

**Scottish Courts
and Tribunals Service**



Gifts, Hospitality and Rewards Policy

Contents

1.	General Principles	3
2.	SCTS On-line Gifts, Hospitality and Rewards Register.	4
3.	Gifts	4
3.1	Gifts worth £15 or less	4
3.2	Gifts over £15	4
3.3	Unacceptable Gifts	5
3.4	Gifts to the Business Unit or Court	5
3.5	Rule for employees dealing with Procurement/Contractors	5
3.6	Procedure where an employee who may potentially be involved in decisions about contracts has one or more friends working for a current contractor/supplier or a contractor/supplier actively in the process of tendering with the SCTS for work.....	5
3.7	Procedure to be followed if an employee has a friend working within the Justice Community.....	6
3.8	Gifts from Overseas Governments and Organisations	6
3.9	Collections for retirements, resignations, weddings, birthdays etc	6
3.10	Gifts/Rewards for participation by SCTS employees in surveys	6
4.	Line Manager Considerations	7
5.	Hospitality	7
5.1	General Guidance.....	7
5.2	Hospitality invitations worth £15 or less.....	7
5.3	Hospitality invitations worth more than £15.....	8
5.4	Work Related Event.....	8
5.5	Special Hospitality Rules for those employees who have dealings with contractors/suppliers	8
5.6	Invitations to social/sporting/entertainment events that are not connected to professional networking	8
5.7	Line Manager Considerations	9
6.	Speaking Engagements	9
7.	Conferences/Marketing Functions	9
8.	Awards or Prizes	10

1. General Principles

- 1.1 This policy governs the acceptance of gifts, hospitality and rewards by Scottish Courts and Tribunals Service (SCTS) staff from those outside the SCTS. It does not cover gifts from members of the judiciary or gifts exchanged between members of SCTS staff.
- 1.2 The underlying principles of the policy are to protect the SCTS and its employees. Except in limited circumstances outlined in this policy, the SCTS does not consider that it is appropriate for employees to accept anything other than token gifts (gifts up to and including the value of £15) or hospitality from court users, suppliers or any other person of an organisation with which the SCTS has **business** connections. This is because it is important to ensure the integrity and reputation of the SCTS by ensuring that no employee acts in any way that is inconsistent with the SCTS's corporate values and behaviours, SCTS policies and procedures, (specifically the [Dignity at Work Policy](#) and [Equal Opportunities Policy](#)) and the [Civil Service Code of Conduct](#) by accepting a gift, hospitality or reward where it could influence or be seen to influence that employee's business actions or decisions or may be perceived to be a conflict of interest by internal and external individuals. Please see Question 1 in Section 9 - Frequently Asked Questions.
- 1.3 Any breaches of this policy, arising from receipt of gifts hospitality or rewards from outside bodies or attendance at outside events or any cases of management failure will be subject to investigation in accordance with the [SCTS Conduct and Discipline Policy](#).
- 1.4 All gifts offered and all hospitality invitations received must be recorded on the [on-line register](#) (see Section 2) **even if the gifts and invitations are not accepted**. All offers and/or acceptance of a gift and any offers and/or acceptance of hospitality must be recorded on the on-line register **within 10 working days of receipt of the offer**. Failure to meet this timescale will require an explanation to be recorded on the on-line register.
- 1.5 Recipients of gifts or hospitality must inform the person giving the gift or hospitality that:
- the gift/hospitality will be recorded on a register and
 - the contents of the register may be revealed under a Freedom of Information Act enquiry.

If the giver does not give permission for their gift or hospitality to be recorded on the register, then the recipient cannot accept it.

1.6 Application of this policy generates paper-based and/or electronic data of a personal and sensitive nature, including but not limited to notes of meetings, completed templates, correspondence and application forms. All data generated by this policy that contains personal details must be marked OFFICIAL: SENSITIVE and handled in a way that avoids the

risk of loss or compromise that may cause harm or distress to the individuals concerned.

Further guidance on protective marking classifications and how to handle, store, transfer and dispose of information for each protective marking classification can be found within the [Information and Data Handling Hub](#).

