

National Library of Scotland

Gifts, Fees, Hospitality, Bribery and Corruption Policy

Policy and procedure

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Appendix 1 Declaration of hospitality and gifts

1. Introduction

- 1.1 The Government requires high standards of conduct and integrity from all public sector employees and Board members. The National Library of Scotland expects similarly high standards of behaviour from all its employees and from Board members to maintain the professional image and status of the Library and to give confidence to the public that its affairs are properly managed. The Library has a Code of Conduct for its Board of Board members and for its employees, agency workers and volunteers. The Codes of Conduct set out the minimum standards of conduct and behaviour that are expected. This policy provides separate but complementary guidance on the proper receipt of gifts and hospitality.
- 1.2 Where the policy mentions staff or employees of the Library, it should be taken to mean also volunteers.
- 1.3 The policy has been agreed with the Trade Union Side of the Library and has been endorsed by the NLS Board.

2. Background

- 2.1 The Nolan Committee (commissioned by the Government in November 1994 to inquire into standards of conduct in British public life) identified 'the seven principles of public life'; these were endorsed by the Government. The principles apply to the Library's staff and also to its Board members. They are:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

3 Bribery and Corruption Act 2010

Understanding and recognising bribery and corruption.

- 3.1 In addition to the Nolan Committee requirements the 2010 Bribery and Corruption Act outlines the roles and responsibilities individuals and organisations have in relation to the identification and management of bribery and corruption. Acts of bribery or corruption are designed to influence an individual in the performance of their duty and incline them to act in a way that a reasonable person would consider to be dishonest in the circumstances.
- 3.2 Bribery can be defined as offering, promising or giving a financial (or other) advantage to another person with the intention of inducing or rewarding that person to act or for having acted in a way which a reasonable person would consider improper in the circumstances. Corruption is any form of abuse of entrusted power for private gain and may include, but is not limited to, bribery.
- 3.3 Bribes are not always a matter of handing over cash. Gifts, hospitality and entertainment can be bribes if they are intended to influence a decision.

Penalties

- 3.4 The Bribery Act 2010 came into force on 1 July 2011. Under this act, bribery by individuals is punishable by up to ten years' imprisonment and/or an unlimited fine. If NLS is found to have taken part in the bribery or is found to lack adequate procedures to prevent bribery, it too could also face an unlimited fine.
- 3.5 A conviction for a bribery or corruption related offence would have severe reputational and/or financial consequences for NLS. NLS will not tolerate bribery or corruption in any form.

It prohibits the offering, giving, solicitation or the acceptance of any bribe or corrupt inducement, whether in cash or in any other form:

- To or from any person or company wherever located, whether a public official or public body, or a private person or company;
- By any individual employee, director, agent, consultant, contractor or other person or body acting on the firm's behalf;
- In order to gain any commercial, contractual, or regulatory advantage for the firm in any way which is unethical or to gain any personal advantage,

pecuniary or otherwise, for the individual or anyone connected with the individual.

- 3.6 It is not intended to prohibit the following practices provided they are appropriate, proportionate and are properly recorded:
- Normal hospitality provided that it complies with NLS Hospitality Policy.
- 3.7 It may not always be a simple matter to determine whether a possible course of action is appropriate. If you are in any doubt as to whether a possible act might be in breach of this policy or the law, the matter should be referred to your Head of department. If necessary, guidance should also be sought from the Secretary, Head of OD and HR or if required legal advice should be sought.
- 3.8 NLS will investigate thoroughly any actual or suspected breach of this requirement. Employees found to be in breach of this policy may be subject to disciplinary action.

