

INFORMATION NOTICE FOR CIVIL SERVANTS

GIFTS TO CIVIL SERVANTS

Civil servants should not receive or accept benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. The actions of civil servants should be above suspicion and not give rise to any actual or potential conflict of interest, and their dealings with commercial and other interests should be able to withstand the closest possible scrutiny.

This information notice is intended to provide general information about your obligations under the *Civil Service Code of Standards and Behaviour* (the Code) in respect of offers of gifts and/or hospitality. It should be read in conjunction with other relevant information notices.

What is a gift?

In the Code, the term “**gift**” *includes any benefit which is given to a civil servant free of charge or at less than its commercial price.*

The receipt of gifts, by civil servants, from those with whom they have official dealings, must be governed by the highest standards. Civil servants must abide by these instructions or the local rules derived from them.

What is hospitality?

Hospitality may include simple meals or refreshments offered as part of attendance at a meeting, reception or other business event. Civil servants may, in certain circumstances, accept modest offers of hospitality, which would be considered a courtesy in business relationships.

However, in their contacts with outside organisations or persons, every care must be taken by civil servants to ensure that their acceptance of hospitality does not influence them, and could not reasonably be seen to influence them, in discharging their official functions.

The following detailed guidance provides a framework within which decisions in this area may be made or local rules formulated:

- All offers of gifts or hospitality from commercial interests which have or might have contractual relations with the Department/Office of the civil servant to whom the offer is made must be reported by that civil servant to his or her manager for direction.
- No objection would normally be made to the acceptance of what is regarded as routine hospitality, for example, a business reception or acceptance of a coffee when meeting a supplier. What may be regarded as “routine” for this purpose will depend on a number of factors such as:
 - the value of the hospitality offered,
 - the frequency of offers,

- whether a procurement process is pending
- whether there is an element of reciprocity and the general circumstances in which it is offered
- whether it is offered by a company to all its customers or is directed at specific or potential customers.

Certain types of hospitality (for example, offers of travel abroad, lavish meals or holiday weekends) should not be regarded as routine and should always be referred to the superior of the civil servant for direction. Heads of Departments/Offices are recommended to issue guidelines to their own staff having regard to the offers of hospitality which are commonly made to staff in their Departments/Offices. In most instances, such offers should be refused.

Civil servants should not accept offers gifts or hospitality that go beyond the routine practices referred to above, except where acceptance of such an offer can be clearly shown to be in the interest of the Department/Office and has been approved by the manager of the civil servant.

Managers should have reference to the Code and to this notice, when considering any offer referred to the Manager by his or her employee.

What gifts or hospitality may be accepted?

Subject to any rules which the Secretary General or Head of Office may determine, an officer may accept and retain gifts of modest value (e.g. diaries, pens, etc.) Any gift of more significant value should be refused or, if such refusal would cause offence, handed over to his or her Department/Office.

What gifts or hospitality may not be accepted?

A gift, other than a gift of **modest value**, given to a civil servant by virtue of his or her official relationship with the donor or his or her Department's commercial dealings with the donor must be regarded as property of the Department/Office concerned. However, benefits under frequent flier schemes may be retained by individual civil servants in recognition of the fact that official travel is disruptive to personal and family life.

Particular care should be taken in relation to gifts from donors who stand to derive a personal or commercial benefit from their relationship with the Department/Office concerned.

- Cash, gift cheques or any vouchers that may be exchanged for cash may not be accepted, regardless of the amount.
- Civil servants may not solicit gifts, directly or indirectly.
- Civil servants may not approach any business with which they have contact through their official duties seeking sponsorship or support for any club, charitable organisation, association, trade union or other organisation.
- Civil servants should not accept special facilities or discounts on private purchases from suppliers with whom they have official dealings.

Civil servants should also be aware of the provisions of the *Criminal Justice (Corruption Offences) Act 2018*, (the Act), which places no value limit on what constitutes a gift or consideration or advantage. Section 5 of the Act outlines active and passive corruption offences. Section 6 of the Act outlines the offence of passive and active trading in influence. These sections are linked to section 14 of the Act, which contains the presumption that a gift given to an official by or on behalf of a person with an interest in the relevant functions of the official is presumed to be given and received corruptly.

Regulation of Lobbying Act 2015

Civil servants should also exercise particular caution in accepting gifts from someone who has, or might later lobby them.

The *Code of Conduct for persons carrying on lobbying activities* was published by the Standards Commission under in Section 16 of the Regulation of Lobbying Act 2015. This Code commenced on 1 January 2019. All office holders who are designated public officials for the purposes of the lobbying legislation should familiarise themselves with the Code upon reading this Information Notice.

Principle 6 of the Code deals with avoiding improper influence. Specifically, the Code states that “A person carrying on lobbying activities should not, in the course of their lobbying activities, seek to create a sense of obligation on the part of the elected or appointed official by making any offer of gifts or hospitality.” The Code further provides that a person carrying on lobbying activities “should be aware of any rule or code of conduct which might apply to the acceptance of gifts or hospitality by elected or appointed public officials”.

Need more information?

If you are unclear on your obligations relating to gifts or any other matter, the Commission encourages you to seek advice.

Please contact us at:

6 Earlsfort Terrace, Dublin 2, D02 W773.

Telephone: (01) 639-5666

Email: info@sipo.ie

Website: www.sipo.ie

Twitter: @SIPOCIreland