

# Gifts & Hospitality

UPR GV18 version 01.0

## Policies superseded by this document

This is a new policy.

## Summary of significant changes to the previous version

There is no previous version, although this new policy does take precedence over and partially replace the previous Bribery and Corruption Policy (UPR GV12 version 04.0).

## Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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## 1 Introduction

- 1.1 The University of Hertfordshire has a series of policies to ensure that members of the University always act in compliance with the Bribery Act 2010 and other legislative and regulatory requirements and guidance, in relation to conflicts of interest. This includes setting appropriate and reasonable thresholds for the giving and receiving of gifts and hospitality by members of the University; and ensuring that such gifts and hospitality are appropriately recorded.
- 1.2 The University has three policies (UPRs) in relation to anti-bribery and corruption, the handling of interests, external positions, payments, gifts and hospitality that could lead to conflicts of interest:
- a A **Conflicts of Interest Policy** (UPR GV17), which deals with the identification, recording, and management of conflicts of interest;
  - b An **Anti-Bribery and Corruption Policy** (UPR GV12), which deals, primarily, with the University's policy in respect of compliance with the Bribery Act 2010; and
  - c This **Gifts and Hospitality Policy** (UPR GV18), which sets out the University's policy regarding staff giving and receiving gifts and hospitality.
- 1.3 All members of the University, including staff and students, are required to read and comply with the provisions of these policies. Members of the University should refer to the individual policies for information regarding the specific areas with which they deal.

## 2 Policy Statement

- 2.1 It is the policy of the University of Hertfordshire that all members of the University, including staff and students, should conduct business in an honest and transparent way and without any use of bribery or corrupt practices to obtain an unfair advantage.
- 2.2 This policy commitment is not just a cultural commitment. It recognises the fact that, pursuant to the Bribery Act 2010, bribery is a criminal offence in the United Kingdom and abroad, and corrupt acts expose the University and its members to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation.
- 2.3 The University applies a 'zero tolerance' approach to acts of bribery and corruption by any member of the University or representative of the University. Any breach of this policy will be regarded as a serious matter and may result in disciplinary action.

- 2.4 In summary, bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical, a breach of trust or the improper performance of a contract. A bribe can be the direct or indirect promise, offering or authorisation of anything of value, which could take the form of a kickback, loan, fee, reward, gift or other advantage. Excessive or lavish gifts or hospitality in relation to business transactions or arrangements with third parties may amount to bribes. (Members of the University should refer to the Anti-Bribery and Corruption Policy (UPR GV12) for full details of the University's policy in relation to anti-bribery and corruption.)
- 2.5 Accordingly, it is appropriate for the University to set reasonable limits on the giving and receipt of gifts, entertainment and hospitality, and to record such activities, in order to ensure that they fall within reasonable bounds of value and occurrence and do not amount to, and cannot be construed as, unlawful inducements.
- 2.6 While conducting business for the University, members of the University may only give and receive gifts and hospitality within the thresholds set out in this policy and should follow the process set out in the policy for the declaration of all such gifts and hospitality.
- 2.7 It is recognised that the policy and regulations set out in this policy may conflict with local law or custom and practice in countries outside the United Kingdom. Where a local law conflicts with this policy or with relevant English legislation and/or imposes stricter obligations, members of the University must comply with that local law. Where a local custom or practice departs from this policy or from relevant English legislation, members of the University must comply with this policy and English legislation.

### 3 Definitions of gifts and hospitality

For the purposes of this policy:

- 3.1 a **gift** shall mean the receipt or offer of any item of value (including cash) or token of appreciation or gratitude;
- 3.2 **hospitality** shall mean any form of entertainment (including meals, events, functions or social gatherings) and/or invitations to such entertainment; and
- 3.3 such gifts or hospitality must be **made to, given to, or offered by**, a member of the University while conducting **matters connected with the University's business**.

### 4 Gifts and hospitality requiring declaration

- 4.1 No members of the University or person associated with the University<sup>1</sup> may receive gifts or hospitality in connection with University business other than in accordance with this policy.

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<sup>1</sup> A person associated with the University includes any individual or organisation performing services for and on behalf of the University, which may include students, the University's subsidiary companies, recipients of grants, partners in collaborative working arrangements and joint ventures, suppliers, distributors, business contacts, agents, advisers, and government and public bodies.