Key risk areas

- 3.9 Bribery can be a risk in many areas, below are the key areas you should be aware of in particular:
- **Excessive gifts, entertainment and hospitality:** Can be used to exert improper influence on decision makers. Gifts, entertainment and hospitality are acceptable provided they fall within NLS Hospitality Policy.
 - **Facilitation payments:** Are used by businesses or individuals to secure or expedite the performance of a routine or necessary action to which the payer has an entitlement as of right. NLS will not tolerate or excuse such payments being made.
 - **Reciprocal agreements:** Or any other form of 'quid pro quo' are never acceptable unless they are legitimate business arrangements which are properly documented and approved by management. Improper payments to obtain new business retain existing business or secure any improper advantage should never be accepted or made.
 - **Actions by third parties for which NLS may be held responsible:** Can include a range of people i.e. agents, contractors and consultants, acting on behalf of NLS. Appropriate due diligence should be undertaken before a third party is engaged. Third parties should only be engaged where there is a clear business rationale for doing so, with an appropriate contract. Any payments to third parties should be properly authorised and recorded.
 - **Record keeping:** Can be exploited to conceal bribes or corrupt practices. We must ensure that we have robust controls in place so that our records are accurate and transparent, **therefore all hospitality and gifts received over £20 must be declared and Appendix 1 completed on all occasions.** Failure to do so may result in disciplinary action.

Employee responsibility and how to raise a concern

- 3.10 The prevention, detection and reporting of bribery or corruption is the responsibility of all employees. If you become aware or suspect that an activity or conduct which is proposed or has taken place is a bribe or corrupt, then you have a duty to report this.
- 3.11 Any such incidents should be reported in accordance with NLS's Code of Conduct and whistle blowing policy.

4. Payment of fees for publications, lectures etc

- 4.1. The Library encourages its staff to undertake outside work e.g. lectures and publications if these lend prestige to the institution and enhance its reputation and that of the individual. If you are asked by the Library to do this in the course of your work, then any fee or commission earned must be passed to the Library. You should also note that copyright in such situations rests with the Library.
- 4.2 Staff and Board members are free to carry out such work in a purely personal capacity (i.e. entirely within own time and without the use of Library resources not generally available to the public) but you should consider whether there is a potential conflict of interest with your role within the Library or whether the public could perceive there to be such a conflict. Where there is the possibility of a conflict you should notify your line manager in writing in advance. Any fee earned for such work may be retained by the staff member or Board member. Copyright will generally rest with the individual in such cases.
- 4.3 If such work is carried out in a personal capacity but your line manager has given prior approval for the use of Library resources and/or time, then the work will be deemed to be on behalf of the Library. Any fee or commission earned must be passed to the Library. Copyright will rest with the Library.

5. Gifts

- 5.1 The general principle is that staff and Board members must not accept personal gifts offered in the course of their work for the Library although you may accept and keep items of token value e.g. pens, diaries, calendars or small tokens of gratitude, up to an approximate value of £20 per item.
- 5.2 You should refuse any gift offered which exceeds an approximate value of £20. Where a gift of more than token value is received without any opportunity to refuse, or which could not be refused without causing offence, then you must declare the receipt of the gift, using the form attached to this document. The Library will decide if you may retain the gift personally or if it should be retained by the Library. The Library will maintain a register of such gifts.
- 5.3 The general rules are:
 - a) You should treat all offers of gifts with caution.
 - b) You must not solicit a gift or any other personal benefit from any outside individual or organisation in connection with your work for the Library.
 - c) Where a gift is offered, you should be sensitive to the timing of decisions which affect the provider of the gift e.g. during the tendering process for contracts.
 - d) You must reject any gift where it might be seen as intended to influence you in the discharge of your duties, or it can be construed as a bribe or corrupt payment, within the definition of the Bribery and Corruption Act.
 - e) You are personally responsible for all decisions relating to offers of gifts. If in doubt as to the proper course of action to take, you should seek the advice of your line manager or from HR or Finance.

f) You should accept a gift only if you feel that by doing so, you can comply with these guidelines. If you feel that a gift should not be accepted, or that you have any doubt that it should be accepted, you should err on the side of caution and refuse the item.

g) Where you decline a gift, you should do so courteously and tactfully, informing the giver of the procedures and standards operating within the Library.

6. Awards and prizes

6.1 If you are approached by an outside organisation about the offer of an award or prize in any way connected with official duty, you should notify your line manager. You should only accept awards that are recognised and reputable and that are offered in recognition of personal achievement. You should not accept a gift or award that is in the nature of, or could be construed as, a gift, an inducement or payment.

