



Adult Learning Within Reach

# Gifts & Hospitality Policy

<b>Owner</b>	Kathleen Formosa, Head of Corporate Governance and Company Secretary		
<b>Approved by</b>	Audit & Risk Committee		
<b>Supersedes</b>	N/A		
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Version	Date	Author	Status	Comment
1	August 2021	Kathleen Formosa	Draft	The Financial Regulations have included guidance on the receipt and registration of gifts and hospitality, but there has been no separate policy on the matter. The policy provides detailed guidance on how WEA trustees, staff and volunteers should declare gifts and/or hospitality. The policy also offers guidance to WEA staff, trustees and volunteers on the provision of gifts and hospitality.
2	August 2023	Kathleen Formosa	Approved	The policy has been updated to reflect regional governance changes (Local Advisory Panel introduction from August 2023), the role of the Volunteering Manager and the updated Expense Policy for staff and volunteers.

# Gifts & Hospitality Policy

## 1. Policy Purpose & Scope

This policy aims to protect the reputation of WEA and individuals by defining WEA's expectations around accepting and giving gifts and hospitality. It applies to all staff (including agency staff, secondments, apprentices, interns, and others on a contract for services), trustees and volunteers at WEA.

The purpose of this policy is to ensure that WEA:

- Uses its funds only in accordance with the law, WEA's Articles of Association, and its funding agreements;
- Operates in a way that commands broad public and other stakeholder support;
- Has due regard to propriety and regularity, and ensures value for money in the use of public funds;
- Trustees fulfil their fiduciary duties and wider responsibilities as trustees of the charity and directors of the company when representing WEA or engaged in matters related to WEA;
- Makes clear and consistent decisions regarding the acceptance or refusal of gifts and hospitality; and
- Staff, volunteers, members, and trustees are aware of what constitutes acceptable gifts and hospitality, and the process that must be followed if they are presented with gifts or hospitality relating to WEA business, or to their role in the Association.

This policy forms part of WEA's Financial Regulations, and applies in particular to the following policies included as annexes to the Financial Regulations:

- Anti-Bribery & Corruption Policy
- Fraud Prevention Policy & Response Procedure;
- Managing Conflicts of Interest Policy;
- Purchasing, Procurement & Payments Policy;
- The WEA Expense Policy (for staff and volunteers);

Throughout this policy, gifts and hospitality are defined as follows:

- **Gifts** are any items, cash, awards, prizes, goods, vouchers or services, offered without expectation of payment or benefit in return. Gifts also include goods or services offered at a discounted rate, or on terms not available to the general public.
- **Hospitality** is defined as food, drink, accommodation or entertainment (such as cultural or sporting events) provided free of charge, heavily discounted, or on terms not generally available to the general public.

The annexes to this policy provide illustrative guidance and information to assist individuals in applying this policy. The policy and annexes will be reviewed and may be updated from time to time in light of developing best practice guidance or case law in the area.

WEA's Trustees, acting through the Audit & Risk Committee, have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

## 2. Legal & Regulatory Framework

This policy complies with the Bribery Act 2010, Companies Act 2006 ss176, WEA's funding agreements, and the Articles of Association (in particular Articles 6, 32, 39.8, and 61).

All staff, trustees and volunteers are responsible for ensuring that they are not placed in a position that risks, or appears to risk, compromising their role or WEA's charitable aims or statutory duties. Staff, trustees and volunteers should not be seen to be securing valuable gifts and hospitality by virtue of their role, and should not accept or provide any gift or hospitality if acceptance or provision would give the impression that they have been influenced or are deemed to be influencing while acting on behalf of WEA. This policy also applies 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 WEA staff, trustee or volunteer.

It is an offence under the Bribery Act 2010 for any member of staff, member or volunteer to accept any gift, hospitality or other consideration as an inducement to do or not do anything, or to show favour or disfavour to any person or organisation in an official capacity. Gifts, hospitality and political or charitable donations are considered as bribes if they are given or received with the intention of influencing business decisions.

## 3. Guiding Principles

All staff, trustees and volunteers are expected to maintain a high standard of conduct with regard to the acceptance of gifts or hospitality of any kind from third parties (e.g., suppliers, partners, or other organisations with which WEA has a working relationship, including individuals). It is important to ensure that no member of staff, trustee or volunteer acts in a way that is inconsistent with WEA's aims, ethos or integrity by accepting a gift or hospitality in circumstances where it could influence, or could be seen to influence, that individual's actions or decisions.

