



Independent
Commission for
Reconciliation and
Information Recovery
Gifts and hospitality policy

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1. Official hospitality – general

- 1.1 The ICRIR Code of Conduct sets out the values that all Commissioners and staff must follow. The overarching principle is that individuals working for the Commission must adhere to the ICRIR values which include integrity and impartiality. Dealing with offers of gifts, benefits or hospitality is largely a matter of common sense, **if ever in doubt a polite but firm refusal is the right action.**
- 1.2 This policy regulates how all gifts and hospitality offered to or proposed by ICRIR staff and Commissioners in connection with their employment should be managed in line with the ICRIR Code of Conduct. The Policy applies to Executive Commissioners, staff, secondees and other individuals engaged by the Commission.
- 1.3 “Hospitality” in this context means meals and functions such as cocktail parties, receptions, presentations and conferences; and also invitations to social, cultural and sporting events. Some offers may include overnight accommodation and travel to and from a venue at which an event is being held. “Hospitality” does not include benefits or other considerations, which are equivalent to gifts and are subject to separate rules (see paragraphs 8.1 to 8.3).

2. Disciplinary penalties

- 2.1. Under the Bribery Act 2010 it is an offence for any public servant corruptly to solicit or accept any gift or consideration as an inducement or reward for:
- doing, or knowingly doing, anything in their official capacity or
 - showing favour or disfavour to any persons in their official capacity.
- 2.2. Under the Bribery Act 2010, the courts will assume any money, gift or consideration a public servant receives from a person or organisation which has obtained or is trying to obtain a Government contract has been received corruptly unless the officer can prove otherwise.
- 2.3. If convicted of corruption you will be liable to dismissal by the Commission. You should also note the unauthorised acceptance of a gift, benefit or hospitality – even if it could be demonstrated that it had not been received corruptly – will render you liable to disciplinary action up to and including dismissal.

3. Overriding rules

3.1. The overriding rules governing the acceptance of gifts, benefits and hospitality are that:

- You must never solicit gifts, hospitality, or any other benefits in any way connected to, or arising from your role with the ICRIR, whether on or off duty
- your conduct in a private capacity must not foster the suspicion of any conflict between your official duty and private interests
- your conduct while acting in an official capacity must not give the impression – to any member of the public, to any organisation with whom you deal or to your colleagues – that you have been (or may have been) influenced by a gift or consideration to show favour or disfavour to any person or organisation
- you must not accept any gifts, benefits or hospitality – either directly or through a third party (i.e. a family member or friend) that would, or might appear to:
 - a. place you under any obligation to an individual or organisation making the offer
 - b. compromise your impartiality or otherwise be improper.
- any gifts, benefits or hospitality must be refused if either you or the Commission are in any doubt about the propriety of accepting them.

3.2. The procedures contained in this policy cannot cover every situation that might arise and where it does not, you must email the Governance team for advice.

3.3. The Chief Executive is final arbiter on the advisability of acceptance or refusal of gifts, hospitality, etc.

4. Gifts offered to ICRIR Commissioners or staff

4.1. Difficulties can arise with casual gifts, particularly at Christmas time when commercial custom and practice may lead to gifts being sent to customers including staff within the Commission. Gifts exchanged between colleagues (for events such as retirement, birth of child, marriage, promotion) are outside the scope of this policy. Gifts given for these reasons by those outside the organisation to you, in your role within ICRIR are however, within scope.

4.2. Gifts other than low-value items such as diaries or calendars must be politely but firmly refused at the time they are offered. Calendars, diaries or other small items of office equipment of modest value may be accepted, but only if they bear the

company's name or insignia and can legitimately be regarded as being in the nature of advertising material.

- 4.3. Any other gifts (including bottles of wine or spirits) must be politely but firmly refused or, if received in the office, returned to the donor with a polite covering letter explaining the Commission's rules and policy (the letter must be copied to your line manager). It must be clear to the donor and to anyone else that no individual has gained personal advantage from the gift.
- 4.4. If you are in any doubt about whether or not to accept a gift in accordance with the preceding paragraphs, you must email the Governance team for advice.

5. Reporting gifts

- 5.1. All gifts, other than items such as diaries, calendars or other small items of modest value bearing a company's name or insignia, must be reported by completing the form even if they are refused / returned. If you do not want to use the form you may email the Governance team. Details of the gift will be recorded in a central register the Commission is required to maintain.
- 5.2. When reporting gifts in accordance with paragraph 7.1 you must include the following information:
- when the gift was received
 - who the donor is
 - what the gift is
 - an estimate of the gift's value and
 - what you propose to do with the gift (i.e., retain it, put it on display in the office, surrender it to the Commission).

To assist in providing the information required you will find a form alongside this guidance.

6. Hospitality registers

- 6.1. It is Commission policy to maintain a hospitality registers, which is kept in the Commission Secretariat team. All hospitality you accept must be recorded in the hospitality register, with the following exceptions:
- light refreshments
 - (if you are not involved in procurement or in a tendering process) working meals, or meals provided at a conference

- working lunches and dinners incidental to meetings (formal and informal) and to training events, presentations, conferences or seminars or similar events for which the Commission has paid.

