUIDING PRINCIPLE**

- 2.1. This policy provides guidance to members of staff on good practice concerning the acceptance or rejection of gifts or hospitality, and details responsibilities and procedures for the authorisation and recording of such instances. As Public Servants our standards of conduct are determined by what the public as taxpayers expect and not by what may be a common practice in the private sector.

3. **SCOPE OF POLICY**

- 3.1. This applies to all members of staff of the EONI whether permanent or casual, full or part-time.

3.2. External people acting on behalf of the EONI (for example, consultants, contracted staff etc) will by their contracts be required to abide by the policy. If a line manager believes that an external person may have breached the policy, they should report it to the CEO, who will take the matter forward with the individual or his/her company.

3.3. This policy should also be seen as applying to spouses, partners or other associates if it can be argued or perceived that the gift or hospitality is in fact for the benefit of the member of staff or external party.

3.4. Any breach of the rules of conduct can lead to disciplinary action and in some circumstances can be a criminal offence.

3.5. **CORRUPTION**

3.5.1. Under the Prevention of Corruption Acts of 1906 and 1916 it is an offence for an officer in his/her official capacity:

- to accept corruptly any gift or consideration as an inducement or reward for doing, or refraining from doing, anything in that capacity; or
- to show favour or disfavour to any person; or
- to receive money, gifts or consideration from a person or organisation holding or seeking to obtain a Government contract.

3.6. **REGISTER OF GIFTS, HOSPITALITY, INVITATIONS**

3.6.1. The CEO will maintain a Register of Gifts, Hospitality, Invitations etc in the format at Annex A.

3.7. **ACCEPTANCE OF GIFTS**

3.7.1. Gifts of a trivial or inexpensive nature (not greater than £10) such as calendars or diaries or other simple inexpensive items can be accepted without question, provided they bear company names and/or logos. These will be the only instances where approval will not be required; the member of staff will not be required to make an entry in the register.

3.7.2. Items in the range of £10- £50 may only be accepted with the approval of the CEO. More expensive or substantial items, valued at more than £50 and gifts of lottery tickets or cash cannot on any account be accepted. All gifts or hospitality offered (apart from those which are trivial or inexpensive), even if they are declined/returned need to be recorded in the register.

3.8. **TRADE, LOYALTY OR DISCOUNT CARDS**

3.8.1. Trade, loyalty or discount cards by which an officer might personally benefit from the purchase of goods or services at a reduced price are classified as gifts and should be refused or returned to sender.

3.8.2. Frequent flyer cards used by airlines can be used by staff to avail of special departure lounges and priority booking and check-in. They must NOT make private use of any flights/air miles which derive from flights paid for from the public purse.

3.9. **STAFF INVOLVED IN THE PROCUREMENT OR MONITORING OF A CONTRACT**

3.9.1. Apart from trivial / inexpensive (not greater than £10) seasonal gifts, such as diaries, no gifts or hospitality of ANY kind from any source should be accepted by anyone involved in the procurement or monitoring of a contract. This will ensure that no criticism can be made regarding bias to a particular company or supplier.

3.10. **GIFTS RECEIVED IN RECOGNITION OF WORK DONE**

3.10.1. On no account should a gift or gratuity be solicited or requested. Where gifts by way of gratuities, vouchers or book tokens etc for lectures, broadcasts or similar occurrences are offered, acceptance should be based on how much of the preparatory work for the event was done in the officer's own time, how much in official time and the extent to which EONI resources, other than, for example, use of an officially issued lap-top at home, were used in the preparation. The following guidelines should be applied:

a) If the preparation was carried out entirely in the individual's own time and the event took place outside normal working hours at no expense to EONI, it would be acceptable for the individual officer to retain the whole fee, token or other gift;

b) If, however, the preparation was done wholly in EONI time with use of EONI resources, no gifts or fee should be accepted unless the event is executed outside

of normal working hours when a gift or token to the value of not more than £50 is acceptable; and

c.) If the preparation was carried out and the lecture etc, delivered in an officer's own time but EONI facilities were used for typing, preparation of PowerPoint / overheads etc, then a gift or token to the value of not more than £75 is acceptable.

In the case of either b, or c, the CEO can, if he so chooses, charge the organisation or body a fee based on the salary costs of the individual and/or the use of resources.

3.11. **REPORTING AND APPROVAL PROCESS TO BE FOLLOWED**

3.11.1. If gifts (apart from those which are trivial or inexpensive) are received, these must be added to the Register of Gifts, Hospitality/Invitations and Awards with an email through the Officer's line manager to the CEO who will decide on their acceptance. If the recipient has already refused or intends to refuse the gift the report should still be emailed to the CEO through the officer's line manager for inclusion in the Register. The email submitted should contain the following:

- a) date of offer;
- b) name of the member of staff;
- c) description of offer; (including an estimate of its value)
- d) who made the offer;
- e) the action taken / to be taken; and
- f) the signature of the CEO and the date.

