

## **GUIDANCE - GIFTS AND HOSPITALITY**

This guidance document details the overriding principles concerning any offer of gifts and hospitality. *It has been compiled with due regard to ACPO Minimum Standards on the subject as well as external scrutiny from auditors Deloitte.*

The guidance contained within provides police officers and staff with an ethical framework in which to determine the boundaries of acceptability. It applies to all staff: police officers; police staff including contracted, temporary, agency and casual staff; special constables and all voluntary staff.

It applies to benefits, which **are offered**, irrespective of whether they are **accepted or declined** regardless of whether they take place during working/duty time or otherwise. By following this guidance, staff will avoid placing themselves in situations where their integrity is called into question and where their actions/decisions cannot reasonably be defended.

**It is the responsibility of line managers to ensure that their staff are aware of this guidance which has been approved by Chief Officer Group.**

### **Key Principles**

Dyfed Powys Police expects the highest standards of integrity and personal conduct on the part of all members of staff. Police officers and staff must understand how the acceptance of gifts or hospitality can potentially undermine personal and professional integrity. Staff must not abuse their position within the Force, or the fact that they are police employees, for personal advantage.

They must also have in mind, at all times, the need to avoid any perception that in their capacity as employees of the Force they may be influenced by any gift, or other consideration, to show favour or disfavour to any individual or organisation

***Adherence to this guidance within will assist in preventing allegations of corrupt practices or improper relationships with any member of the public or corporate body***

Guidance reviewed by PSD in September 2020. Reviewed biannually.

The lead responsibility for determining the acceptability or otherwise of any gift, gratuity and hospitality is borne by the Professional Standards Department (PSD) – Anti Corruption Unit with appropriate oversight from the Chief Officer with responsibility for Professional Standards matters.

The acceptance of gifts for services rendered to the public in the course of ordinary duties is **not** consistent with the values of propriety and professionalism expected of police officers and police staff. Therefore police officers and staff should **not** accept the offer of any gift, gratuity, favour or hospitality as to do so might compromise their impartiality or give rise to a perception of such compromise.

Police officers and staff are subject to Standards of Professional Behaviour, chief amongst which is that which relates to honesty and integrity. This standard specifically states that officers are honest, act with integrity, and do not compromise or abuse their position. It further clarifies that police officers should never 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.

It would be impossible to define every possible circumstance in which a member of the Force may be offered a gift, gratuity, hospitality or discount, which may compromise or be seen as potentially compromising their roles and responsibilities within Dyfed Powys Police. 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 extension of gratitude and common courtesy which do not amount to any suggestion of any breach of integrity on any party.

The principles should be applied with common sense & sound professional judgement.

## Reporting

Members of staff shall report via the on-line Gifts and Hospitality Register (*accessible via the Professional Standards Website <http://dppi/apps/acpo/GiftsHospList/>* ) any offers of gifts or hospitality which have been declined. Similarly, all gifts and hospitality accepted shall be declared on this register.

**N.B. It is emphasised that declarations of offers of gifts, gratuities or hospitality irrespective of whether accepted or rejected by the recipient should be made to ensure absolute integrity.**

Bona fide, unsolicited and inexpensive gifts of thanks from members of the public or victims of crime may be offered to individual officers or teams in genuine appreciation of outstanding levels of service. Offers of such gifts or hospitality should be courteously refused in a manner that should not cause offence or embarrassment to the organisation or individual making the offer.

Police officers and 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 should be sought.***

On the occasions it does **not** prove possible to tactfully refuse or return any offered gratuity or hospitality, **the recipient should ensure an entry is made in the force register.**

The Head of Professional Standards, will ensure scrutiny, auditing and governance of the Register in line with wider corporate governance of matters of integrity and counter corruption.

*Entries will include (as a minimum) the nature of the offer, the surrounding circumstances in which the offer was made, the estimated value of the gift, gratuity or hospitality, and whether permission to accept any such offer was sought or granted.*

Exemptions from the requirement to record applies only to those instances of impromptu and unforeseen provision of light refreshments in line with policing duties, inexpensive promotional products from partnerships or conferences, or discounts aimed at all members of the wider police service.

The frequent acceptance of any gift, irrespective of its value, from the same source is **not** permitted.

### **Bribery Act 2010**

The Bribery Act 2010 (effective from 1<sup>st</sup> July 2011) introduced a new criminal offence where ***an individual or organisation offers or receives a bribe to bring about or reward the improper performance or function or activity.*** This has the potential to include gifts and corporate hospitality or hospitality, which is otherwise inappropriate.

