

| PROCEDURE | | |
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| Title: | Gifts, Gratuities and Hospitality | |
| Practice / Business Area: | Professional Standards | |
| Department Responsible: | Professional Standards | |
| First Published: | 20/03/01 | |
| Last Reviewed: | 30/10/2019 | This document applies to employees of the: |
| Version Number: | 11 (external) | Chief Constable |
| SOUTH WALES POLICE PROCEDURE OBJECTIVE: | | |
| To ensure South Wales Police Officers and Staff remain ethical and understand how the acceptance of gifts, gratuities 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. | | |
| GENERIC RISK ASSESSMENT: | | |
| N/A | | |
| PROCEDURE: | | |
| 1. <u>Introduction</u> | | |
| 1.1. This guidance provides Police Officers and Police Staff with a framework to determine the boundaries of acceptability regarding the receipt of gifts, gratuities and hospitality. | | |
| 1.2. Police Officers and Police Staff must understand that the acceptance of gifts, gratuities and hospitality can undermine personal and professional integrity. South Wales Police has 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. | | |
| 1.3. The Professional Standards Department has the direct responsibility for overseeing and scrutinising procedures governing the acceptability, or otherwise, of any gift, gratuity or hospitality. | | |
| 1.4. It is the responsibility of all members of South Wales Police to notify the Professional Standards Department of any offer of a gift, gratuity or hospitality which is of potential concern to them. | | |
| 2. <u>Key Principles</u> | | |
| 2.1. Police Officers and Police Staff should demonstrate the highest standards of professional behaviour, honesty and integrity. 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 whether on or off duty. | | |

- 2.2. As a further guiding principle, Police Officers and Police 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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.
- 2.6. During the course of their duties in the community, Police Officers and Police 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.
- 2.7. Police Officers and Police 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 misinterpreted and could lead to inaccurate expectations of favour or service.
- 2.8. Where doubt exists, advice should be sought from the Professional Standards Department.**

3. **Register of Gifts, Gratuities and Hospitality.**

- 3.1. South Wales Police maintains a single Register of Gifts, Gratuities and Hospitality which is under the direct control of the Head of Professional Standards (PSD). The register can be found on the Force Intranet, via the PSD page or by searching the site for keyword 'Gift'.
- 3.2. PSD will ensure scrutiny, auditing and governance of the register in line with wider corporate governance arrangements for integrity and counter corruption.
- 3.3. The register will be published on the public-facing Force website pending reviews taking cognisance of Data Protection and a harm test, with redactions being applied as and when appropriate.
- 3.4. If approval is not granted but to return the item is considered likely to offend, then the item should be donated to a Police-related good cause if practicable.
- 3.5. 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.
- 3.6. 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.
- 3.7. Entries will be reviewed on a submission-by-submission basis by the Head of PSD, who via the single register has the functionality to provide direction or instruction, or to otherwise task actions related to the offer.
- 3.8. The central register will be available for inspection by a member of the Chief Officers Group (COG) at all times, and will be open to all members of South Wales Police in compliance with the ethos of openness and transparency.

4. **Considerations**

- 4.1. The following considerations will help Staff determine the boundaries of acceptability of any gift, gratuity or hospitality. The GIFT mnemonic is commonly used:
 - 4.1.1. **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?
 - 4.1.2. **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?
 - 4.1.3. **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?

4.1.4. **Is it Transparent:** Would you be comfortable if your acceptance of the offer was transparent to your Force, colleagues and the public or if it was reported publicly? What could be the outcome for the Force if this offer was accepted or declined?

4.2. The following cases provide additional guidance but should not be considered exhaustive: A Gift may be accepted if it is:

4.2.1. Of a small or inexpensive nature (e.g. diaries, calendars, stationary or other small items offered during a courtesy visit or conference).

4.2.2. A small commemorative item from visiting overseas law enforcement or governmental agencies or similar organisations.

4.2.3. 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.

4.2.4. 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.

4.3. A Gift should not be accepted if it is:

4.3.1. From external contractor or company tendering for work with the Force or wider service

4.3.2. A cash payment (other than donations to specific Police charities or Police supported charities)

4.3.3. A financial reward resulting from the publication of articles relating to the intended recipients role or duties as a member of the Police Service

4.3.4. The acceptance or refusal of such goods should be declared in the Force Register.

4.4. A Gratuity may be accepted if it is:

4.4.1. An offer or discount negotiated through the Police Federation, Supt's Association or other Staff association or trade union.

4.4.2. 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 Force has given explicit approval for such an offer).

4.4.3. Free or discounted travel arrangements for Officers and Staff if approved and formally negotiated through the Force to support operational policing and public service.

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

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

4.5. Hospitality may be accepted if it:

4.5.1. Extends to the impromptu provision of light refreshments during the course of policing.

4.5.2. 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.

4.5.2.1. In either case there is no requirement to declare any such hospitality in the Force register.

4.5.3. Hospitality may also be accepted if it:

4.5.3.1. 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 Force to attend.

4.5.3.2. Offers to attend social or sporting functions in a capacity which could be construed as being connected with membership of South Wales Police should only be accepted when these functions are part of community life, or where the Service needs to be seen to be officially represented.

4.5.3.3. Such an offer of hospitality should be declared in the Force Register.

4.6. Hospitality will not be acceptable if it:

4.6.1. 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 or Police Staff and it does not form part of a recognised, formally negotiated discount scheme.

4.6.2. Should Staff be offered such discounts they should courteously decline.

4.6.3. Where such offers are made on a regular or more persistent basis Staff should report the matter to a supervisor.

4.6.4. 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.

4.6.5. 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.

4.6.6. Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.

4.6.6.1. Such offers of hospitality should be declared in the Force Register.

LEGISLATION & REGULATION:

N/A