

GIFTS, HOSPITALITY AND DISCOUNTS POLICY

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Stuart Booth	Director of Support Services	5	05/2013
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GIFTS, HOSPITALITY AND DISCOUNTS POLICY

AIM

1. The aim of this document is to provide policy and guidance on being offered and receiving gifts, discounts and hospitality for all employees of South Yorkshire Fire and Rescue Authority (SYFRA).
2. Part 6b of the SYFRA Constitution provides policy and guidance for Members of the SYFRA on being offered and receiving gifts. The SYFRA Constitution can be found on the SYFRA website <https://www.barnsley.gov.uk/services/south-yorkshire-governance/south-yorkshire-governance/south-yorkshire-fire-and-rescue-authority/>.

DEFINITIONS

3. The definition of Gifts, Hospitality and Discounts is as follows:

“Gifts”, “hospitality” and “discounts” includes any of the following which might be offered or received by an employee as a result of activities being undertaken in connection with his/her employment

- The free gift or offer of money, goods or services
- The opportunity to acquire goods and services at a discount or on terms which are more advantageous to those available to the general public
- The offer of food, drink, travel, accommodation and entertainment

GENERAL PRINCIPLES

4. The guidance cannot provide for every eventuality, e.g. whether to accept hospitality involves a matter of judgement. Where there is any doubt employees must seek advice from their line manager, but there is a principle that offers should be politely but firmly refused unless this would cause embarrassment. Further guidance can be sought from the Director of Finance and Procurement.
5. The general principles of ethical behaviour in relation to gifts, hospitality, etc. are:-
 - Avoidance and polite refusal is required whenever possible.
 - Gifts, hospitality and discounts must never be solicited or invited.
 - Employees should do nothing which may give rise to conflict between their personal interests and their official duties or which may be perceived to give rise to such a conflict.
 - Invitations to any types of hospitality which are of no benefit to the Authority must be declined, e.g. sporting events.
 - Wherever possible employees should pay for their own meals and claim the appropriate reimbursement from SYFRA.
 - The costs of any inspection visits must be met by the SYFRA.
 - Money must never be accepted unless it is part of the responsibilities of an employee's role, or where a charitable activity is specifically authorised by the Chief Fire Officer/Chief Executive, e.g. The Fire Fighters Charity fundraising events.
 - Records of gifts and hospitality offered or accepted must be maintained in accordance with this policy.

ACCEPTANCE OF GIFTS, HOSPITALITY AND DISCOUNTS

5. Notwithstanding the general principles above, the following may be accepted:-

Gifts

- Gifts of office equipment with a value of less than £25 provided that they are branded with the name or logo of the company/organisation making the donation, e.g. pens, calendars, diaries, mouse mats, etc.
- Souvenir gifts of a value of less than £25 from another public authority body.
- Unsolicited gifts which it is impractical to return, e.g. perishable goods, high cost of returning goods. In such cases the recipient is responsible for passing the item to representatives of the Fire Fighters Charity and for sending the donor a letter explaining what has happened to the gift and that the Fire Fighters Charity will raffle it or dispose of it as they see fit. In such cases a receipt must be obtained from The Fire Fighters Charity which must be forwarded to the Information and Governance Manager, Corporate Admin, HQ.

6. In all other cases the items must be returned to the donor.

Hospitality

- Such meals or refreshments as are a necessary part of the business in hand and directly connected to SYFRA business can be accepted where it is not practical for the individual to pay for themselves. Such hospitality must be of a modest nature, e.g. a working lunch. A practical test of reasonable levels of hospitality is whether SYFRA could or would provide a reciprocal level of hospitality.
- Civic hospitality provided by another public authority.
- Invitations to other social functions offered as part of normal working life may be accepted provided written approval has been obtained from the Chief Fire Officer/Chief Executive in accordance with the procedure at Appendix A.
- All employees should ensure that they comply with the requirements of the SYFR Substance Misuse Policy which compliments SYFR responsibilities under the Health and Safety at Work Act 1974 and other legislation. Avoidance and a polite refusal is expected when a member of staff is offered alcohol during working hours, whilst carrying out duties as part of their role, to ensure their health, safety. The Substance Misuse Policy can be found on the Service Intranet.

