

The LTE Group

Gifts and Hospitality Procedure of the Anti-Bribery Policy

Produced by



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1. Context and Introduction

1.1 The Bribery Act 2010 (the Act) has consolidated previous UK legislation relating to bribery and introduces four new offences which are relevant to staff and governors accepting and giving gifts and hospitality. These new offences are set out below:

1.1.1 Making a bribe – the promise or giving of an advantage with the intention of inducing or rewarding the improper performance of a relevant function or activity.

1.1.2 Accepting a bribe – the receipt or acceptance of an advantage for the improper performance of a relevant function or activity.

1.1.3 Bribery of a foreign public official where the intention is to influence an individual in their official capacity in order to win or retain business.

1.1.4 Failing to prevent bribery – a strict liability corporate offence where a commercial organisation fails to prevent bribery by those performing services on its behalf.

1.2 Since the introduction of the Bribery Act, industry and public focus has centred on its application to gifts and hospitality. Sensible, reasonable hospitality, gifts or promotional expenses (and business trips) which, in their broader context, are not aimed at influencing performance and decision making, will remain outside the scope of the Act and should not attract prosecution. Only where the payment, gift or hospitality is extraordinary or lavish, or has the ability to influence or reward improper performance by the recipient, will the payment be scrutinised under the Act.

1.3 It is clear that those holding a senior position or working in procurement within the college may be targets for bribery. This could include any member of staff who is responsible for researching prices and ordering goods and services. It could include line managers' and authorised signatories who have a responsibility for authorising on line or written requisitions and purchase orders raised by others. In addition, members of the Principalship, Senior Managers and Governors who are viewed as holding a "position of influence" within the college may also be targeted for bribery. It therefore beholds all staff and governors to be cautious about accepting or giving any gifts or hospitality.

1.4 The Act makes offering or accepting bribes illegal. To comply with the Act, The LTE Group is required to implement a policy which reflects the Act's terms. It is the responsibility of each employee and governor to understand and comply with the policy. In this respect the college Governing Body agreed and adopted an "Anti-Bribery Policy" in December 2011 and this can be viewed in the college intranet in the documents section. The purpose of this particular document therefore, is to outline the procedures and processes that support the colleges' "Anti-Bribery Policy".

1.5 In addition, staff and governors should be aware that bribery has been added to the list of wrongdoings that qualify for protection under the Public Interest Disclosure Act 1998. This will be reflected in the colleges' Public Interest Disclosure Policy and Procedure (which can also be found in the college Intranet). The acceptance or the offering of a bribe is considered an example of gross misconduct.

2. College Contact Person (Anti-Bribery Officer)

2.1 Staff and Governors may be offered and may need to give gifts and hospitality during the course of their dealings with relevant companies or organisations. The college needs to operate in a way that is publicly defensible and therefore, staff and governors must be cautious about accepting and giving gifts and hospitality that could give grounds for suggestions of undue influence.

2.2 This document includes guidance, but does not attempt to cover every situation and must be interpreted by applying common sense to the particular circumstances of each case. To assist with this process, the Head of Finance has been designated as the Anti-Bribery Officer and any member of staff or governor who requires guidance on the Anti-Bribery Policy and its supporting procedures, should telephone 0161 455 2415 or 0161 920 2224 or email finance@ltegroup.co.uk

2.3 The Anti-Bribery policy applies only to gifts and hospitality offered to, or given by staff and governors in their role at the college. It does NOT apply to gifts or hospitality offered to, or given by staff and governors on a personal basis unconnected to their employment or role with the LTE Group.

2.4 Staff and Governors, must not seek or accept preferential rates or benefits in kind for private transactions carried out with companies with which they have, or may have, official dealings as a result of their employment or role at the LTE Group.

3. Anti-Bribery Policy

3.1 The policy places a number of responsibilities on staff and additional responsibilities on the Governing Body. All staff and governors are responsible for ensuring that they record, and in the required circumstances, record, declare and surrender, any gifts and hospitality they receive in

the course of their work at The LTE Group. All staff and governors are responsible for obtaining prior approval and recording any gifts and hospitality they give, which relates to their work at or involvement with The LTE Group.

