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Gwent
Police

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| Policy & Procedure Title: | Gifts & Hospitality (Acceptance and Offers of) |
| Reference No: | 101-05 Issue 8 |
| Workstream/Business Area: | Professional Standards Department. |
| Policy Contact/Author: | Detective Sergeant (PSD.) |
| Service Area Approval: | Detective Superintendent Professional Standards Department. |
| Chief Officer Approval: | Deputy Chief Constable |
| Effective (Start) Date: | 05/02/19 |
| Next Review Date Due: | 04/02/22 |
| Protective Marking | Official |

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Supporting Documents:

Authorised Professional Practice (APP) Guidance:

This Policy has been checked against APP and there is none in relation to the subject matter of this Policy. The National Police Chiefs' Councils Guidelines on Charging for Police Services (April 2018, Version 12.3) has contributed toward the subject matter of this policy and procecedure.

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| 1.0 | POLICY AIMS |
| 1.1 | <p data-bbox="231 273 577 309"><u>The Aims of the Policy</u></p> <p data-bbox="231 340 1492 521">This Procedure covers situations where Police Officers and Police Staff, who are properly meeting members of the community in the normal course of their work as members of Gwent Police, may be offered 'gifts', a term which includes goods or services, payment and hospitality (all references to Police Officers include Police Community Support Officers & Special Constables).</p> <p data-bbox="231 595 1492 777">To refuse such offers may cause offence or hinder working relationships. However, to accept could equally be misinterpreted. It may lead to inaccurate expectations of favour, or even constitute a criminal offence in some circumstances. There will also be occasions where specific advice is needed in the purchase of goods and service and the expenditure of public money.</p> <p data-bbox="231 848 1492 1030">Gwent Police expects the highest standards of integrity and personal conduct on the part of all Officers and Staff. Officers and Staff must not abuse their position within the Force, for personal advantage. They must also have in mind, at all times, the need to avoid any suspicion that in their capacity as members of the Force they may be influenced by any gift, or other consideration, to show favour or disfavour to any individual or organisation.</p> <p data-bbox="231 1081 1492 1227">Police Officers and Special Constables in particular are subject to The Code of Ethics, chief amongst which is that which relates to honesty and integrity. This standard specifically states that Police Officers must be honest, act with integrity, and that they do not compromise or abuse their position.</p> <p data-bbox="231 1263 1492 1373">It further clarifies that Police Officers should never solicit the offer of any gift, gratuity, favour or hospitality in any way connected to or arising from their role within the police service, whether on or off duty.</p> <p data-bbox="231 1411 1492 1482">Police Staff are also governed by a disciplinary procedure and the above conduct may amount to bringing discredit to Gwent Police which amounts to gross misconduct.</p> <p data-bbox="231 1520 1492 1666">In April 2012, the Association of Chief Police Officers published Guidance on Gifts, Gratuities and Hospitality, which provided Police Officers and staff with an ethical framework in which to determine the boundaries of acceptability around gifts and hospitality.</p> <p data-bbox="231 1704 1492 1886">This Procedure has been developed in accordance with that guidance to ensure Police Officers and Staff understand how the acceptance of gifts or hospitality can undermine personal and professional integrity; and to reinforce the importance of preventing allegations of corrupt practices or improper relationships with any member of the public or corporate body arising from the offer or acceptance of any gift, gratuity or hospitality.</p> |

