

The Register sets out the gifts and hospitality declared by the committee to date. The committee members are asked to review and inform the secretariat of any changes.

# **REGULATORY POLICY COMMITTEE**

## **GIFTS AND HOSPITALITY REGISTER**

### **May 2022**

#### **Contents**

- A. Key points**
- B. Principles of receiving gifts and hospitality**
- C. Offers of gifts and hospitality**
- D. Awards and prizes**
- E. Legal position in respect of corruption**
- F. Records of gifts and hospitality**

#### **Annex 1: Register of Gifts and Hospitality**

Confirmed: JL 29/04/22

**THIS IS A PUBLIC DOCUMENT**

## A. Key points

The aim of the Gifts, Hospitality and Bribery and Corruption policy is to guard against the risk of allegations of impropriety against committee members. This policy is based on the rules of regularity and propriety that are reflected in Bribery Act 2010 legislation. In addition, the policy is based on the fundamental requirements of the Civil Service Code<sup>1</sup>, Managing Public Money<sup>2</sup>, Nolan Principles<sup>3</sup> and the Corporate Governance Code<sup>4</sup>.

These principles for managing public resources runs through many diverse organisations delivering public services and reflect the duties, responsibilities and public expectations.

**The demanding standards expected of public servants are:**

**honesty impartiality openness accountability accuracy selflessness  
fairness integrity transparency objectivity reliability leadership**

carried out in the spirit of, as well as to the letter of, the law in the public interest to high ethical standards

## B. Principles of receiving gifts and hospitality

You must not accept offers of gifts or hospitality without considering whether it would be both legal and proper to do so.

### The principles of propriety

The guiding principles governing the acceptance of gifts and hospitality are:

- your conduct should not create suspicion of a conflict between your official duty as a member of the RPC and your other business and private interest;
- you should not give the impression that you may have been influenced by a gift or hospitality; and
- if in doubt about whether you should accept a gift or hospitality, you should refuse it.

These principles are not intended to stop you accepting occasional trivial gifts or working lunches during the course of an official visit. However, no offer of a more substantial gift or

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<sup>1</sup> <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

<sup>2</sup> <https://www.gov.uk/government/publications/managing-public-money>

<sup>3</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>4</sup> <https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments>

hospitality should be lightly accepted. You should consult the Head of Secretariat (HoS) and, if necessary, the RPC Chair when deciding whether or not to accept a gift or hospitality.

## **C. Offers of gifts and hospitality**

Any offer of a gift or hospitality and other services (e.g. travel offered in exchange for a service such as a presentation or speech) whether offered verbally, by email or letter, and whether accepted, declined or not received must be recorded in the RPC Gifts and Hospitality Register and published on the RPC website. The details required are set out in **Annex 1 (Register of Gifts and Hospitality)** of this document and must be recorded within 3 days.

### **Gifts**

If the gift has a value of £15 or more, it must be registered in this Register of Gifts and Hospitality.

If the value is more than £15 but less than £50, you may, with the agreement of the Chair, keep the gift or share it among colleagues.

If the gift's value is £50 or more, you may, with the agreement of the Chair, keep the gift or share it among colleagues but the Department must be paid for the value over £50.

The same rules apply to gifts received from foreign governments, government organisations or international organisations except that the level at which a gift may be retained is £75. The 'Surrender of Unwanted Gifts Form' is found in the link at the end of section F of this document and should be sent with the gift when it is surrendered.

### **Exceptions to principles of accepting gifts and hospitality**

The Chair of the RPC may, in exceptional circumstances, override the above principles where committee members or the RPC secretariat are able to demonstrate that the business needs of the Regulatory Policy Committee and BEIS justify it. An example of this might be where a visiting foreign dignitary offers a gift or hospitality, and to refuse it would cause offence. The Chair's approval of the acceptance of the gift should be sought in writing as soon as the gift is offered and always within 3 working days. In such instances, the sponsor team within BRE should also be informed.

### **Deciding whether to accept the gift**

If you decide that it would not be proper to accept a gift, reward or benefit, you should politely refuse it with the explanation that committee members/civil servants cannot

receive or retain gifts (other than gifts of trivial value). Unsolicited gifts should normally be returned with a letter of refusal, explaining the RPC and the Department's policy.

If refusing will cause misunderstanding or offence to the donor (especially if the donor is an overseas government or government agency) you should consider accepting the offer or gift. You should then let the donor know that you have accepted the gift on behalf of the RPC rather than personally. If you are in any doubt, you must discuss the matter with the Head of Secretariat, and if necessary, the RPC Chair, who should put their advice in writing.

### **If you accept the gift**

Any gift with a value of £15 or more must be registered with the holder of the Register of Gifts and Hospitality. It is good practice to record the estimated value of the gift. **Failure to register gifts with a value of £15 or over may result in disciplinary proceedings.**

If you and the HoS/Chair decide that the right course of action is to accept a gift, you must consider what should then be done with it. If the gift is from a commercial organisation you should consider the implications particularly carefully.

### **Surrender of gifts**

Any gift from a firm or individual which has a retail value of £50 or more should be surrendered to the Travel and Personal Claims Team in Billingham via the Head of Secretariat. Please contact the team on 01642 366114 or by email at [travel.queries@bis.gsi.gov.uk](mailto:travel.queries@bis.gsi.gov.uk) to arrange this.

A Gifts to Officials' form should be sent with the gift when it is surrendered. If you wish to keep the gift you must pay the RPC/Department the value of the gift minus £50. If you wish to do this then you should make the cheque payable to the Department and submit it with and the surrender of Gifts Form (link at the bottom of section F) quoting your cost centre 10061). If the value is less than £50 you may, with the agreement of the Director, keep the gift or share it among colleagues.