7. Gratuities and donations

7.1 If you are given any gratuities or donations of money or goods in the course of your work with the Library you must immediately pass these to the Finance Division. Under no circumstances should you keep any gratuities or donations. Donations of items for the collections should be handled, as normal, through the Donations Unit.

8. Hospitality

8.1 Offers of hospitality may be extended to Library staff and Board members for a variety of reasons. Whether such offers should be accepted will depend on a number of different factors. The general principle is that you should not accept any offer of hospitality unless you can answer 'Yes' to the following questions:

'Can I justify this?'

'Can I be sure I will not be subject to legitimate criticism?' and 'No' to:

'Does this contravene the Bribery and Corruption Act?'

8.2 The general rules are:

a) You should treat all offers of hospitality with caution.

b) You must not solicit hospitality or any other personal benefit from any outside individual or organisation in connection with your work for the Library.

c) Where hospitality is offered, you should be sensitive to the timing of decisions which affect the provider e.g. during the tendering process for contracts.

d) You must reject any offer of hospitality where it might be seen as intended to influence you in the discharge of your duties.

e) Offers to attend purely social or sporting functions should be accepted only when the Library is expected to attend and should be represented.

f) Offers of hospitality from companies which are advertising their products or services to the Library should only be accepted if it is clear that there is direct benefit to the Library in your attending the event. Examples of where such direct benefit could arise include:

- Where it is important that the Library has a representative present
- To obtain information on any service or products supplied by the company
- To gain contacts or improve liaison with other groups or organisations which might be helpful to the Library
- To discover how other organisations are structured or see different management techniques or methods of service delivery.

g) You should reject repeated offers of hospitality from the same source.

h) You must not accept an offer from a company which is in negotiation with or is tendering for a contract with the Library.

i) You should reject any offer which appears to you, or potentially to others as in any way excessive.

j) You are personally responsible for all decisions relating to offers of hospitality. If in doubt as to the proper course of action to take, you should seek the advice of your line manager, the Secretary, HR or Finance.

k) You should accept hospitality only if you feel that by doing so, you can comply with these guidelines. You should register any hospitality that you accept or have accepted, using the form attached to this document. If you feel that hospitality should not be accepted, or that you have any doubt that it should be accepted, you should err on the side of caution and refuse.

l) Where you decline hospitality, you should do so courteously and tactfully, informing the host of the procedures and standards operating within the Library.

9. Procedure

9.1 You must declare to the Finance Manager all offers of gifts (except for token gifts) and hospitality where you propose to accept the offer. The declaration must be made by completing the attached form (also available on the intranet); the form must be submitted, if possible, before the gift or hospitality is received.

9.2 You must report to your line manager or to the Finance Manager any offer of a gift or hospitality which you intend to reject but which, in your view, is designed to influence you inappropriately. The Library reserves the right to take appropriate action on any such offer, including launching a fraud investigation and reporting the matter to the police and/or to audit bodies.

10. Review

10.1 This policy will be reviewed from time to time in association with the Trade Union Side and with the Staffing and Remuneration Committee and Audit Committee of the Board of Board members.

Declaration of acceptance of hospitality and gifts

Appendix 1

Please use this form to declare any gifts or hospitality which you have received of more than nominal value. The completed form and the gift itself must be handed to the Finance Manager.

Name of donor	Details of gift or hospitality	Approximate value	Date of receipt

I declare that the information contained herein is accurate and up-to-date. I undertake to update the record if and when any material changes take place.

Signed:..... Date:

(To be completed by Finance Manager as appropriate)

I declare that I have received the gift as described above.

Signed..... Date.....

Employees, volunteers and Board members are required to record any gifts or hospitality accepted by them in connection with their work for the Library. See the policy on Receipt of gifts, fees and hospitality for more information. This form need only be submitted when a gift or hospitality of more than nominal value is received.

Completed forms will be held by the Secretary in a Register of gifts and hospitality. Advice on completing the form may be obtained from the Secretary and the Human Resources manager or, for Board members from the National Librarian and the NLS Secretary.

Please return the completed form to:

Secretary to the Library
National Library of Scotland
George IV Bridge
Edinburgh
EH1 1EW