

Avon and Somerset Constabulary

Gifts, Gratuities and Hospitality

Procedural Guidance

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Edit	Author	Version	Date
New procedure	Zoe Jones	1	Jan 2015
Full review	Zoe Jones	2	Sep 2017
Full review	Zoe Jones	3	Nov 2018
Full review	Zoe Jones	4	Nov 2019
Full review. Update OPCC Staff titles.	DCI 4294 Ayesha Giles	5	Nov 2022

Section 1 Procedure Information

Procedure Information	Reviewed by: (Name, Area/Dept.)	Date:
Signed off by Head of Department/Area:	Jane Wigmore, Head of Professional Standards	November 2022
Reviewed for Code of Ethics Compliance:	DCI 4294 Ayesha Giles	November 2022
To be read in association with:	Bribery Act 2010 (legislation.gov.uk) The Elected Local Policing Bodies (Specified Information) Order 2011 (legislation.gov.uk)	
Please confirm that an <u>Equality Analysis assessment</u> has been completed in respect of this procedure, if there are any impacts on the protected characteristics of staff or public when carrying out this procedure.	Not Applicable	
Please confirm that a <u>Data Protection Impact Assessment</u> has been completed in respect of this procedure, if you are processing Personal Data outside of an existing local or National agreement.	Not Applicable	
Please confirm that a RoPA entry has been added to cover this processing activity.	Not Applicable	
Approved by Legal Services:	Victoria James	November 2022
Approved by OPCC:	Kate Watson, Head of HR, and Business Services	November 2022
Approved by Unison:	Steve Reid, Unison Senior Branch Officer & Discipline Lead	November 2022
Approved by Federation:	Mark Loker, Federation Branch Chairman	November 2022
Start date:	January 2015	
Last reviewed:	November 2022	
Next due for review:	November 2023	

Section 2 Introduction

- 2.1 This guidance provides police officers and staff with a framework to determine the boundaries of acceptability regarding the receipt of gifts and hospitality.
- 2.2 This Procedural Guidance has also been adopted by the Office for the Police and Crime Commissioner (OPCC).
- 2.3 Police officers, police staff (and OPCC staff) need to understand that the acceptance of gifts, gratuities and hospitality can undermine personal and professional integrity. The Constabulary and PCC have a responsibility to prevent allegations of corrupt practice or improper relationships with any member of the public or corporate body arising from the offer or acceptance of any gift, gratuity, or hospitality.
- 2.4 The Professional Standards Department and the Office Police & Crime Commissioner (OPCC) have the direct responsibility for overseeing and scrutinising procedures governing the acceptability, or otherwise, of any gift, gratuity, or hospitality.

Section 3 Key Principles

- 3.1 Police officers, police staff, and OPCC staff should demonstrate the highest standards of professional behaviour. In particular, they should not compromise or abuse their position by soliciting the offer of any gift, gratuity or hospitality in any way connected to, arising from, their role within the Police Service and OPCC whether on or off duty.
- 3.2 As a further guiding principle, police officers, police staff, and OPCC staff should not accept the offer of any gift, gratuity, favour, or hospitality unless it complies with the circumstances and considerations as set out below as to do so might compromise their impartiality or give rise to a perception of such compromise.
- 3.3 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 display of gratitude and common courtesy which do not breach the integrity of any party.
- 3.4 The provisions of the [Bribery Act 2010](#) contain 2 general offences. These include [Section 1](#) – offering, promising, or giving of a bribe (active bribery). [Section 2](#) – the requesting, agreeing to receive or accepting of a bribe (passive bribery). 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.
- 3.5 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, market products and services or build business relationships. However, it is clear that hospitality, promotional or other similar business expenditure can be

employed as a bribe. 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 that 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.

