



EBOR ACADEMY TRUST

Policy Number

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Gifts, Hospitality & Fraud Policy

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1. Introduction

This policy defines the expected conduct of all staff engaged at the Academy, whether in paid or voluntary employment, in relation to deterring and/or detecting fraud and corruption, and who to report it to.

It includes clear guidelines on what is acceptable in terms of gifts and hospitality and how these matters are declared.

The guiding principle of the policy is that:

“The public is entitled to demand of a local government officer conduct of the highest standard and public confidence and his or her integrity would be shaken were the least suspicion to arise that s/he could in any way be influenced by improper motives”.

The acceptance of gifts and hospitality can inevitably lead to suspicion of improper motives or even bribery and corruption. Even where a gift or hospitality is offered or accepted innocently an employee may place the Trust and him or herself in an embarrassing position if:

- 1.1 an allegation of improper conduct is later made
- 1.2 an employee is unconsciously influenced by the gift or hospitality in carrying out their official duties
- 1.3 a precedent is set which is abused by an unscrupulous person.

It should be realised that if an allegation of improper conduct were to lead to criminal proceedings, the Prevention of Corruption Act 1916 assumes that a gift is given corruptly unless proved to the contrary.

It is therefore essential that staff act with a high level of caution in the acceptance of any kind of gift or hospitality. Staff should consider whether acceptance would be consistent with these guidelines and whether the decision would be defensible if it were made public. Staff should be alert to the possibility that seemingly innocent approaches may be made to them both in their official capacity or as private individuals with the ultimate aim of influencing the outcome of an official decision (e.g. planning application, grant award, contract award). In essence employees should not accept any gifts or hospitality which they cannot wholly justify, and where any doubt remains they should consult with the Trust Finance Director or Trust Director of People and Culture.

Staff should also be particularly careful about making use of services or goods from firms who are actively engaged in business with the Trust. This is particularly relevant where the goods or services are substantial in value or where the provider normally deals with a commercial market rather than a domestic one.

Under no circumstances must an employee solicit gifts or hospitality of any kind or allow the receipt of any gift to influence them in the conduct of their duties.

2. Gifts

The term gift includes not only money or goods but also services offered to an officer privately at a preferential price because of the employee's official position as a Trust employee. In general gifts should not be accepted, however there are a number of exceptional circumstances where gifts may

be accepted. If there is any doubt an employee should obtain the approval of his or her Line Manager, the Finance Director or Director of People & Culture before accepting a gift.

Official gifts from visiting dignitaries or for example representatives from other cities may be accepted on behalf of the Trust.

Token gifts of no great value (e.g. a cake) may be accepted from members of the public where it would cause hurt or ill feeling to refuse. For example if a child offers a gift as a means of thanking an employee for their help.

Promotional materials from suppliers may be accepted if they are of minimal value, for example: calendars, diaries and pens. If received such items should be distributed around the office in an equitable manner.

On occasion gifts of greater value (such as alcohol) are received in circumstances where they cannot be refused, for example in the post. Such gifts should normally be allocated to staff on an equitable basis such as a draw or raffle. However if a person or firm is repeatedly sending gifts of more than token value the relevant manager should write to the giver asking them to cease.

The Trust will maintain a register recording any gifts received of more than token value £26, the value of which will increase with the January CPI inflation rate each year.

The register will contain the following information:

- 2.1 The name and address of the person/firm making the gift
- 2.2 The person receiving the gift
- 2.3 The estimated value of the gift
- 2.4 The action taken to dispose of the gift

The register should be reviewed periodically by the Resources Scrutiny Committee.

If an employee is offered money or a gift that is substantial in nature or a gift is offered under circumstances where there is a suspicion that the giver is seeking to influence an employee in the performance of their duties, the gift must be politely but firmly refused and the matter reported at once to the relevant manager and to the Finance Director who will advise on the appropriate course of action.

3. Hospitality

Hospitality may be defined as meals, drinks or attendance at social events offered by suppliers or potential suppliers of goods and services or by other interested parties. As with gifts, the acceptance of hospitality must be considered carefully to avoid the possibility of allegations of improper conduct.

Hospitality should only be accepted where it is in the interests of the Trust for an employee to attend the event or entertainment. Hospitality that is excessive given the circumstances or occasion should not be accepted.

Attendance at hospitality events must be authorised wherever possible by the relevant Director or an employee to whom this responsibility has been delegated. Acceptable forms of hospitality are:

- 3.1 attendance at dinners, receptions and ceremonies where an employee is representing the Trust;
- 3.2 working lunches in sectors where this is a normal and acceptable way of holding business discussions. A free lunch offered as part of a travelling salesman's "pitch" is unlikely to be acceptable;
- 3.3 refreshment offered at a site visit, conference or demonstration;
- 3.4 other events where, in the view of the authorising officer, attendance will be of benefit to the Trust and it is apparent that no reasonable cause of criticism could arise.

The Trust will keep a register of hospitality received containing the date, location, persons involved, reasons and the signature of the authorising officer. This register will be reviewed periodically by the Finance Scrutiny Committee.

An employee attending a hospitality event must bear in mind that they are an official representative of the Trust and should not engage in any conduct likely to bring the Trust into disrepute (i.e. drunkenness).

4. Reporting a suspected Fraud

All allegations of suspected fraud and financial irregularities are to be brought to the attention of the Finance Director and the Head of Governance & Compliance, unless this individual is involved in the irregularity in which case the CEO (Accounting Officer), Chair of Trustees & Chair of the Audit Committee should be informed.

Please refer to the Academy Whistleblowing Policy for further guidance.

5. Response to an allegation

- 5.1 The Finance Director will have initial responsibility for co-ordinating the initial response. In doing this he/she will consult with the Director of People and Culture regarding potential employment issues. The Finance Director will also seek legal advice from the Academy's solicitors on both employment and litigation issues before taking any further action.
- 5.2 The Finance Director and CEO will ascertain whether or not the suspicions aroused have substance. In every case, and as soon as possible after the initial investigation, they will pass the matter on to the Chair of the Audit Committee. Even if there is no evidence to support the allegation, the matter must be reported.
- 5.3 The Audit Committee will undertake the management of the investigation.
 - They will, if appropriate, conduct a preliminary investigation to gather factual information and reach an initial view as to whether further action is required.
 - They will determine whether the findings, conclusions and any recommendations arising from the preliminary investigation should be reported to the Chair of Trustees and the CEO (Accounting Officer).
 - If further investigations are required, they will determine which outside agencies should be involved (police, auditors).
- 5.4 The Finance Director and the CEO (Accounting Officer) are required to inform the Board of Trustees and the ESFA of any instance of fraud or financial irregularity as per the Academies Trust Handbook.

6. Disciplinary Action

An employee found to be acting in contravention of these guidelines may be subject to disciplinary action. If there are grounds for suspicion that an employee has solicited gifts or has allowed the receipt of gifts to influence them in their official duties, has committed a fraud or is involved in financial irregularity an investigation will be mounted which may result in criminal proceedings.

Further details of this process can be found in the Trust Disciplinary policy.