



PD 607 Gifts, Gratuities and Hospitality Procedure

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Registered Owner: Head of the Professional Standards Directorate

Author: Head of Vetting and Information Security & Chief Financial Officer

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Replaces document (if applicable) Nottinghamshire Police Authority Policy on Gifts and Hospitality

Linked Documents: HMIC Integrity review 'Without Fear or Favour' Travel Concession Policy
ACPO Guidance on the Management of Gifts, Gratuities and Hospitality.

Functional owner

Signed: C Radford **Date:** 06TH Nov 2012

Name: Charlotte RADFORD

Post: CHIEF FINANCE OFFICER

Authorised

Signed: P Tipping **Date:** 06TH Nov 2012

Name: POLICE AND CRIME COMMISSIONER

Post: POLICE AND CRIME COMMISSIONER

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	July 2012	J Hammond	Head of Vetting and Information Security	Amendments after consultation and review of ACPO Guidance.
1.1	Oct 2012	J Hammond	Head of Vetting and Information Security	Reviewed following Police Authority approval

SECTION 2 BACKGROUND

HMIC Integrity Review 'Without Fear or Favour' (December 2011) Recommendation 1, which identified the requirement for more robust systems to identify and manage risks to integrity, based on national standards.

ACPO Chief Constables' Council meeting 20 April 2012 issued guidance for forces, which was to be introduced regarding gifts, gratuities and hospitality.

SECTION 3 AIMS / OBJECTIVES

This procedure provides police officers and staff with an ethical framework in which to determine the boundaries of acceptability around gifts, gratuities and hospitality. The implementation of this procedure will assist the Nottinghamshire Office of the Police and Crime Commissioner and the Chief Constable in discharging their responsibilities under the Police Reform and Social Responsibility Act 2011

The Nottinghamshire Office of the Police and Crime Commissioner and the Chief Constable have 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.

The responsibility for determining the acceptability or otherwise of any gift, gratuity and hospitality are matters for the Divisional (BCU) Commander/Department Head to decide.

The Head of the Professional Standards Directorate will have direct responsibility for the oversight and scrutiny of procedures governing the acceptability or otherwise of any gift, gratuity or hospitality.

4.0 DETAILS

4.1 Key Principles

Police officers and staff are subject to standards of professional behaviour, the most important is that which relates to honesty and integrity. This standard specifically states that officers are honest, act with integrity, and do not compromise or abuse their position. 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.

The over-riding principle is the presumption in respect of gifts, gratuities or hospitality is that they are declined. Alcoholic beverages in any form should not be accepted. Police officers and staff should not accept the offer of any gift, gratuity, favour or hospitality as to do so 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.

4.2 Bribery Act 2010

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 contains 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.

4.3 Preserving Integrity

Alternatively, 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 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.

4.3.1 Expressions of thanks

Similarly, 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. Offers of such gifts or hospitality should be courteously refused in a manner that should not cause offence or embarrassment to the organisation or individual making the offer.

Police officers and staff may feel that at times a refusal to accept such an offer may cause unnecessary offence or might hinder productive working relationships. Equally, to accept such an offer may be misinterpreted and could lead to inaccurate expectations of favour or service. Where doubt exists, the final decision maker will be the Divisional (BCU) Commander/Department Head.

On the occasions, where to tactfully refuse or return any offered gratuity or hospitality, could cause offence, the recipient should ensure an entry is made in the force register of gifts and hospitality and deal with the offer in conjunction with paragraph 4.4 below, equally the refusal must also be recorded.

4.4 Register of Gifts and Hospitality

Nottinghamshire Police will maintain a single Register of Gifts, Gratuities & Hospitality under the monitoring of the Head of Professional Standards, who will ensure scrutiny, auditing and governance of the Register in line with wider corporate governance of matters of integrity and counter corruption. This register will be publicly available on the Nottinghamshire Police Web site

The entries will contain as a minimum, 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 any such offer was sought or granted. The final decision maker will be the Divisional (BCU) Commander/Department Head.

