

<b>Police and Crime Commissioner for Gwent Decision</b>	
<b>PCCG-2019-047</b>	<b>Police and Crime Commissioner for Gwent Decision Session</b>
<b>Subject</b>	<b>Review of the Office of the Police and Crime Commissioner's Gifts and Hospitality Policy and Procedure</b>
<b>Summary</b>	<b>To record the decision of the Police and Crime Commissioner regarding the amendments to the Gifts and Hospitality Policy and Procedure.</b>

## **DECISION**

1. **The aim of this document is to increase public confidence by ensuring that the Police and Crime Commissioner for Gwent and his staff do not accept gifts and hospitality, otherwise than in accordance with the principles detailed in the procedure to this policy.**
2. **The policy and procedure are due for review and updating on a four-year cycle. The current policy and procedure was due for renewal in October 2019 after it was last updated in 2015 (decision number PCCG-2015-048).**
3. **The changes that have been made to the policy and procedure are detailed on page 2 within the version control table and include updating job titles and ensuring the document references the Bribery Act 2010 and that staff are aware that accepting inappropriate gifts and/or hospitality could fall within the disciplinary procedure.**
4. **Once approved, the document will be circulated to all staff to ensure they are sighted on the revised policy and procedure.**
5. **I agree to the amendments made to the Gifts and Hospitality Policy and Procedure.**

**Jeff Cuthbert B.SC., MCIPD, Police and Crime Commissioner for Gwent**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct. Any such interests are recorded below.

The above request has my approval.

Signed



Date

4/9/19

**Contact Officer**

Name

Joanne Regan

Position

Head of Assurance and Compliance

Telephone

01633 643015

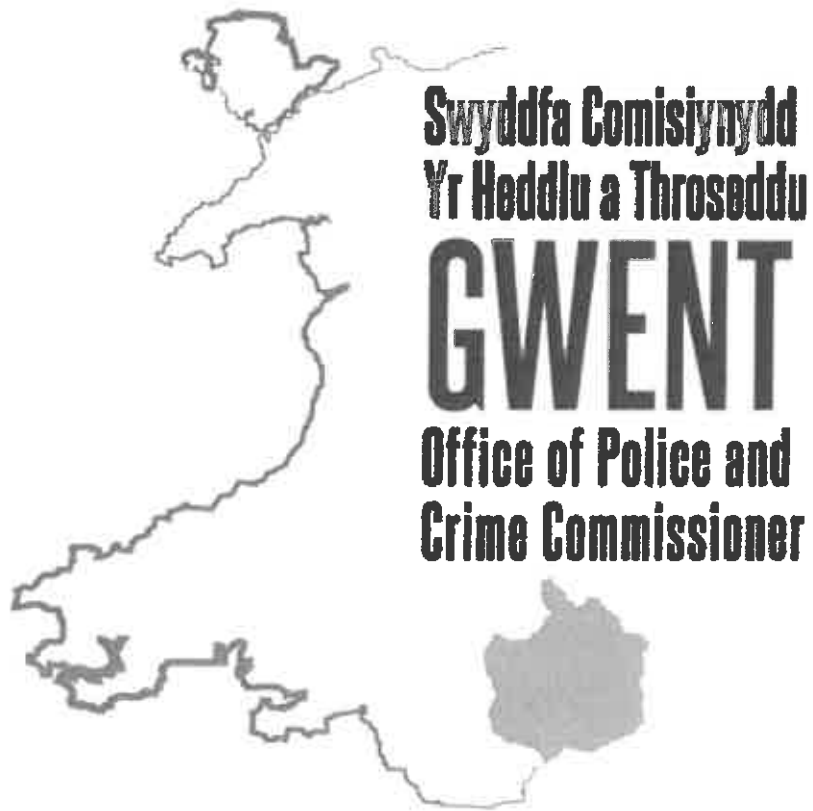
Email

[Joanne.Regan@gwent.pnn.police.uk](mailto:Joanne.Regan@gwent.pnn.police.uk)