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| 2.0 | <p data-bbox="231 145 438 190">PROCEDURE</p> <p data-bbox="231 257 606 302"><u>Background Information</u></p> <p data-bbox="231 336 1492 481">All Police Officers and members of Police Staff are required to notify the Chief Constable of all offers of gifts, gratuities and hospitality and to await authorisation for acceptance. This notification should be made through a line manager, using the report template found at Appendix 'A'. When completed, it should be sent electronically to:</p> <p data-bbox="327 515 1125 560">professionalstandardsdepartment@gwent.pnn.police.uk</p> <p data-bbox="231 593 1492 705">Any gift, gratuity or hospitality received, where it was not possible to seek permission to accept or politely decline without causing offence, should be retained until a decision has been made as to the appropriateness of accepting it.</p> <p data-bbox="231 739 1492 884">Exemptions from any requirement to record should only extend to those instances of impromptu and unforeseen provision of light refreshments in line with policing duties, inexpensive promotional products from partnerships or conferences, or discounts aimed at all members of the wider police service.</p> <p data-bbox="231 918 1492 1064">For all Police Officers and Police Staff, the Chief Constable has delegated the responsibility for determining the acceptability or otherwise of any gift, gratuity and/or hospitality, to the Detective Superintendent (Head) of the Police Professional Standards Department (PSD).</p> <p data-bbox="231 1097 1492 1254">Where the Chief Constable is the intended recipient of any gift, gratuity and/or hospitality, the Chief Constable will notify any such instance to the Police and Crime Commissioner. A copy of the notification will be sent to the Head of PSD for adding to the Register (see 1.1.6).</p> <p data-bbox="231 1288 1492 1433">The PSD will maintain a single Register of Gifts, Gratuities & Hospitality under the direction and control of the Head of PSD, who will ensure scrutiny, auditing and governance of the Register in line with wider corporate governance of matters of integrity and counter corruption.</p> <p data-bbox="231 1467 1492 1579">Entries will include the nature of the offer, the surrounding circumstances in which the offer was made, the estimated value of the gift, gratuity or hospitality, and whether permission to accept is being sought.</p> <p data-bbox="231 1612 1492 1691">Declarations of offers of gifts, gratuities or hospitality, irrespective of whether they are accepted or rejected by the recipient, will be made to ensure integrity.</p> <p data-bbox="231 1724 1492 1870">Where there is a request to retain the gift or accept the hospitality, the decision maker will inform the applicant of the decision within 28 days, or before this where a date of an offer expires before 28 days (for example in the case of hospitality offered). The decision will be accompanied by clear rationale as to the acceptance or rejection.</p> <p data-bbox="231 1904 1492 2027">Where a decision has been made that the offer is to be declined, or a gift received cannot be accepted then the Head of Department for the applicant will be responsible for ensuring the gift is returned or the hospitality is not received.</p> |
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Where returning a gift is not practical or possible, the Head of Department of the applicant is responsible for its ethical disposal. Consideration should be given where appropriate to charity donation.

In order to maintain and support integrity in this important area of policing, the PSD will conduct random and intelligence-led examinations of this process.

It will also be cross checked against procurement, financial spend and business interests recorded within the organisation to ensure the integrity of all the systems and processes.

Any assessment or action taken will be 'relevant and sufficient' and the least intrusive. Decisions will be made fairly, balancing between the restrictions on individual rights and the interests of the community at large. Therefore, restrictions on individual rights will be proportionate and legitimate.

The Register will be published on the Gwent Police Web Site and will be open to inspection by the general public.

Guiding Principles

In deciding whether an offer of a gift, gratuity or hospitality can be accepted, the following principles will be considered by the authorising officer:

- a) **Genuine** - Is the offer made for reasons of genuine appreciation for something I have done, without any encouragement from me?
- b) **Independent** – If I accept it, would a reasonable bystander be confident that I could be independent in doing my job?
- c) **Free** - Could I always feel free of any obligation to do something in return for the donor?
- d) **Transparent** – Would I be comfortable if the gift was transparent to my organisation, its clients and to the public?

As a further guiding principle, no gift, gratuity, favour or hospitality should be accepted if so doing might compromise their impartiality or give rise to a perception of such compromise.

Offers of a gift, gratuity or hospitality vary widely according to the circumstances and will range from readily identifiable examples of criminality (such as a breach of the Bribery Act 2010) through to instances of entirely appropriate and reasonable extension of gratitude and common courtesy which do not amount to any suggestion of any breach of integrity on any party.

