

## **GWENT POLICE**

### **ACCEPTANCE OF GIFTS AND HOSPITALITY PROCEDURE**



#### **SUMMARY**

**STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ**

This procedure covers situations where Police Personnel may be offered gifts and/or hospitality. Personnel who are properly meeting members of the community in the normal course of their work as members of Gwent Police 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. There will also be occasions where specific advice is needed in the purchase of goods and service and the expenditure of public money.

The principle behind this procedure is that Gwent Police Personnel should not accept gifts and hospitality, unless the principles outlined in the procedure to this document are complied with. These principles apply to each offer of gifts or hospitality received on a personal basis. The procedure does not apply to donations to the body corporate. Procedures for such donations can be found in the Force Sponsorship Guidelines.

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.**

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## 1.0 Guidance, Procedures, Tactics

### 1.1 Risk Assessment and Health and Safety Considerations

The Gwent Police Service Dynamic 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.

## 1.2 Specific Instructions, tactics, methods, practices and procedures

### 1.2.1 GIFTS

Gifts may only be accepted if they are:

- Of a trivial or inexpensive seasonal nature (e.g. pocket diaries, calendars)
- Gifts from overseas governments or organisations (1.2.5)
- 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 Constable.

### 1.2.2 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 Gwent Police may be accepted. Any hospitality that extends beyond this will require the prior approval of the Chief Constable.
- Acceptance of frequent, regular hospitality, particularly from the same source, will in any case be in breach of this procedure.
- 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.

### 1.2.3 THE ROLE OF THE CHIEF CONSTABLE

Any case of doubt regarding the offer of gifts or hospitality should be referred to the Chief Constable, prior to acceptance wherever possible, who will seek advice from the Chairman of the Police Authority where necessary. 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 Gwent Police. Each request will be considered on its merits and the Chief Constable's decision will be final. In those cases where in accordance with the above directions, approval of the Chief Constable is required, this approval will be sought (via the staff officer) in advance wherever possible.

## 1.2.4 REPORTING

Members of Police Personnel shall report to the Chief Constable any exceptional offers of gifts or hospitality that have been declined. All gifts and hospitality accepted should be declared and the details forwarded to the ACPO Staff Officer who will enter them into a register kept for that purpose. The details will include: -

- ✓ Date and time (date of acceptance of gift/hospitality)
- ✓ Recipients
- ✓ Identity of the individual and name of the organisation providing the gift/hospitality
- ✓ Estimated value of gift/hospitality provided
- ✓ Whether approval of Chief Constable sought, and if so, when granted (or denied) with reason for decision
- ✓ Ethnicity

The register will be open to inspection by the Chairman of and Clerk to the Police Authority and the Detective Superintendent Standards Department.

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

Any assessment or action taken will be 'relevant and sufficient' and the least intrusive. Decisions made 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 following is a useful checklist to assist all staff 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 police service, Gwent Police or the intended recipient if the offer is accepted or declined?**
- **What advice would the line manager give if they were with the recipient at the time the offer was made, or was aware of the offer?**
- **Would the recipient feel content, and easily able to justify its acceptance to the public?**

### **1.2.5 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 Constable should be sought in such circumstances.

### **1.2.6 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 Personnel 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 member of Police Personnel, 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 members of Police Personnel 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 employee must immediately disclose this interest to the Head of Division/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 Division/Department must pass those details immediately to the Director of Finance and Administration under confidential cover.

Police Personnel 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 member of Police Personnel 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.

### **1.2.7 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. Care should be given as to the provider when ensuring that there is no likelihood that such agreements

will give rise to public concern or effect public confidence in the organisation.

Gwent Police will not engage in the negotiation of discounts for its employees.

Any promotional gifts accompanying services purchased on behalf of the organisation, for example, 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 Gwent Police is not permitted.

The use of the warrant or identification card, for the purpose of obtaining discounts, favourable services, treatment or access to places of entertainment, except on police business, is strictly forbidden. This also applies to the wearing of police uniform when 'off duty'. Specific examples include, off duty entrance to football grounds, nightclubs or theme parks.

### **1.2.8 WILLS**

There may be occasions when Police Personnel, 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 staff member should report the benefit to the Detective Superintendent Standards Department outlining the circumstances.

### **1.2.9 PROTECTIVE MARKING**

Managers should comply with the information processing requirements of the Government Protective Marking Scheme by which information assets of Gwent Police are protectively marked according to the likely consequence of their compromise as described in

[http://hq2a/stage/support/standards/info\\_security/policy/protective%20marking.doc](http://hq2a/stage/support/standards/info_security/policy/protective%20marking.doc)

## 2.0 Procedure Statement & Intentions

### 2.1 Principle & Scope of Procedure:

This procedure covers situations where Police Personnel may be offered gifts and/or hospitality. Police Personnel who are properly meeting members of the community in the normal course of their work as members of Gwent Police 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. There will also be occasions where specific advice is needed in the purchase of goods and service and the expenditure of public money.

The principle behind this procedure is that Gwent Police Personnel should not accept gifts and hospitality, unless the **principles outlined at section 1.2** are adhered to. These principles apply to each offer of gifts or hospitality received on a personal basis. The procedure does not apply to donations to the body corporate. Procedures for such donations can be found in the Force Sponsorship Guidelines.

