



# PACTO

Pembrokeshire Association of Community Transport Organisations  
Cymdeithas Mudiadau Cludiant Cymunedol Sir Benfro

## Anti bribery, Gifts and Hospitality policy

### 1. Scope

This policy applies to staff, volunteers, services and service users of services provided *directly* by the charity known as Pembrokeshire Association of Community Transport Organisations. Other community transport services and schemes which operate within Pembrokeshire are governed by their own policies and procedures.

### 2. Statement of Intent

The Bribery Act 2010 came into force in England and Wales on 1 July 2011; it clarifies the duty of an organisation and its staff. The legislation prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether as cash or any other kind of inducement.

PACTO is committed to maintaining the highest possible ethical standards in all its activities. PACTO is opposed to any form of bribery and this policy clearly sets out this position.

However, we do understand that there are occasions where it may be appropriate to offer or receive gifts and hospitality. This policy makes clearly PACTO's policy in this area.

The policy applies to all staff, volunteers, Trustees and all PACTO activities, wherever they take place. Any breach of this policy will result in disciplinary action.

### 3. Definitions

For the purposes of this policy:

**External parties** shall include but not be limited to:

- Suppliers or their agents
- Potential suppliers involved in a tendering process
- Funders
- Service users, their relatives or friends
- Other Community Transport organisations

**Gifts** shall be understood to mean:

- Any personal, material and/or financial advantage or reward.

For example:

- Bottle of wine or any kind of alcohol
- Box of chocolates
- Hamper
- Art work
- Electrical equipment
- Cash or cash equivalent (such as gift certificates or vouchers)

**Hospitality** shall be understood to mean:

- An offer of food, drink, invitations to events, travel and/or accommodation.

For example:

- Invitation to dinner at a restaurant
- Tickets to a show
- Invitation to a sporting event
- Round of golf
- Offer of use of a holiday home
- Offer to have accommodation and/or travel paid for by an external party

**A bribe** is an inducement or reward offered, promised or provided in order to gain any commercial, contracted, regulatory, monetary, financial or other personal advantage:

- to or from any person or company, whether a public official or public body, or a private person or company, wherever they are situated; or
- by any individual trustee, advisory panel member, employee, agent or other person or body acting on PACTO's behalf;
- in order to gain any commercial, contractual or regulatory advantage for PACTO; or
- in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

#### **4. Anti-Bribery**

PACTO prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether as cash or any other kind of inducement.

Neither PACTO employees or volunteers, nor any member of their family, should directly or through others, solicit or accept money, gifts, hospitality or anything else that could influence or reasonably give the appearance of influencing any decision made by PACTO relating to any external party.

Gifts or hospitality cannot be accepted where the recipient knows or suspects that they are offered or provided with an expectation that a business advantage, or preferential service would be provided in return, or in explicit or implicit exchange for favours or benefits.

This policy is not intended to prohibit the following practices provided they are customary in a particular market, are proportionate and are properly recorded:

- normal and appropriate hospitality, which is governed by our gifts and hospitality policy (see Section 4 below)
- the giving of a ceremonial gift on a festival or at another special time, which is governed by our gifts and hospitality policy (see Section 4 below)
- The payment for specific services, authorised and recorded by PACTO
- The use of any recognised fast-track process which is available to all on a payment of a fee
- The offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Chair of Trustees for guidance before proceeding

## **5. Gifts and Hospitality**

### **5.1 Receiving Gifts and Hospitality**

Only gifts and hospitality which are given openly and not secretly, and which do not contravene PACTO's Anti-bribery policy as set out in Section 4 above, can be accepted.

Unless staff or volunteers have been informed otherwise, they may accept a gift of nominal value from a service user or related external party when it is customarily offered to others having a similar relationship with that individual. For example, there may be occasions when service users or their relations make token or low value gifts to staff or volunteers, in appreciation of the support they have received. Staff and volunteers may accept such gifts but are advised to declare them to their line manager.

Service users that seek to offer gifts or hospitality to staff or volunteers on a regular and frequent basis (i.e. more than 2 or 3 times a year) should be politely but firmly discouraged.

Staff or volunteers may not accept any gifts or hospitality going beyond refreshment appropriate to the circumstances from an organisation that is actively involved in a tender process with PACTO. The period for which this is not permitted commences from the time at which an invitation to tender is published and extends to a period 3 months after a contract has been awarded.

Staff or volunteers may not accept any gifts or hospitality going beyond refreshment appropriate to the circumstances from parties aiming to become potential contractors or suppliers.

Staff with responsibility for the purchase of supplies must be particularly careful that there can be no criticism that preferential treatment has been given to potential suppliers by accepting gifts or hospitality.