The provisions of the Bribery Act 2010 contain two general offences covering the offering, promising or giving of a bribe (active bribery) and the requesting, agreeing to receive or accepting of a bribe (passive bribery) at sections 1 and 2 respectively. The provisions of the Act extend the definition of bribery to include seeking (or agreeing) to bring about improper performance of duties, which includes a public function such as

policing. Improper performance amounts to any breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.

The Act does not prohibit reasonable and proportionate hospitality and promotional, or other similar, business expenditure intended to improve the image of a commercial organisation, to better present products and services, or to establish cordial relations. It is, however, clear that hospitality and promotional or other similar business expenditure can be employed as bribes. Considerations in this regard will include the degree of lavishness of a gratuity or hospitality, its relative value, the industry norm, and the extent to which the gratuity or hospitality is connected to the business in question. The existence or otherwise of previously offered or accepted gratuities or hospitality may also be relevant.

At the other extreme, during the course of their duties in the community, Police Officers or Staff may well occasionally be offered gifts or hospitality, which do not, in any circumstances, amount to any breach of integrity on the part of either party. Examples of such include the provision of light refreshments as a common courtesy in line with policing duties, inexpensive promotional products from partnerships or conferences, or discounts aimed at all members of the wider police service.

Specific Guidance for Authorising Officers

Gifts

Gifts may only be accepted with approval of the Chief Constable or their nominated delegate if they are:

- a) Of a trivial or inexpensive seasonal nature (e.g. pocket diaries, calendars, stationery or other small items offered during a courtesy visit or conference)
- b) Gifts from overseas governments or organisations which are small commemorative items.
- c) Bona fide, unsolicited and inexpensive gifts of thanks from members of the public or victims of crime may be offered to individual officers or teams in genuine appreciation of outstanding levels of service.

Gifts will not be accepted from:

- d) Outside contractors or companies likely to become contractors, other than in exceptional circumstances and with the approval of the Chief Constable.
- e) Where the gift is more substantial and of greater monetary value, such as an item of jewellery or a watch, or where money is directly offered, it should not be accepted.
- f) The frequent acceptance of any gift, irrespective of value, from the same source should not be accepted.
- g) Good advice and to avoid offence or hinder working relationships, would be to steer persons making such offers towards charity donations, for example, The Police Dependents Trust. For more information please see office@pdtrust.org

Hospitality

A similar principle applies to the offer of hospitality in that:

- a) Offers of conventional hospitality (e.g. working breakfast, lunch or dinner, refreshments provided during the course of attending seminars or conferences organised by outside bodies, the annual dinner of a representative association or local authority), which are limited to isolated occasions and can be shown to be in the interests of Gwent Police may be accepted. Any hospitality that extends beyond this will require the prior approval of the Chief Constable.
- b) Particular caution should be exercised when offers of hospitality are made by members of the media or ex Police Officers or Staff employed as private investigators or legal representatives. This is particularly important if the member of staff from Gwent police is consuming alcohol in a casual hospitality setting. Caution should be exercised to ensure that no inadvertent work based disclosures are made in this setting.
- c) Acceptance of frequent, regular hospitality, particularly from the same source, will in any case be in breach of this Procedure.
- d) Invitations to sporting, cultural or social events (other than on official duties), offers of free travel and invitations to conferences or other events, especially in exotic locations, should only be accepted in exceptional circumstances and then only with the approval of the Chief Constable.
- e) Therefore, consideration should always be given to the nature of the hospitality, as well as the character and position of the person making the 'offer' and indeed any other persons who have received similar invitations.
- f) The authorising officer should carefully consider the following checklist of questions when confronted with an application to accept hospitality:
 - i) Why is the offer being made?
 - ii) What are the background circumstances to it?
 - iii) Does the donor feel obliged to make the offer?
 - iv) What does the donor expect in return?
 - v) What could be the outcome for the service or individual if the offer is accepted or declined?
 - vi) Is it an integral and logical part of the business relationship or process?
 - vii) What advice would a manager give if they were present?
 - viii) Would an individual be able to justify its acceptance to the public?