3.2 Guidance is therefore provided for the following situations;

- The procedure for staff and governors to record gifts received, other than gifts that are clearly of token value which need not be recorded;
- The procedure for staff and governors to record any hospitality received, other than hospitality that is clearly of token value which need not be recorded;
- The procedure for staff and governors to record any gifts given, other than gifts that are clearly of token value which need not be recorded;
- The procedure for staff and governors to record any hospitality given, other than hospitality that is clearly of token value which need not be recorded.

3.3 The Governing Body must be able to produce evidence at the end of each year and provide assurance that, as far as they are aware, all relevant gifts and hospitality have been recorded and that The LTE Group's policy has been complied with. This will be undertaken by way of an annual "Gifts and Hospitality Report" that will be prepared by the Anti-Bribery Officer for the Governing Body.

4. Principles when receiving gifts

4.1 Employees should exercise caution when accepting a gift, although it is recognised that there are circumstances in which it would be impractical or potentially offensive to refuse. However, if gifts are received the following applies:

4.1.1 All gifts with a recommended retail price (RRP) of under £25 may be retained by the employee or governor but **MUST** be recorded in the gifts and hospitality register which is kept by the Anti-Bribery Officer, unless they are of token value (under £5)

when a declaration is not required. Recipients should complete the Gift and Hospitality declaration form shown as Appendix 1 (available electronically in the college intranet) within 5 working days of receiving the gift.

4.1.2 Monetary gifts (including redeemable vouchers) MUST NOT be accepted.

If a monetary gift is offered, the recipient should ask for it to be donated to The Cecil White Prize Fund (The LTE Groups' Student Prize Fund). The Anti-Bribery Officer will advise both the recipient and if required the person or organisation making the monetary gift, about how payment can be made to the college. If a monetary gift is received in the post or via any other method, it should immediately be declared to the Anti-Bribery Officer using the Gift and Hospitality declaration form shown as Appendix 1 (available electronically in the college intranet). The Anti-Bribery Officer will then make suitable arrangements for its use within The LTE Group or return to it to the organisation or person who has made the monetary gift.

4.1.3 Any gift received that has a RRP of £25 or more MUST be recorded in the gift and hospitality register which is kept by the Anti-Bribery Officer. Recipients should complete the Gift and Hospitality declaration form shown as Appendix 1 (available electronically in the college intranet) to declare the gift and then surrender the gift to the Anti-Bribery Officer who will make suitable arrangements for its use within The LTE Group or for charitable purposes or for its disposal. The Gift and Hospitality declaration MUST be completed within 5 working days of the recipient receiving the gift.

4.1.4 It is not the policy of The LTE Group to charge a fee for providing a speaker at a dinner or conference and it should be made clear that no payment is expected or required. The principles in paragraph 4.1.1 and 4.1.3 apply to all gifts received by an employee or governor when giving a speech on behalf of The LTE Group. The principles in paragraphs 5.1 apply to hospitality received by a speaker.

4.2 Table 4.2.1 summarises the position with regard to recording and recording, declaring and surrendering gifts.

Table 4.2.1

Value of Gift	Do I Complete Gift and Hospitality Declaration?	Surrender
Less than £5	No	No
Less than £25	Yes	No
More than £25	Yes	Yes
Monetary Gifts (including vouchers or equivalent)	Yes	Yes (Must NOT be accepted, but recipient may suggest a donation to the Cecil White Trust Fund)

5. Principles when receiving hospitality

5.1 Interaction with regulated companies, organisations, professional advisers, other parties and stakeholders including suppliers or potential suppliers, is an important part of the work of the college. Hospitality may be offered by them as part of that interaction and would therefore be acceptable. It is important, however, that The LTE Group can defend itself against any possible suggestions of undue influence and can reply to any requests under the Freedom of Information Act.