Actively bribing, passively accepting bribes and failing to prevent bribery are all offences under the Act. In addition, individuals found to have consented to or connived in a corporate offence would also be liable for individual prosecution. A full defence would be available for this particular offence and a prosecution avoided if it can be shown that adequate procedures are in place to prevent bribery. **Hence the importance of the content of this guidance.**

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, to better to present products and services, or to establish cordial relations. It is, however, clear that hospitality and promotional or other similar business expenditure can be employed as bribes. 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 the 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.

### **Guiding Principles – Advice to Police Officers and Staff re: Gifts / Hospitality**

The following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift or hospitality:

#### **Genuine:**

*Is this offer made for reasons of genuine appreciation for something I have done? Why is the offer being made? What are the circumstances? Have I solicited this offer in any way or does the donor feel obliged to make this offer?*

#### **Independent:**

*Would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident I could remain impartial and independent in all of the circumstances?*

#### **Free:**

*Could I always feel free of any obligation to do something in return? How do I feel about the propriety of the offer? What are the donor's expectations of me should I accept?*

#### **Transparent:**

*Would I be comfortable if my acceptance of this offer was transparent to my force, colleagues, and to the public or was reported publicly? What could be the outcome for the force if this offer was accepted or declined?*

The following provides additional guidance:-

**A gift may be accepted if it is:**

- of a trivial or inexpensive nature (*for example, diaries, calendars, stationery or other small items offered during a courtesy visit or conference*)
- are small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations

All such gifts should nonetheless be subject of a declaration in the force register.

**A gift should not be accepted if it is:**

- from external contractors or companies tendering for work with the force or wider service
- cash payments (*other than donations to specific police charities or police supported charities*)
- financial rewards resulting from the publication of articles relating to the intended recipient's role or duties as a member of a police force

Offers of such gifts should nonetheless be subject of a declaration in the force register.

**A gratuity may be accepted if they:**

- are offers or discounts negotiated through the Police Federation, Superintendents' Association, or other staff association or trade union
- discounts to public service workers including members of the police service offered on the basis that the organisation in question has a large customer base of a trivial or inexpensive nature (*and the force has given explicit approval for such an offer*)
- free travel arrangements for officers and staff on active duty **if approved and formally negotiated through the force**

There is no requirement to declare any such gratuity in the force register.

Gratuities which amount to individual gain from a points scheme when purchasing items or fuel for the force are not acceptable.

## **Money, Discounts and Hospitality**

### **Money**

Members of the Dyfed-Powys Police must **not** accept personal gifts of **money** in the course of their duties or employment (including off duty) where the gift is related to, or may appear to have a connection to their duties or employment under any circumstances *except as donations to the Force or in the official pursuit of their duty*. **Where an offer of cash is otherwise made it should be declined and reported immediately to a supervisor or manager.**

Donations to specific police charities may be accepted. All donors, wishing to donate cash or other valuable items, will be asked to make donations either in person or by recorded post to police premises. **Receipts will be provided.**

Further details in respect of monies are covered in [Section 10 \(paragraphs 24 – 31\) of Force Standing Orders](#).

### **Discounts**

Force-wide group arranged discounts will be acceptable provided they are overt and properly negotiated through the Staff Associations and are given purely on the basis that the organisation has a large potential customer base. In order to provide transparency, details of such discounts must be published *e.g. on the respective intranet sites of the staff association or in hard copy format e.g. a booklet, or both*.

In order to avoid misuse of the benefit, details of the terms, if any, on which the discounts are available, should be made clear in order that staff understand any limitations and conditions that apply. It is permissible for local arrangements to be made without staff association involvement, to accept discounts on admission prices

to e.g. theatres and cinemas, which are also openly available, on the same terms, to organisations other than the police, due to the size of the potential customer base.

### ***Discounts available from specific companies***

Some commercial companies offer discounts for emergency service personnel in general. Where such details become known (e.g. *through notices posted on Clued Up or similar communication*) HQ PSD will proactively enquire with that company as to the terms of such offers to enable informed judgment as to whether the arrangements are acceptable. Such cases will be referred to Chief Officers for decision.

Warrant or identity cards must be used for purposes directly related to the discharge of official duties or in circumstances otherwise approved – *for example approved travel arrangements*. The use of the warrant or identification card, for the purpose of obtaining discounts, favourable service, treatment or access to places of entertainment, except on police business, is **absolutely forbidden**.