Gifts may be displayed in the office with the consent of the HoS. If a gift is displayed in the office, where appropriate, the Register of Gifts and Hospitality maintained by the Directorate should ensure that gifts can be tracked until they are surrendered. The same rules apply to gifts received from foreign governments, government organisations or international organisations, except that the level at which a gift may be retained with Head of Secretariat and if necessary, the BRE Director and the DG agreement is £75 retail value.

### **Receiving gifts while abroad**

If you are given a gift while abroad, you need to consider whether it should be declared to HM Revenue & Customs. Purely private gifts come under the normal rules for travellers; that is, they need not be declared unless their value (together with any other gifts you have acquired abroad) exceed the normal allowances (currently no limit from EU and £145 from other countries).

There are special rules for international goodwill gifts received by ministers or officials. Where the gift is accepted on behalf of the RPC and Government it is not liable to duty or VAT. The person receiving the gift should declare the gift on re-entering the UK and be able to provide proof of their visit being official. If, however the gift is to be retained by the individual, it becomes subject to the same rules as private gifts.

If you receive a gift imported from abroad you must consult HM Revenue and Customs, National Advice Service, telephone 0845 010 9000 about liability to duty and VAT.

### **Presentation of gifts by members of the RPC**

You are not expected to carry gifts when undertaking visits as part of your official duties, although you may provide personal gifts at your own expense if you wish. Public funds are available for the purchase of official gifts, but this provision is normally reserved for Ministers.

### **Hospitality**

You must not accept hospitality that might be seen to compromise your personal judgement or integrity.

It is up to you to judge whether an offer of hospitality should be accepted. Before accepting, you should be satisfied that the hospitality is normal and reasonable in the circumstances. If in doubt, you should consult a senior manager.

The following guidelines are intended to help you and them come to a decision:

**Is it in the RPC's interest?** For hospitality to be in the RPC's interests there will normally need to be an opportunity to discuss official business. However, it may be that the RPC nonetheless needs to be represented at an event. In this case you should check with the HoS/Chair, to make sure that the RPC is not over-represented.

**The value:** Is it great enough to give rise to criticism? You should consider the perceived value rather than the actual cost.

**The frequency:** Is it more frequent or regular than would be regarded as normal or reasonable, taking into account the nature of the event?

**The potential for embarrassment:** Is the person or organisation offering the hospitality under investigation or have they been criticised by the Government or anyone acting on its behalf.

## D. Awards and prizes

If you are approached by an outside organisation about the offer of an award or prize which is connected with official duty, you should discuss with HoS, and if necessary, the RPC Chair, whether it would be appropriate to keep it. The HR Business Partner can give advice.

You will normally be allowed to keep the award or prize provided that it:

- is given to recognise special personal merit or achievement; and
- is not, or does not look like, a gift, inducement, or payment to which other conduct rules apply.

If you are offered a decoration or a medal by a foreign government, you cannot accept it. Such offers must be reported to your HR Business Partner, as the Foreign and Commonwealth Office must be consulted.

## E. Legal position in respect of corruption

It is an offence under the Bribery Act 2010 for any committee member acting on behalf of the RPC or government and any RPC secretariat civil servant in an official capacity corruptly to accept any gift or consideration as an inducement or reward for:

- doing, or refraining from doing, anything; or
- showing favour or disfavour to any person.

Moreover, under the Bribery Act 2010, any money, gift or consideration received by a committee member or by the secretariat from a person or organisation holding or seeking to obtain RPC or Government contract will be deemed by the Courts to have been received corruptly, unless member or the officer proves the contrary.

**The nature of any relationship with the Department:** Even if you are not involved in financial, contractual or regulatory matters connected with the person or body concerned, the acceptance of an invitation by a member of the RPC would be open to misconstruction or misrepresentation.

You need to bear in mind that the guidelines are not just intended to safeguard the RPC's

position; they are framed to help you to avoid personal embarrassment and criticism, however misplaced.

## **F. Records of gifts and hospitality**

All material hospitality that you accept while on duty (other than of an incidental kind like tea or coffee) must be registered in the RPC Register of Gifts and Hospitality (Annex 1 of this document).

The only exceptions to this rule are hospitality in relation to diplomatic activity overseas or in the UK (e.g. reception hosted by a foreign government or international institution) and attendance at an event hosted by Her Majesty's Government (e.g. an official dinner to mark a particular occasion).

Any failure to register hospitality is a disciplinary offence. Staff concerned with procurement, including contract management, should note that the CUP Guide NO 16 makes the recording of offers of hospitality and gifts, whether or not accepted, mandatory.

This guidance and register apply to the RPC committee members only. The secretariat's gifts and hospitality are held in a separate register.

## Annex 1: Regulatory Policy Committee Register of Gifts and Hospitality

Name	Email	Date offered	Date accepted/rejected/received	Date recorded - within 3 workings days of being offered	Gift/Hospitality	Accompanied to event by a spouse/partner/friend (Y/N) - SCS2 and above only	Who gift or hospitality was received from	Value (£)	Result - Whether the gift/hospitality was declined or accepted, reason for acceptance and authorisation if required
Stephen Gibson	Stephen Gibson, C/O <a href="mailto:regulatoryenquiries@rpc.gov.uk">regulatoryenquiries@rpc.gov.uk</a>	25/1/2022	25/1/2022	6/3/2022	Honorarium payment for a lecture provided at the Forum of Indian Regulators (FOIR)	No	FOIR	₹4.500 (Indian Rupees) (Approx. £45)	Stephen Gibson was offered an honorarium payment of ₹4.500 for giving an online lecture organised by the FOIR 15 January 2022. He requested that this be donated to an Indian children's educational charity of their choosing. The FOIR This was dnated to the Smile Foundation charity in India. The Chair did not choose the Charity and has no affiliation with it.