



NMAT Gifts & Hospitality Policy

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| Approved by: | NMAT Board of Trustees | Date: October 2023 |
| Last reviewed on: | October 2023 | |
| Next review due by: | October 2024 | |
| Responsible | Chief Operating Officer | |

1 Purpose and Scope

Nunthorpe Multi Academy Trust (NMAT) is committed to the highest level of integrity, honesty and accountability in all its business dealings. All Members, Trustees, Governors and staff 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 Academy Trust. The purpose of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

This policy sets out the principles for managing acceptance and registration of gifts and hospitality. It should be read in conjunction with the Trust's Articles of Association (articles) and Academy Trust Handbook to ensure the open and proper management of gifts/hospitality.

Reference to Members/Trustees/Governors reflects the combination of legal duties, responsibilities and obligations as a Trustee under charity law; as a director under company law and; as a governor under education legislation. The terms Trustee, member and governors may be used interchangeably.

2 Background and Legal Context

In accordance with the requirements of the Academy Trust Handbook, the Trust should have a policy and register on the acceptance of gifts, hospitality, awards, prizes or any other benefit that might compromise their personal judgment or integrity; and should ensure that all members of staff are made aware of this. When giving gifts, the Trust must ensure that the value of the gift is reasonable, is within the Trust's scheme of delegation, the decision is fully documented, and has due regard to propriety and regularity in the use of public funds.

The Bribery Act 2010 (BA 2010) raised concerns that corporate hospitality could be construed as a bribe and would therefore be illegal. This document employs a pragmatic approach for distinguishing between bribery and legitimate corporate hospitality and is a part of the steps required to establish the defence of adequate procedures if an event of bribery occurs inside.

A criminal offence will be committed under the Act if:

- An employee or associated person acting for, or on behalf of, the Trust offers, promises, gives, requests, receives or agrees to receive bribes.
- An employee or associated person acting for, or on behalf of the Academy/Trust, offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties.
- And, in either case, the Trust does not have the defence that it has adequate procedures in place to prevent bribery.

3. Definitions

Gifts are any items, cash, awards, prizes, goods or services, offered without expectation of payment or benefit. 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.

4. What can NMAT do to ensure their hospitality and promotional expenditure is legitimate?

There are four guiding principles that companies should communicate to their staff when deciding to give or accept hospitality:

- 1. The intention.** Is the gift or hospitality intending to influence the recipient to perform his or her function improperly, or in the case of public officials intending to influence their decision making?

NMAT Gifts and Hospitality Policy (Statutory)



2. **The timing.** When is the gift or hospitality made? A proposed visit to NMAT headquarters overseas with expenses paid may be seen as perfectly reasonable after the contract has been awarded, but less so while the contract is still under tender.
3. **The transparency.** Is the gift or hospitality hidden or open, and does the NMAT require its employees to declare and record any gifts received and provided?
4. **The self-awareness.** Senior Leaders should advise their employees to consider how a gift or hospitality might look if it became public. This is a useful test of the "reasonable man" issue a jury may be asked to consider.

The following steps to ensure that hospitality and promotional expenditure is legitimate:

1. **Publishing clear written policies prohibiting gifts, expenses or hospitality which might influence or be seen to influence a contractual or material matter.**
2. **Providing guidance on an upper limit for gifts, hospitality and expenses.**
3. **Having clear and precise anti-bribery terms in any contracts.**
4. **Communicating policy, procedures and guidance to all employees, business partners and suppliers. Consideration should also be given to whether the policy should be publicly available.**
5. **Documenting gifts, hospitality and expenses, whether given or received (or refused).**
6. **Considering any necessary industry guidance.**

5. Roles and responsibilities

Members, Trustees, Governors and staff:

- Must not give or accept gifts or hospitality to or from a third party where it might be perceived that their personal integrity has the potential to be compromised, or that the Trust might be placed under any obligation as a result of acceptance
- Must not use their official position to further their private interests or the interests of others
- Must not solicit gifts or hospitality
- Must record any gifts or hospitality offered to them or the Trust with a value of over £30 on the gifts and hospitality register (see appendix 1) within 7 school days, even if declined
- Must consult the NMAT Chief Operating Officer or Executive Principal before accepting or offering any gifts or hospitality with a value over £30.

Trustees

Trustees will ensure that the Trust's funds are used in a way that commands broad public support, pays due regard to propriety and regularity, and provides value for money.

The Executive Principal

The Executive Principal is responsible for ensuring that staff are aware of and understand this policy, and that it is being implemented consistently.

The Executive Principal will act with the utmost integrity on all matters relating to gifts and hospitality, ensuring that they set a good example to the rest of the school and Trust and to those outside the organisation.

They will also ensure, alongside the NMAT Chief Operating Officer that decisions on whether individuals or the Trust can accept or offer gifts or hospitality with a value of over £30 are in line with this policy.

