

 <div>Warwickshire POLICE</div>		POLICY
Security Classification	OFFICIAL-SENSITIVE	
Disclosable under Freedom of Information Act 2000	No	

PROCEDURE TITLE	Gifts, Gratuities and Hospitality
REFERENCE NUMBER	WP089
Version	1.0

PROCEDURE OWNERSHIP	
DIRECTORATE	CHIEF OFFICERS
BUSINESS AREA	PROFESSIONAL STANDARDS

INITIAL IMPLEMENTATION DATE	05/01/2021
NEXT REVIEW DATE:	05/01/2025
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

Warwickshire Police welcomes comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@warwickshire.pnn.police.uk

Handling Instructions

OFFICIAL-SENSITIVE: This procedure must be handled and stored according to the Government Security Classifications guidance. Neither the document nor any of its contents may be disseminated further without the permission of the Information Asset Owner.

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1.0 POLICY OUTLINE

This policy provides guidance to officers and staff, including members of all Staff Associations, in respect of both Police and Association business, as to the acceptance of gifts, gratuities and hospitality.

- 1.1 Within this policy 'Staff' refers to all Police Officers, Police Community Support Officers (PCSOs) and Special Constables, Police Staff, contractors, temporary and agency workers.

2.0 PURPOSE OF POLICY

This policy provides an ethical framework in which to determine the boundaries of acceptability around gifts, gratuities and hospitality for Police Officers, Police Staff (inc. PCSOs), Special Constables and Volunteers.

- 2.1 The Code of Ethics provides the framework of this with an emphasis on Selflessness, Honesty & Integrity and Openness. This is to ensure a demonstration of Integrity, Impartiality and Transparency that is expected of any member of the Police by the Public at large. In order to retain public confidence in our service to them, the instances of receiving and/or declining gifts should be accurately and properly documented and controlled.
- 2.2 This document refers to the ACPO Guidance (yet to be replaced) provided in 2012 regarding Gifts, Gratuities and Hospitality. It should be noted that the attitude of gifts should be that of non-acceptance as standard excepting occasions where 'common sense' could be applied. This will be clarified/exampled in Section '3. Considerations'.
- 2.3 All staff should be aware that the Gifts and Hospitality Register is audited by external agencies, could be subject to a Freedom of Information request and is reviewed by HMICFRS.

3.0 IMPLICATIONS of the POLICY

This policy includes instances of gifts, gratuities or hospitalities that can be accepted and those that cannot. All staff should be cognisant of the spectrum whereby one extreme can properly be considered to be a breach of the criminal law (The Bribery Act 2010) through to trivial hospitality and common courtesy which could in no way be considered as a breach of integrity on any party involved.

- 3.1 Staff should consider the Code of Ethics in their decision-making:
 - a. Is it in line with the Code of Ethics?
 - b. How will this action or decision reflect on personal professionalism or that of the Organisation as a whole?
 - c. Is this action or decision easily/clearly explicable to a supervisor?
 - d. Is it a defensible action or decision in a public forum/setting?

- 3.2 Warwickshire Police is committed to ensuring that its staff understand how the acceptance of gifts or hospitality can undermine their personal and professional integrity; and reinforce the importance of preventing allegations of corrupt practices or improper relationships with any member of the public or corporate body arising from the offer or acceptance of any gift, gratuity or hospitality.

4.0 Acceptability of any gift, gratuity or hospitality

Staff should consider that the acceptance of even small gifts or gratuities can be the start of declining standards leading to temptations becoming imperceptibly greater and refusal increasingly difficult. Staff should not put themselves under any financial or other obligation to outside organisations that might influence them in their official duties.

- 4.1 The following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift, gratuity or hospitality:
- a. **Genuine:** Is the offer because of a genuine appreciation for something the officer has 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 this offer?
 - b. **Independent:** Would the offer or acceptance be seen as reasonable in the eyes of the public?
Would a reasonable bystander be confident the officer could remain impartial and independent in all of the circumstances?
 - c. **Free:** Could the officer always feel free of any obligation to do something in return?
How does the officer feel about the propriety of the offer?
What are the donor's expectations of the officer if the offer is accepted?
 - d. **Transparent:** Would the officer be comfortable if the acceptance of the offer was transparent to the force, colleagues, and to the public or was reported publically?
What could be the outcome for the force if this offer was accepted or declined?
- 4.2 Staff should be mindful of the Standards of Professional Behaviour and must act with honesty and integrity and not compromise or abuse their position. Staff must not solicit the offer of any gift, gratuity, favour or hospitality in any way connected to or arising from their role within the police service, whether on or off duty as to do so might compromise their impartiality or give rise to a perception of such a compromise.
- 4.3 Any offer or acceptance of a gift, gratuity or hospitality (beyond minor refreshments arising from common courtesy) should be recorded in a pocket note book or other auditable means and referred to that person's line manager.

