



SCLA

## **GIFTS AND HOSPITALITY**

### **POLICIES, PROCEDURES AND PRACTICES**

SCLA is committed to carrying out its Mission for the benefit of global legal professions, such as lawyers, public services, mediators, as well as stakeholders of the legal professional fields, such as adjudicators, governments, service providers and educators, with the highest ethical standards consistent with the SCLA Vision.

It is important that gifts & hospitality never influence imminent decision-making processes, cause others to perceive an influence, or place either the individual or SCLA under any obligation. Although SCLA legitimately engages in fundraising as a non-profit organization, SCLA strictly forbids its staff<sup>1</sup>, officers, directors and volunteers to solicit gifts & hospitality on behalf of SCLA and discourages the acceptance of gifts & hospitality from a partner.

Notwithstanding this, SCLA recognises that the occasional acceptance or offer of modest gifts & hospitality may be a legitimate contribution to good relationships. This policy is intended to find an appropriate balance between fostering good relationships and unacceptable influencing (or perception of influencing) of decision-making. In this context, the requirements of other SCLA policies – especially the prohibition against accepting or paying bribes and the avoidance of conflicts of interest – should also be taken into consideration.

## **1. Principles**

### **General**

- SCLA discourages its staff, officers, directors and volunteers from accepting gifts & hospitality from SCLA partners.
- Any gift & hospitality offered or received must be reasonable and proportionate. Decline gifts & hospitality if you would feel uncomfortable telling an SCLA representative, colleague, family, friends or the public that you had accepted them.
- You and your family members must never in connection with SCLA operations offer, give, seek or accept:
  - Illegal or inappropriate gifts & hospitality;
  - Cash or cash equivalents;
  - Personal services;
  - Loans;
  - Events or meals where the (paying) business partner is absent;
  - gifts & hospitality during periods when important SCLA decisions are being made.
- Make SCLA's policy on gifts & hospitality known to your partners
- Comply with laws and regulations.
- Understand that local customs cannot be followed if they conflict with SCLA's policies.

### **Government Officials**

The offering of gifts & hospitality including travel-related expenses for government officials creates special concern. Gifts and hospitality that are acceptable between private business partners may be unacceptable between a business (including a charity) and an official.

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<sup>1</sup> In the context of this Policy, the term "staff" shall also mean paid consultants.

Addressees must have permission from the Executive Director or Chair of the Board (who will take particular note of applicable legislation before rendering a decision) to offer gifts and hospitality to government officials and must not offer gifts and hospitality to the spouses, family members or guests of a government official. In addition it is not allowed to pay for non-business travel and hospitality for any government official.

## **2. Disclosure**

All SCLA staff, officers, directors and volunteers must record in the SCLA Code of Conduct Register and receive approval from the Executive Director or the Chair of the Board for:

- All gifts and hospitality that could be perceived as creating a conflict of interest, accepted or declined;
- All gifts and hospitality from any third party valued at EUR 150 or greater, accepted or declined;
- All gifts and hospitality to a private/commercial individual valued at EUR 150 or greater, accepted or declined; and
- All gifts and hospitality to a Government Official valued at EUR 50 or greater, accepted or declined.

## **3. Non-compliance**

If an individual is discovered to have accepted or offered a gift or hospitality on behalf of SCLA where disclosure and prior approval have not been sought or granted, the Executive Director or the Board of Directors will require the individual to:

- Account for any gain or benefit made directly or indirectly, arising from an involvement with, or an interest in, or dealing in any manner with a third party that provided/received the gift and/or hospitality, and
- Withdraw from the action or take appropriate action as determined by the Executive Director or the Board.

Further, in the case of employees, the individual may be subject to disciplinary action up to and including dismissal should the situation warrant.

## **4. Review Process**

An individual may request in writing, within 30 days, a review of a decision on gifts & hospitality. In cases where there is a concern with respect to decisions or actions of the Executive Director, this concern should be submitted in writing to the Chair of the Board of Directors. The Chair of the Board will respond in writing to the individual outlining follow-up action.

## **5. Gifts & Hospitality in Practice**

Consider the following questions before accepting or offering a gift or hospitality:

- Could the acceptance or offer lead to an obligation or imply an obligation?
- Is the gift or hospitality a reward for work carried out or a business transaction?
- Is the gift or hospitality excessive in value?

If in doubt, please consult the Executive Director.

Effective from 1<sup>st</sup> Jan 2021