

**Gifts and Hospitality Policy and Procedure**

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This document is also available in Welsh.

**Version Control**

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| **Version** | **Date** | **Amended By** | **Reason for Issue/Amendment** |
| 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 | 1. Updated to take into considerations the amendments made to the Gwent Police policy and procedure in relation to Discounts. 2. Change in job title from Information Officer to Governance Officer. 3. Include reference to the internal disciplinary policy, Nolan Principles and the Bribery Act 2010. 4. Add in procedure for the authorisation of Chief Constable G&H 5. More clarification added in relation to what gifts should not be accepted 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. 7. Inclusion of a time period for approval of the G&H and a process to follow if receipt of a gift is not allowed. |
| 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. |
| 2.1 | 29/03/22 | Joanne Regan, Head of Assurance and Compliance | Added in that this document is also available in Welsh to cover to abide with Welsh Language Standards. OPCC logo also updated. |
| 3.0 | 07/09/23 | Joanne Regan, Head of Assurance and Compliance | Four yearly review undertaken.   1. New policy template used. 2. Inclusion of guidance for the provision of gifts and/or hospitality by the OPCC. 3. Made clear what needs approval and inclusion on the register. 4. Document made accessible where possible. 5. Provided to the Joint Audit Committee for consideration. |

**OFFICE OF THE POLICE AND CRIME COMMISSIONER**

**GIFTS AND HOSPITALITY POLICY AND PROCEDURE**

###### **Introduction**

The Bribery Act 2010 (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.

Everyone is responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and does not bring the Office of the Police and Crime Commissioner (OPCC) into disrepute. This document will provide staff with guidance on what is and is not acceptable in relation to the receipt of a gift and/or hospitality.

This policy and procedure is not in place to address specific acts of bribery that would be categorised as criminality under the Act.

###### **Aim**

The aim of this policy and procedure is to guard against the risk of allegations of impropriety by OPCC staff in relation to the acceptance of gifts and hospitality.

Providing clear guidance to the Police and Crime Commissioner for Gwent (the Commissioner) and his/her staff, limits the opportunities where they could put themselves in a position which could cause their judgement or integrity to be compromised, either in fact or by reasonable implication, and thereby damage the reputation of Gwent OPCC.

The information contained in this document is applicable to all staff contracted to work for the OPCC, including the Police and Crime Commissioner.

###### **Terms and Definitions**

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| Term | Definition |
| Nolan Principles | The seven principles are the basis of the ethical standards expected of public office holders. |

###### **Policy and Procedure**

**Policy**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. This policy and procedure does not apply to donations to the body corporate.

The 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.

**Procedure**This procedure has been developed to ensure staff understand how to deal with any offers of gifts and/or hospitality they may received in the course of their role and provides guidance on what is and is not acceptable. It helps to ensure staff maintain their integrity and reduces the risk 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.

**Gifts**

The general principles for the acceptance of gifts are:

* that they are of a trivial or inexpensive seasonal nature (e.g. pocket diaries, calendars).
* for an appropriate reason and given at an appropriate time (eg not in advance of the issuing of an opinion, determination, or in advance of the award of a contract a member of staff has been involved in).
* that they are 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.
* if they are donations offered as a fee for a speech or presentation.

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

**Exceptions**

The Chief Executive may, in exceptional circumstances, override the above principles where members and staff are able to demonstrate that the business needs of the OPCC justify it. The Chief Executive’s approval of the acceptance of the gift should be sought as soon as the gift is offered.

**Giving Gifts**It would not normally be appropriate for the OPCC to give official gifts, however, there may be circumstances where the failure to give a gift would cause offence. In these circumstances authority from the Chief Executive must be sought. Gifts may also be purchased for any person/organisation who has supported the OPCC in undertaking their role, an example being providing gift cards to young people who have assisted with a project, or a leaving present for an external member of a committee as thank you for their support and challenge. All gifts must be approved by the Chief Executive.

**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 OPCC 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 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, offers of free travel and invitations to any other events are only acceptable if on official duties. They should not be accepted without the prior approval of the Chief Executive.

**Providing Hospitality**

It is permissible to provide hospitality in the form of refreshments or working lunches for meetings with volunteers, external partners and events. However, it should be noted that alcohol should never be provided and all offers of hospitality should be approved prior to the occasion by the Chief Executive or, in their absence, the Chief Finance Officer.