Inspection Visits

- Such inspection visits that are to be paid for by suppliers as provided for in contractual agreements. In all such cases written approval must be obtained at Director level and a copy of the approval maintained on the appropriate contract file.

Offers of Travel

- Such offers may be accepted only where of a modest kind and necessarily and wholly incidental to the business in hand.

Discounts

- Discounts offered under the South Yorkshire Fire and Rescue's Staff Benefits or Blue Light Discount Schemes may be accepted.
- Staff may purchase bicycles under the Cycle To Work Scheme. Further information can be found on the SYFR Service Intranet under Interactive/General/Green Zone/Cycle to Work: See link: <http://syfireweb/intranet/1361.asp>

THE BRIBERY ACT 2010

7. The Bribery Act 2010, created four new criminal offences:
 - A general offence covering offering, promising or giving a bribe;
 - A general offence covering requesting, agreeing to receive or accepting a bribe;
 - A separate offence of bribing a foreign official to obtain or retain business;
 - A strict liability offence for commercial organisations where they fail to prevent bribery of those acting on their behalf (section 7 of the Act).
8. The Act includes severe penalties: individuals can receive unlimited fines and a ten year sentence; organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official.

REVIEW OF REGISTER

9. The Gifts and Hospitality Register will be reviewed on a quarterly basis by the Chief Fire Officer and subject to periodic review by Internal Audit.

GUIDANCE NOTES FOR COMPLETION OF GIFTS AND HOSPITALITY FORMS

INTRODUCTION

1. These guidelines are intended to help employees to complete the necessary documentation in respect of gifts and hospitality.
2. All offers of gifts or hospitality, other than those which are permitted in the Gifts and Hospitality Policy, must be entered on [FS 16](#) which is available on the Service Intranet. This includes where an offer is made but declined by the employee at the time of receipt.
3. As a general principle if employees are in any doubt whether it is necessary to complete the relevant forms they should do so.
4. Assistance with the forms and general interpretation of the Policy can be obtained from the Director of Finance and Procurement.
5. If an employee receives an offer with a short deadline where there is no time to submit an FS 16 form, they must contact their line manager in the first instance via email (for reporting purposes) to receive initial comments of whether the offer is appropriate to their job role and should be progressed or not. This response should then be sent to the Director of Finance and Procurement for approval. A completed FS 16 form should be submitted at the earliest opportunity, even if the gift is declined.

DEFINITION OF GIFTS AND HOSPITALITY

5. The definition of gifts and hospitality is defined in the Policy. Similarly, a list of items which do not need to be registered is specified there. Employees should refer to that document to determine whether it is necessary to register the offer of a gift or hospitality. However, to demonstrate transparency and accountability, employees are encouraged to record all offers or gifts / hospitality even when they are declined at the point of receipt.
6. This guidance specifically relates to those offers which require approval as detailed in the Policy.

PROCEDURE

- The name of the employee(s) should be entered in the first box. If this is impractical due to the number of employees enter the collective name if possible, e.g. section.
- Enter the date the offer was made in the appropriate box.
- Enter the details of the offer in as much detail as possible and if possible the circumstances which led to the offer being made.
- Enter the approximate value of the offer made.

- Enter the name of the individual who made the offer and their role if this is known and/or the name of the organisation represented.
- Complete details of why you consider it is appropriate or necessary to accept the offer.
- Sign and date the form.

The form must be passed to your line manager for them to add any comments and to sign.

7. The form should then be sent to the Director of Finance and Procurement via the Information and Governance Manager, Corporate Admin, HQ, who is responsible for ensuring that details are entered on the Register of Gifts and Hospitality.
8. The Director of Finance and Procurement is responsible for approving/not approving acceptance of the offer as appropriate.
9. The FS16 will be returned to the Information and Governance Manager who will update the Gifts and Hospitality Register. The original copy of the approved/not approved form FS16 will be retained on file and a copy will be forwarded to the applicant.
10. If the offer is made to the Director of Finance and Procurement, the same procedures apply except that the offer must be referred to the Chief Fire Officer for approval or refusal. Form FS16 will be completed in the same manner as above and forwarded to the Information and Governance Manager for retention on file.