**Background papers**

Revised Gifts and Hospitality Policy and Procedure

Gifts and Hospitality Equality Impact Assessment



## **Gifts and Hospitality Policy and Procedure**

<b><u>Document Control</u></b>	
<b>Version Number</b>	<b>2.0</b>
<b>Author (Name, Job Title)</b>	<b>Joanne Regan, Head of Assurance &amp; Compliance</b>
<b>Date Approved</b>	<b>21<sup>st</sup> August 2019</b>
<b>Approved By</b>	<b>Sian Curley, Chief Executive</b>
<b>Superseded Version</b>	<b>1.2</b>
<b>Date of Next Review</b>	<b>September 2023</b>

### Version Control

<b>Version</b>	<b>Date</b>	<b>Amended By</b>	<b>Reason for Issue/Amendment</b>
1.1	12/01/18	Michelle Vaisey-Baker, Business and Finance Officer	Change in job title from Chief of Staff to Chief Executive
1.2	15/08/19	Joanne Regan, Head of Assurance & Compliance	<ol style="list-style-type: none"> <li>1) Updated to take into considerations the amendments made to the Gwent Police policy and procedure in relation to Discounts.</li> <li>2) Change in job title from Information Officer to Governance Officer.</li> <li>3) Include reference to the internal disciplinary policy, Nolan Principles and the Bribery Act 2010.</li> <li>4) Add in procedure for the authorisation of Chief Constable G&amp;H</li> <li>5) More clarification added in relation to what gifts should not be accepted</li> <li>6) A note to highlight that due to the role of the PCC that they are likely to be offered hospitality from the same organisations on a frequent basis.</li> <li>7) Inclusion of a time period for approval of the G&amp;H and a process to follow if receipt of a gift is not allowed.</li> </ol>
2.0	21/08/19	Joanne Regan, Head of Assurance & Compliance	Chief Executive agreed amendments in v1.2. Section added in re role of HoAC in monitoring compliance with policy/procedure.

## **OFFICE OF THE POLICE AND CRIME COMMISSIONER**

### **GIFTS AND HOSPITALITY POLICY AND PROCEDURE**

#### **POLICY**

The aim of this policy is to increase public confidence by ensuring that the Police and Crime Commissioner for Gwent (the Commissioner) and his/her staff do not accept gifts and hospitality on a personal basis, otherwise than in accordance with the principles detailed in the procedure to this policy. This policy and procedure does not apply to donations to the body corporate.

This policy covers situations where individuals may be offered gifts and/or hospitality. Those who are meeting members of the community in the normal course of their work may sometimes be offered 'gifts', a term which includes goods or payment and hospitality. 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.

The Office of the Police and Crime Commissioner for Gwent (OPCC) expects the highest standards of integrity and personal conduct from all members of staff. As public office holders, all staff members are expected to comply with the Nolan Principles at all times. Staff must not abuse their position within the OPCC for personal advantage and must also have in mind, at all times, the need to avoid any suspicion that in their capacity as members of the OPCC, they may be influenced by any gift, or other consideration or show favour or disfavour to any individual or organisation.

Staff of the OPCC are also governed by the Gwent Police disciplinary procedure. Any act that goes against the principles set out in this policy and procedure and that may bring discredit to the OPCC and/or Gwent Police may amount to gross misconduct.

This procedure has been developed to ensure 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.

## **PROCEDURE**

This procedure covers situations where the Commissioner and his/her staff may be offered gifts and/or hospitality.

### **1. GIFTS**

Gifts can be accepted if they are:

- of a trivial or inexpensive seasonal nature (e.g. pocket diaries, calendars); and
- gifts from overseas governments or organisations which are small commemorative items.

Gifts will not be accepted:

- from outside contractors or companies likely to become contractors other than in exceptional circumstances and with the approval of the Chief Executive.
- where the gift is more substantial and of greater monetary value, such as an item of jewellery or a watch. Where money is directly offered, it should not be accepted.
- if they are offered frequently from the same source, irrespective of value, unless authorised by the Chief Executive.

Good advice and to avoid offence or hinder working relationships, would be to steer persons making such offers towards charity donations.

### **2. HOSPITALITY**

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

- 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 the Office of the Police and Crime Commissioner may be accepted. Any hospitality that extends beyond this will require the prior approval of the Chief Executive.
- Acceptance of frequent, regular hospitality, particularly from the same source, will in any case be in breach of this procedure, unless it has been authorised by the Chief Executive. It will be common, for example, for the Police and Crime Commissioner to receive hospitality from recurring sources as part of his role, these are monitored by the Chief Executive with any repeat offers highlighted on submission of the gifts and hospitality form (appendix 1)

- 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 Executive.