The NMAT Chief Operating Officer

This policy will be kept under regular review in light of legal developments and best practice.

Page 2 of 6

NMAT Gifts and Hospitality Policy (Statutory)



The NMAT Chief Operating Officer will ensure that:

- The Trust and Academy maintains a gifts and hospitality register
- Figures for transactions relating to gifts made by the Trust are disclosed in the Trust's audited accounts, in accordance with the Academy Trust Handbook
- Trustees and Executive Principal are provided with information on gifts and hospitality received and given, as appropriate

They will also ensure, alongside the Executive Principal, that decisions on whether individuals or the Trust can accept or offer gifts or hospitality with a value of over £30 are in line with this policy.

6. Recording Gifts and Hospitality

As stated above, the Academy Trust Handbook requires that the Trust maintain a register on the acceptance of gifts and hospitality. Each Academy must hold a register specific to the Academy, with a consolidated register across the Trust to be maintained by the NMAT Finance Manager.

The NMAT Finance Manager will report annually the content of the register to the Finance and Risk Management Meeting. Any concerns/issues identified should be noted and an action plan recommended to the Trust Board.

Members, Trustees, governors and staff must, within 28 days of accepting any gift or hospitality, provide written notification using the 'Declaration of Gifts and Hospitality' form. All offers accepted should be recorded in case of any queries, in particular through Freedom of Information (FOI) requests.

The Declaration of Gifts and Hospitality forms must be completed in full, setting out full details of the offer or the gift and or hospitality received as well as:

- estimated or actual value;
- an indication from the Executive Principal or the Chair of the Trust Board as to why acceptance of the offer is authorised;
- the employee's/governor's printed full name and signature; and
- the Executive Principal or the Chair of the Trust Board's printed full name and signature.

It is common for appreciative parents/carers and students 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 and need not be added to the register.

Where a more valuable gift, benefit or service is offered which is to the good of the school, rather than an individual, then it must be referred to the Executive Principal and if in the case of the Executive Principal, to the Chair of the Board of Trustees for approval within their discretion. Such items, if acceptable, should be added to the register.

Hospitality in the form of working lunches, coffees etc are perfectly acceptable, and it would be appropriate to offer this to gain cordial relationships in support of good relationships with visiting staff or business colleagues. These need not be added to the register.

7. Publishing information relating to Gifts and Hospitality

Any request by a member of the public to view the Register of Declarations or Gifts and Hospitality will be referred to the Chair of the Trust Board or NMAT Manager. In considering any request, they will balance the requirement for the Trust to be open and transparent against the requirements of General Data Protection Requirements.

NMAT Gifts and Hospitality Policy (Statutory)



NMAT shall take advice from its auditors in respect of the disclosure of gifts and hospitality in the preparation of its annual report and accounts to ensure full compliance with legal and statutory requirements.

8. Managing Conflicts of Interest

In the case where it is believed a member of staff, Member, Trustee or Governor has not declared a gift or hospitality then a formal investigation will be instigated by the NMAT Chief Operating Officer. The Trust's disciplinary procedures may be applied where it is found that a breach has occurred.

9. Data Protection

Information gathered for the purposes of this policy, in order to comply with legal requirements, will be processed in accordance with data protection principles as set out in the General Data Protection Requirement 2018. Data will be processed only to ensure that relevant individuals act in the best interests of the Trust and that the Trust is fully compliant with legal requirements around declaring and publishing gifts and hospitality. It will not be used for any purpose other than those set out in this policy.

Once data collected for the purposes of this policy has expired it will be disposed of three years following the date of expiry.

This Policy should be read in conjunction with the following documents:

- NMAT Governance Code of Conduct
- NMAT Staff Code of Conduct
- NMAT Disciplinary Policy
- NMAT Financial Regulations Manual
- Academy Trust Handbook

DECLARATION OF GIFTS/HOSPITALITY

Details of employee receiving gift or hospitality

| | |
|----------------------|--|
| Full Name | |
| Job Title | |
| School/Establishment | |
| Date of Declaration | |
| Signature | |

Description of gift or hospitality

This policy will be kept under regular review in light of legal developments and best practice.

NMAT Gifts and Hospitality Policy (Statutory)



| | |
|---|----------|
| Description of gift / hospitality | |
| Value/estimated value of gift or hospitality | |
| Purpose of the offer | |
| Person/organisation providing the gift or hospitality | |
| Relationship to the person/organisation offering the | |
| Acceptance of gift / hospitality | Yes / No |
| Reason for acceptance | |

Nil Return – cannot be greater than 12 months

| | |
|--------------------|--|
| Period Covered | |
| Signature and Date | |

Approved by

| | |
|--------------------|--|
| Signature | |
| Date | |
| Name | |
| Job Title/Position | |