Discounts

Force-wide group-arranged discounts will be acceptable, provided they are overt and properly negotiated through the Force or Staff Associations and are given purely on the basis that the organisation has a large potential customer base. In order to provide transparency, details of such discounts must be published (e.g. on the respective

intranet sites of the staff association or in hard copy format e.g. a booklet, or both).

In order to avoid misuse of the benefit, details of the terms, if any, on which the discounts are available, should be made clear in order that Officers and Staff understand any limitations and conditions that apply. It is permissible for local arrangements to be made, without Staff Association involvement, to accept discounts on admission prices (e.g. theatres and cinemas, which are also openly available, on the same terms, to organisations other than the police, due to the size of the potential customer base).

Some commercial companies offer discounts for emergency service personnel in general. Where such details become known, PSD will proactively enquire with that company as to the terms of such offers so as to enable informed judgment as to whether the arrangements are acceptable.

Warrant or Identity Cards must be used for purposes directly related to the discharge of official duties or in circumstances otherwise approved (e.g. approved travel arrangements). **The use of the Warrant or Identification Cards, for the purpose of obtaining discounts, favourable service, treatment, or access to places of entertainment, except on police business, is absolutely forbidden.**

NB: This relates to soliciting benefits as distinct from producing proof of identity in order to obtain benefits which have been officially approved by the Force).

This principle also applies to the wearing of uniform when off duty to obtain benefit (specific examples include, off duty entrance to football grounds or theme parks).

It is a breach of the Code of Ethics for Police Officers, and the Disciplinary Procedure for Police Staff to improperly use or attempt to use their position for private advantage. From time to time, 'discount' offers are made to police employees by reputable businesses without thought of advantage. These offers are often made to other organisations and reflect the benefit of conducting business with any large workforce.

All Officers and Staff are reminded that The Code of Ethics set out the principles that underpin the conduct and behaviour that is expected from all Police Officers and Members of Police Staff employed by Gwent Police'.

Members of the force are of course entitled to seek discounts when engaged on personal business. However, on no account shall they do so on the basis that they are a police employee, or show their official Gwent Police identification card to gain a benefit of any description

Employees Interest in Contracts

Offers from outside contractors will not generally be accepted, but under certain circumstances and, subject to approval of the Chief Constable, may be permitted.

All Officers and Staff must be careful that they do not unwittingly commit Gwent Police to contractual obligations when responding to or initiating verbal or written enquiries with suppliers or contractors.

No Police Officer or member of Police Staff, may become involved in, or accept a directorship in any company holding a contract with Gwent Police, without the express written permission of the Chief Constable.

There may be occasions when Police Officers or members of Police Staff come into official contact with a business organisation, contracted by Gwent Police, in which they or a family member have a known interest.

In these circumstances the Officer/Member of Staff must immediately disclose this interest to the Head of Service Area/LPU/Department, who will nominate an appropriate person to undertake the work.

In addition, where an individual discloses an interest in an organisation which is participating in a procurement exercise, the Head of Service Area/LPU/Department must pass those details immediately to the Head of PSD under confidential cover.

Police Officers and Police Staff Members, concerned in any way with official contracts or purchasing of goods and services, will not disclose personal details of themselves or other individuals to a contractor for private contract purposes (e.g. delivery to home address, e-mail address or telephone numbers).

No Police Officer or Police Staff Member, who is engaged in secondary employment, may do anything that infers Gwent Police are in anyway supportive of, or indeed involved with the activities undertaken by that person in the course of their secondary employment.

Overseas Governments and Organisations

Special considerations apply to gifts and hospitality from overseas governments and organisations. Although the principles set out in this Procedure apply generally to such gifts and hospitality, there may be occasions when refusal could appear discourteous, or a gift should be offered in return. The advice of the Head of PSD should be sought in such circumstances.

Wills

There may be occasions when Police Officers or Police Staff Members, their partner or a relative, benefits from a Will where it is, or could be perceived to be, as a result of employment, engagement, or of a contract or business relationship developed through their status as a member of Gwent Police. In such circumstances the Officer or Police Staff Member should report the benefit to the Head of PSD, outlining the circumstances.