***(This relates to soliciting benefits as distinct from producing proof of identity in order to obtain benefits, which have been officially approved by the Force).***

This principle also applies to the wearing of uniform when **off duty** to obtain benefit. *Specific examples include, off duty entrance to football grounds or theme parks.*

It is a breach of the Standards of Professional Behaviour for any staff to improperly use or attempt to use their position for private advantage.

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Members of the force are of course entitled to seek discounts when engaged on personal business. **However, on no account shall they do so on the basis that they are a police officer or employee.**

### **Seasonal or Other Unsolicited Gifts**

It is recognised that organisations will annually send out unsolicited corporate gifts and that in some cases this may have become a traditional event.

Whilst the gift of a company promotional calendar of relatively minor value and where its content is not in poor taste, would be acceptable, the nature of the gift should be carefully considered in line with this guidance. Gifts of alcohol and other inappropriate products should **not** be accepted, or if delivered, should be returned and the donor informed that under force instructions, the item cannot be accepted.

During the course of their duties or employment, staff may attend events where they are offered relatively inexpensive promotional, marketing or commemorative items, *e.g. diaries, stationery, key rings*. These are acceptable provided that they are not taken in quantities which exceed the terms in which they are offered.

### **Receiving Hospitality**

For the purpose of this order, receiving hospitality is defined as:

***"The acceptance of free or discounted entertainment, access, service, refreshment or alcohol from any person or body outside the police service."***

The offer of hospitality of any kind must be treated with caution.

**Particular caution should be exercised when offers of hospitality are made by members of the media or ex-police officers employed as private investigators or legal representatives.**

Acceptance may make it difficult to avoid the appearance of some obligation to the party offering it and could later be interpreted as having affected impartiality in dealing with official matters.

The offer of hospitality of any nature from journalists and those working within the journalistic arena should be recognised as an area of particular sensitivity that should be heavily scrutinised and considered so as not to compromise the individual or the Force. These instances should be avoided.

A casual invitation to a cup of tea, and the like, by a local resident or trader is innocent enough and maybe viewed as cementing a healthy relationship with

members of the local community. However, the offer of free food or free services from a local trader is an entirely different proposition and potentially more difficult to handle if, as is sometimes the case, the 'offer' takes the form of a reluctance, or refusal, to accept payment when offered.

If it has been judged, on balance, proper to avoid offence by not pressing payment when it has been declined, **it should also be made clear there will be an expectation that payment will be accepted on any subsequent occasion, otherwise there will be no return to those premises as a customer.**

Certain obvious categories of particularly generous invitation will rarely be appropriate, for example, high profile corporate hospitality events provided by contractors to the force or major sporting events. Any such high profile or generous invitation should therefore **always** be declined unless specifically authorised in writing beforehand, by a Chief Officer.

Other **unacceptable** examples of hospitality:-

- offers of accommodation (not related to official functions),
- holidays, foreign trips
- events of an inappropriate nature such as invitations to shows or nightclubs
- events where the supply of alcohol is more than merely ancillary
- where the professional relationship between the host and the Force may be brought into question.

A number of conferences and seminars attended by members of the force will include the offer of a meal or refreshments and there is no reason that this should be refused, provided what is offered is available to **all** delegates. As always, the overriding principle must be whether acceptance could be seen to compromise the personal judgement or integrity of the recipient. Actions must not give rise to, or foster the suspicion that a member of staff has been, or may have been, influenced by a gift or consideration to show favour or disadvantage to any person or

organisation. **Staff must not allow their judgement or integrity to be compromised in fact or by reasonable implication.**

**Offers of hospitality must be refused if there could be any doubt about the propriety of accepting them. If hospitality is accepted, staff must be able to justify it in terms of benefit to the public service.**

When to accept hospitality is a matter of judgement. It is important that when attending social events as an official representative of Dyfed Powys Police, or by work-related invitation, there should be no suggestion of improper influence taking place. Contact can take place outside working hours with persons who may have, or anticipate, a business relationship with Dyfed Powys Police. In these circumstances staff should be alert to the significance which could be implied by external or internal observers, and they may need to consider the nature and appropriateness of those contacts as a result.