5.2 The table at 5.2.1 provides guidance of what is permissible and whether or not it is recordable, but does not attempt to cover every situation and must be interpreted by applying common sense to the particular circumstances of each case. As a rule of thumb, staff and governors should ask themselves when considering the level of hospitality offered, “Is it comparable with the level of hospitality offered by the college to regulated companies, organisations, professional advisers, other parties and stakeholders, including suppliers or potential suppliers?”

If the answer to this question is “No”, then recipients should tread carefully and consider refusing the hospitality offered. If the individual is faced with a situation where refusing the hospitality would be impractical or potentially offensive, the recipient **MUST ALWAYS** complete the details on a Gift and Hospitality declaration form **EVEN** if they have refused the hospitality offered. They should do this at the earliest opportunity, but this should be no more than 5 working days after the hospitality has been offered, refused or accepted.

Table 5.2.1

Type of Hospitality	Venue	Permissible	Do I Complete Gift and Hospitality Declaration?
Hot & cold drinks with biscuits, cakes or other snacks	Any third party's office or premises	Yes	No
Working breakfast or lunch	Any third party's office or premises	Yes	No
Working breakfast or lunch	Restaurant or other venue away from third party's office or premises	Yes	Yes
Drinks Reception or similar networking opportunity	Any venue	Yes	Yes
An evening meal	Any venue	Yes	Yes

5.3 Accepting exclusive or expensive hospitality could very easily be misinterpreted by our stakeholders or the press. It is therefore usually **NOT** appropriate to accept such an invitation except, perhaps, where it would increase the effectiveness in discharging your role or otherwise further The LTE Groups' interests.

There is no comprehensive definition of what constitutes exclusive or expensive hospitality, but it would include invitations to major sporting or cultural events, particularly if only a small number of people have been invited to attend by the person or organisation making the invite. Staff or governors who receive an invitation to attend such events that are not

covered by the principles of receiving hospitality detailed in the table at 5.2.1, should in the first instance complete APPENDIX 2 “Request for Approval to Attend an Event”. The “Request for Approval to Attend an Event” should only be completed if the individual feels that by attending, it would increase their effectiveness in discharging their role or otherwise further The LTE Group’s interests. If this is not the case, the invitation should be politely refused, even if the event is taking place on a date and time that is not normally part of the individual’s working hours.

5.4 “Request for Approval to Attend an Event” applications to accept invitations to attend events that may be considered to be exclusive or expensive hospitality, will be referred by the Anti-Bribery Officer to the CEO for approval. In the case of the CEO making an application, approval to attend will be required from the Chair of the Governing Body. Staff and governors must NOT accept an invitation or attend an event, unless approval has been given in writing (normally this will be provided by email).

5.5 If approval to attend events that may be considered to involve exclusive or expensive hospitality, is given by the CEO the applicant should ensure that they complete the Gift and Hospitality declaration form, within 5 working days of attending the event. If appropriate, the Travel/Trips form should also be completed as normal approval is required, even if the “Request for Approval to Attend an Event” has already been authorised.

5.6 When making overseas visits, staff or governors may be offered hospitality and gifts which, in normal circumstances, would be viewed as exclusive or expensive (as detailed in paragraph 5.3 above). It may however be deemed appropriate to accept hospitality from the host, which would normally need to be approved under paragraph 5.3 since local customs favour the giving and/or receiving of hospitality and gifts. If this situation is likely to arise, staff and governors should take appropriate advice in advance from the Anti-Bribery Officer as to what would be acceptable. If a situation arises where staff are already overseas and excessive hospitality or gifts are offered, they should ensure that the Gift and Hospitality Declaration form is completed immediately on their return to the college. In these circumstances, Gifts must be surrendered

immediately to the Anti-Bribery Officer. Monetary gifts should always be politely refused by the recipient.

