



**Policy Title: Gifts and Hospitality Policy for the Office of the Police and Crime Commissioner**

**Sponsor: Chief Executive**

**Department: Office of the Police and Crime Commissioner**

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## **1 Rationale**

1.1 The public must have faith in the honesty and integrity of the Police and Crime Commissioner (PCC) and in staff working for the PCC. It is recognised that to retain public confidence, the receiving or giving of gifts and hospitality must be limited and properly controlled.

## **2 Intention**

- 2.1 To provide the PCC and all staff with guidance regarding how gifts and hospitality may be given or received and in what circumstances such gifts and hospitality should be declined.
- 2.2 To inform the PCC/staff and the public about how to access the 'gifts and hospitality' register.

## **3 General Principles**

- 3.1 For the purposes of this advice, the guidance deals with all persons in relation to their employment with or appointment to the OPCC and not as private individuals or as representatives of other organisations.
- 3.2 No personal gifts or hospitality may be accepted from any tenderer, contractor, supplier or anyone else who may be seeking any benefit, in relation to any specific contract or other matter.
- 3.3 The Bribery Act came into force on 1 July 2011. The guidance in this policy seeks to ensure transparency and conformity in accordance with the Bribery Act 2010 and any other relevant legislation. Sections 1 and 2 of the Act make it a statutory offence for anyone to offer, give or promise a financial or other advantage when the intention of the giver is to induce the receiver to perform a relevant function or activity improperly.

- 3.4 The Act makes it a criminal offence for someone to offer, ask for or accept an 'inducement' that may be a reward for acting improperly.
- 3.5 The PCC/staff will also be committing an offence if they knowingly failed to prevent bribery by someone associated to them.
- 3.6 The PCC/Chief Executive will take firm action where breaches of the Act are concerned. This could include disciplinary procedures leading to dismissal, termination of contract and criminal prosecution.

## **4 Guidance and procedures**

What is acceptable?

- 4.1 Acceptance of small gifts and reasonable hospitality made and accepted in good faith for a proper purpose will not constitute an offence under the aforementioned Bribery Act or constitute a breach of this policy.
- 4.2 The PCC/staff may provide and accept gifts (up to a value not exceeding £25) that reflect customary exchanges between professional organisations or public organisations. They may also receive inexpensive gifts of a promotional character. This may include such items as diaries, calendars, low value pens and conference packs. In these cases no express permission is required nor is there a requirement to record details in the register.
- 4.3 Modest refreshments of a non-alcoholic nature provided at any meeting which the PCC, Deputy PCC or any member of the PCC's staff attend as part of their official duties/acting within the remit of their job description do not need to be recorded.

What is not acceptable?

### **4.4 The following examples of gifts and hospitality would not be acceptable**

- Any gift or hospitality involving offers of holidays or cash.
- Gifts of work for the personal benefit of the PCC, the Deputy PCC or any member of staff of the OPCC by any persons undertaking any contract for the PCC or Thames Valley Police.
- Repeated acceptance of gifts and hospitality from the same person or organisation even where the individual value does not exceed £25. This would exclude gifts such as calendars offered on an annual basis.

## **5 What to do if a gift needs to be recorded**

- 5.1 Where any gift is offered which falls outside of 4.2 and 4.3 then prior approval should be obtained from the Chief Executive (See number 6 specifically for hospitality). Where such a gift is offered without prior notice and it has not been possible to obtain the necessary approval, this must be declared to the Chief Executive. Such approval should be sought at the earliest opportunity. If such an offer involves the Chief Executive then he will seek approval from the PCC and this will be recorded.

- 5.2 Gifts which are declined by the PCC/staff on the grounds that it is believed that to accept such a gift would be breach of this policy should also be recorded.
- 5.3 The PCC/member of staff must satisfy themselves that acceptance is in accordance with this Policy. The following checklist can be used by the PCC/staff to make an informed decision when they are offered a gift or hospitality.

**GENUINE** – is this offer made for reasons of genuine appreciation for something I have done, without any encouragement from me?

**INDEPENDENT** – if I accept it, would a reasonable bystander be confident that I could be independent in doing my job?

**FREE** – could I always feel free of any obligation to do something in return for the donor?

**TRANSPARENT** – would I be comfortable if the gift was transparent to my organisation, its clients and the public?

## **6 HOSPITALITY**

### Receiving and providing hospitality

- 6.1 Hospitality can be offered or received as a matter of common courtesy such as light refreshment e.g. tea/coffee/biscuits. However, in the event that the offer of a free meal at a private or commercial premises or outlet is being offered, it must be recorded in the PCC 'gifts and hospitality register' and only accepted in accordance with terms set out in this policy. However, it does not need to be recorded if it is strictly for business purposes eg attending meetings or training in which case no prior permission is required.
- 6.2 Hospitality may be given or received when members of staff attend or organise functions in their professional capacity. The PCC/staff may receive or provide hospitality in circumstances such as those associated with seminars and presentations as well as formal visits to or from other offices of the PCCs. In these cases no express permission is required nor is there a requirement to record these details.
- 6.3 The PCC/staff should properly consider all of the circumstances before accepting any hospitality offered. If any offer does not relate to a PCC activity it should normally be declined. If it is offered from an existing supplier or one with a commercial interest, consideration should be given to the impact the attendance would have in relation to this commercial relationship.

- 6.4 Where such an offer of hospitality is made, permission must be sought from the Chief Executive. Such permission can be given retrospectively where it has not been practical to obtain prior permission.

## **7 MONITORING OF POLICY**

- 7.1 It is the responsibility of the PCC/individual staff to ensure that they notify the Chief Executive of the necessary details.
- 7.2 Alleged breaches of this policy can be reported to any line manager or direct to the Chief Executive.
- 7.3 Compliance with, and effectiveness of, the register relating to gifts and hospitality will be reviewed annually.

## **8 COMPLIANCE AND CERTIFICATION**

- 8.1 This policy document is not based on any legal requirements. It is founded on what is considered to be good working practice.
- 8.2 The registers do not contain any sensitive personal data, and will only contain the information given by the individual staff member, together with the manager's decision. The data is held for the purpose of complying with this policy, and no other reason. Information will be held in accordance with the OPCC Records, Management and Disposal Policy.
- 8.3 This policy and the gifts and hospitality register will be available internally to all staff and externally to the general public via the OPCC website. Data protection principles will apply to the publication of the register as per the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018.
- 8.4 There are no health and safety issues connected with this policy.
- 8.5 The risks emanating from acceptance of gifts and hospitality are both to the individual's integrity and the OPCC's reputation. These risks are mitigated by compliance with this policy.
- 8.6 If a staff member wishes to seek advice about accepting any gift or hospitality of any value, they should contact the Chief Executive. However, the decision as to whether to accept or reject the offer of a gift or hospitality remains with the individual involved and justification may be sought at any time in relation to the integrity of any decision maker and the due diligence undertaken in relation to any decision to accept.

## **9 REVIEW PROCESS**

9.1 This policy will be reviewed annually by the PCC. The review will take account of the following criteria:

- Changes in legislation
- Court rulings – domestic, European and Human Rights
- Examples of good practice from other forces or other organisations
- Changes in Home Office circulars
- Representations made by individuals and relevant organisations
- Relevant Equality data

**Dated: October 2019**

**Next Review: October 2020**