

POLICY**Acceptance of Gifts and Hospitality**

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Approved by

Legal Services	N/A
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Note: *By signing the above you are authorising the policy for publication and are accepting accountability for the policy on behalf of the Chief Constables.*

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Note: *Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.*

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Legal Basis

Legislation specific to the subject of this policy document

Section	Act (title and year)
	Police Act 1996
	Code of Practice on Financial Management
	Local Authorities (Goods and Services) Act 1970
	The Police and Magistrate Courts Act (1994)
	Bribery Act 2010
	Police Regulations 2003

Other legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
Health and Safety at Work etc. Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom Of Information Act 2000
The Civil Contingencies Act 2004

1. Introduction

- 1.1 The Police and Magistrates Courts Act (1994) and the Police Act (1996) introduced legislation that permits Police Forces to accept gifts, loans, donations, hospitality and sponsorship in accordance with legislation.
- 1.2 This policy will provide guidance to police officers, police staff, members of the Special Constabularies, volunteers, agency staff and contractors when considering acceptance of offers of gifts, loans (non-monetary), donations, hospitality or sponsorship.
- 1.3 At times, 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.
- 1.4 The principle behind this policy is that members of Norfolk and Suffolk Constabularies should not accept gifts and hospitality, unless the procedures outlined within this policy are adhered to. The procedures apply to each offer of gifts and hospitality received on any basis.
- 1.5 For the purposes of this policy Gifts, Donations and Hospitality that are required to be recorded are those provided by members of the public, contractors, outside organisations (other than other police forces) given to an individual that works for the Constabularies or the Constabularies as a whole for any reason.
- 1.6 For both Norfolk and Suffolk Constabularies, staff associations will operate within the governance provided by legislation concerning that body for its operational business and they are not subject to this policy whilst officers and/or staff are carrying out their organisation's business for that recognised body.

Please Note: This policy does not include guidance on receiving monetary loans, income generation, sponsorship or charging for police services which are all managed by the Norfolk and Suffolk Finance Departments.

2. General Definitions

Gifts

- 2.1 For the purpose of this policy, all gifts and donations will be referred to as 'gifts' and are defined as the unsolicited voluntary provision to Norfolk or Suffolk Constabularies of non-public funds, services, equipment or other resources with no return or recognition given other than thanks.

Loans (non-monetary)

- 2.2 The lending of equipment or resources to Norfolk or Suffolk Constabularies for a period of time where the ownership remains with the lender. At the end of the loan period the Constabularies will return the equipment or resource to the lender. As described above this does not

include loans of money. Any offers of monetary loans should be referred to the Director of Finance.

Hospitality

2.3 The offer of hospitality is defined as the acceptance of free or discounted entertainment, access, service, refreshment or alcohol from any person or organisation outside of Norfolk or Suffolk Constabularies.

3. Considerations

3.1 Gifts and hospitality should not be accepted where there is a risk of offending the integrity or propriety of the police, for example:

- By accepting offers from sources which come under the direct scrutiny of the police,
- Where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the police force; or
- To influence the direction of a particular policy or operation.

3.2 Where offers of gifts or hospitality are made from more than one company in a competing market, care should be taken to demonstrate an even-handed approach in accepting and/or rejecting any offer.

3.3 For both Norfolk and Suffolk Constabularies, a record of the market value of all gifts and hospitality must be maintained for audit and reporting purposes. A Central Register (Gifts and Hospitality) is held and managed by the Joint Professional Standards Department.

3.4 The following is a useful checklist to assist staff and officers in deciding whether they should accept gifts or 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?
- Would the gift or hospitality involve either Force in additional costs? e.g., in the case of a vehicle, fuel, insurance and possible maintenance costs would be incurred.
- What could be the outcome for the police service, Norfolk Constabulary, Suffolk Constabulary 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?

