

GIFTS & HOSPITALITY POLICY



Updated by: Alastair Heath-Robinson

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Signed: 

Chair of Trustees: Ruth Slater

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Registered in England and Wales
Company Number: 10650092

WHERE LEARNING IS UNSTOPPABLE AND ASPIRATIONS HAVE NO LIMITS

Policy Updates

Version	Date	Description of Changes	Initials
1.1	30.6.26	Included members in the policy scope. Section 2 & 6: Strengthened conflict of interest statements Section 8: Clarified potential conflict of interest even if gift under £30 Section 9: Allocated responsibility to CEO rather than generic trust executive for initiating an investigation into non-compliance	AHR

Contents

Policy Updates	2
1. Background	4
2. Purpose	4
3. Definition.....	5
4. Bribery Act 2010.....	5
5. The Six Principles to Prevent Bribery and Corruption	6
6. Dealing with Gifts and Hospitality	6
7. Giving Gifts and Hospitality	8
8. Reporting and Record Keeping	8
9. Non-Compliance	9

1. Background

This policy outlines the approach of Orwell Multi Academy Trust to managing gifts and hospitality. The Trust is committed to the highest level of integrity, honesty and accountability in all its business dealings. All staff, members, trustees, governors, volunteers, contractors and anyone acting on behalf of the Trust are expected to maintain high standards of propriety and professionalism in all their dealings, ensuring they are free from any conflict of interest through their business in the name of the Trust.

To protect all individuals associated with the Trust, and the reputation of the Trust and its academies, from accusations of bribery or corruption staff, trustees, and Governors must take extreme care that none of their dealings, directly or indirectly, could be deemed as a reward or benefit, in line with the Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to:

- offer, promise or give a bribe
- request, agree to or accept a bribe
- (by an organisation) fail to prevent bribery by those acting on its behalf (associated persons) to obtain or retain business or a business advantage for the organisation.

Under this Act, a bribe is 'a financial or other advantage' offered, promised or given to induce a person to perform a relevant function or activity improperly, or reward them for doing so.

The Trust and each Academy will hold a Gifts and Hospitality Register. All gifts/hospitality over the value of £30 must be recorded in the Gifts and Hospitality Register.

2. Purpose

The purpose of this policy is to:

- Prevent bribery and corruption within the Trust
- Set clear guidelines for accepting and offering gifts and hospitality
- Ensure transparency and accountability in all dealings related to gifts and hospitality
- Demonstrate compliance with relevant laws, including the Bribery Act 2010
- Ensure that gifts and hospitality are never accepted or offered where they could reasonably be perceived as influencing a business decision or creating a conflict of interest or giving rise to the perception of preferential treatment.

This policy should be read alongside the Trust's **Anti-Fraud Policy and Whistleblowing Policy**, which set out further controls relating to fraud, bribery and financial integrity.

3. Definition

A Gift is any item or service, award, prize or any other benefit which is received free of charge; or personally offered at a discounted rate or on terms not available to the general public or which might be seen to compromise the personal judgment or integrity of the recipient.

Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event not available to the general public.

4. Bribery Act 2010

Any commercial organisation, formed or carrying out business in the UK, needs to have adequate procedures in place to avoid falling foul of the Bribery Act 2010.

The Bribery Act 2010 makes it an offence to offer, promise, give, request, accept, or receive a bribe, and it applies to all entities, including the Trust, wherever they operate.

The Act covers:

- Offering or giving a bribe: Any offer of a financial or other advantage to influence the actions of someone.
- Requesting or accepting a bribe: The request or acceptance of a bribe or any form of illicit advantage.

Under section 7 of the Bribery Act 2010, a commercial organisation with ties to the UK commits an offence if an associated person bribes another person in order to obtain or retain business or gain an advantage for the commercial organisation. An associated person is a person performing services for or on behalf of an organisation.

The Act applies not only to individuals but also to the Trust itself. A failure to prevent bribery can result in criminal liability for the Trust.

5. The Six Principles to Prevent Bribery and Corruption

An organisation has a defence if it can prove that it had adequate procedures in place to prevent such conduct. There are six principles which use a risk-based approach which recognises that the threat from bribery and corruption varies across transactions. These principles are implemented where bribery or the expectation of financial incentive or reward are recognised as high risk. Following the principles can reduce the risks associated with bribery, corruption, fraud and other financial crime.

Principle 1: Proportionate Procedures

Anti-bribery procedures should be proportionate to the risks faced and the nature, scale and complexity of the organisation's activities. They should be clear, practical, accessible, effectively implemented and enforced.

Principle 2: Top-Level Commitment

Senior management (be it a board of directors, the owners or any other equivalent body or person) is committed to and active in preventing bribery, working to foster a culture in which the practice is never acceptable.

Principle 3: Risk Assessment

The organisation conducts regular, well-informed and clearly documented assessments of the internal and external bribery risks it faces.

Principle 4: Due Diligence

The organisation applies due diligence procedures to people who perform, or will perform, services for or on its behalf as a means of mitigating and confronting identified risk.

Principle 5: Communication (Including Training)

Through internal and external communication and training, management seeks to ensure that prevention is embedded and understood throughout the organisation.

Principle 6: Monitoring and Review

Anti-bribery policies and procedures are monitored and reviewed by internal and external experts so that they can be improved where necessary.