**This procedure will support operational policing by providing an ethical framework for the acceptance of gifts and hospitality, which will be open and understood by our community.**

### 2.2 Aims of Procedure

- To provide procedural guidance on the giving and receiving of gifts, hospitality and discounts whilst in the employment of Gwent Police. It is not intended to be prescriptive but should be used with sound professional judgement by all.
- To ensure that all staff including police officers, special constabulary officers, police staff, PCSO's, temporary and agency staff behave in an ethical and professional manner where gifts and hospitality are offered.

## 3. 0 Introduction

### 3.1 Origins/Background Information

This force has made significant progress to underpin the ethical nature of all that it does. Public confidence in the service provided is hard earned and generally well deserved. This procedure is intended to ensure Gwent Police maintain a high degree of integrity in the provision of all its services.

### **3.2 The Legal Basis and Legitimate Aims**

This procedure is required by the organisation to ensure an efficient and effective police service in accordance with section 6, Police Act 1996.

The law generally relating to all of our staff is found in the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts of 1906 and 1916. A specific framework for the conduct by police officers is also found in the Police Conduct Regulations, 1999 and for Police staff in the Local Government Act, 1972.

Under the **Prevention of Corruption Act 1906** it is an offence corruptly to accept a gift or consideration as an inducement or reward for doing or not doing anything in your official capacity; or showing favour (or disfavour) to anyone in your official capacity.

Under the **Prevention of Corruption Act 1916** any money, gift or consideration including hospitality, received from any person or organisation holding or seeking to obtain a contract with the Police may be deemed by the courts to have been received corruptly unless proved otherwise.

## **4.0 Implications of the Procedure**

### **4.1 Financial Implications/Best Value**

There are no additional financial implications arising out of this procedure

### **4.2 Human Resources/Training**

There are no specific human resource or training issues arising out of this procedure.

### **4.3 Strategic Plan Links**

Aiming to reduce crime and the fear of crime.

Contributing to delivering justice in a way which secures and maintains public confidence.

### **4.4 Diversity**

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;

- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2001
- Disability - Disability Discrimination Act 2005
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

#### **4.5 Consultation**

Police Authority

ACPO

Divisional Departmental Heads

Superintendents Association

Police Federation

UNISON

Gwent Police Womens Association

Gwent Black Police Association

Gwent Police Disability Network

Gwent Gay Police Network

Freedom of Information Officer

## **5.0 Human Rights Consideration Certification**

### **5.1 Auditing for potential interference and discrimination**

Q1. What articles of the Human Rights Act 1998 may be engaged?

The legitimate aim of this procedure is to ensure that in an emergency, as far as reasonably practicable, we can protect Article 2 Human Rights Act 1998 (right to life). In addition the following articles should be considered.

Article 3

Article 6

Article 8

Article 9

Article 10

Article 11

Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

As well as details of the potential to discriminate, the procedure should include a generic statement.

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, disability, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

### **5.2 Key Human Rights Principles**

Q1. What is the legal basis for your procedure?

Section 3.3 refers

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
  2. Public Safety
  3. The protection of health or morals
  4. The prevention of disorder or crime; and The protection of the rights of others.
- This policy aims to provide clear aims and to prevent undue interference to individual rights.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 1.2 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 1.2 refers

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

Section 1.2 refers

### **5.3 Rights, Publication, Audit and Inspection**

Q1. What rights to make representation and appeal process are available?

Anyone who feels that a member of Gwent Police staff has behaved incorrectly or unfairly has the right to make a complaint. Initial action should be taken in one of the following ways:

- Complaint to senior officer
- Visit a local Citizens' Advice Bureau.
- Contact a solicitor.
- Appeal to IPCC

Persons who wish to make representations regarding the operation of this procedure should contact the Superintendent OSD.

Gwent Police staff who feel they have grounds for concern in relation to the implementation of this procedure may:

- Pursue concerns through their line manager.
- Pursue a grievance formally through the Fairness At Work Procedure
- Seek advice from their staff association or trades union.

Q2. Apart from the Gwent Police Publication Scheme how is the procedure made available to the public?

The procedure is disclosable to the public. Where copies of this procedure are requested they can be made available from the Superintendent OSD

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent scrutiny can be where required conducted by the Police Authority and Her Majesty's Inspector of Constabulary.

#### **5.4 Certification of Compliance**

Consideration has been given to the compatibility of this procedure and related policies and procedures 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 process's and outcomes of actions.

#### **5.5 Legal Vetting**

**There are no issues in this procedure under ECHR, which cannot be resolved.  
This procedure has been vetted.**

#### **6.0 Promotion and Distribution**

In order to highlight the existence of this procedure to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet

#### **7.0 Monitoring / Review**

Periodic monitoring and review will be conducted to ensure the fair and transparent operation of the procedure.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.

## 8.0 Procedure Identification Page

**Procedure Title: Acceptance of Gifts and Hospitality**

**Reference: 101/5 b issue 4**

**Procedure Ownership: Superintendent Standards**

**Portfolio/Business Area Owner: ACPO Support**

**Procedure Written By: Policy Officer**

**Department Responsible: Standards Department**

**Procedure Lead: Superintendent Standards**

**Links to other Policies/Procedure: Gifts and Hospitality Procedure, Data Protection, Information Security, Fairness at Work, Professional Standards Reporting, Equal Opportunities, Freedom of Information,**

**Procedure Implementation Date: 23 February 2005, STCG reviewed by PSG 7<sup>th</sup> December 2007**

**Procedure Review Date: 2 years from review**