- 3.6 During the course of their duties in the community, police officers, police staff and OPCC staff may occasionally be offered gifts or hospitality which do not in the circumstances amount to an integrity breach on the part of either party. Examples of such 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.
- 3.7 Police officers, police staff and OPCC staff should be aware 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 mis-interpreted and could lead to inaccurate expectations of favour or service. Where doubt exists, advice from the Professional Standards Department (from OPCC Chief of Staff & CFO for OPCC staff) should be sought.
- 3.8 [The Elected Local Policing Bodies \(Specified Information Order 2011\)](#) places a duty on Police & Crime Commissioners to publish a Register of Gifts and Hospitality. The policy applies to the Avon & Somerset PCC and all staff employed by the OPCC.

Section 4 Register of Gifts, Gratuities and Hospitality

- 4.1 Avon and Somerset Constabulary maintains a single Register of Gifts, Gratuities and Hospitality which is under the direct control of the Head of Professional Standards. The folder can be found on the G (HQ) Drive Gifts and Hospitality Register. PSD will ensure scrutiny, auditing, and governance of the register in line with wider corporate governance arrangements for integrity and counter corruption. The OPCC maintain their own register which is published on the PCC website and can be accessed via the following link [Register of Gifts and Hospitality | OPCC for Avon and Somerset \(avonandsomerset-pcc.gov.uk\)](https://www.avonandsomerset-pcc.gov.uk/register-of-gifts-and-hospitality).
- 4.2 Authority to retain should be obtained prior to or at the time of receipt if practicable. The Authorising Officer should be of senior rank to the recipient. In the case of Department Heads then a Chief Officer Group (COG) member should act as Authorising Officer. With regard to the Chief Constable then the Authorising Officer will be the Police and Crime Commissioner. The Authorising Officer for the Police and Crime Commissioner will be the Police and Crime Panel (PCP). The Authorising Officer for the OPCC will be the OPCC Chief of Staff or CFO.
- 4.3 If approval is not granted but to return the item is likely to offend then the item should be donated to a Police Force related good cause if practicable.
- 4.4 It is just as important to record refusals to accept a gift, gratuity, or hospitality as this will provide intelligence in cases where attempts are made to corrupt officers and staff through such offers.

- 4.5 Entries on the Register will include the nature of the offer, the circumstances in which the offer was made, the estimated value of the gift, gratuity, or hospitality and whether permission or authority to accept any such offer was sought or granted. Each Area/Department has access to the Register and should be notified of any gift, gratuity, or hospitality. The name and rank of the person giving authority to receive should then be recorded. Entries will be reviewed on a monthly basis by a member of the Senior Leadership Team (OPCC Chief of Staff & CFO). The Head of PSD will also conduct a similar review of the register for each area and department on a quarterly basis and sign off the register. The central register will be available for inspection by a member of COG at all times. The register for COG will be inspected by the Chief Constable, and the register for the Chief Constable will be inspected by the Police and Crime Commissioner. The register for the OPCC will be reviewed by the OPCC Chief of Staff & CFO. The register for the PCC will be reviewed by the PCP.

Section 5 Considerations

- 5.1 The following considerations will help staff determine the boundaries of acceptability of any gift, gratuity, or hospitality. The **GIFT** mnemonic is commonly used:
- **Is it Genuine:** Is this offer made for reasons of genuine appreciation for something done? Why is the offer being made? What are the circumstances? Has the offer been solicited in any way or does the donor feel obliged to make the offer?
 - **Is it Independent:** Would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident that the staff member could remain impartial and independent in all the circumstances?
 - **Is it free:** Are you obliged to do something in return? How do you feel about the propriety of the offer? What are the donor's expectations should you accept?
 - **Is it Transparent:** Would you be comfortable if your acceptance of the offer was transparent to the Constabulary, colleagues and the public or if it was reported publicly? What could be the outcome for the Constabulary if this offer was accepted or declined?
- 5.2 The following cases provide additional guidance:
- 5.3 **A Gift may be accepted if it is:**
- Of a small or inexpensive nature (e.g., diaries, calendars, stationery, or other small items offered during a courtesy visit or conference).
 - A small commemorative item from visiting overseas law enforcement or governmental agencies or similar organisations.
 - A bona fide, unsolicited, and inexpensive gift of thanks from a member of the public or victim of crime offered to individual officers or teams in genuine appreciation of outstanding levels of service and where the offer of such a gift or hospitality cannot be courteously refused in a manner that does not cause offence or embarrassment to the organisation or individual making

the offer. Acceptable items include biscuits, chocolates, flowers, and items of nominal value of less than £10. Alcohol may be acceptable but careful consideration should be given to the circumstances in which it is offered and what the public perception of any such acceptance would be.