5.0 Considerations

To assist police officers and staff, line managers, Head of Professional Standards and Chief Officers with applying a consistent approach in applying the considerations listed above, the following cases provide additional guidance.

5.1 A gift may be accepted if it is:

- a. Of a total value which is less than £20:
 - i. Where there are multiple items, each with an individual value of less than £20, but with a collective value of more than £20, the recipient must inform Professional Standards via the Gifts, Gratuities and Hospitality Declaration form.
- b. Of a trivial or inexpensive nature:
 - i. e.g. pens, diaries, calendars, key rings, conference packs, low value promotional material
- c. A small commemorative item from visiting overseas law enforcement or governmental agencies or similar organisations
- d. A bona fide, unsolicited and inexpensive, gift of thanks from members of the public or victims 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.

5.1.1 Common sense dictates that personal integrity should be everybody's watchword in whatever activity people are involved. If in doubt the gift should be declined or express permission sought.

5.2 A gift should not be accepted if it is:

- a. From external contractors or companies tendering for work.
- b. A cash payment can never be accepted
- c. A cash equivalent payment:
 - i. e.g. gift vouchers, food vouchers, entertainment tickets etc.
If these are accepted due to an inability to courteously refuse then the gift will be forwarded to a relevant staff association for onward donation.
- d. A financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of a police force. Unless as part of a business interest activity approved by the Chief Constable in accordance with the Force Policy relating to business interests.
- e. Any alcohol

5.3 A gratuity may be accepted if it is:

- a. An offer or discount negotiated through the Police Federation, The Superintendents' Association, or other staff association or trade union.
- b. Discount of a trivial or inexpensive nature given to public service workers including members of the police service offered on the basis that the organisation in question has a large customer base (and the force has given explicit approval for such an offer).
- c. Free travel arrangements for officers and staff on active duty if approved and formally negotiated through the force and conducted and recorded in accordance with any guidance relevant to that arrangement.
- d. There is no requirement to declare any such gratuity for recording in the Force Register.

5.4 A gratuity may not be accepted if it is:

- a. Gratuities such as point schemes or air miles which amount to individual gain when purchasing items or fuel for work purposes are not acceptable.

5.5 Hospitality may be accepted if it:

- a. Extends to the impromptu provision of light refreshments during the course of policing duties or meetings.
- b. 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?
- c. There is no requirement to declare any such hospitality in the Force Register.

5.6 Hospitality may also be accepted if it:

- a. Is a conventional meal and may, whilst off duty, extend to the limited consumption of alcohol commensurate with the occasion and is in accordance with the recipient's duties.
For example attendees at meeting, seminar or conference organised by an external body; the annual dinner of a representative association or local authority which are limited to isolated or infrequent occasions and can be shown to be demonstrably in the interests of the force to attend.
- b. Where visits are being arranged to a supplier reference should first be made to the appropriate specialist support department.
e.g. Transport, IT and Communications, Business and Property Services. Officers and police staff are expected to use discretion in taking meals with contractors or others with whom they are working with.

- 5.6.1 Officers and police staff may accept meals paid for by contractors or partners where either of the following criteria apply:
- a. The amounts involved are not excessive and in line with the amount that would be claimed if subsistence expenses were claimed.
 - b. At a location where it is not reasonable or possible to purchase a meal.
 - c. Offers or acceptance of such hospitality should be declared for recording in the force register.

5.7 Hospitality will not be acceptable if it:

- a. 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 member of police staff.
- b. Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.
 - i. This is particularly relevant to any more than minimal consumption of alcohol in a casual or informal setting.
 - ii. Such things as offers of holidays must always be refused and details of the offers reported to line management.
- c. Invitations to events should not be accepted if they may create a conflict of interests. Is it mainly for pleasure? If so, attendance should never be free unless it's a free event.
- d. Such offers of hospitality should be declared for recording in the force register.

