



Gifts & Hospitality Policy

Version 3

Approved by: Board
Approved date: 5 June 2017

1.0 Introduction

- 1.1 Optivo is a charitable Registered Provider of social housing and must comply with section 122 of Housing and Regeneration Act 2008 and charitable law, including that which relates to probity matters.
- 1.2 Optivo has also adopted the National Housing Federation's Code of Conduct (2012 Edition), which forms part of all employees' contracts of employment and Agreement for Services for Board and Committee members. The principle of integrity requires that employees and governance members should not place themselves under any obligation which might influence, or be perceived to influence, the conduct of their duties. The Code requires that there are clear rules and procedures in relation to the receipt of gifts, hospitality and other probity matters.
- 1.3 Optivo is also subject to the provisions of the [Bribery Act 2010](#) which has implications for the giving and receiving of gifts and hospitality. The Act creates two general offences of:
 - Giving, promising, or offering a bribe; and
 - Requesting or receiving a bribe.
- 1.4 It also sets out two further corporate offences aimed at commercial bribery, which are:
 - Bribery of a foreign public official, and
 - Failure of a commercial organisation to prevent bribery ('the corporate offence').
- 1.5 Where gifts or hospitality may be perceived as being related to procurement decisions, these could be considered offences under the Act. It should be noted, however, that proportionate corporate hospitality will not be caught by the Act, as only offers of disproportionate, frequent or lavish corporate hospitality are likely to be questioned.
- 1.6 The People, Governance & Remuneration Committee has delegated responsibility from the Board to monitor the benefits received by employees, Board and Committee members, including gifts and hospitality through review of the [Gifts & Hospitality Register](#).

- 1.7 This Policy clarifies the responsibility of all Optivo employees and Governance members in ensuring a high standard of probity is maintained. Failure to do so could result in regulatory or legal sanctions and seriously damage Optivo's reputation and that of the broader social housing sector.
- 1.8 All employees (whether permanent, temporary, full-time or part-time) and Governance members must adhere to this Policy. Failure to do so could result in action in line with the [Code of Conduct Breach Procedure](#) or [Disciplinary Policy](#). The acceptance of inappropriate gifts or hospitality would be subject to disciplinary action and could be considered gross misconduct. Agents, contractors or other individuals/organisations representing Optivo and its subsidiaries must also act in accordance with this Policy, as the Bribery Act 2010 is equally applicable to them and their actions could harm Optivo's reputation.

2.0 Gifts to employees

- 2.1 As a general rule, personal gifts to individual employees or governance members should not be accepted. Here are some examples of gifts/hospitality that cannot be given or accepted:
- Gifts of money or similar types of items (e.g. gift vouchers or tickets for events)
 - Bottles of alcohol regardless of their value. Such gifts must be passed to the Governance Team for use as raffle prizes in the next charity fund raising event
 - Gifts from a firm which is currently bidding or tendering for work, or where acceptance might be seen to create an obligation
 - Hospitality where the host is not present (such as tickets to sporting events, shows, concerts etc.) as this cannot be related to a legitimate business purpose
 - Gifts from residents, unless they are 'modest' (cost up to a maximum £5) and declining would cause offence.
- 2.2 Only small gifts of nominal monetary value (i.e. £5 or less) can normally be accepted by employees or members. Examples of appropriate gifts to give/receive include:
- A modest gift that is estimated to cost £5 or less (e.g. a desk diary, pen, small box of biscuits). Gifts in excess of £5 may only be accepted in exceptional circumstances with the authority of the recipient's line manager (or Chair), and the gift forwarded to the Governance Team and declared / recorded in the [Gifts & Hospitality Register](#)
 - Where practicable, accepted gifts costing £5 or less should be shared with colleagues (e.g. chocolates, biscuits). They should only be kept by an individual on an exceptional basis with the approval of the recipient's line manager and declared/recorded in the Gifts & Hospitality Register