### **3. THE ROLE OF THE CHIEF OF EXECUTIVE AND MONITORING OFFICER**

Any case of doubt regarding the offer of gifts or hospitality should be referred to the Chief Executive prior to acceptance. Factors to be taken into account will include the type, value and frequency of what is offered, the relationship involved and the risk to the image and reputation of the OPCC. Each request will be considered on its merits and the Chief of Executive's decision will be final.

### **4. THE ROLE OF THE HEAD OF ASSURANCE AND COMPLIANCE AND DEPUTY MONITORING OFFICER**

In the absence of the Chief Executive, the Head of Assurance and Compliance (HoAC) as the Deputy Monitoring Officer will approve any offers of gifts and/or hospitality. The HoAC has responsibility to ensure the policy and procedure are updated in line with the review timeframe and will also be responsible for ensuring that the procedure is adhered to throughout the OPCC. Any concerns identified will be raised with the Chief Executive.

### **5. REPORTING**

All gifts and hospitality accepted should be declared by filling in the form at appendix 1 and forwarding to the Chief Executive for approval. The signed form should then be passed to the Governance Officer who will enter the details into a register.

The register will be published on the OPCC's website.

Individuals shall also report any exceptional offers (those with a value estimated to be £25 and over) of gifts or hospitality that have been declined. These will also be recorded on the register.

Where there is a request to retain the gift or accept the hospitality, the Chief Executive will inform the individual 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.

Where a decision has been made that the offer is to be declined, or a gift received cannot be accepted then the individual will be responsible for ensuring the gift is returned or the hospitality is not received.

Where returning a gift is not practical or possible, the line manager of the individual is responsible for its ethical disposal. Consideration should be given, where appropriate, to charity donation.

**If there is the slightest doubt about the wisdom or propriety of accepting an offer of a gift or hospitality, it should be refused.**

The following is a useful checklist to assist all individuals in deciding whether they should accept gifts/hospitality:-

- Why is the offer being made?
- What are the background circumstances?
- Does the donor feel obliged to make the offer?
- What is the donor likely to expect in return?
- How does the intended recipient feel about the propriety of the offer?
- Is it really an integral and logical part of the business relationship or process?
- What could be the outcome for the OPCC or the intended recipient if the offer is accepted or declined?
- Would the recipient feel content and easily able to justify its acceptance to the public?

## **6. CHIEF CONSTABLE REPORTING PROCEDURE**

Where the Chief Constable is the intended recipient of any gift and/or hospitality, the Chief Constable will notify the Commissioner and will complete the form appendix 2. The Commissioner will approve (or not) the request and a copy of the form will be sent to the Head of the Professional Standards Department within Gwent Police for inclusion on the Gwent Police register.

## **7. OVERSEAS GOVERNMENTS AND ORGANISATIONS**

Special considerations apply to gifts and hospitality from overseas governments and organisations. Although the principles set out above 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 Chief Executive should be sought in such circumstances.

## **8. EMPLOYEES INTEREST IN CONTRACTS**

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



All individuals must be careful that they do not unwittingly commit the Commissioner to contractual obligations when responding to or initiating verbal or written enquiries with suppliers or contractors.

No member of the OPCC may become involved in, or accept a directorship in any company holding a contract with the Commissioner without the express written permission of the Chief Executive.

There may be occasions when individuals come into official contact with a business organisation contracted by the Commissioner in which they or a family member have a known interest. In these circumstances the employee must immediately disclose this interest to the Chief Executive.

Individuals 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 individual who is engaged in secondary employment may do anything that infers that the OPCC is in any way supportive of, or indeed involved with, the activities undertaken by that person in the course of their secondary employment.

## **9. DISCOUNTS**

Group arranged discounts will be accepted provided they are transparent and properly negotiated through the Staff Associations, and are given purely on the basis that the organisation has a large customer base.

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 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, you must inform the Chief Executive who will pass the information on the PSD of Gwent Police. The 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 for employees of the force and will provide advice on the matter to the Chief Executive of the OPCC.

