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Police and Crime
Commissioner
for Warwickshire

GIFTS, GRATUITIES AND HOSPITALITY POLICY

January 2015

**Office of the Police and Crime
Commissioner for Warwickshire**



Policy Title	OPCC Gifts, Gratuities and Hospitality Policy
Responsible Party	OPCC Chief Executive and Monitoring Officer

Security Classification	Not Protectively Marked
Disclosable under Freedom of Information Act 2000	Yes

Policy Implementation Date	1 January 2015
Review Date	1 January 2017
Next Review Date	1 January 2019

1.0 POLICY OUTLINE

- 1.1 This policy provides guidance to the Police and Crime Commissioner, Deputy Police and Crime Commissioner and all staff of the Office of the Police and Crime Commissioner (OPCC) in Warwickshire, as to the acceptance of gifts, gratuities and hospitality.
- 1.2 The entire office must comply with this policy, though some sections are applicable only to the following due to the increased risk associated with their role:
- Police and Crime Commissioner (PCC)
 - Deputy Police and Crime Commissioner (DPCC)
 - Chief Executive and Monitoring Officer

2.0 PURPOSE OF POLICY

- 2.1 The purpose of this policy is to provide guidance to the entire Warwickshire OPCC including the elected Commissioner and senior managers (PCC, DPCC, Chief Executive, Administrative/Media/Finance/Policy teams), on the acceptance of gifts and hospitality. Those mentioned above will from this point be referred to as 'the OPCC', while 'OPCC staff' will refer to all excluding the PCC and DPCC.
- 2.2 This guidance is necessary to ensure that:
- The actions of members of Warwickshire OPCC will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage, by any member of Warwickshire OPCC accepting gifts or hospitality from any such person or organisation.
 - No member of Warwickshire OPCC will accept any gift or hospitality which could cause their judgement or integrity to be compromised, either in fact or by reasonable implication, and thereby damage the reputation of Warwickshire OPCC.
 - Any gift or hospitality, whether accepted or declined, will be recorded in the Gift and Hospitality Registry and will be subject of audits.
- 2.3 This policy is designed to adhere to the same standards outlined in the equivalent Warwickshire and West Mercia Police policy, which was drafted in accordance with ACPO guidance.
- 2.4 This policy is separate to Section 7.10 of the Police and Crime Commissioner and Chief Constable Financial and Contract Regulations relating to Gifts, Loans and Sponsorship but the OPCC need to be aware of this section when accepting gifts and hospitality.

3.0 POLICY GUIDANCE

3.1 The following guidance is to be noted on instances where an exemption from any requirement to record is in order, and discretion may to an extent be exercised:

- Where there is an impromptu and unforeseen provision of light refreshments in line with staff duties.
- Where working lunches of a modest standard are offered during OPCC-related meetings, without alcoholic drinks.
- Where inexpensive promotional products from partnerships or conferences are offered to a maximum total value of £20.00.
- Where a discount is offered on a service or product that is available to the entire office.

3.2 All gifts, gratuities or hospitality, accepted or declined, which do not fall within the categories as stated in 3.1 above will be recorded by the PCC, DPCC and Chief Executive in the manner outlined in 3.3, and by all other OPCC staff as outlined in 3.4.

3.3 The following guidance applies to the PCC, DPCC, and Chief Executive. An individual Register for each of these positions is required to be updated and maintained by the claimant, with the latest edition to be published on the OPCC website monthly. According to the OPCC Publication Scheme, in line with The Elected Local Policing Bodies (Specified Information) Order 2011, it is a statutory requirement that this information is available on an ongoing basis.

3.4 The following guidance applies to all OPCC staff (excluding PCC, DPCC and Chief Executive). A single Register is available for completion by all OPCC staff working under the Chief Executive. This Register is maintained by the Policy and Research Officer for Standards and Integrity. Where possible, acceptance of gifts, gratuities or hospitality must be approved by the Chief Executive. Should there be any doubt as to whether a gift, gratuity or hospitality should be recorded, advice should be sought from the Chief Executive. This register is likely to be less populated than that of those referred to in 3.3, and as such will be published on the website only as often as the Policy and Research Officer for Standards and Integrity deems appropriate.

4.0 POLICY IMPLICATIONS

4.1 This policy is suitable for public disclosure.

4.2 The provisions of this policy are consistent with the Bribery Act 2010.

4.3 As with all legislation, OPCC regulations must be read and given effect as far as possible in a way which is compatible with the European Convention on Human Rights. In particular, Article 8 of the Convention states that there shall be no interference with a person's private life unless:-

- a) it is in accordance with the law, and
- b) is necessary in a democratic society:-
 - (I) In the interests of national security.
 - (II) In the interests of public safety.
 - (III) In the interests of economic well being of the country.
 - (IV) For the prevention of disorder and crime.
 - (V) For the protection of health and morals.
 - (VI) For the protection of the rights and freedoms of others.

This means that the restriction must be justifiable on one or more of the grounds specified above, and a proportionate means of meeting that need.

Subject to proportionality it can be said on one or more grounds referred to above that restrictions on the receipt of gifts, gratuities and hospitality are necessary to ensure that the OPCC remains effective, protects its reputation, maintains high standards of conduct and probity from its staff, and avoids any conflict of interest within their duty as a holder of office or member of staff.

- 4.4 There are no direct financial implications to the OPCC resulting from this policy.
- 4.5 The procedure set out has been designed to ensure a corporate approach is adopted and to minimise the amount of additional bureaucracy by aligning all OPCC staff (excluding the PCC, DPCC and Chief Executive) claims into a single document. The digitisation of this procedure is designed to reduce the time needed to meet this policy's requirements.
- 4.6 There are no staffing or training implications in relation to this policy. All OPCC staff do need to be aware of the requirements relating to gifts, gratuities and hospitality as outlined in either 3.3 or 3.4. They will also need to understand how to access the appropriate electronic Register.

5.0 RISK ASSESSMENTS / HEALTH AND SAFETY CONSIDERATIONS

- 5.1 There is no identified Health and Safety risk associated with this policy.
- 5.2 The risks emanating from the acceptance of Gifts, Gratuities and Hospitality are to both the individual's integrity and the organisation's reputation. Both of these risks will be mitigated by the adoption of this policy and adherence to its guidance.
- 5.3 The identified risks will also be mitigated by regular audit of all OPCC Gifts, Gratuities and Hospitality Registers by the Warwickshire and West Mercia independent Audit Committee, under the supervision of the OPCC Deputy Chief Finance Officer.