The HR Privacy notice provides information on how we as your employer use, store, transfer and dispose of your personal data.

2. SCTS On-line Gifts, Hospitality and Rewards Register.

The [On-line Gifts, Hospitality and Rewards Register](#) can be found in the Applications section of the SCTS Intranet. All offers of gifts, hospitality invitations and rewards **must** be recorded on this register regardless of value or whether they have been accepted by the individual. Monitoring of entries on the on-line register will be carried out by HRU on a quarterly basis and reports provided to the Executive Team.

3. Gifts

3.1 Gifts worth £15 or less

Employees who have no dealings with contractors/suppliers and are offered a gift worth £15 or less are able to accept the gift without approval. All offers of gifts need to be recorded on the **on-line Register** even when a gift is not accepted. For example, a Court Officer receiving a box of chocolates from a solicitor can accept this gift **but** it must be recorded on the on-line [Gifts, Hospitality and Rewards Register](#). It is especially recognised that seasonal/festive gifts may be received by individuals. But for clarity these gifts if they are worth £15 or less **must also be recorded** on the **on-line Register**. Employees should note paragraphs 3.6 and 3.7 before accepting any gifts.

3.2 Gifts over £15

Employees who have no dealings with contractors/suppliers and are offered a gift worth more than £15 **must obtain the approval of the line manager before the gift is accepted**. All offers of gifts must be recorded. This rule must be followed at all times even when gifts are offered at seasonal/festive times. For example, if a solicitor offers an employee a large box of speciality chocolates valued at more than £15 approval must be sought before the gift can be accepted. Information on what considerations should be taken into account by a line manager before giving approval are set out at paragraph 4 Line Manager Considerations. Line managers may also in addition to referring to the policy wish to discuss matters with a senior manager before making a decision. Please see Question 2 in Section 9 - Frequently Asked Questions.

3.3 Unacceptable Gifts

The following gifts are regarded as inappropriate for SCTS staff to accept and so **must be refused**:

- cash
- gift vouchers or retail cards
- alcohol

3.4 Gifts to the Business Unit or Court

If a Sheriff Clerk or Head of Business Unit or another individual is offered one or more gifts for the Court/Business Unit then he/she must take responsibility for assessing the value of each gift, determining if it is appropriate to accept each gift (i.e. if there is no perceived conflict of interest) and take responsibility for recording each gift on the on-line Register. The line manager considerations set out at Section 4 apply. If an individual or line manager is uncertain about what action to take he/she should consult with the Sheriff Clerk/Head of Business Unit. Please also see Question 4 in Section 9 - Frequently Asked Questions

3.5 Rule for employees dealing with Procurement/Contractors

Any employee who in the course of their work comes into contact with contractors and suppliers in relation to contract letting and maintenance **must not accept any gifts**. Any offers of gifts must still be recorded on the on-line Register. It is likely that employees working in Procurement, Property Services Unit, Policy and Strategy Directorate, Human Resources, IT, Directors and Senior Managers may fall into this category and be involved with contractors and suppliers. This list is not exhaustive and guidance should be sought from the [HR Policy Manager](#).

3.6 Procedure where an employee who may potentially be involved in decisions about contracts has one or more friends working for a current contractor/supplier or a contractor/supplier actively in the process of tendering with the SCTS for work

If an employee, who is in a position that may have involvement in decisions about letting contracts, has one or more friends working for a contractor or supplier providing services to the SCTS and is offered a gift by any of these friends then approval for the acceptance of the gift must be sought in advance from the line manager even if the employee is not party to the decision making process regarding contracts or supplies within the SCTS. If individuals are unsure if any company/organisation/individual has a business relationship with the SCTS then the [SCTS Procurement Team](#) must be contacted for advice. The employee should also consider whether it is appropriate to declare this through the SCTS [Register of Interests](#).

