

OfS guidance on hospitality, gifts, fees and awards

Background

1. The public is entitled to expect the highest standards of conduct and service from a regulator such as the Office for Students (OfS). The 7 principles of public life¹ set out the standards expected from people in public service:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership.
2. The 'Integrity' principle requires all in public positions to avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. The policy applies to OfS staff, and also to OfS board members and members of its committees in circumstances where they may be regarded as representing the OfS (for example, when they are invited to an event because of their OfS role).

Bribery

4. It is a disciplinary offence for OfS employees to offer, request or accept an inducement or reward to:
 - do anything in their official capacity, or
 - show favour or disfavour to any persons in their official capacity.
5. It is also important for members of staff to be aware that acts of bribery may amount to criminal offences under the Bribery Act 2010 and therefore there are circumstances where they could potentially face individual criminal liability. Further guidance on the Bribery Act 2010 can be obtained from the Ministry of Justice website².
6. Bribery includes gifts or hospitality given or received with the intention of influencing the recipient. Where employees interact with organisations where it is normal business practice to offer hospitality and gifts, they may be placed in a position of compromise since to refuse a gift or hospitality may cause offence but – in some circumstances – to accept may give rise to questions of impropriety, suspicion of conflict of interest, disciplinary action or criminal liability.
7. Care should be taken when a member or employee is offered any form of hospitality or gift from a person or organisation which is subject to (or may be subject to) the regulation of the OfS or where there is the expectation of a contractual relationship with the OfS. Therefore, where an individual

¹ www.gov.uk/government/publications/the-7-principles-of-public-life

² www.gov.uk/government/publications/bribery-act-2010-guidance

higher education provider is involved, there is an expectation that staff will exercise particular caution, seeking advice from the Governance team if they have any concerns about the propriety of acceptance.

8. The Civil Service Code sets our three guiding principles which can be applied in relation to acceptance of hospitality or gifts:
 - Purpose – should be in the interests of departmental and government objectives.
 - Proportionality
 - Avoidance of conflict of interest.
9. The overriding consideration is whether an individual's behaviour would be considered reasonable for a holder of public office in a position of trust and would stand up to public scrutiny.
10. This guidance explains how offers of hospitality and gifts should be managed by OfS employees and board and committee members. There are two aspects to consider:
 - a. whether or not it is permissible to accept hospitality, a gift or other benefit
 - b. whether the event or item should be recorded in the OfS's Gifts and Hospitality Register.
11. Staff are responsible for ensuring that they follow this guidance, and for recording hospitality and gifts received in the appropriate register according to guidance. Failure to do so, may in certain circumstances, be regarded as gross misconduct.

Hospitality

12. Invitations to lunch or dinner hosted by an external organisation should only be accepted where the primary reason for accepting an invitation is to discuss business matters, either with representatives of the hosting organisation or with representatives of other organisations that may have interests or activities in common with the OfS, and where the venue and hospitality are not in themselves an inducement to accept the invitation or the purpose of the invitation.
13. In accepting hospitality staff should not allow themselves to reach a position where they might be seen by others to have been influenced in making a regulatory or business decisions because of accepting such hospitality.
14. Any hospitality which is accepted or given to others should not be over-frequent, disproportionately prolonged or be perceived as lavish.
15. If a member of OfS staff is asked to speak at an event, an offer of a 'free place to speakers' and to other OfS staff may be accepted (with the exception of individual higher education provider-led events). Such hospitality as a gift in lieu of speaking at an event should be recorded in the register.
16. The following table gives some examples of what is permissible in terms of acceptance of hospitality and advises whether the event is recordable in the register, but this must be interpreted by applying common sense in each case.

Type of hospitality provided by an external body	Venue	Permissible (subject to being proportionate)	Record in Register
Light working breakfast or lunch with a value of less than £15, e.g. 'no cutlery' sandwiches or pastries	Business premises	Yes	No
Working lunch	Restaurant	Yes	Yes
Working evening meal	Restaurant	Yes	Yes
Working lunches or dinners for which the OfS has paid incidental to conferences or similar events	Any	Yes	No
Drinks reception provided by other body, provided there is a business purpose	Any	Yes	Yes
Judging panel or awards event with business-related purpose	Any	Yes	Yes
Closed event which is solely for social purposes to which invited because of OfS role	Any	No	Possibly, if it was felt that it was appropriate to record this

17. The following items and situations should be avoided:

- offers of attendance at functions which are wholly for social purposes
- travel (unless this is local, e.g. a lift to a train station)
- offers of overnight accommodation
- acceptance of tickets and invitations to sporting, cultural or social events
- invitations extended to partners and/or other family members except in exceptional circumstances
- inducements which could lead to a contractual position between the OfS and a supplier or consultant.

18. Attendance at ceremonial events or Royal Garden Parties is permitted, as is being accompanied by invited partners. This type of event does not need to be recorded in the register.

19. **If in any doubt, employees should ask for advice from the Governance team before accepting an invitation.**

20. The Governance team maintains the gifts and hospitality register. Where an event is recordable in the register, employees should complete the gifts and hospitality form (available within OfS templates in Word) and email this to giftsandhospitality@officeforstudents.org.uk.

21. Should it be believed that an inviting body may have been trying to develop questionable relationships with an OfS representative, refusals of hospitality on the grounds of propriety should also be recorded in the register.