- Items must not be broken down into individual components to reduce the monetary value to below the 'modest' threshold (e.g. sharing the contents of a hamper with colleagues).
- 2.3 Where a gift is accepted, whether by the individual or passed to the Governance Team, the intended recipient should send a letter or email thanking the donor for the gift and stating what has happened to it. When a gift must be returned, a letter or email should be sent with an explanation clarifying the reason why and referring to this Policy.
- 2.4 When a gift is accepted by a local/regional office, it may be used as a prize for local fund raising events, although approval must be sought from the Governance Team by declaring the gift in the usual way and stating how the gift will be disposed of. In the vast majority of cases approval will be given, but there may be circumstances when it is requested the gift be returned to the Governance Team. If a gift is used locally for fund raising, the Governance Team must be informed who won it for this information to be recorded in the [Gifts and Hospitality Register](#).
- 2.5 All gifts being kept for personal use/consumption should be declared within five working days of receipt for recording in the Gifts & Hospitality Register showing:
- Source of the gift;
 - Nature of the gift and approximate value;
 - Line manager's details (and Director if applicable);
 - How the gift was disposed of (e.g. returned, shared amongst colleagues, raffled for charity, etc.).
- 2.6 Where the value of the gift is unclear, you should err on the side of caution and declare it. Any gift with a value in excess of £50 may only be accepted with advance approval of the recipient's line manager and a Director and declared as 2.5 above. Consideration on whether the items should be used in a raffle or for the benefit of residents should always be made and advice sought from the Governance Team.
- 2.7 In circumstances where refusing the gift would cause legitimate offence, approval by the recipient's line manager must be obtained (or in the case of a Governance members member, their respective Chair). The gift must then be forwarded to the Governance Team for fund raising.
- 2.8 If an unexpected gift is received which is clearly not acceptable nor appropriate pursuant to this Policy, the recipient should immediately advise their line manager. The manager will confirm how it should be dealt with and obtain guidance from the Governance Team if necessary.
- 2.9 All gifts other than those falling below the £5 threshold must be declared in the online [Gifts & Hospitality Register](#).

3.0 Gifts from Optivo

3.1 Optivo may make discretionary contributions for the purpose of gifts for employees subject to an annual limit of £300 per individual, per rolling year (i.e. within the previous 12 month period). This includes items such as recognition awards up to a value of £50 per person. It is the responsibility of the awarding manager to comply with the requirements of any Employee Recognition Scheme. The Payroll Team will maintain records of all payments made under any Employee Recognition Scheme.

3.2 Section 122 of the [Housing and Regeneration Act 2008](#) restricts the making of gifts (and the payment of dividends or bonuses) by non-profit Registered Providers to current and former members and their close relatives. Therefore, no gifts or non-business related hospitality can be given to Governance members. As an alternative, donations may be made to a registered charity of the individual's choice.

3.3 Approval of the purchase of any gifts for employees outside of any Employee Recognition Scheme is as follows:

Gift to:	Approved by:
Executive Director	People, Governance & Remuneration
Leadership Team member	Executive Director
All other employees	Leadership Team member

3.4 Any request to exceed the rolling limit per year of £300 per individual set out in 3.1 must be approved by People, Governance & Remuneration Committee.

3.5 As a charitable Registered Provider, Optivo funds must not be used to purchase personal gifts for employees (e.g. to acknowledge birthdays, retirements etc.) unless approved in advance as set out in 3.3 above.

3.6 In order to prevent actual or potential conflicts of dualities or interest, Optivo employees must not buy gifts for residents (even if using personal funds) unless approved by their line manager in advance. This is to avoid compromising the employee's independence and professionalism, and inadvertently creating a claim of preferential treatment or obligation.

4.0 Legacies

4.1 Employees and governance members are not permitted to accept legacies from Optivo residents, clients or service users, unless the recipient is him/herself related to the resident – guidance in such matters must be sought from the Governance Team. As a provider of services to older and

potentially vulnerable individuals, this is a risk for Optivo and could have serious reputational and regulatory consequences should it occur. Any suggestion that someone wishes to leave a legacy to a member or employees should be informed this is unacceptable. If an employee becomes aware that this is the case, they should immediately report it to their line manager and the Executive Director Governance & Compliance. The manager must inform the client in writing that it is Optivo's Policy that individual employees are not permitted to accept personal legacies. Failure to do so will be treated as a disciplinary offence and could lead to dismissal.

- 4.2 Employees should not, under any circumstances, become involved in the decision making process for legacies by any Optivo resident, client or service user unless directly related to them.
- 4.3 Employees are also barred from acting as an executor or power of attorney for any Optivo resident, client or service user or their estate unless directly related to them.

5.0 Collections / Donations

- 5.1 Contractors, potential contractors and residents/service users must not be asked to contribute to collections for Optivo's employees.
- 5.2 If clients ask to contribute, this should not be encouraged, but a donation of no more than £1 may be accepted to avoid causing offence. The respective line manager must be informed of all donations by residents/service users.
- 5.3 Optivo employees must not actively solicit donations from third parties (e.g. partners, contractors, suppliers or potential partners) for fundraising events. Whilst unsolicited donations may be used for fundraising, actively soliciting donations could be considered an offence under the Bribery Act 2010, as any donations may be perceived as being related to procurement decisions. Soliciting donations could compromise Optivo's perceived ability to make impartial judgements regarding performance, compromising its ability to effectively and objectively manage its contracts.