6. Dealing with Gifts and Hospitality

The Trust expects staff, trustees and Governors to exercise the utmost discretion in giving and accepting gifts and hospitality when on Trust or Academy business. Particular care should be taken about a gift from a person or organisation that has, or is hoping to have, a contract with our organisation. In any case of doubt advice should be sought from the Chief Finance & Operations Officer (CFOO) or Chief Executive Officer (CEO).

Any actual, potential or perceived conflict of interest arising from gifts or hospitality should also be declared in accordance with the Trust's Register of Business Interests.

Staff, trustees and Governors must not accept gifts, hospitality or benefits of any kind from a third party where it might be perceived that their personal integrity is being compromised, or that the Trust/Academy might be placed under an obligation.

Gifts of low intrinsic value such as promotional calendars or diaries, small tokens of gratitude, can be accepted. If there is any doubt as to whether the acceptance of such an item is appropriate, individuals should decline the gift or refer the matter to the CFOO or CEO.

It is common for appreciative parents and pupils to register their thanks for the work of staff in the form of a small personal gift. If these are valued at less than £30 these are perfectly acceptable without reference to senior members of staff. These will not need to be recorded in the register. Where gifts valued over £30 are accepted, these should be recorded in the register.

Where a more valuable gift, benefit or service is offered which is to the good of the Academy, rather than an individual, it must be referred to the CFOO for approval within their discretion; if acceptable, then these terms must be recorded in the register.

Hospitality such as working lunches, coffees etc. are perfectly acceptable where it is appropriate to offer or receive these in support of good relationships with visiting staff or business colleagues. Modest hospitality, provided it is reasonable in the circumstances, should be similar to the scale of hospitality which the Trust as an employer would be likely to offer. These would not be added to the register. Hospitality received above this level should be recorded in the register.

If a member of staff, trustee or Governor is offered a gift or hospitality whilst involved in the procurement of goods and services, tenders for work or when liaising with anyone conducting business with the academy (other than light refreshments) it is their responsibility to discuss this with the CFOO or, in the case of the CFOO, the CEO immediately.

Gifts or hospitality must not normally be accepted from organisations involved in procurement, tendering or contract negotiations with the Trust, unless there is a clear and legitimate business reason and approval has been obtained from the CFOO.

If not accepting a gift would be regarded as causing offence (such as a sudden and unexpected gift or one where refusal could cause cultural offence) the item should be accepted. The matter should then be brought to the attention of the CFOO as soon as possible, who may decide to return the gift, or may donate it to a Trust raffle or a charitable cause.

Examples of gifts or hospitality that should not be accepted are cash or monetary gifts; gifts or hospitality offers to a member of your family; gifts or hospitality from a potential supplier or tenderer in the immediate period before tenders are invited or during the tender process; staff, trustee or Governor attendance at sporting and cultural events at the invitation of suppliers, potential suppliers or consultants. Where

it is considered that there is a benefit to the Trust or one of its academies in a member of staff, trustee or Governor attending a sponsored event, the attendance must be formally approved and registered by the CFOO.

Where a gift is received on behalf of the Academy, the gift remains the property of the Academy. The gift may be required for departmental display or it may, with the Headteacher's approval, remain in the care of the recipient. Unless otherwise agreed, the gift should be returned to the department on or before the recipient's last working day.

Gifts are sometimes offered by suppliers with the purchase of items. All such special offer gifts are the property of the Academy and must be used accordingly.

7. Giving Gifts and Hospitality

The Trust and its academies can purchase flowers in certain circumstances, for example staffing leaving employment or serious illness, up to the value of £30 and providing there is sufficient unrestricted self-generated funds to cover costs. The Trust Finance Manager will monitor this, and the CFOO will report to the board the level of gifts purchased termly. The Trust will not normally give gifts to other individuals or organisations. If gifts are given, staff must ensure that the decision is fully documented in the Gift and Hospitality Register and has regard to the propriety and regularity of the use of public funds. This does not apply to the award of gifts, prizes etc. related to the achievement of pupils e.g. attainment or merit awards. Alcohol must not be given as a gift.

Where hospitality is provided by the Trust or its academies this should be approved in advance by the CFOO or CEO. In approving hospitality, the CFOO or CEO should ensure it is not in breach of the UK Bribery Act 2010 and that the costs are appropriate for a publicly funded organisation. Hospitality such as working lunches, coffees etc. and modest hospitality in the form of meals etc. are perfectly acceptable where it is appropriate to offer or receive these in support of good relationships with visiting staff or business colleagues (but not for their family or friends). These would not be added to the register. Hospitality provided above this level should be recorded in the register.

8. Reporting and Record Keeping

Gifts or hospitality with a value of less than £30 would not normally require recording unless there is a potential conflict of interest or other reason why transparency would be appropriate.

All gifts and hospitality received or offered with a value of £30 or more, whether accepted or declined, must be reported to the CFOO and recorded in the gifts and hospitality register. This must include a description of the gifts or hospitality given or received, the value and whether it was accepted or declined.

This register will be regularly reviewed by the Trust Board to ensure compliance and transparency.

9. Non-Compliance

In the case where it is believed a member of staff, trustees, and Governors has not declared a gift or hospitality then a formal investigation will be commissioned by the Chief Executive Officer or an appropriately authorised senior leader.

If misconduct is indicated, this may take the form of disciplinary procedures in the case of employees.

Where appropriate, the Trust may also report the matter to the relevant authorities for further investigation or prosecution under the Bribery Act 2010.