5.4 All such gifts should be declared in the Force Register (or the OPCC register for the OPCC team).

5.5 **A Gift should not be accepted if it is:**

- From external contractor or company tendering for work with the Constabulary or wider service
- A cash payment (other than donations to specific police charities or police supported charities)
- A financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of the police service

5.6 The acceptance of such goods should be declared in the Force Register (OPCC register). Not all offers and refusals need to be recorded but staff are asked to consider the circumstances, and, in some cases, it will be appropriate to record offers and refusals.

5.7 **A Gratuity may be accepted if it is:**

- An offer or discount negotiated through the Police Federation, Supt's Association or other staff association or trade union.
- A discount to public service workers including members of the police service offered on the basis that the organisation has a large customer base (and the Constabulary has given explicit approval for such an offer).
- Free or discounted travel arrangements for officers and staff if approved and formally negotiated through the Constabulary to support operational policing and public service. This does not currently extend to any form of rail travel.

5.8 There is no requirement to declare any such gratuity in the Force Register.

5.9 Gratuities which amount to individual gain from a points scheme when purchasing services, items, or fuel on behalf of the Constabulary are not acceptable.

5.10 **Hospitality may be accepted if it:**

- Extends to the impromptu provision of light refreshments during the course of policing (OPCC activities).
- Is a conventional meal provided during the course of a working day by another Police Force, OPCC or partner agency in either law enforcement or community safety

5.11 In either case there is no requirement to declare any such hospitality in the Force (OPCC Register).

5.12 Hospitality may also be accepted if it:

- Is a conventional meal and is in accordance with the recipients' duties, for example attending a meeting, seminar or conference organised by an external body, the annual dinner of a representative association which is limited to isolated or infrequent occasions and can be demonstrably in the interests of the Constabulary (OPCC) to attend.
- Offers to attend social or sporting functions in a capacity which could be construed as being connected with membership of Avon and Somerset Constabulary should only be accepted when these functions are part of community life, or where the service needs to be seen to be officially represented.

5.13 Such an offer of hospitality should be declared in the Force Register (OPCC register for the OPCC team).

5.14 Hospitality will not be acceptable if it:

- Amounts to regular free or discounted food or refreshments on duty or off duty where the hospitality offered is made because the recipient is a police officer, member of police staff (or member of OPCC) and it does not form part of a recognised, formally negotiated discount scheme.
- Should staff be offered such discounts they should courteously refuse. Where such offers are made on a regular or more persistent basis staff should report the matter to a supervisor. Supervisors should advise the person offering such discounts of this policy, in order to dissuade them from making such offers and to advise them of the facility to set up a formal agreement with the Police Federation or staff association. It may be appropriate for staff to avoid purchasing food from such outlets to avoid any embarrassment or compromise; this should not impact on any normal policing duties.
- Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.

5.15 Such offers of hospitality should be declared in the Force Register (OPCC register).

Section 6 Monitoring and Review of this Procedure

6.1 The effectiveness of this procedure will be monitored in its application. Ongoing learning will be applied and may result in consequential changes to the procedure.

6.2 This procedure will be formally reviewed at periods as prompted by the Planning and Delivery Coordinator. Ongoing learning, legislative changes, and other influencing factors may also necessitate a review / update. The review period will not be more than 3 years.

Section 7 Appendices

Appendix A Process Flow Chart for Reviewing Procedures