In the vast majority of situations, it is not considered appropriate to provide refreshments or working lunches at the OPCC’s expense for internal meetings unless it is approved by the Chief Executive.

**The role of the Chief 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 Executive’s decision will be final.

**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 is 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.

**Reporting**

All gifts and hospitality that do not meet the below criteria must be declared. For the avoidance of doubt,

The reporting of gifts and hospitality that fall within the criteria below can be accepted and do not need to be approved and do not require the completion of a form:

* Where there is impromptu and unforeseen provision of light refreshments in line with staff duties.
* Where working lunches of a modest standard are offered during meetings or on training courses, without alcoholic drinks.
* Where inexpensive promotional products from partners or conferences are offered such as stationary, up to the value of £10.

All gifts, gratuities or hospitality that are either accepted or declined, which do not fall within the categories as stated above must 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.

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.

When deciding if the gift should be accepted, the Chief Executive, in reaching their decision, should give consideration as to whether the gift should be put to another use (i.e. donated to a charity, displayed in public offices etc) and the risks to the reputation of the OPCC associated with the retention of the gift by an individual. In no circumstances may an individual sell an accepted gift for monetary gain.

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?

**Discounts**

Group arranged discounts will be accepted provided they are transparent and negotiated through the appropriate channels. Any offers of group discounts must be raised with the Chief Executive prior to being accepted.

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 the OPCC is not permitted.

**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 at 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.

**Legislation and Guidance**The guidance in this procedure seeks to ensure transparency and conformity in accordance with the Act and any other relevant legislation. Sections 1 and 2 of the Act 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 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.

###### **Training**

The implementation of this policy and procedure does not result in any specific training requirement.

###### **Monitoring**

Supported by the Head of Assurance and Compliance, the Chief Executive is responsible for ensuring the effective implementation and operation of the arrangements.

The Head of Assurance and Compliance will draft an annual report to confirm compliance with the policy and procedure. This will be approved by the Commissioner and published on the OPCC website. The link to the decisions made is also shared with the members of the Joint Audit Committee and the Police and Crime Panel.

###### **Consultation**

The OPCC Planning and Performance Meeting are consulted on the development of this document with approval provided by the Chief Executive. The Joint Audit Committee will also be provided with the opportunity to consider the document. The final document will be presented to the OPCC Strategic Management Board for information.

###### **Associated Documentation**

* Bribery Act 2010
* Gwent Police Gifts and Hospitality Policy
* Nolan Principles

###### **Dissemination**

Managers will ensure that they and their staff operate within the parameters of this policy and that they are aware of the reasons for its existence. On renewal of the policy every four years, consideration will also be given to discussing at a whole office meeting to ensure all staff are reminded of their responsibilities in relation to gifts and hospitality.

###### **Review Period**

This document will be reviewed every four years.

###### **Appendices**

* Appendix 1 – OPCC Gift and Hospitality Form
* Appendix 2 – Chief Constable Gift and Hospitality Form

**Appendix 1**

**OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR GWENT**

**NOTIFICATION BY THE PCC, DPCC OR STAFF MEMBER OF THE OPCC 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)**

**Offers of gifts and/or hospitality relating to sporting, cultural or social events (other than when 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 prior approval of the Chief Executive. If the gift and/or hospitality relates to any of these areas and you will not be attending in an official capacity, please provide a rationale as to why you believe attendance should be approved.**

**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. If yes and the gift and/or hospitality relates to a sporting, cultural, social event or trip abroad which will not be undertaken in an official capacity, please provide your rationale for approval.**

**Please tick to confirm that you have considered the request in line with the OPCC Gifts and Hospitality Policy 🞏**

**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 FOR GWENT**

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

**I, (full name)**

**The Chief Constable gives notice that he/she 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)**

**Offers of gifts and/or hospitality relating to sporting, cultural or social events (other than when 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 prior approval of the Police and Crime Commissioner. If the gift and/or hospitality relates to any of these areas and you will not be attending in an official capacity, please provide a rationale as to why you believe attendance should be approved**

**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. If yes and the gift and/or hospitality relates to a sporting, cultural, social event or trip abroad which will not be undertaken in an official capacity, please provide your rationale for approval**

**Please tick to confirm that you have considered the request in line with the Gifts and Hospitality Policy 🞏**

**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 Police and Crime Commissioner, please forward to the Head of the Professional Standards Department for inclusion on the force register.**