22. Some board and committee members with provider interests may potentially attend many higher education-related events associated with their other higher education roles. The expectation is that there would only be a requirement to record such hospitality where the member was primarily invited because of their OfS role. However, in the event of doubt about whether hospitality should be recorded in the register, the member should consult the chair of the OfS board or the Head of Governance.

Gifts

23. If a member of staff or board member of the OfS is offered a gift, the acceptance of the gift must not give any reasonable person to believe that the recipient might be influenced by such a gift. Therefore, acceptance of gifts should be limited to items of insignificant intrinsic value (such as promotional pens, diaries, calendars or mugs).

24. The value of any gift which is accepted must not exceed £15.

25. Although it is normal in the private sector for businesses to exchange seasonal gifts, this is not an accepted practice in the public sector, and therefore the gifts policy applies at all times of the year.

26. A potential situation where discretion might be exercised would be where a gift is offered by an overseas visitor (e.g. ornamental plaque or vase) and it is believed that refusal would cause offence. If in doubt, ask the Governance team for advice. The Director of Resources, Finance and Transformation is the final arbiter on the advisability of acceptance or refusal of individual gifts.

27. Should there be reasons why the OfS is unable to return a gift, it may be given to a local charity or donated to a raffle for charitable purposes, but it may not be retained by an individual.

28. The following table gives some examples of gifts which may be retained or declined and advises whether the offer of the gift is recordable in the register.

Type of gift	Estimated value	Permissible to retain	Record in register
Promotional item, e.g. calendar, mug	£15 or less	Yes	No
Ornamental gift	£15 or less	Yes	No
	More than £15	Yes – organisation may retain for gifts that cannot be returned without causing offence No – for other items	Yes, if accepted by the organisation
Alcoholic drink(s) (e.g. bottle of wine) gifted by a supplier	£15 or less	May not be retained by an individual – but may be gifted on to a charitable raffle	Yes, if accepted by the organisation
Gift vouchers or monetary gifts	N/A	No	Yes. Record declined
Item of more significant value	More than £15	No	Yes. Record declined

Register of acceptance of gifts

29. It is obligatory for all employees and board members to record the offer or acceptance of gifts which are associated with their role in the OfS in the central register of gifts and hospitality unless the gift is of insignificant intrinsic value. Where the offer of a gift is recordable please complete the gifts and hospitality form (available within OfS templates in Word) and email this to giftsandhospitality@officeforstudents.org.uk.
30. Any colleague who is unsure whether an item should be recorded on the register should ask for advice from the Head of Governance.

Publication of the hospitality and gifts register(s) for senior staff

31. Under the ICO's publication scheme for non-departmental public bodies (NDPBs) the OfS is required to publish reports on hospitality and gifts accepted by senior staff and board members on OfS business. It is proposed that the Governance team arrange publication of this subset of information on the register relating to senior staff and board members at six monthly intervals – in October and April.

Offering hospitality: business meetings including catering costs

32. Any hospitality which is provided by the OfS should be in proportion to the purpose of the event.
33. Due to space constraints, colleagues sometimes need to hire external accommodation for meetings. In these cases, reasonable charges for refreshments may be incurred, but costs must be approved by the team budget holder in advance.
34. Subject to the agreement of the team budget holder, it is sometimes appropriate to provide visitors with a working lunch. Catering is only normally used when visitors form at least part of a meeting and not when only internal employees are present.
35. In exceptional circumstances, such as when a meeting is very long (usually more than four hours) and/or it must be held over a lunchtime due to the availability of attendees, then reasonable refreshments may be provided to employees (without external visitors needing to be part of the meeting). Approval must be sought by a director in advance.
36. Business lunches or dinners will be paid for by the OfS only when it is considered necessary for the furtherance of our business with external parties. The giving of such hospitality should be approved by a director in advance and recorded in the hospitality register.
37. As a general rule alcoholic drinks should not be provided by the OfS. However, there may be occasions where it would be appropriate to pay for alcoholic drinks such as a modest amount of wine with a meal at a board dinner. The provision of alcoholic drinks should be approved by a director in advance.

Entertaining employees

38. For employees who are leaving after at least 10 years' service at the OfS – or a predecessor body – at the discretion of a director, a maximum of £50 can be spent on food and beverages to mark the occasion (to be organised by the team and met from the team budget).

Fees

39. If employees are offered fees for any reason connected with or arising out of their duties with the OfS, colleagues should notify their manager of the details of that offer. Employees are generally expected to refuse any such fees but there may be exceptional reasons in play, and it may sometimes be appropriate for a fee to be paid to the OfS to cover associated costs such as travel, accommodation and subsistence. In such cases employees should seek advice from the Director of Resource, Finance and Transformation.

Awards and prizes

40. Employees must consult the Director of Resources, Finance and Transformation if they are approached by any organisation offering an award or prize which is in any way connected with their official duty. Retention of the award or prize may be allowed, provided that:

- it is offered in recognition of personal achievement
- it could not be perceived as a gift (see above).

41. In deciding whether the award could give rise to public criticism, colleagues should consider:

- the status of the awarding body: for example, whether it is a registered provider or provider wishing to be registered
- the range of people to whom the awards are given
- the method of selection
- the standing of the selectors
- any OfS dealings with the awarding body.

42. Criticism, however unfounded, might be made if it appears that the award might have been given with a view to future benefit to the body concerned. If an employee has any doubt as to the status of the gift or prize and whether it could give rise to public criticism, they must consult the Director of Resources, Finance and Transformation who is the final arbiter in all such cases.