

# Appendix 3 - Guidance on Acceptance of Gifts and Hospitality, and Declaring Meetings

## Introduction

1.1 Commissioners are expected to observe exceptionally high standards of personal honesty and integrity.

1.2 The registration of gifts and hospitality, as well as interests, helps ensure public confidence in the Commission, and maintains accountability and transparency of decision-making by avoiding any real or perceived bias or influence.

1.3 Commissioners are required to record all gifts and hospitality offered or received (other than those in a purely personal or private capacity, unless there is a connection which might make disclosure advisable) - including any which is refused - in writing using the forms at Appendix A or B (one for hospitality and gifts received, and the other for hospitality and gifts offered).

1.4 In certain circumstances it is less the refreshment that has been offered and accepted that is worth recording, than the person with whom a meeting is taking place. Encounters with people either closely involved in the sphere of the Commission's concerns, or where discussion includes areas of the Commission's concerns should be declared. It is not designed to include the many incidental and purely social contacts which all Commissioners, but perhaps more particularly former politicians, are bound to have on an almost daily basis.

1.5 The arrangements for gifts and hospitality were last reviewed and updated by the Commission Board in 2017.

## Principles

1.6 Integrity and public confidence in the UK's democratic process, and transparency in party funding, are among the aims and objectives of the Electoral Commission, and fairness, impartiality and transparency our declared organisational values. It is therefore especially important for the Commission to observe the highest standards of probity in its own practices.

1.7 Commissioners should always undertake their duties according to the "Nolan principles" (appended to Code of Conduct), and not use their official position to receive

gifts, hospitality or benefit of any kind which might reasonably be seen to compromise the Commission's position or an individual's personal judgement or integrity.

1.8 The conduct of Commissioners should not foster the suspicion of any conflict of interest between their Commission duties and their private interests.

1.9 The actions of Commissioners should not give the impression that they could be, or may have been, placed under some kind of obligation, or influenced by a gift or consideration, to show favour or disfavour to any person or organisation when acting as a Commissioner.

### What this means for you

- a) **Be aware of the policy and your obligation:** you must register any gifts and hospitality that you receive or have refused, or that you offer to others, where there might be a perception that the offer was made in connection with your role with the Commission. If you have external interests which you have declared, you are required also to declare gifts and hospitality associated with those roles, not only those directly relating to your role at the Commission. It is likely that these will have been sanctioned by the organisation on whose behalf you have been involved, but for the sake of transparency it is better that all gifts and hospitality are recorded even if, for example, you receive them in your capacity as a trustee of a charity or you are a member of another board. These will be recorded by the Commission but not published on its website. (You must also declare) If you have any meetings (that take place) with people who are closely involved with areas of the Commission's concerns, or where a meeting with a significant or influential figure involves a discussion which includes areas of the Commission's concerns, then advise the Chair by letting her know the brief details (or by using the form below).
- b) **Openness:** if there is any doubt about the propriety of accepting a gift or hospitality it should be refused.
- c) **Seek advice:** if still in doubt about any aspect, or in the event of queries in relation to a particular case, consult the Chair, Chief Executive or Secretary to the Commission Board at the earliest opportunity;
- d) **Complete the form:** annotated examples of the forms are at Appendix A and B. Commissioners should complete the Declaration of Gifts and Hospitality Form, together with the necessary counter-signature, within 28 days of receiving it, and return it to the Secretariat. The Secretariat adds the declaration to the register which is published on our website.
- e) **Get the form counter-signed/or signed in advance for hospitality offered:** forms must be countersigned as shown below. If you are proposing to offer

hospitality, prior approval must be obtained in advance from the Chief Executive or another member of the Executive Team.

- f) **Monitoring and publication:** the Secretary to the Commission Board will maintain the Register of Gifts and Hospitality (Appendix D), which is reviewed on a quarterly basis by the Audit Committee and published on the Commission's website.

## Approval arrangements

<b>Declaration by</b>	<b>Countersigned by</b>
Chair	Chief Executive
Commissioners	Chair
Chief Executive	Chair
Executive Team	Chief Executive
Independent Member of the Audit Committee	Chief Executive
Management Team	relevant member of ET
Other staff	relevant Management Team

Declarations by the Chair and Chief Executive (who counter-sign one another's declarations) are sent also to the Chair of the Audit Committee prior to each meeting of the Committee as an additional safeguard. All declarations are held in a register by the Secretary to the Commission Board, and periodically reported to the Audit Committee and published.

# Frequently Asked Questions

**I've been offered a gift I didn't want and couldn't give back without being discourteous or causing offence and I just want to get rid of it – can I simply bin it or ignore it?**

**Answer:** No, unless it is a de minimis gift (biro, mouse mat, key-ring) of very low value. Complete the form for gift received, explain the circumstances which prevented your refusing it, get it counter-signed, and pass the form and gift to Secretariat, who will arrange for appropriate disposal. We have avoided specifying a de minimis amount as even very small gifts can appear significant depending on the context and the donor. If the gift is perishable (flowers, plant, chocolates or similar), share it with your colleagues.