4. Personal Gifts

- 4.1 The general principle governing the acceptance of any gift or hospitality is that staff should not be deemed to be acting in a manner which would or could lead to suggestions of impropriety. In this context it is impractical to define or cater fully for all such occurrences in this policy.
- 4.2 Judgement is required as to whether a gift or hospitality would benefit the Constabularies or compromise the integrity either of an individual or the Force's. Normally, personal gifts should only be accepted if they are of a low monetary value and by way of a seasonal or promotional nature, e.g. pens and calendars, and these should be shared with the appropriate team/department since not all individuals are in a position to receive such gifts. An individual should only retain personal gifts if they are of very small cash value, e.g. a box of chocolates or bunch of flowers. Under no circumstances should money or alcohol be accepted as a personal gift. In case of doubt, reference should be made to the Professional Standards Department (PSD) for advice and adjudication.
- 4.3 The acceptance of gifts or hospitality will not, however, be allowed in the following circumstances:
- If there is any possibility of an ulterior or dishonest motive in the offer;
 - Where it is clearly undesirable that police be under an obligation to the donor (e.g. managers or licensees under the Licensing Act 2003);
 - Where there may be an expectation of information (no matter how seemingly innocuous) being provided to the media;
 - When acceptance might give rise to suspicion that police action would be influenced by the gifts (e.g. elections or trade disputes);
 - For any duties in connection with political meetings, elections or trade disputes;
 - From persons in connection with any offence, suspected offence or incident;
 - In connection with the service of summonses or the execution of warrants; or
 - In relation to any tendering process.
- 4.4 The Bribery Act 2010 describes Bribery as 'Intending to bring about (or reward) improper performance by another person of a relevant function

or activity'. It states bribery is offering, promising or giving an advantage and knowing or believing that acceptance of the advantage itself constitutes improper performance. The Act states:

- 'Advantage' is financial or other advantage;
- Where a person agrees to receive or accepts something of value, bribery occurs whether or not the person actually receives it;
- The test is what a 'reasonable person' in the UK would expect; and
- A public official (including a police officer) cannot receive hospitality from an individual that would leave the officer beholden to that individual.

4.5 Inappropriate acceptance of gifts may lead to disciplinary proceedings.

5. Hospitality

- 5.1 Common sense should apply in respect of insignificant value occasional hospitality such as refreshment provided by the public at the scene of an accident or in the course of neighbourhood policing: such hospitality need not be recorded on the Central Register (Gifts and Hospitality). Accepting free or discounted food or services whether on or off duty is unacceptable if the provision is because the donor is aware of the recipient's role, unless exempt as per [Section 9](#).
- 5.2 Offers of conventional hospitality (e.g. working breakfast, lunch or dinner, refreshments provided during the course of attending meetings, seminars or conferences organised by other statutory bodies), which are limited to isolated occasions and can be shown to be in the interests of Norfolk or Suffolk Constabularies are acceptable. These do not need to be recorded in the Central Register of Gifts and Hospitality.
- 5.3 Offers of hospitality extending to groups of staff and officers, e.g. offering free refreshments as a thank you to local staff/officers, must be declared to PSD as an event, i.e. each individual who receives the free refreshment does not need to declare it separately but the person liaising with the organiser must ensure they declare it to PSD before the event takes place.
- 5.4 Invitations to sporting or social events (other than official duties), offers of free travel and/or accommodation and invitations to conferences or other events in foreign locations will generally be unacceptable unless expressly approved by the Head of Professional Standards. The rationale justifying approval will be recorded in detail.
- 5.5 Where there is doubt regarding acceptance of hospitality it should be referred to the Professional Standards Department (PSD) for advice and adjudication.

- 5.6 Hospitality offered by the media is generally regarded as inappropriate and any such offer should always be referred to the Head of Media and Communications or the Head of Professional Standards for advice and guidance.
- 5.7 The inappropriate acceptance of hospitality may lead to disciplinary proceedings.

6. Recording & Reporting

- 6.1 All offers of gifts and hospitality will be recorded in writing and submitted for authorisation. Ideally authorisation should be made prior to acceptance, but it is recognised that this is not always appropriate. Offers of gifts or hospitality which are not accepted must still be recorded.
- 6.2 Entries should include 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 and who authorised it.
- 6.3 The appropriate authority to approve acceptance is the Head of Professional Standards or nominated deputy (which will be a member of the SMT for PSD).
- 6.4 All Norfolk and Suffolk gifts and hospitalities for approval should be sent to the central PSD inbox psd@norfolk.pnn.police.uk. This can be found by typing in Professional Standards in Outlook.
- 6.5 A single central register of gifts, gratuities and hospitality will be maintained for each Force under the direction and control of the Head of the Joint Professional Standards Department. This register will be maintained and monitored within Professional Standards.
- 6.6 The Central Register will form the basis for annual publication under the Freedom of Information Act and, to ensure openness and transparency, PSD will be responsible for the publication and will ensure appropriate and relevant disclosure.
- 6.7 The Central Register will be overseen by PSD Senior Management Team (SMT). The purpose of this oversight is to highlight any likely points of vulnerability and to ensure compliance with this policy.