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties, for the purposes of establishing or maintaining good business relationships or improving or maintaining our reputation or image. However, the general principle of receiving gifts or hospitality should be one of transparency and disclosure. The receipt of gifts and hospitality should always be unsolicited. To this end, any gifts of hospitality offered or accepted should be disclosed:

- By staff to their line manager;
- By trustees or non-trustee members of any of the Board's committees or Local Advisory Panels to the Company Secretary; and
- By other volunteers to the Volunteer Manager.

There is a *de minimis* exemption of £25.00 on all gifts and hospitality. Gifts or hospitality below the *de minimis* threshold do not need to be declared, so long as the cumulative value of gifts from any one individual, group of individuals, organisation or company does not exceed £75.00 in any 12 month period.

It is recognised that attendance at receptions, lunches and dinners or other social events form a necessary part of some staff, trustee, and volunteer roles. This policy is not intended to stop such individuals from receiving hospitality of this nature, so long as it is declared in WEA's hospitality register and the timing of the hospitality is not inappropriate. Inappropriately timed hospitality would include, for example, an offer of hospitality from a supplier immediately prior to or during a procurement process or tender in which the supplier was a participant. It would also

be inappropriate to accept gifts or hospitality from organisations or individuals where the acceptance of such gifts of hospitality may cause WEA's independence and/or political impartiality to be questioned.

WEA recognises that the practice of giving and receiving business gifts or hospitality varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift or hospitality should always be considered. When giving or receiving gifts, the following requirements should be met:

- They comply with any local law;
- They do not include cash or a cash equivalent;
- Considering the reason for the gift(s), they are of an appropriate type and value; and
- They are given openly, and not in secret.

Gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions.

Staff, trustees and volunteers are expected to:

- Comply with the conditions set out in this policy;
- Not give or accept gifts or hospitality where the gift or hospitality might compromise or be perceived to compromise their integrity, or which might place them or WEA under any obligation as a result of acceptance;
- Not use their official position to further their private interests or the interest of others;
- Not solicit gifts or hospitality;
- Consult their line manager (staff), the Company Secretary (trustees/trustee-level committee members), or the Volunteer Manager before accepting or offering any gifts or hospitality with a value of over £25.00.
- Report within 7 days any gifts or hospitality with a value of over £25.00 offered to them or to WEA, even if declined. The report should be made by email directly to the Company Secretary ([kformosa@wea.org.uk](mailto:kformosa@wea.org.uk)), who will ensure that the report is recorded in WEA's Gifts & Hospitality Register (see Appendix 2).

The Company Secretary will ensure that:

- WEA maintains a Gifts & Hospitality Register;
- The Gifts & Hospitality Register is disclosed to the Board of Trustees through the Audit & Risk Committee at least annually; and
- If any individual (including the Company Secretary) has been offered or has accepted any gifts or hospitality exceeding £25.00 in value, it is reported to the Chief Executive and recorded in the Gifts & Hospitality Register.

The Finance Director will ensure that:

- Line managers are given appropriate guidance to support their decisions on whether individuals or WEA can accept or offer gifts or hospitality with a value of over £25.00, and that such decisions are in line with this policy;
- The Gifts & Hospitality Register is used to ensure no unfair benefit has been awarded to a supplier;
- Figures for transactions relating to gifts made by WEA are disclosed in the audited accounts, in accordance with the relevant SORP; and

- If any individual (including the Finance Director) has been offered or has accepted any gifts or hospitality exceeding £25.00 in value, it is reported to the Chief Executive and recorded in the Gifts & Hospitality Register.

#### **4. Acceptable Gifts & Hospitality**

##### 4.1 Receiving gifts and hospitality

Staff, trustees, and volunteers can accept gifts and hospitality that have a value up to £25.00. These do not have to be pre-approved or recorded on the Gifts & Hospitality Register, unless such gifts and hospitality amount to more than £75.00 from a single individual, group of individuals, organisation or company in any 12 month period.

Generally, trivial gifts, gifts of nominal value, or small tokens of appreciation, may be accepted. A gift will be considered trivial or of nominal value if, by virtue of its nature or branding, it has no material commercial value (i.e., no unrelated third party would reasonably be expected to purchase the item for a sum in excess of £25.00). If in any doubt, staff, trustees and volunteers should consult the Company Secretary, Finance Director, or the Volunteer Manager at the earliest opportunity.

Similarly, hospitality such as working lunches may be accepted in order to maintain good relationships with key contacts, provided the hospitality is reasonable in the circumstances. If in doubt, guidance should be sought from the Company Secretary, Finance Director, or the relevant Head of Region/Regional Education Manager.

Acceptance of unsolicited promotional gifts (i.e., items such as stationery or pens that display the logo or company name of another organisation) are acceptable, provided they have no significant value. Unsolicited promotional gifts of this type do not have to be declared.