6.0 Hospitality

- 6.1 Governance members and all Optivo employees should never accept lavish hospitality, or any hospitality which could be interpreted as a way of exerting an improper influence over the individual's duties. Similarly, excessive hospitality should not be offered to others on behalf of Optivo. The timing of hospitality in relation to procurement or purchasing decisions is particularly sensitive. Above all, Optivo employees must never actively solicit hospitality.
- 6.2 Modest working meals and light refreshments may be accepted without making a declaration or obtaining written consent. Modest would be considered £50 or less in value per person.

6.3 Other hospitality of £50 or less in value per person may also be accepted but should be declared within five working days of the hospitality being provided. Examples where this would be appropriate include:

- There is a genuine need to impart information or represent Optivo in the community;
- Where an event is clearly part of the life of the community or where Optivo should be seen to be represented;
- The hospitality concerns attendance at a relevant conference, course or networking event where it is clear the hospitality is corporate in nature rather than personal.

6.4 Any hospitality of a value in excess of £50 per person should be approved in advance by the relevant Director for employees and the relevant chair for governance members. For Executive Directors, approval must be obtained from the Chief Executive and from the Chair for the Chief Executive.

6.5 As a general rule, business hospitality can be given or accepted as long as:

- It has a legitimate business purpose, which is clearly noted on the Gifts & Hospitality Register
- The expense is reasonable and transparent
- It cannot be perceived as influencing the recipient improperly
- It is not given / received during a bidding process or when dealing with a public official
- The host is present (otherwise it is considered to be a gift)
- It is properly declared.

6.6 All hospitality given or received must be disclosed using the online [Gifts & Hospitality Register](#), with the exception of modest hospitality as described in paragraph 6.2. If in doubt, the hospitality should always be declared and an estimate of the value of the hospitality recorded.

7.0 Prizes won at external events

7.1 Whilst representing Optivo at external events, governance members and employees may take part in prize draws or competitions. In such circumstances, where the prize draw/ competition meets the following criteria, any prize won must be submitted to the Governance Team for fund raising in line with our charitable objects:

- The Governance member or member of staff was attending in their capacity as a Optivo governance member or employee
- The prize draw / competition was free to enter (i.e. business card draw).

7.2 This approach will ensure that:

- There can be no allegation of lack of impartiality regarding current / future business associations with Optivo and will protect employees from putting themselves under any obligation that may influence, or be seen to influence, the conduct of their duties
- As a charitable organisation, under the above criteria such prizes become the property of Optivo and will be used for the benefit of residents to avoid attendance at external events bringing personal gain
- All Optivo's employees are given equal opportunity to win the prizes, particularly those whose roles do not allow them to attend external events.

7.3 In the event of a prize being won and the employee used personal funds to take part (i.e. made a personal donation or purchased raffle tickets), any prize may be retained by the individual but must be declared in the usual manner.

7.4 Prizes offered by Optivo (i.e. at internal charity funding raising events) need to be declared by the winning employee on the Gifts & Hospitality Register.

8.0 Optivo Corporate / Social Events

8.1 Optivo, at its discretion, may provide funding for social events at which governance members and/or employees will be attending (e.g. Christmas parties). Any such funding may be provided up to a limit of £50 per person, per event.

8.2 All corporate events with a total cost of more than £1,000 must be supported by a business plan and approved in advance by the Executive Team. This criteria does not relate to training events which will be provided with agreement from the relevant line manager and the HR Team.

9.0 Related Documents

- NHF Code of Conduct (2012 edition)
- [NHF Code of Governance \(2015 edition\)](#)
- [Gifts & Hospitality Register](#)
- [Anti-Fraud, Bribery & Corruption Policy](#)
- [Anti-Money Laundering Policy](#)
- [Probity Policy](#)
- [Whistleblowing Policy](#) and [Guidance](#)
- [Professional Boundaries Guidance for Staff – Governance Members](#)

9.0 Review

9.1 This Policy will be reviewed in eighteen months after amalgamation as part of the next Governance Review. If necessary, the Policy will be reviewed sooner to incorporate legislative, regulatory, best practice developments, or

address operational issues. Any proposed changes will be presented to the Optivo Board for approval.