It is not permitted to accept any cash or cash equivalent (such as gift certificates or vouchers). If an external party, including a service user or their relative, wishes to

make a donation to PACTO, either for a specific purpose or in general support of PACTO's charitable work, this may be accepted. Any donations should be submitted to PACTO's Manager who will ensure that it is recorded and acknowledged appropriately.

No external party should ever feel that they are expected to give any gift or hospitality to a member of staff.

Gifts cannot be accepted from government officials or representatives, or politicians or political parties, without the approval of PACTO's Manager.

If excessive gifts or hospitality are offered, or if any gift or hospitality is offered at a time when it could be perceived as potentially influencing decision-making or misinterpreted by others then the gift or hospitality should be politely declined or returned to the giver.

No external party should be unnecessarily offended by a member of staff refusing to accept a gift or hospitality. If it is deemed that the refusal of a gift or hospitality is likely to offend the external party staff are advised to inform the external party of PACTO's policy on gifts and hospitality.

If staff need advice as to what is appropriate to the circumstances they should seek guidance from their line manager. Any concerns with regard to the behaviour of an external party offering a gift or hospitality should be raised with your line manager.

## **5.2 Declarations**

Where the value of a gift or hospitality exceeds £25.00 or the value cannot be determined, staff and volunteers are required to notify PACTO's Manager within one month. All gifts and hospitality offered above this value must be declared, whether or not they were accepted.

PACTO's Manager will hold a central record of all gifts and hospitality.

It is recommended that you make your declaration by email, and retain a copy for your personal records.

Your declaration will need to include the following information:

- Date of offer of gift or hospitality, and date of event where relevant;
- Name, job title and organisation of recipient and provider;
- Nature of gift or hospitality;
- Why the gift or hospitality was offered
- Estimated value.
- Whether the gift or hospitality was accepted or declined
- Any other relevant comments

## **5.3 Gifts Received**

Staff and Volunteers may retain gifts valued at £25.00 or under.

For gifts exceeding a value of £25.00, one of the following options should be chosen:

- share the gift with the team;

- raffle the gift for charity;
- donate the gift to charity; or
- make a donation to charity and keep the gift.

#### **5.4 Hospitality Received**

PACTO recognises that, in the course of carrying out their duties, staff and volunteers will need on occasion to ensure good relationships with external parties, including existing and future members, funders, suppliers, contractors, service users and other stakeholders. This may involve, for example, receiving modest working lunches and dinners. These are acceptable where there is a genuine business reason.

Hospitality offered should only be accepted where there is a direct link to working arrangements and a genuine business reason can be demonstrated, for example:

- attendance or speaking at a conference, which provides complimentary subsistence, travel and accommodation
- attending at a free training course; or
- attending a drinks reception in order to network.

Hospitality invitations to events which are purely social events should be considered very carefully before accepting; in such circumstances it may be much more difficult to substantiate a genuine business reason. Staff would be expected to attend such events on their own time. Staff members and volunteers may not accept free holidays from a current or potential contractor or supplier. These invitations should be notified to PACTO's Manager and recorded in the register whether accepted or declined.

#### **5.5 Gifts and hospitality offered by PACTO**

PACTO staff and volunteers must be mindful that the all gifts and hospitality offered by PACTO are funded through charitable and/or public funding, and that our donors and funders and other stakeholders reasonably expect that this funding will be used for legitimate purposes and demonstrate value for money.

In exceptional circumstances, it may be appropriate for PACTO to provide a gift of up to £25.00 in value, for example:

- a bouquet of flowers for a seriously ill employee or volunteer, or to a longstanding employee or volunteer who is retiring;
- book tokens to someone who spoke at a PACTO event free of charge;

It is acceptable for PACTO to provide modest hospitality in the way of working lunches and/or dinners to existing and potential contractors and stakeholders, subject to a genuine business reason.

## 6. Responsibilities

The prevention, detection and reporting of bribery is the responsibility of all Trustees and staff members. If and when an instance of bribery is identified, remedial steps must be taken immediately, including the reporting of the incident (or suspected incident) of bribery to PACTO's Chairperson (or, where the Chairperson is implicated him/herself to another member of the Trustee Board).

PACTO's Manager should ensure that all Trustees, staff, and volunteer are aware of this policy and of their responsibilities to act in accordance with its procedures.

## 7. Monitoring

To ensure that this policy is adhered to as fully as possible, PACTO will:

- Monitor the compliance with this policy and rectify any breaches.
- Review the policy periodically to take into account changes in legislation or in PACTO's activities. The policy will be reviewed as a matter of course every two years.

Signed: 

Signed: 

Date: 10/2/23