**I've been sent a gift (e.g. a bottle of wine) as a thank you by a contact/supplier – can I keep it?**

**Answer:** Not usually, and never alcohol. Declare it on the form and pass the gift to Secretariat for appropriate disposal to a registered charity. However, if you want to keep it and it is of low value (with the exception of alcohol), and your manager/the Chair authorises retention, declare it on the form and report it to Secretariat. If it is of some value and you are prepared to pay for it, establish a value, include it on the declaration form with your intention to pay for the item, seek authorisation by getting it counter-signed by your manager/the Chair, and if approved make a payment to the Commission.

**I was offered a gift of more than de minimis value and I'd like to keep it – what should I do?**

**Answer:** With the exception of alcohol, which should never be retained, try to ascertain or estimate its value for an equivalent payment to the Commission and include that on the declaration form (together with any supporting information including a description of the item and what it's made of, equivalent items for sale on the internet, rates of exchange for the date the gift made if applicable). So, inexpensive cufflinks may be acceptable to keep, but if made of gold and diamonds, would need to be handled differently. Give the declaration form and supporting information to Secretariat and once it is countersigned, including as appropriate by the Chair of the Commission or the Chair of the Audit Committee, you may make a cheque out (payable to the Electoral Commission) for the amount determined. If not authorised by counter-signature, the gift is to be provided to the Commission and either retained or disposed of for charitable purposes as it thinks fit.

**At a meeting hosted by a local authority at which I was present, we were offered lunch – should I declare this?**

**Answer:** If it is a basic sandwich lunch, then no, but if it is a hot meal away from the building, then yes.

**I met by chance a junior minister at the Department of Education whom I knew from my days as a constituency MP (or other party role) and we had a chat over a cup of coffee (she bought) which was catching up about mutual colleagues and one another – do I need to declare this?**

**Answer:** No. This is an incidental, social meeting with an acquaintance who is not obviously involved in any area of the Commission's concerns and where you did not touch explicitly on Commission work. If the same circumstance had involved, say, a meeting with a former colleague now in the Department for Constitutional Affairs, involved in work on referendums, or individual electoral registration, then yes, with a note to say whether Commission areas of concern were touched on.

**I have been approached to give advice on a Bill relevant to the Commission's area of work – should I declare it?**

**Answer:** Yes.

**I've been asked to attend a meeting with Party colleagues to cover a number of matters – is this something I need to declare?**

**Answer:** It would depend what was covered at the meeting, but probably. It might be best to preface your meeting with your colleagues by advising them that you will need to declare the fact of any discussion relevant to the Commission's areas of concern, so that everything is clear and open from the outset.

**I've been offered a (low-value) item as a thank you for a lecture carried out in a Commissioner capacity – what should I do?**

**Answer:** If of de minimis value, disclose the gift and keep it. The disclosure will be recorded and reported to the Audit Committee for its information in the usual way, if it's not of de minimis value. If other than de minimis, the gift should be declared, reported, and handed to Secretariat for disposal for charitable purposes.

**I've been sent a sample box of chocolates as a marketing device – what should I do?**

**Answer:** Declare the gift, contact the senders (if practicable) and explain our policy and politely ask them not to repeat it; then share the chocolates with your Commission colleagues.

**Does a gift I've been offered have to be disposed of by Secretariat, or can I route it to something/somebody I've identified as a suitably deserving cause?**

**Answer:** You must pass it to Secretariat for the sake of transparency and to avoid any imputation of impropriety, bias or attempt to gain advantage or influence another. It will be disposed of to a suitable charity, in an auditable way.

**I've been offered lunch/dinner/tickets to an event by a company/organisation on behalf of another organisation with which I'm involved – not the Electoral Commission. How should I treat this?**

**Answer:** Make a practice of declaring all gifts other than those in a purely personal or private capacity unless there is a connection which you think would make disclosure advisable (having had them separately recorded and if applicable their acceptance sanctioned by the relevant organisation) to avoid the risk of unknown connections subsequently coming to light which make acceptance of the gift appear suspicious or inappropriate.

**Staff-related FAQs (the staff Code of Conduct refers to this Guidance)**

**Our contract to use a venue was of a high enough value to trigger a gift [e.g. of a Nintendo] – is it declarable, and what should happen?**

**Answer:** Declare it, and hand it to Secretariat where it will be recorded and disposed of for charitable purposes (with a suitable audit trail).

**I won a prize for completing an evaluation form at the end of a conference as the result of a draw of all those completing forms – must I declare the prize and relinquish it?**

**Answer:** You must declare it, but you will be able to keep it. You won the prize as an individual and as the result of random chance, rather than by a firm intending to foster any relationship or commercial advantage with the Commission by targeting you to receive the prize. You have been lucky!

**Our loyalty card with an airline and our travel framework provider resulted in two free economy flights which were used on business – does this count as a gift?**

**Answer:** No – it isn't a gift or hospitality for the benefit or enjoyment of the individuals, but is a benefit (a saving) to the business.