5.7 If it has been agreed that an employee or a governor can accept an invitation to give a speech or provide input to a conference, then it is acceptable for a third party to meet some or all of the travel and/or accommodation costs. This applies whether or not the employee or governor would normally be attending the event as a delegate anyway.

On the understanding that the travel and accommodation arrangements have been undertaken in advance by the Finance Department of the college, the reimbursement of costs by a third party must be made payable to The LTE Group. The position in respect of hospitality remains as detailed in Table 5.2.1 above.

6. Principles when giving gifts and hospitality

6.1 Staff and Governors should exercise caution when giving gifts (except 'token' gifts such as pens, mugs, diaries etc.) and hospitality to third parties. However, if it is required, the following principles should be applied;

6.1.1 The giving of gifts and hospitality must be pre-authorised by the Principal or the Chair of the Governing Body and the Gift and Hospitality declaration form should be completed within 5 working days of the event taking place;

6.1.2 In determining whether the giving of a gift is appropriate, consideration should be given to the recipient, the value of the gift and the reason for it;

6.1.3 Hospitality given should be within the boundaries of The LTE Group's policy as listed in the table at 5.2.1;

6.1.4 Monetary gifts should never be provided unless they are offered as part of an incentive scheme approved by the Principal and offered to college students as an

acknowledgement of their achievement or involvement in an event such as an Open Evening. In these circumstances, book tokens, music vouchers or small cash payments under £20 maybe authorised.

7. Sponsorship

7.1 Sponsoring means any contribution in money or in kind by The LTE Group towards an event organised by a third party in return for the opportunity to raise The LTE Group's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with The LTE Group's ethical standards or that would damage The LTE Group's reputation. Where commercial sponsorship is used to fund The LTE Group's training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.

Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with The LTE Group's Bribery Officer.

All sponsorships must be publicly disclosed to the Anti-Bribery Officer and will be reported in the Gift and Hospitality Report to the Governing Body.

8. Monitoring of the policy

8.1 In order to monitor compliance with the policy, as required under the Act, the Gift and Hospitality declarations will be compiled into “The LTE Groups’ Gift and Hospitality Register” which will be available for scrutiny within the college Intranet. A report will also be submitted to the Governing Body at least on an annual basis.

APPENDIX 1

Gift and Hospitality Declaration: - Received or Given (Only required for gifts over £5)

Staff and Governors of The LTE Group are required to comply with the Anti-Bribery Policy which includes the policy on the acceptance of gifts and hospitality.

Please complete this form to record gifts and hospitality accepted or refused or given as part of your duties as an employee or governor of The LTE Group, unless they fall within the scope of a non-declared item identified in table 4.1.2 and 5.1.2. of the Gift and Hospitality Procedure. The details will be added to the Gift and Hospitality register and reported annually to the Governing Body of the Group.

Employee or Governor Name:	Job Title:	Workplace Location:
		Contact Telephone Number:
Description of Gift or Hospitality:		Approximate Value:
State if i) Received from or ii) Given to (name the individual and organisation):		Date Received or Given:
Additional comments (e.g. state if prior approval was given) or any other relevant information:		

APPENDIX 2

Request for Approval to Attend an Event

Staff and Governors of The LTE Group are required to comply with the Anti-Bribery Policy which includes the policy on the acceptance of gifts and hospitality.

Please complete this form to Request for Approval to Attend an Event that may be considered to be exclusive or expensive hospitality as part of your duties as an employee or governor of The LTE Group. Approval will be given by The CEO and if approved you should ensure that the Gift and Hospitality declaration is completed within 5 days of the event taking place. The details will be added to the Gift and Hospitality register and reported annually to the Governing Body of the Group.

Employee or Governor Name:	Job Title:	Workplace Location:
		Contact Telephone Number:
Details of the Event (that may be considered to be exclusive or expensive hospitality):		Approximate Value (if known):
Name of the person and/or organisation Issuing the Invitation:		Date of the event:
Additional comments to support your request (Why would your attendance increase the effectiveness in discharging your role or otherwise further The LTE Group's interests?)		