Higher value gifts, once declared and deemed appropriate, may be kept, but the following options are suggested:

- Share the gift with all staff;
- Donate the gift to charity;
- Make a donation to charity and keep the gift.

##### 4.2 Gifts from students

Staff and volunteers working directly with WEA learners should act sensitively and responsibly when given a gift by a student or group of students.

In the first instance, staff and volunteers should discourage the giving of gifts, and decline gifts wherever possible. If the student or group of students still feel strongly and wish to provide a gift, then it would be appropriate to encourage them to make a small monetary donation to WEA. Such gifts will be gratefully accepted, acknowledged (unless the donor requests anonymity) and used as unrestricted income by WEA to fulfil its charitable aims, unless the donor asks for the funds to be used in a specific way.

In situations where refusing a gift is likely to give offence, the staff member or volunteer should declare the gift at the earliest practical opportunity to their Head of Region/Regional Education Manager. If the gift is deemed inappropriate or excessive, the staff member or volunteer may be instructed to return it, or the gift may be donated to charity.

Staff and volunteers should not accept gifts in the form of free services from students where such services would normally be charged.

#### 4.3 Offering gifts and hospitality

WEA encourages and seeks cooperative relationships with external organisations and non-staff stakeholders. Accordingly, there can be occasions where it is appropriate for WEA to provide hospitality. Any hospitality provided by WEA, such as a working lunch for visitors, must not be extravagant. A maximum value of £25.00 per head should be used as a guideline. It is expected that in these circumstances, the meetings will have a clear business purpose. If the organiser of the meeting or event wishes to exceed the £25.00 maximum, they should first seek approval from the Finance Director or Chief Executive.

In accordance with the Expenses Policy, expense claims should be made using the ExpenseIN claims system or in the case of volunteers who are in non-governance roles, to the finance team. Receipts must always be submitted with expense claims.

#### 4.4 Gifts and hospitality made to staff, trustees, or volunteers using WEA funds

Subject to the Finance Director's or Chief Executive's approval, it may be appropriate for a leaving gift up to a maximum value of £50.00 to be provided to a member of staff leaving employment, on long-term sick leave, or to a trustee or volunteer retiring from voluntary service. Such gifts are often supplemented with private contributions from other members of staff, trustees and/or volunteers.

Subject to the Chief Executive's approval, it may be appropriate to award token hospitality or a token gift up to a value of £50.00 to a member of staff who has, for example, achieved a significant milestone or made an exceptional contribution to the WEA, beyond that normally expected of someone in their position.

Gifts or hospitality for other purposes, such as maternity, birthdays, weddings, etc. must not be provided from WEA funds. It is expected that items of this nature would be funded from personal contributions.

#### 4.5 Invitations to Conferences, Seminars, and Trade Shows

It is recognised that participation in certain events such as supplier or relevant sector events or conferences, party conferences, seminars and trade shows can be of particular value where they support the establishment of relationships with strategic partners or enhance WEA's knowledge or understanding of a particular area. For such events, the hospitality element should be incidental to the event and relevant information is expected to be gained through attendance.

WEA staff who are offered an honorarium in exchange for speaking at a conference, seminar, or other event must advise the organising party that the honorarium should be paid in the form of a donation to WEA. Such gifts will be gratefully accepted, acknowledged (unless the donor requests anonymity) and used as unrestricted income by WEA to fulfil its charitable aims, unless the donor asks for the funds to be used in a specific way.

### **5. Unacceptable Gifts & Hospitality**

Staff, trustees and volunteers must never offer or accept any of the following when it is related to WEA business, or to their role in WEA, or could reasonably be perceived as such:

- Monetary gifts (for the avoidance of doubt, gifts of cash must never under any circumstances be accepted, even those below the £25.00 *de minimis* threshold);



- Gifts or hospitality offered to family members, partners or close friends of family members, trustees, volunteers or staff;
- Gifts or hospitality from a potential supplier or tenderer in the immediate period before tenders are invited or during the tendering process; or
- Lavish or extravagant gifts or hospitality, even if they relate to activities the recipient undertakes in their own time.

This list is not intended to be exhaustive.

Invitations of a social kind (e.g., sporting and cultural events) should be declined except for when it is in WEA's interest to attend and the business justification for attendance can be clearly demonstrated. Repeated invitations of a social kind are deemed to be inappropriate and any staff, trustee or volunteer who has accepted hospitality of a social kind from an external organisation should not accept any further invitations of a similar type from the same organisation within the following 12 months.

A member of staff, trustee or volunteer who is offered an unacceptable gift or hospitality should politely decline the offer. If they feel it would not be appropriate for them to decline, they should refer the matter to the Company Secretary, Finance Director, or the Volunteer Manager who may decline the offer or donate the gift or hospitality to a worthy cause, and must also record the offer on the Gifts & Hospitality Register.