6.2.If you receive an offer of hospitality other than those listed at 12.1 then you must seek the approval of a member of ELT (or by the CEO it for a member of ELT) before accepting and whether the offer is accepted or rejected you must complete the form or email the Governance team:

- the name of the body/organisation offering the hospitality
- the date of the event
- the nature of the hospitality offered (lunch, dinner, sporting event, etc.)
- Estimated Value
- the name of the officer(s) to whom the hospitality was offered
- the name and signature of the officer approving acceptance of the invitation, if required and given
- Date of Acceptance
- whether, exceptionally, a spouse, partner or other family member attended (prior approval of which must have been obtained) and
- any relevant comments.

7. Criteria for considering offers of hospitality

7.1.In considering offers of hospitality, you must follow the rules set out in paragraph. You must also apply the criteria set out below in paragraphs 7.2.

7.2.When considering offers of hospitality, you should apply the following criteria:

- The relationship between the Commission and the individual or organisation making the offer – offers not connected to your employment will not fall under this policy unless there is a potential for a perceived conflict. Contacts which are promotional, representational or relate to information gathering are less likely to create an obligation or embarrassment than those which are regulatory or could lead to a contractual relationship between the Commission and the other party. Hence, it is generally acceptable to attend in an official capacity a function organised by a public or non-commercial body (for example, a local authority or professional association), although such offers should also still be considered in the light of other criteria in this policy. However, particular care is required where the individual or organisation offering hospitality stands to benefit

commercially or in other ways from the goodwill of the Commission (e.g. they are actual or potential contractors, developers or consultants; or are subject to regulatory decisions or recommendations by the Commission; or are lobbying organisations or pressure groups).

- The balance between the scale of the offer and the business to be transacted – a working lunch or similar small-scale hospitality should be distinguished from more lavish and expensive events, travel or accommodation. If an offer of hospitality appears disproportionate in relation to normal day-to-day relations with the individual or organisation involved, you consider carefully about whether to accept. Where you have doubts, you should seek guidance from your line manager or email the Governance team.
- Whether the offer stands on its own or is one of a series – isolated offers of hospitality may be accepted if they meet the proportionality test set out above, and if it is considered that attendance can be shown to benefit the Commission. However, frequent, regular or seasonal invitations, particularly from the same source, should be scrutinised much more critically and only accepted if there is a clear and demonstrable public benefit to do so.
- Whether there is a significant risk of reciprocal obligations being created or implied – as a general rule, therefore, invitations must be declined if there is significant risk of reciprocal obligations being created or implied, or unfair advantage being conferred or thought to be conferred upon the individual or organisation making the offer.

7.3. The criteria members of ELT should apply when considering whether invitations are acceptable are as follows:

- Will acceptance create any possible conflicts of interest?
- Is the invitation from an individual or organisation that has or is actively seeking to enter into a specific contractual or financial relationship with the Commission?
- Will acceptance create any obligation to the donor?
- Will acceptance compromise the Commission's (or the individual's) impartiality, or otherwise be improper?
- Will acceptance result in unfair advantage being conferred or thought to be conferred upon the outside organisation or individual?

8. Acceptance of hospitality

- 8.1. Cocktail Parties, Trade Association Dinners and other meals are classified as “social” occasions – although they are business related. Approval to attend must be sought from a member of ELT (or by the CEO if for a member of ELT) and attendance must in all cases be recorded in the hospitality register by completing the form.
- 8.2. Acceptance of invitations to “social” occasions such as sporting or cultural events should be exceptional, although it may be considered justifiable if attendance is in the interest of the Commission. You must not accept such invitations without clearance from a member of ELT (or by the CEO if for a member of ELT). All accepted invitations must be recorded in the hospitality register (by completing the form).
- 8.3. You will be required to sign a declaration concerning recent receipt of gifts and hospitality from (as well as any other interest in) potential suppliers before becoming involved in a tendering exercise, and to update it fully before award of contract. These declarations are separate from, and additional to, the normal hospitality register mentioned above.
- 8.4. Occasionally, you may receive an invitation in your official capacity from a genuine friend in another organisation. Regardless of the type of hospitality offered, you should always exercise extra caution when considering such an invitation, particularly in relation to whether the Commission will benefit sufficiently from the contact. You must notify a senior manager of your relationship with the host, and obtain prior approval before accepting the invitation.

9. Spouses, partners and family members

- 9.1. Invitations extended to spouses, partners and/or other family members must be declined, unless the invitation makes clear all invitees should be accompanied. The presence of a spouse, partner or family member may then be recognised as being part of your official duties. Prior approval for a spouse, partner or family member to attend events is required in all cases. Such approval must be obtained from the Chief Executive.

10. Provision of hospitality

- 10.1. ICRIR staff may provide limited hospitality to stakeholders, visitors and guests on ICRIR premises or at official events hosted by the Commission. If the

hospitality exceeds light refreshments, prior approval should be sought from a member of ELT (or by the CEO if for a member of ELT) and should be added to the Register by completing the form or emailing the Governance team. Requests for all hospitality requiring prior approval must be recorded in the Register.

10.2. Budget holders are authorised to approve reasonable expenditure on hospitality within these guidelines.