6.0 Declining and Returning Gifts

Offers of inappropriate gifts should be refused politely, with an explanation that acceptance of the gift is contrary to the Police Service policy.

- 6.1 It is recognised that tact and sensitivity are needed in order not to cause offence, however it is important that not only do members of the Police Service staff not retain inappropriate gifts, but also that the donor is aware of this fact. An exception to this is where returning or declining a gift would cause unnecessary offence or might hinder productive working relationships, and donating the gift to charity would be more appropriate. The Police Service supports a number of charities on an annual basis and consideration should be given to disposing of any inappropriate gift via these charities. In any event, full details, including details of disposal, must be recorded.
- 6.2 In some cultures, the giving and receiving of gifts is customary. In order not to cause offence on either side it is recommended that staff familiarise themselves with the customs of the culture prior to visiting. Advice may be sought from local Community and Race Relations Officers

- 6.3 Equally, to accept such an offer may be misinterpreted and could lead to inaccurate expectations of favour or service. Common sense and sound judgement should be used but where doubt exists advice can be obtained from this policy, line management and the Professional Standards Department
- 6.4 Officers and police staff must also have regard to the need to consider the impact on the public purse of supplying hospitality and gratuities to both internal and external parties. Therefore, practices that occur in the private sector should not necessarily be followed in the public sector due to the need to be accountable to taxpayers for all expenditure. Officers and police staff should consider whether expenditure incurred could be justified to taxpayers. For example, can the hire of a hotel conference room be justified if a less expensive option could be used?

7.0 Process and Misconduct

The Gifts and Hospitality Register is maintained under the direction and control of the Head of Professional Standards who will ensure scrutiny, auditing and governance of the Force Register in line with wider corporate governance of matters of integrity and counter corruption. The Force Register records benefits that are offered but refused and those that are offered and accepted. Notwithstanding minor refreshments arising from common courtesy (as detailed within this policy) all accepted offers must be approved by the Head of Professional Standards.

- 7.1 This policy gives clear guidance regarding matters that amount to gifts, gratuities or hospitality that are required to be declared and recorded in the Force Register. It is the recipient's responsibility to complete the Gifts, Gratuities and Hospitality form and send this to their line manager for their comments. This should then be submitted to the Detective Sergeant of the Anti-Corruption Unit (ACU). The ACU will then process this for the decision of the Head of Professional Standards. The recipient of the gift should not consume/distribute/dispose/utilise the gift, gratuity or hospitality until the decision of the Head of Professional Standards has been received. If it is a physical gift, this should be placed in a secure environment with oversight by line management until the decision is received. This will be provided in writing directly to the recipient from Professional Standards and should be retained by the recipient.
- 7.2 Disciplinary action may follow if any gift, gratuity or offer of hospitality is found to be undisclosed, even if permission is sought at a later stage and prior to the acceptance of or provision made. If an application to give or receive any gift, gratuity or hospitality has been refused and the officer or staff member continues to proceed to receive or provide a gift, gratuity or hospitality, then disciplinary proceedings might be instigated.
- 7.3 If an officer or police staff member suspects any breach of this policy they should report their suspicion to their line manager who will investigate whether there are any apparent breaches of this policy, and will consider a referral to the Head of the Professional Standards.

- 7.4 If a member of Warwickshire Police staff is at any point unsure, they must seek guidance from their line manager or Professional Standards; ignorance is not an acceptable excuse.

8.0 CONSULTATION

This policy has been developed with input from the following representatives from:

- a. UNISON
- b. Police Federation
- c. Superintendents Association
- d. Equality and Diversity Advisor
- e. Internal Staff Support Networks

Chief Officer/Business Lead Consulted	Date Authorisation Received
Supt Daff Goddard, Head of Professional Standards.	14th December 2021

9.0 DOCUMENT HISTORY

The history and rationale for change to procedure will be recorded using the chart below:

Date	Author / Reviewer	Amendment(s) & Rationale	Date approval / adoption
December 2021	DI James Coleman	Single Force Policy	05/01/2022

10.0 RISK ASSESSMENTS / HEALTH & SAFETY CONSIDERATIONS.

Warwickshire Police have a responsibility under Health and Safety legislation to safeguard the wellbeing of their staff. There is however no identified Health and Safety risk associated with this policy. 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 that adoption of this policy and the associated national guidance document. The identified risks will also be mitigated by regular audit of the Register by Professional Standards Department.