**I have been given a Christmas present of (eg) a bottle of wine by a police officer with whom we work on Commission issues – may I keep it?**

**Answer:** You must not accept gifts or hospitality or receive other benefits from anyone who might reasonably be seen to compromise your personal judgement or integrity.,. However, with the exception of alcohol, which must never be kept, with the agreement of your manager and appropriate disclosure, a case may be made for accepting a gift, providing it is of low value, and the details recorded (including estimated value) for declaration and report to the Audit Committee in the usual way.

**A Commissioner has given a present to a member (or group) of staff, as an acknowledgement of work done – must this be declared?**

**Answer:** Reasonable low value gifts from a Commissioner (or a line manager) to a member of staff to thank them for their work or acknowledge some celebration are acceptable (eg bottle of wine, chocolates).

**I have been paid royalties for a chapter I contributed as part of my Commission role to a book on electoral practice – do I keep the royalties or pay them to the Commission?**

**Answer:** Executive Team and Management Team members should not accept royalties or fees in any circumstances and the practice of paying the fee over to the Commission or advising the requesting organisation to donate the fee to charity should prevail. If you are approached or are considering undertaking external work, such as editing or writing a chapter for an external publication or speaking at an external conference you should always disclose such work to your Head of function (or Director in the case of Heads) in advance of agreeing to it, and refer to paragraph 3.3 of the Staff Code of Conduct, for more detailed guidance.

ELECTORAL COMMISSION

Declaration of Gifts and Hospitality - Received

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**Name (print):**

**Job title and Department (delete if Commissioner):**

**Details of Gift/Hospitality received:**

- *You must declare any gifts and hospitality that you receive, where there might be a perception that the offer was made in connection with your role with the Commission, within 28 days.*
- *Routine hospitality such as meeting refreshments and working lunches (ie up to sandwich lunch or similar, tea, coffee, biscuits) does not need to be declared.*
- *If a low value refreshment is combined with a meeting eg with a minister or an MP, which could be construed as influential or significant, then log the meeting rather than the cup of tea. This can be done by sending an email to Secretariat giving the date, time, venue, approximate duration and name of person(s) with whom meeting.*
- *You do not have to declare any gifts or hospitality from family members, relatives or friends, unless any bias could be construed due to any other declaration of interests relating to other business interests.*
- *If a gift or hospitality is received in a different role eg Trustee or member of another body which is recorded on your declaration of interests form, still declare this for the sake of transparency and consistency*

**Estimated value:**

- *Give an estimate of value*
- *Gifts or hospitality accepted should be appropriate and closely related to business, for example business meals, short journey lifts to venues*
- *Very low-value or symbolic gifts (such as biro, coasters, mousemats, and key-rings) may be omitted provided there is nothing that marks them out as clearly valuable, or promoting a politically partisan interest.*
- *If you think a similar sort of gift you have been offered falls into such a category, please consult the Secretary to the Commission Board. The list can be extended as we become aware of further examples.*



**Individual/Organisation making the offer and their relationship at the time of the offer to you or the Commission:**

- *Give sufficient information to enable the reader to understand the context in which the gift or hospitality was offered.*

**Purpose of the offer:**

- *Eg at the end of a project*

**Date of the Gift/Hospitality received:**

**Action taken (accepted or refused) including what you did with the gift:**

- *Symbolic gifts may be accepted on behalf of the Commission where to do otherwise might give unnecessary offence, and consumables should be shared with colleagues. Alcohol and on occasion other promotional gifts which are accepted must be handed to the Secretary to Commission Board, where they will be disposed of in aid of a charitable cause by means of donation, raffle or other transparent and auditable method.*

**Reasons for accepting or refusing the offer:**

- *If possible refuse gifts and hospitality if in any doubt at all - especially from anyone regulated by the Electoral Commission, or who has or could have a contractual relationship with the Electoral Commission*

**Signed:**

**Date:**

**Reasons for approval/Comments**

- *To be completed by countersignatory*
- *Brief reasons for supporting acceptance/refusal of gift, or offer of hospitality*

**Approved and counter-signed by (position and signature):**

**Date**

ELECTORAL COMMISSION

Declaration of Gifts and Hospitality - Offered

(To be completed and approval obtained in advance)

Name

Job title and Department (delete if Commissioner)

Details of Gift/Hospitality offered

Estimated value

Individual/Organisation to whom the offer made and their relationship to the Commission at the time of the offer

Purpose of the offer

Date of the Gift/Hospitality offered

Reasons for making the offer

Signed:

Date:

Reasons for approval/Comments

Approved and counter-signed by (position and signature):

Date

ELECTORAL COMMISSION

Declaration of Meeting

Name

Details of meeting (with whom, reason, what discussed)

Signed:

Date:

Approved and counter-signed by Chair:

Date

## REGISTER of GIFTS and HOSPITALITY (Secretariat use only)

Received by (name and position)	Details of Gift or Hospitality offered or received (inc est value)	Individual/ Organisation making the offer	Event/circumstances/reason for offer	Date received /offered	Accepted/ Refused	Noted (name and position)	Date noted
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