3.11.2. In each case submitted, the CEO will make a decision in writing within 3 working days, whether to:

- a) allow the recipient to keep the gift;
- b) ask the recipient to return the gift to the donor. [The CEO will write a suitably worded letter to the donor explaining why the gift cannot be accepted. A template has been attached at Annex B which will be tailored to suit each individual circumstance] ;
- c) use or dispose of it, if possible, in or by the EONI; or
- d) donate the gift to a nominated charity.

4. **HOSPITALITY**

- 4.1. The handling of offers of hospitality is recognised as being much more difficult to regulate but it is an area in which members of staff must exercise careful judgement. In exercising this judgement it is acknowledged that there can be difficulty in distinguishing between a “gift” and “hospitality”. It is also recognised that it can be as embarrassing to refuse hospitality as it can be to refuse a gift.
- 4.1.1. Under no circumstances is any gift or hospitality to be accepted from any political party, party official or candidate without the express approval of the CEO.
- 4.1.2. It can be argued that if officers are to achieve the best value for money in dealings with suppliers or consultants, they need to build up contacts and that it is quite legitimate for them to have a close working relationship with organisations or individuals, which may involve a degree of hospitality. There may also be instances where members of 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. Additionally, very occasional acceptance of meals or tickets to public sporting, cultural or social events may be acceptable if attendance is justified as being in the EONI’s interest.
- 4.1.3. As a general rule, invitations of hospitality, which are extended to an office or the organisation as a whole, are more acceptable and are less likely to attract criticism than personal invitations to individual officers.
- 4.1.4. The main point is that in accepting hospitality, members of staff need to be aware of and guard against, the dangers of misrepresentation or perception of favouritism by a competitor of the host.
- 4.1.5. To sum up, in deciding whether hospitality can be accepted, members of staff should consider if it:
- a) could in any circumstances call into question the impartiality of the recipient or of EONI
 - b) is likely to help business effectiveness;
 - c) places no obligation or perceived obligation on the recipient;
 - d) is not frequent, lavish or prolonged;
 - e) is unconnected with any decision affecting the organisation or the individual offering it;

- f) can be justified; and
- g) provides benefits to the organisation, which outweigh the risk of possible misrepresentation of the hospitality.

4.2. **REPORTING AND APPROVAL PROCESS TO BE FOLLOWED**

- 4.2.1. When in doubt about accepting hospitality or when paragraph 4.1.2 above applies, the CEO must be consulted. In all instances where other than conventional hospitality (infrequent working lunches) is offered, the approval of the CEO must be sought through the officer's line manager. The report submitted should contain the points outlined above in paragraph 3.11.1. If the recipient has rejected or will reject the offer of hospitality, they will need to send an email to the CEO through their line manager for inclusion in the Register of Gifts and Hospitality. It is particularly important to ensure that the EONI is not over-represented at an event or function and care should be taken to ensure that this does not happen, for example, by enquiring from the host as to other members of staff who have received similar invitations.

5. **AWARDS OR PRIZES**

- 5.1. Members of staff should consult with the CEO through their line manager if they are offered an award or prize in connection with their official duties. They will normally be allowed to keep it provided:
 - a) there is no risk of public criticism;
 - b) it is offered strictly in accordance with personal achievement;
 - c) it is not in the nature of a gift nor can be construed as a gift, inducement or payment for a publication or invention to which other rules apply.
- 5.1.1. A process as outlined in paragraph 3.11.1 should be followed to record the actions taken on receipt of an award or prize.
- 5.1.2. Any enquiries about this guidance should be directed to the CEO.

Signed: Douglas Bain CBE TD Advocate
Chief Electoral Officer for NI

Signed: Paddy Mackel
on behalf of NIPSA

Dated: 29 January 2007

Dated: 22 January 2007

Annex B

TEMPLATE EXPLAINING WHY THE GIFT OR OFFER OF HOSPITALITY CANNOT BE ACCEPTED

THE ELECTORAL OFFICE FOR NORTHERN IRELAND

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Contact name
Name of Company
Address of Company

Date

The Electoral Office for Northern Ireland (EONI), as a publicly funded body, operates a Gift and Hospitality Policy to ensure high standards of propriety in the conduct of its business.

On account of public confidence, perception is as important as reality and because of this I am making arrangements for return of (*INSERT: details*).

This is not in any way meant to offend or to imply that your [gift/hospitality] was offered in anything but the utmost good faith, but is designed to protect both individual members of staff and the Electoral Office for Northern Ireland generally. I hope you will accept my response in that spirit and that I can look forward to a continued effective working relationship.