Any promotional gifts accompanying services purchased on behalf of the organisation, e.g. tokens or points given away 'free' with the purchase of fuel for police vehicles, should not be accepted.

Private and personal arrangements in which a discount is offered or sought based upon employment with OPCC is not permitted.

## **10. WILLS**

There may be occasions when an individual, their partner or a relative benefits from a Will where it is, or could be perceived to be, as a result of employment, engagement, a contract or business relationship developed through their status as a member of the OPCC. In such circumstances the individual should report the benefit to the Chief Executive outlining the circumstances.

## **11. LEGISLATION AND GUIDANCE**

The guidance in this procedure seeks to ensure transparency and conformity in accordance with the Bribery Act 2010 (the Act) 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.

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.

The OPCC will also be committing an offence if they fail to prevent bribery by someone associated to them.

The OPCC 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.

It is also important to note that failure to follow this procedure in line with the directed requirements could constitute a breach of the Gwent police disciplinary procedure for police staff, by which members of the OPCC are governed and which could potentially lead to disciplinary proceedings. In the most serious cases criminal proceedings could be considered.

**Appendix 1**

**OFFICE OF THE POLICE AND CRIME COMMISSIONER (OPCC) FOR GWENT**

**NOTIFICATION BY THE PCC, DPCC OR STAFF MEMBER OF THE OPCC OF  
RECEIPT OF GIFT OR HOSPITALITY**

**I, (full name)**

**The PCC/DPCC/Staff Member (delete as appropriate) of the OPCC, give notice that I will be receiving the following gift(s)/hospitality:**

**Date(s) of receipt of gift(s)/hospitality**

**Estimated value if over £25 (if estimated to be under £25 please state this below)**

**Name(s) of donor(s)**

**Nature of gift(s) / hospitality**

**Is/was the gift/hospitality 'Accepted', 'Declined' or 'Disposed Of' (e.g. given to another member of staff)**

**If 'Declined' (over £25 only) please provide further details (e.g. why):**

**Have you received any gift and/or hospitality from this person/organisation previously? Yes/No**

**If yes, please provide details below**

**Is the Gift/Hospitality In the Interest of the OPCC?**

**Yes/No**

**Please explain why you think it would be of value**

**Approval of Gift/Hospitality by the Chief Executive**

**Was the Gift/Hospitality agreed?**

**YES/NO**

**If no, please give the reason as to why it is not appropriate to accept the gift/hospitality.**

**Signed by:**

**Date:**

**Please ensure notification is provided, where possible, in advance of receiving the gift and/or hospitality.**

**Once the form has been signed by the Chief Executive, please forward to the Governance Officer.**

**Appendix 2**

**OFFICE OF THE POLICE AND CRIME COMMISSIONER (OPCC) FOR GWENT**

**NOTIFICATION BY THE CHIEF CONSTABLE OF RECEIPT OF GIFT OR  
HOSPITALITY**

**I, (full name)**

**The Chief Constable gives notice that I will be receiving the following  
gift(s)/hospitality:**

**Date(s) of receipt of gift(s)/hospitality**

**Estimated value if over £25 (If estimated to be under £25 please state this below)**

**Name(s) of donor(s)**

**Nature of gift(s) / hospitality**

**Is/was the gift/hospitality 'Accepted', 'Declined' or 'Disposed Of' (e.g. given to another member of staff)**

**If 'Declined' (over £25 only) please provide further details (e.g. why):**

**Have you received any gift and/or hospitality from this person/organisation previously? Yes/No**

**If yes, please provide details below**

**Is the Gift/Hospitality in the interest of Gwent Police?**

**Yes/No**

**Please explain why you think it would be of value**

**Approval of Gift/Hospitality by the Police and Crime Commissioner**

**Was the Gift/Hospitality agreed?**

**YES/NO**

**If no, please give the reason as to why it is not appropriate to accept the gift/hospitality.**

**Signed by:**

**Date:**

**Please ensure notification, where possible, is provided in advance of receiving the gift and/or hospitality.**

**Once the form has been signed by the Police and Crime Commissioner, please forward to the Head of the Professional Standards Department for inclusion on the force register.**