## **6. Corporate Hospitality Exclusions**

Specific areas that are generally excluded from WEA's interpretation of corporate hospitality, and which do not need to be disclosed on the Gifts & Hospitality Register, are the following:

- Business and travel expenses properly incurred by staff, trustees and volunteers whilst attending events or occasions sponsored by or supported by WEA;
- Normal business lunches and meals, with fellow staff, trustees and volunteers;
- Hospitality provided to staff, trustees and volunteers who are permitted by WEA to attend externally organised courses, conferences, seminars and workshops which are paid for by WEA, provided that in all cases such hospitality is open to all delegates or attendees as part of the attendance fee (or, in the case of very large events, is open to a fair representation of attendees);
- Gifts or incentives provided by recognised business "frequent traveller" loyalty schemes and awarded during travel paid for by WEA; and
- Vouchers or financial compensation awarded due to delays during travel paid for by WEA.

As a general rule, WEA interprets corporate hospitality as covering all other invitations and activities falling outside the exceptions above.

## **7. Breach of this Policy**

WEA expects the highest standards of compliance with this policy from its staff, trustees and volunteers. Any breach of this policy will result in disciplinary action. Any breach by a member of staff will be dealt with according to the Disciplinary Procedure, and could ultimately result in dismissal for misconduct or gross misconduct. Any breach by a volunteer will be dealt with according to the procedures set out in Section 2 of the Regulations, and could ultimately result in a removal from duties, including participation on a board or any delegated committee. In all

cases, if a breach is deemed to be in contravention of a law or statutory regulation, then WEA will bring the matter to the attention of the appropriate authority.

Where a third-party performing services on behalf of WEA is found to be in breach of this policy, action may be taken to terminate the relevant contractual relationship.

A member of staff, trustee or volunteer wishing to report a breach of this policy should follow the Whistleblowing Procedure, which can be found on WEA's website.

## **8. Review**

This policy and its annexes will be reviewed by the Audit & Risk Committee at intervals of no more than three years.



## Annex 1: Specific Examples

Type of Gift / Hospitality	Rule	Required Action
Trivial gift (up to £25.00)	Acceptable if occasional, and not exceeding a total value of £75.00 in any 12-month period).	Keep a personal record.
Non-trivial gift (over £25.00)	Decline the gift if this will not cause offence. If this is inadvisable or impossible, the gift may be accepted and reported.	Advise the individual / company of this policy and that the gift will be declared. Notify the Company Secretary ( <a href="mailto:kformosa@wea.org.uk">kformosa@wea.org.uk</a> ) as soon as possible afterwards, including why the gift could not be refused.
Gifts of cash or cash equivalents (e.g., gift cards)	Not acceptable in any circumstances. The gift must be declined.	Notify the Company Secretary ( <a href="mailto:kformosa@wea.org.uk">kformosa@wea.org.uk</a> ) of the offer of a cash or cash equivalent gift.
Invitation to lunch or dinner	Only accepted where the venue and hospitality are not in themselves an inducement to accept the invitation.	Inform your line manager (staff), Company Secretary (trustees or non-trustee committee members) or Head of Region/Regional Education Manager (volunteers).
Invitation to attend a conference, seminar, or trade show.	Where relevant information is to be gained through the event and the hospitality element is incidental, the invitation may be accepted.	Notify the Company Secretary ( <a href="mailto:kformosa@wea.org.uk">kformosa@wea.org.uk</a> ) in advance of acceptance.
Social invitations	Decline, unless there is a clear business justification for accepting.	Notify the Company Secretary ( <a href="mailto:kformosa@wea.org.uk">kformosa@wea.org.uk</a> ) in advance, or as soon as possible afterwards, including the business justification for accepting the invitation.
Overnight accommodation	Decline, unless time pressures or personal safety concerns require it.	Notify the Company Secretary ( <a href="mailto:kformosa@wea.org.uk">kformosa@wea.org.uk</a> ) in advance, or as soon as possible afterwards, including the business justification for accepting the invitation.

## Annex 2: Gifts & Hospitality Register

The following is an example of the Gifts & Hospitality Register. The actual register is kept by the Company Secretary.

	Date	Name (Department)	Description (including approximate value and the party offering the gift or hospitality)	Accepted / Rejected	Business Purpose
1.	16/08/2021	Jane Brown (Association Services)	Lunch at BBB Restaurant, paid for by Joe Bloggs (AAA Consultancy). Estimated value £40.00	Accepted	Discussion of plans for forthcoming conference.
2.					
3.					
4.					
5.					