Full assessment is available upon request.

11.0 EQUALITY ANALYSIS

The Equality Impact Analysis (EIA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

Appendix A: Example Welfare Plan for Professional Standards Reporter

Marking: Use appropriate GDPR (General Data Protection Regulations) marking scheme.

Statement of Expectation –If applicable, to be completed by Head of Professional Standards Department or designated officer and will only be disseminated on a ‘need to know’ basis as appropriate.

Status of Report: e.g. Criminal / Misconduct enquiry

E.g. Criminal Enquiry – Misuse of Force computer system.

Include brief statement of facts.

Status of Professional Standards Reporter: Open Witness / Covert Witness / Confidential Source / CHIS

Professional Standards Reporters Details: NAME (if applicable)

Professional Standards Reporters Line Manager: NAME

Professional Standards Reporters Nominated Welfare officer: NAME

Responsible for ensuring welfare and support both offered and delivered are appropriate and subject to regular review and risk assessment.

Investigating Officer: NAME

Responsible for investigating reports made and providing regular feedback on the progress of the report to the Professional Standards Reporter.

Professional Standards Department Investigating Officer: NAME (if applicable)

Where appropriate, appointed from within the Professional Standards department following consultation with the relevant Chief Superintendent. Responsible for independently investigating reports made and providing regular feedback on progress of the report to the Professional Standards Reporter.

Liaison Officer: NAME

A senior manager who will have local independent responsibility for ensuring that any actions relating to the individual are carried out, e.g. local appointment of a ‘friend’. All contact / interaction should be recorded on a contact sheet.

Professional Standards Reporter 'Friend': NAME

Nominated by either the officer or other independent party e.g. Police Federation. Responsible for ensuring that the suspended officer is being treated positively, and fairly in line with the Professional Standards policy and procedure.

Counsellor / Occupational Health: NAME

Occupational Health to be informed and nominated worker established.

Risk Assessment:

This risk assessment is the responsibility of the Professional Standards Reporters Nominated Welfare Officer. It should be completed immediately a person has been declared a Professional Standards Reporter, and will be subject to a review at least every four weeks.

The risk assessment is intended to identify any threats to a Professional Standards Reporter and their resulting vulnerability. To help prepare a threat assessment ask the following questions:

1. Is a real threat being made?
2. Is the person making the threat able to carry it out?
3. Is the threat an imminent one?
4. Is the threat to life or to cause injury?

For the purpose of this policy a threat is defined as a declaration or indication of an intention to inflict harm and may be sourced from intelligence or fact or both. Whilst vulnerability is defined as the extent of exposure against the possibility of harm. For example, who knows where they are, work, home and family members.

RISK

Threat + Vulnerability = RISK (The degree of probability of harm occurring.)

The RISK Level will be categorised as follows:

VERY HIGH

Specific intelligence or significant incidents of intimidation indicates that the witness is at a level of threat whereby life-threatening risks are imminent.

HIGH

Specific intelligence, recent events or the particular circumstances of the witness indicates that they are likely to be targeted and is, therefore, at a high level of threat.

SIGNIFICANT

Recent general intelligence in relation to the circumstances of the witness indicates that they are likely to be targeted and are at a significant level of threat.

MODERATE

The circumstances of the witness indicates that they are potentially going to be targeted for assault and is at a moderate level of threat.

LOW

There is nothing to indicate that the witness will out for an assault. However, the general circumstances on the intelligence reports suggest that they may be subject of threats or intimidation and is at a low level of threat.

Actions

Actions and activities to deliver welfare support to the Professional Standards Reporter are to be recorded in the table below. The ownership of this plan rests ultimately with the Divisional Commander/ Head of Department via the nominated welfare officer. To reflect the possibility of a lengthy investigation this plan should be a living document and reflect the content of the welfare officer's log of contact with the Professional Standards Reporter. Hardcopies can be printed to facilitate the review and be signed and dated.

Date	Action	Owner (Name)	Agreed by subject (date)	Target date	Result (May be recorded in welfare officers log)

Review Date:

To be decided by the senior divisional / departmental overseeing manager. However, as a minimum, a four weekly review will be carried out.