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| 3.0 | LEGISLATIVE FRAMEWORK |
| 3.1 | <p><u>Legislation and Guidance</u></p> <p>The guidance in this Procedure seeks to ensure transparency and conformity in accordance with the Bribery Act 2010 and any other relevant legislation. Sections 1 and 2 of the Bribery Act 2010 make it a statutory offence for anyone to offer, give or promise a financial or other advantage when the intention of the giver is to induce the receiver to perform a relevant function or activity improperly.</p> <p>The Act makes it a criminal offence for someone to offer, ask for or accept an 'inducement' that may be a reward for acting improperly.</p> <p>The organisation will also be committing an offence if they fail to prevent bribery by someone associated to them.</p> <p>Gwent Police will take firm action where breaches of the 2010 Bribery Act are concerned. This could include disciplinary procedures leading to dismissal, termination of contract and criminal prosecution.</p> <p>It is also important to note that failure to register in line with the directed requirements could constitute a breach of the Code of Ethics for Police Officers and the Disciplinary Procedure for Police Staff which could potentially lead to disciplinary proceedings. In the most serious cases criminal proceedings could be considered. This applies equally to Police Officers and Police Staff.</p> <p>All Officers and Staff are reminded that the Code of Ethics sets out the principles that underpin the conduct and behaviour that is expected from all Police Officers and Members of Police Staff employed by Gwent Police.</p> |
| 4.0 | HUMAN RIGHTS |
| 4.1 | <p>This Procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts, the legitimacy of its aims, the justification and proportionality of the actions intended by it, that it is the least intrusive and damaging option necessary to achieve the aims and that it defines the need to document the relevant decision making processes and outcomes of actions.</p> |
| 5.0 | WELSH LANGUAGE STANDARDS |
| 5.1 | <p>This Policy aims to comply with the Welsh Language Standards in terms of dealing with the Welsh speaking public, impact upon the public image of the organization and the implementation of the Welsh Language Standards.</p> |
| 6.0 | HEALTH AND SAFETY |
| 6.1 | <p>The Gwent Police Service Dynamic Risk Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.</p> |

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| 7.0 | REVIEW/RESPONSIBILITIES | | | | | | |
| 7.1 | The policy business owner maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring. | | | | | | |
| 7.2 | The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office, NPCC, legislative changes, good practice (learning the lessons) both locally and nationally. | | | | | | |
| 8.0 | LINKS TO OTHER POLICIES/PROCEDURES/OTHER DOCUMENTS | | | | | | |
| 8.1 | <ul style="list-style-type: none"> • Code of Ethics • Data Protection • Disciplinary Procedure for Police Staff • Equal Opportunities • Fairness at Work • Freedom of Information • Information Security • Licence to Lead • National Decision Model • Professional Standards Reporting Concerns (Whistleblowing) • Suspension of Police Officers and Police Staff | | | | | | |
| 9.0 | APPENDICES | | | | | | |
| 9.1 | <p style="text-align: right;">Appendix 'A'</p> <p style="text-align: center;"><u>Notification of the Offer of Gifts & Hospitalities</u></p> <table border="1" data-bbox="231 1803 1372 2027"> <tr> <td data-bbox="231 1803 646 1877">Name</td> <td data-bbox="646 1803 1372 1877"></td> </tr> <tr> <td data-bbox="231 1877 646 1951">Staff Number</td> <td data-bbox="646 1877 1372 1951"></td> </tr> <tr> <td data-bbox="231 1951 646 2027">Collar Number</td> <td data-bbox="646 1951 1372 2027"></td> </tr> </table> | Name | | Staff Number | | Collar Number | |
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| Post / Title | |
| Department | |
| Your contact number | |
| Names of Other staff members the gift/hospitality was intended for (if applicable) | |
| Date received | |
| Type of Gift e.g. chocolates, biscuits etc. | |
| Value / Estimated Value | |
| Details of the gift | |
| Why was the gift offered? | |
| Name of Donor | |
| Address of Donor | |

Please send the completed form to the PSD e-mail address:

psd@gwent.pnn.police.uk