4.2 No gift or hospitality should be accepted from a third party where there is or could be any expectation that it will lead to a business advantage for them, whether or not provided directly by the University. Similarly, no member of the University or person associated with the University may offer gifts or hospitality in connection with University business where there is or could be any expectation that it will lead to a business advantage for the University.

### 4.3 Gifts

4.3.1 Except in the circumstances set out in this section, no member of the University may accept a gift, and any offer of a gift must be declared in accordance with this policy.

#### 4.3.2 Personal gifts

- a Members of the University are permitted to give and receive gifts of **scholarly works** provided that they declare such gifts in accordance with this policy. For the purpose of this policy, a **scholarly work** is a text or reference work (printed or in digital form) given or received by a member of the University for academic and/or professional purposes.
- b Members of the University are permitted to give and receive **personal gifts** which have a value of **up to £60**, provided that the circumstances in which they accept such gifts do not conflict with this policy (i.e. where there is or could be any expectation that it will lead to a business advantage for the provider of the gift, whether or not such advantage would be provided directly by the University). Such **personal gifts** do not need to be declared under the terms of this policy.
- c For the avoidance of doubt, where a **personal gift** has a value of **more than £60** or where the circumstances in which such personal gift is offered could reasonably be deemed to conflict with the requirements of this policy, the gift must be declined, and the circumstances declared.
- d Birthday, leaving or other gifts exchanged between members of the University by virtue of a personal friendship would not normally be subject to the restrictions in this policy. However, the policy does apply to any gift associated with the conduct of the University's business, which would include a gift from a student to a member of staff.
- e Members of staff may accept personal gifts from their supervisors or line managers without declaring them provided that such gifts are not in the form of cash and the value and circumstances of the gift comply with the provisions of **paragraph b** above.

#### 4.3.3 Corporate gifts

- a Any gift which falls outside the scope of a personal gift (as set out in section 4.3.2 above) will be deemed to be a **corporate gift** which, if accepted, must be declared in line with this policy.

- b From time-to-time members of staff may receive gifts from students, which may be difficult to decline without causing offence. Where the value of such a gift is **less than £60**, it shall be considered a personal gift and the provisions in respect of personal gifts (above) shall apply. Where the value of such a gift is **more than £60**, it shall be considered a corporate gift for the purposes of this policy. If a member of staff accepts such a gift, it must be made clear that the gift is accepted on this basis.
- c Where a corporate gift has been accepted but has not been retained for use by the Strategic Business Unit (SBU) that received it, the gift must be lodged with the Secretary and Registrar.

#### 4.4 Hospitality

4.4.1 Members of the University are not normally permitted to accept hospitality with a value **in excess of £80** unless:

- a prior written approval has been given by their line manager or Head of SBU; and
- b a declaration has been made.

4.4.2 It is recognised that, in some exceptional cases, it may not be possible to anticipate value nor obtain the prior approval referred to in section 4.4.1,a. In those circumstances, the member of the University must make a declaration and a report to his Head of SBU within three (3) working days of having accepted the hospitality. The Head of SBU will determine whether the acceptance was appropriate and determine any appropriate course of action to be taken. It should be noted that such cases will be regarded as exceptional.

4.4.3 Where hospitality with a value **in excess of £80** has been declined, a declaration must, nevertheless, be made by the member of the University to whom the offer was made.

#### 4.5 Travel, accommodation and subsistence

4.5.1 Members of the University are:

- a not normally permitted to accept offers of travel, accommodation or subsistence from external organisations or individuals and, where this is offered and declined, they must make a declaration; and
- b required to make a declaration where a period of annual leave will be associated with a business journey either in the UK or overseas, for which an expenses claim will be made against the University in respect of costs associated with the journey or part of the journey.

5.5.2 Exceptions to the above rule may be permitted with the prior written consent of the relevant Head of SBU in specific circumstances where acceptance could not reasonably be construed as an inducement or lead to a conflict of interests. Examples would include a case where a member of the University is invited to present at a conference and the invitation includes the payment of reasonable travel and subsistence costs at rates consistent with the policies and regulations of the other party.

## **4.6 Other matters which should be declared**

4.6.1 The following additional matters should be declared:

- a Benefits, offers of hospitality or invitations to events (which might include travel, accommodation or subsistence) taking place outside normal working hours and/or during periods of annual leave and for which no expenses claims or other claim (e.g. time off to attend) would be made against the University.
- b Benefits which might result directly from (or could reasonably be inferred to have resulted directly from) an individual's employment or association with the University.