Declarations of offers of gifts, gratuities or hospitality should be made to ensure integrity, irrespective of whether accepted or rejected by the recipient. The only exemptions from any requirement to record will be in 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.

4.6 Considerations

3.11.1 The over-riding principle is the presumption that any offer of gifts, gratuities or hospitality are declined; however, the following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift or hospitality . Think G.I.F.T.

Genuine: is this offer made for reasons of genuine appreciation for something I have done. Why is the offer being made, what are the circumstances, have I solicited this offer in any way or does the donor feel obliged to make this offer?

Independent: Would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident I could remain impartial and independent in all of the circumstances?

Free: Could I always feel free of any obligation to do something in return? How do I feel about the propriety of the offer? What are the donor's expectations of me should I accept?

Transparent: Am I confident that my acceptance of this offer will be subject to scrutiny by my force, colleagues, and to the public or was reported publically? What could be the outcome for the force if this offer was accepted or declined?

'Remember think G.I.F.T'

4.6.1 Applying consideration

To assist police officers and staff, line managers, the following guidance will assist in achieving a consistent approach in applying the considerations listed above, the following cases provide additional guidance.

A gift may be accepted if it is:

- of a trivial or inexpensive nature (for example, diaries, calendars, stationary or other small items offered during a courtesy visit or conference)
- are small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations
- 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

All such gifts should nonetheless be subject of a declaration in the force register
A gift should not be accepted if it is:

- from external contractors or companies tendering for work with the force or wider service cash payments (other than donations to specific police charities or police supported charities)
- financial rewards resulting from the publication of articles relating to the intended recipient's role or duties as a member of a police force
- a cash payment (other than donations to specific Police charities or Police supported charities).
- any alcoholic beverage.

All such gifts should nonetheless be subject of a declaration in the force register.

Examples of gifts include (but are not limited to):

- Ceremonial gifts (for example, plaques, shields or glass or crystal ware)
- Confectionary
- Gift vouchers
- Stationery (for example, diaries, calendars, calculators, pens, etc)

Gratuities

A gratuity may be accepted if it is:

- an offer or discounts negotiated through the Police Federation, The Superintendents' Association, or other staff association or trade union
- discounts to public service workers including members of the police service offered on the basis that the organisation in question has a large customer base of a trivial or inexpensive nature (and the force has given explicit approval for such an offer)
- free travel arrangements for officers and staff if approved and formally negotiated through the Travel Concession Policy

There should be no requirement to declare any such gratuity in the force register.

Gratuities which amount to individual gain from a points scheme when purchasing items or fuel are not acceptable (such as using a store loyalty card when purchasing goods on behalf of the force).

4.7 Accepting Hospitality

4.7.1 When is Hospitality Acceptable

Hospitality may be accepted if it:

- extends to the impromptu provision of light refreshments during the course of policing duties
- Is a conventional meal provided during the course of a working day by another police force or partner agency in either law enforcement or community safety. There should be no requirement to declare any such gratuity in the force register
- is a conventional meal and is in accordance with the recipient's duties, for example attendees at meeting, seminar or conference organised by an external body; the annual dinner of a representative association or local authority which are limited to isolated or infrequent occasions and can be demonstrable in the interests of the force to attend. Such offers of hospitality should be declared in the force register.

4.7.2 When is Hospitality Unacceptable

Hospitality will not be acceptable if it:

- amounts to regular free or discounted food or refreshments whether on or off duty Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.
- includes any alcoholic beverage.

Such offers of hospitality should be declared in the force register.

4.8 Application of Procedure

This procedure applies to all categories of Nottinghamshire Police personnel including police officers, members of the special constabulary and police staff (whether full-time or part-time), all other employees (fixed term and permanent) and seconded staff. It applies to temporary and agency staff, contractors and self-employed consultants.

This procedure also applies to all categories of the Nottinghamshire Office of the Police and Crime Commissioner personnel including staff, members and volunteers (whether full or part time). This includes seconded, permanent, agency or temporary employees.