3.7 Procedure to be followed if an employee has a friend working within the Justice Community

The SCTS appreciates that relationships formed through work between SCTS employees and other individuals working within the Justice Community can become long term friendships and can lead to gifts being offered to SCTS employees. When gifts are offered to SCTS employees, special care needs to be taken by the individuals to ensure that there is no perceived conflict of interest with someone outside the SCTS and action is taken in accordance with the guidance in paragraphs 3.1 and 3.2 and in line with the [Civil Service Code of Conduct](#). If the external colleague is someone the SCTS employee interacts with during the working day then approval must be sought from their line manager before accepting any gift **regardless of value**. The offer of the gift must be recorded on the on-line Register regardless of whether the gift is accepted or not.

3.8 Gifts from Overseas Governments and Organisations

Special considerations apply to gifts from overseas Governments or organisations, where there may be particular difficulty about refusing a gift regardless of value without the risk of apparent discourtesy. Although the principles set out above apply generally to such gifts, on some occasions it may be necessary that the gift should be accepted and a gift offered in return.

If a gift is accepted the following rules apply and must be taken into account by the line manager:

- receipt of the gift must be recorded on the on-line Gifts Register;
- when the acceptance of a gift is reported, it is open to the SCTS to follow one of the following courses:
 - it may be retained by the SCTS and, where appropriate, arrangements made for the recipient to use or display the gift on SCTS premises
 - in appropriate cases the recipient may be allowed to retain it
 - it may be appropriate to donate the gift to charity or hold a Court/Business Unit raffle.

3.9 Collections for retirements, resignations, weddings, birthdays etc

In circumstances where individuals who are not SCTS employees personally contribute to a gift for a significant celebration/event for an SCTS member of staff, these contributions are not regarded as gifts and consequently are not covered by this policy.

3.10 Gifts/Rewards for participation by SCTS employees in surveys

SCTS employees are reminded that as detailed in the [Civil Service Management Code](#) they must not take part in their official capacity in non-Government surveys or non-Government research projects, even unattributably, if they deal with attitudes or opinions on political matters or matters of policy. Employees may with line management approval participate

in other surveys such as on-line surveys from external suppliers but no gifts or rewards can be accepted for participation. Employees are free to participate in government survey and research projects.

4. Line Manager Considerations

Line managers must consider the following before giving approval to an individual for accepting a gift: Line managers should discuss matters with their Sheriff Clerk or Senior Manager if unsure of what action to take.

- Is the gift proportionate to the service delivered or to the reason for the giving of the gift?
- Could accepting the gift by the individual or individuals potentially bring the SCTS into disrepute?
- Is the gift from a private body or a representative body e.g. faculty or professional association? If the gift is offered from a representative body it may be less likely to be perceived to be a conflict of interest if accepted by an individual.
- If the gift is to a business unit or a group of people is the gift inclusive or exclusive? In other words, can it be shared by everyone? Managers must ensure the gift does not discriminate against an individual or group of individuals. It may be more appropriate for the gift to be shared or raffled rather than held by an individual.
- In accepting the gift is there a conflict of interest?

If individuals and/or line managers are in any doubt about the rules regarding the acceptance of gifts then they should contact the [HR Policy Manager](#) within HRU for advice.

5. Hospitality

5.1 General Guidance

If an employee is representing the SCTS at a work related event and will be in receipt of hospitality then the **invitation to the event must be recorded on the** online [Gifts, Hospitality and Rewards Register](#). Depending on the value of the hospitality approval may be required from the line manager before the invitation can be accepted. Simple acts of courtesy do not need to be approved or recorded. Please also see Questions 1A and 1B in Section 9 - Frequently Asked Questions. **An offer of hospitality that is not work related or for networking purposes should be refused.**

5.2 Hospitality invitations worth £15 or less

Hospitality invitations worth £15 or less that do not breach the general guidance set out above do not require approval but **must be recorded if from a private organisation such as Carillion or Reliance.**

5.3 Hospitality invitations worth more than £15

Hospitality invitations worth more than £15 that do not breach the general guidance set out above (for example a Faculty drinks reception and dinner), must be approved by line managers before each invitation is accepted. **All invitations must nonetheless be recorded on the on-line Register.**

5.4 Work Related Event

For the purposes of this guidance a work related event is defined as: “an event which would not have been attended if the employee had not been an employee of the SCTS or where the invitation is from an organisation or individual associated with the workplace and it could be perceived that a conflict of interest would occur.”

