

# GWENT POLICE ACCEPTANCE OF GIFTS AND HOSPITALITY PROCEDURE



## 1.0 Procedure

### 1.1 INTRODUCTION

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.

#### 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.

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

## 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 Chair 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 Chair of and Clerk to the Police Authority and the Detective Superintendent Professional 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 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 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.

## **2.0 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, 2008 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.

## **3.0 Human Rights Certification of Compliance**

The 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 process's and outcomes of actions.

## **4.0 Compliance with The Welsh Language Scheme**

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

## **5.0 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.

## **6.0 Procedure Identification Section**

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

**Reference: 101-5 b issue 5**

**ACPO LEAD: DCC**

**Department Responsible: Professional Standards Department**

**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 Reviewed 23<sup>rd</sup> April 2010**

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