4.6.2 Where the situation is unclear, the individual concerned should, in the first instance, seek advice from his or her line manager or from the individual who would normally approve their expenses claims. Where the position remains unclear, advice must be sought from the Secretary and Registrar (or nominee). The Director of Legal & Compliance Services and University Solicitor and the Head of Internal Audit are also able to advise University members in this regard.

## **5 How to make a declaration**

5.1 Each member of the University is personally responsible for reporting full information concerning any matters that fall within the scope of this policy.

5.2 Governors, the Vice-Chancellor, Deputy Vice-Chancellor, Group Finance Director and Pro Vice-Chancellors should make a declaration in writing (which may be by email) to the Secretary and Registrar within twenty **(20)** working days of any relevant offers of gifts or hospitality.

5.3 The Secretary and Registrar should make a declaration in writing (which may be by email) to the Vice-Chancellor within twenty **(20)** working days of any relevant offers of gifts or hospitality.

5.4 All other members of staff should make a declaration in writing (which may be by email) to their Head of SBU within twenty **(20)** working days of any relevant offers of gifts or hospitality.

5.5 Students should make a declaration in writing (which may be by email) to their specific supervisor or tutor within twenty **(20)** working days of any relevant offers of gifts or hospitality.

5.6 Heads of SBU will maintain a register of all declared gifts and hospitality and return all information declared under this policy to Governance Services on an annual basis.

## **6 Register of Gifts and Hospitality (Register III)**

6.1 The Secretary and Registrar will maintain a Register of Gifts and Hospitality, which will be confidential, save in respect of information which the University is required to make public in compliance with applicable legislation or regulation.

- 6.2 Information about the interests of members of the University will be held on the Register of Gifts and Hospitality for the term of an individual's employment, consultancy or association with the University and for a period of seven (7) years following the termination of that relationship.
- 6.3 The Conflicts of Interest Committee will be permitted to inspect the Register of Gifts and Hospitality. Senior management and Heads of SBU (and those involved in regulatory processes, such as the Head of Procurement and Group Accountant) will also be permitted to inspect the Register of Gifts and Hospitality to assist with the management of any conflicts of interest within their specific areas.
- 6.4 Members of staff will be permitted to inspect the information recorded/held on the Register of Gifts and Hospitality about them by applying to the Secretary and Registrar for permission and providing satisfactory proof of identity.
- 6.5 Managers and investigating officers may seek permission from the Secretary and Registrar to review an individual's entry in the Register of Gifts and Hospitality as part of the investigation of a complaint, whistleblowing, or disciplinary matter.
- 6.6 Access to the Register of Gifts and Hospitality will be at the discretion of the Secretary and Registrar, who may allow or prevent access to the information held on the Register of Gifts and Hospitality in such way as meets the public interest in disclosing and managing conflicts of interest and permits the proper management of the University and the conduct of its business in accordance with this policy.
- 6.7 The Secretary and Registrar (or nominee) will report annually to the Audit and Risk Committee the number and type of declarations made under this policy and alert the appropriate officers or body where there is evidence of under-reporting by any member of the University.

## **7 Advice and guidance**

- 7.1 Advice and guidance in relation to this policy can be sought from the Director of Legal & Compliance Services and University Solicitor and/or the Head of Internal Audit.
- 7.2 If you have any concerns about conflicts of interest and wish to speak to someone confidentially about those concerns, please contact the Whistleblowing Hotline: 01707 285842 or contact the Head of Internal Audit directly. Further information regarding whistleblowing is set out in the **Whistleblowing Policy (UPR GV16)**.

## **8 Failure to Comply**

- 8.1 All staff and students must comply with the terms of this policy.
- 8.2 The University may take disciplinary action in cases where it is alleged that this policy has been breached.

## 9 Review

This policy will be reviewed by the Audit and Risk Committee on an annual basis, and recommendations for amendment may be made by the Corporate UPR Advisory Group (CUPRAG) and the Conflicts of Interest Committee.

Sharon Harrison-Barker  
Secretary and Registrar  
Signed: **1 August 2021**

### **Alternative format**

If you need this document in an alternative format, please email us at [governanceservices@herts.ac.uk](mailto:governanceservices@herts.ac.uk) or telephone us on +44 (0)1707 28 6006.