Responsibilities

The responsibility for ensuring that a gift, gratuity or offer of hospitality is recorded on the force register is an individual one. Whilst the Head of PSD has responsibility for the scrutiny, audit and governance of this procedure, there is an individual responsibility for ensuring that any gift, gratuity or offer of hospitality is recorded on the form G1085 (Report of Gifts and Hospitality), which will be submitted fully completed through their line manager. The form will contain full details of any offer and a full rationale as to why the offer has been accepted or refused.

Similarly the responsibility remains with the individual for personnel of the Nottinghamshire Office of the Police and Crime Commissioner for ensuring offers of gifts, gratuities and hospitality are recorded on the Nottinghamshire Office of the Police and Crime Commissioner register. The Police and Crime Commissioner has responsibility for the scrutiny, audit and governance of this procedure. Individuals should use the same form as the force (G1085) which should be submitted through their line manager. The form will contain full details of any offer and a full rationale as to why the offer has been accepted or refused.

The Divisional (BCU) Commander/Head of Department have delegated authority to decide on the propriety of providing/accepting gifts, gratuities and hospitality. Factors to be taken into account in reaching a decision should include:

- The type of gift or hospitality.
- The value of the gift or hospitality.
- The frequency with which gifts are given to/received from the same source.
- The relationship between the member of police personnel and the individual/organisation receiving/giving the gift or hospitality.
- Legitimate interest to Nottinghamshire Police i.e. the reason for the gift, gratuity or hospitality

The form will then be submitted to Divisional (BCU) Commander/Head of Department for authorisation and then forwarded to the Head of Vetting and Information Security who will ensure that it is recorded on the Force Register.

For personnel of the Nottinghamshire Office of the Police and Crime Commissioner the form will be submitted to the Chief Executive (Monitoring Officer) and will be recorded on the office register.

4.9 Breach of the Gifts and Gratuities Procedure

If an officer or police staff member suspects any breach of this procedure they should report their suspicion to their Divisional (BCU) Commander/Head of Department who will investigate whether there are any apparent breaches of this procedure, and will consider a referral to the Head of the Professional Standards Directorate or Police and Crime Commissioner. This may also include referring a potential criminal investigation to ascertain if any criminal offences in relation to the Bribery Act or Misconduct in Public Office have been committed. The Public Interest Disclosure Act 1998 is relevant in terms of the protection it affords those who report fraudulent activities.

Failure to observe this policy could put individuals at risk of allegations of dishonesty, corruption or fraud, and could potentially result in the Nottinghamshire Office of the Police and Crime Commissioner and/or Force being discredited; legal action being made against the Nottinghamshire Office of the Police and Crime Commissioner, or complaints made against Nottinghamshire Police or individuals. Therefore, disciplinary action may follow if any gift, gratuity or offer of hospitality is found to be undisclosed, even if permission is sought at a later stage and prior to the acceptance of or provision made. If an application to give or receive any gift, gratuity or hospitality has been refused and the officer or staff member continues to proceed to receive or provide a gift, gratuity or hospitality, then disciplinary proceedings might be instigated which could result in the person being dismissed, required to resign or their contract terminated with the organisation.

NB: Private sector practice or social convention is not a justifiable reason for any breach of conduct required for the Nottinghamshire Office of the Police and Crime Commissioner or Force.

4.10 Monitoring and Review

The Head of the Professional Standards Directorate is responsible for monitoring compliance to this procedure and will conduct regular reviews of the process and the Force Register to determine the efficiency and the effectiveness of its application. This will also form part of the Annual Governance Assurance process. The following will inform the review process:

- Completed G1085 Forms
- Any policy breaches and any recorded misconduct in relation to either the receipt or provision of gifts and hospitality

The Police and Crime Commissioner is responsible for monitoring compliance to this procedure relating to Police Chief Officers and Police and Crime Commissioner personnel and will conduct regular reviews of the process and registers. This will also form part of the Annual Governance Assurance process.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.