Example A: If an employee is invited through a school/university or college to deliver a presentation/talk to students and he/she is invited to a drinks reception and dinner afterwards, the individual is required to obtain his/her line manager’s approval before attending if the value of the hospitality would be more than £15.

Example B: If an employee’s spouse, partner or any family member works in the justice sector and he/she receives an invitation to a function and the employee is invited to attend as his/her partner then this is deemed not to be work related and the invitation is not specific to the employee. The employee is free to attend the event without approval.

5.5 Special Hospitality Rules for those employees who have dealings with contractors/suppliers

The presumption is that any employee who has dealings with contractors/ suppliers should not accept hospitality invitations from them. There may be occasions when it is appropriate for employees to attend hospitality events and this is when the main purpose is professional networking and there is no direct link between a contract/supplier and any tendering activity. Invitations to social/sporting events from professional contacts must be considered very carefully. Only those invitations that have a main purpose of providing an opportunity for professional networking should be accepted. **All invitations must nonetheless be recorded on the on-line Register.**

5.6 Invitations to social/sporting/entertainment events that are not connected to professional networking

Any type of hospitality invitation to a social/sporting/entertainment event offering hospitality if not directly related to professional networking **must not be accepted** unless the line manager can clearly and unambiguously define it as a professional networking event with specific tangible business benefits. **All invitations must nonetheless be recorded on the on-line Register.** Please also see Questions 6 and 7 in Section 9 - Frequently Asked Questions.

5.7 Line Manager Considerations

Line managers must consider the following before giving approval to an individual attending a hospitality event:

- Is the hospitality invitation proportionate to the service delivered or to the reason for the invitation?
- Could accepting the hospitality, invitation, or gift potentially bring the SCTS into disrepute?
- Is the hospitality invitation for a work related or professional networking event?
- Is the hospitality invitation from a private body or a representative body e.g. Faculty or professional association? If the hospitality is offered from a representative body it may be less likely to be perceived to be a conflict of interest if accepted by an individual.
- If the hospitality invitation is to a business unit or a collection of people is the invitation inclusive or exclusive? In other words, can it be shared by everyone? The manager must ensure the invitation does not discriminate against an individual or group of individuals.
- In accepting the hospitality is there a conflict of interest?

If individuals and/or line managers are in any doubt about the rules regarding the acceptance of hospitality invitations then they should contact the [HR Policy Manager](#) within HRU for advice.

6. Speaking Engagements

Staff may be asked to accept speaking engagements outside the SCTS or write articles in connection with their official duties. These may give rise to gifts or offers of fees. The rules on undertaking speaking engagements and writing articles involving the use of official information or experience are set out in [The Use of Official Information Policy](#). If the individual is promoting the SCTS and delivering the speech or writing the article during working hours and this has previously been approved there is no need for any further action. Any gift or fee received by the employee must come back to the SCTS. If the individual is carrying out the activity on a voluntary basis and delivering the speech or writing an article during his/her own time but the activity is based around their job role then approval needs to be sought from the Sherifdom Business Manager or equivalent senior manager to determine in advance how any remuneration/gift would be handled. **All gifts/reward received for speeches given or articles written need to be recorded on the online Register.**

7. Conferences/Marketing Functions

It is recognised that employees may also be invited in connection with their job role to conferences or other marketing functions. Approval to attend must be obtained in advance from line managers. Approval will only be granted

when attendance by an individual is likely to result in a business benefit to the SCTS.

8. Awards or Prizes

Any employee or group of employees who is approached by an outside organisation about the offer of an award or prize in any way connected with official duty should seek the approval of their line manager before accepting the reward or prize.

Retention of the award or prize will normally be allowed, as long as there is no perceived conflict of interest, provided the award or prize is:

- offered in recognition of personal or team achievement
- not in the nature of, or such that it could be considered as, a gift, an inducement or payment for a publication or an activity to which other rules apply.

Any awards or prizes received **must be** recorded on the on-line Register.