7. Checking and Monitoring

- 7.1 The Central Register (Gifts and Hospitality) will be inspected quarterly by the Deputy Chief Constable in each respective Constabulary.
- 7.2 The Central Register (Gifts and Hospitality) will be inspected and monitored by the Offices of Police and Crime Commissioners (OPCCs) for Norfolk and Suffolk Constabularies. A bi-monthly meeting will take

place between senior management representatives from PSD and Procurement for the purpose of audit and scrutiny.

- 7.3 Checks will be made on a regular basis to consider adherence to current policy.

8. Staff Support Networks and Events

- 8.1 Items obtained for staff events such as Wellbeing, Women in Policing and Staff Support Network or Association events do not fall under the Gifts and Hospitality Policy. However, it is recommended as best practice that staff support networks and Health and Welfare maintain a record of donations to their events should they be required for examination at any time.

9. Discounts Offered through Staff Associations

- 9.1 Officers and Staff may be legitimately offered discounted prices for goods and services through membership of a Trade Union or Staff Association officially recognised by each Constabulary, i.e. UNISON, Police Federation of England and Wales, the Superintendents Association or the Association of Chief Police Officers.
- 9.2 Staff are prohibited from attempting to obtain any reduction in price in relation to any item by showing their Force identification, i.e. no discount is known, but one is asked for.
- 9.3 Officers and staff may be offered discounted goods and services through membership of the Constabularies' Sports and Social Clubs.
- 9.4 Discounted goods and services legitimately offered by the organisations listed above are not subject to this policy and there is no requirement to seek permission or record their acceptance.
- 9.5 Staff Associations and Administrators of Sports and Social Clubs negotiating local discount schemes that do not form part of a national arrangement are required to notify the Professional Standards Department before these schemes are offered to staff. The purpose of the notification is to ensure the business offering discounts to members of the Constabularies is compatible with the values of the police service.

10. Gifts and Hospitality Offered By the Media

- 10.1 The joint Media Liaison policy should be referred to for general guidance on managing relationships with the media.
- 10.2 Officers and staff are advised to be cautious when dealing with the media and as a general rule must not accept any gifts, hospitality or other incentives unless permission has been given by the Head of Professional Standards. If permission has been given, guidance must

be followed regarding recording in the Gifts, Loans, Donations Sponsorship and Hospitality Register.

11. Prizes and Awards

11.1 All prizes and awards received from organisations outside of the Constabularies are required to be recorded on the Gifts and Hospitality register. Prizes and awards for specific individuals may be kept, however, where an award is given to a group of individuals, it should be used for the development of either that section of individuals or for operational purposes, i.e. procurement of equipment, rather than the provision of a social event.

12. Related Documentation

12.1 Related documents and guidance, which will enable a clear understanding of this subject, and how it relates to each Constabulary, should also be read in conjunction with this policy document.

Financial Management Code of Practice under the Police Act 1996
Anti-fraud and Corruption Policy This policy provides more detailed guidance on what may be defined as fraud or corruption in relation to the acceptance of gifts, hospitality etc. as detailed in this policy. It also provides guidance on making a confidential report of impropriety by a member of either Norfolk or Suffolk Constabulary.
Media Liaison Policy This policy provides further advice and guidance on relationships with the media.
Procurement Policy This policy advises on the minimum standards expected of staff in their procurement activity and also to ensure fairness and consistency of approach in line with sound commercial practice.
Suffolk's Sponsorship, Gifts and Loans Procedure Includes setting up initiatives involving external support
Disclosable Associations Policy Provides guidance on what is considered to be a disclosable association and the responsibility to disclose.