

BAR STANDARDS BOARD

REGULATING BARRISTERS

Gifts and Hospitality Policy

Introduction

1. Organisations with which the Bar Standards Board (BSB) has dealings may offer hospitality or gifts as part of their normal business practice. Such occasions often offer a networking opportunity, which is likely to benefit the work of the BSB.
2. Care must be taken in being offered or accepting gifts or hospitality to ensure the organisation's regulatory independence is maintained, and that decisions are made free from undue influence.

Scope

3. This policy applies to Board members, committee members, any advisors to those groups, the Visitor, Independent Observers, Advisory Pool of Expert members and Task Completion Groups members. Staff members are covered by a separate policy within the Bar Council Finance Manual.
4. This policy is written in accordance with Part Six of the BSB Standing Orders.

Aim

5. This policy aims to provide a framework to support a number of the Seven Principles of Public Life ('Nolan principles') as detailed in the BSB Constitution and Standing Orders as an obligation for members. These are namely:
 - Selflessness:
Holders of public office should act solely in terms of the public interest.
 - Integrity:
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - Objectivity:
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Definitions

6. A reportable gift is defined here as any item, cash or goods, or any service which is offered for personal benefit at a cost that is substantially less than its commercial value or at no cost where the gift has a nominal value of £50 or more.
7. Reportable hospitality is defined here as any food, drink, accommodation or entertainment over a nominal value of £50 provided free of charge or heavily discounted.

Guiding principles

8. The guiding principles governing the offer or acceptance of hospitality and gifts are:
 - a) the conduct of members should not give rise to any suspicion of any conflict between the requirements of their post and personal interest or advantage;
 - b) Members should not accept hospitality or a gift which would or might:
 - i) appear to place them under any obligation to the giver;
 - ii) compromise their impartiality or judgement; or
 - iii) otherwise be improper.
 - c) taking into account the monetary value; the offer should not be repeated more frequently or regularly than would be regarded as reasonable by an independent and objective observer;
 - d) any gift given should be proportionate and appropriate to the nature of the relationship between the BSB/Member and the intended recipient, and should only be provided in an exceptional case;
 - e) any gift received should be proportionate and appropriate to the nature of the relationship between the donor and the BSB/members;
 - f) if members are unsure about the propriety of accepting hospitality or a gift then it should be refused; if refusal would cause offence, it should be donated to the BSB; and
 - g) the receipt of any gift by members must be disclosed to the BSB.

Acceptance of hospitality

9. Hospitality based on an event related to the work of the BSB or its committees and that presents networking or liaison opportunities is generally acceptable eg a reception.
10. Work-related hospitality from a single party which can be seen to be of value to the work of the BSB is acceptable eg a working lunch.
11. Hospitality which is purely or mainly social and where business is not likely to be discussed should be considered carefully before acceptance based on the terms of this policy;
12. Hospitality which benefits the recipient individually and that cannot be justified as of benefit to the BSB should be avoided.

Giving or returning hospitality

13. Generally, the same principles that apply to acceptance of hospitality will apply to the giving or returning of hospitality. The guiding principle should be that of proportionality.

Overseas visits

14. Overseas visits bring different issues and circumstances. It may be necessary to give and / or receive hospitality or gifts, and refusal may cause offence. If anything occurs that falls outside the broad scope of this guidance, then it should be recorded in writing, in the interests of openness and transparency.

Procedure

15. It is the responsibility of Board and committee members to report offers/receipt of reportable gifts or hospitality within ten working days to the Governance Officer, or the relevant committee secretary to be included on the appropriate register.

16. Information reported must include:
 - Name of person and organisation offering gift/hospitality;
 - Details of gift/hospitality including value and date;
 - Reason for acceptance or rejection.
17. The Governance Officer, and committee secretaries maintain the registers which are reviewed and checked by these members of staff and others periodically. Inappropriate acceptance of gifts, or perceived compromise or bribery, will be addressed by the Chair of the BSB or the Director General as necessary.
18. Members of the Advisory Pool of Experts or Task Completion Groups should advise their staff contacts at the first appropriate time of the offer or acceptance of a gift or hospitality. They will take proportionate appropriate action according to the agreement terms in place with those individuals.

Review

19. This policy will be reviewed at least every five years, in the light of experience.
20. This policy is part of the governance arrangements of the BSB, and as such can only be amended with approval by the Board.

Contact

21. The Governance Officer maintains the register for gifts and hospitality for the Board and advisors
22. The committee secretaries maintain the register for the committees
23. The relevant Chairs can be contacted in the case of concerns or advice on interests

Bar Standards Board

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