Staff should also be alert to the potential threats to public trust and confidence, which are presented by the acceptance of corporate hospitality. This can take many forms including attendance at prestigious events such as sporting events; holidays; meals and celebrity related functions, which may be very alluring but difficult to justify and holding the potential to lead to allegations of criminality, commercial impropriety or inconsistency with the 'Standards of Professional Behaviour'.

The extent and location of the hospitality should determine the degree to which an offer of hospitality is acceptable. It must be proportionate and not purely for pleasure, otherwise attendance must only be with the approval of the Chief Constable and unless they consent to the contrary, the full cost must be met by the member of staff concerned. ***A practical test is whether the hospitality offered could or would be reciprocated by Dyfed Powys Police.***

Offers of free travel and invitations to conferences or other events, especially in 'exotic' locations, should only be accepted in exceptional circumstances and then only with the approval of the Chief Constable.

So as a general guide:-

**Hospitality may be accepted if it:**

- extends to the impromptu provision of light refreshments during the course of policing duties
- 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.

*There is no requirement to declare any such gratuity as above in the force register*

- is a conventional meal 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 demonstrable in the interests of the force to attend.

*Such offers of hospitality as above should be declared in the force register*

**Hospitality will not be acceptable if it:**

- amounts to regular free or discounted food or refreshments whether on or off duty
- includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness

*Such offers of hospitality should be declared in the force register.*

**Providing Hospitality**

Permissible occasions would include:

- Reciprocating hospitality previously received from visitors to Dyfed Powys Police;
- Acknowledging support received to further a police related event or project;
- Rewarding achievements of staff at award ceremonies; and
- Providing the forum for the exchange of skills and experience connected to police related activities.

Normally these will encompass:

- Working lunches to enable parties to continue to discuss business
- Light buffets *e.g. for awards, ceremonies or opening launches* – Business Leads have responsibility for such expenditure.

### **Acceptance of Gifts and Hospitality by third parties**

Acceptance of gifts or hospitality by a third party on behalf of, or in lieu of, a person in their capacity as a Police member or staff could have the same consequences as if the member accepted it him/herself. Acceptance by a third party on behalf of, or in lieu of, a person in their capacity as a Police member or staff should therefore comply with this guidance.

### **Overseas Governments and Organisations**

Special considerations apply to gifts and hospitality from overseas governments or organisations. Although the principles set out above apply generally to such gifts and hospitality there may be occasions when refusal could appear discourteous or a gift should be offered in return. All such instances should be reported and where necessary advice sought from Senior Management in advance.

### **Alcohol**

When accepting refreshments at events attended to represent the Force (not when performing operational duties) where alcoholic refreshment is available, members of staff are expected to exercise common sense and judgement. Alcohol consumption in such circumstances must not lead to breaches of the law nor to conduct incompatible with the 'Standards of Professional Behaviour'.

### **Wills**

There may be occasions when a member of staff, their partner, or a relative, benefits from a will where it is, **or could be perceived to be** as a result of employment, engagement, or of a contract or business relationship developed through their status as a member of Dyfed Powys Police. **In those circumstances only** the staff

member should contact the Head of Professional Standards outlining the circumstances of the benefit.

***(Partner or relative is included here in order for members of staff to be alert to the need to protect themselves against any misconceptions which may arise, and for the organisation to be prepared to respond to those misconceptions appropriately. Relative includes partner, spouse, parent, child, brother, sister, or the spouse of any of them)***

### **Sponsorship**

Staff should be able to show that there is no link whatsoever between their Dyfed Powys Police duties or employment and the activity which is subject of the sponsorship arrangement.

Notwithstanding the policies existing to allow Dyfed Powys Police to raise expenditure, the receiving of sponsorship for individual or group sporting activities which fall outside the work environment must be reported to the Director of Finance & Resources.

### **Sponsorship Checklist**

- Sponsorship opportunities may not be for personal gain;
- Sponsorship may only be courted by a member of Dyfed Powys Police if it is for charitable purposes, or an individual charitable cause, and
- It may not be received by an individual member of Dyfed Powys Police who wishes to test their own endurance level or fund their own adventure, *e.g. the use of the equipment needed to climb Everest or the loan of a yacht to sail around the world*. The only exception to this would be in pursuit of a charitable fund raising venture, either on an individual basis or as a part of a group. However, the circumstances must be reported in advance, to the respective Senior Manager and the event should only be undertaken if their approval is given.
- Sponsorship of sporting activities, such as teams representing Dyfed Powys Police are acceptable, provided it is clearly laid down in advance what each party expects from the activity. In the event of sponsorship of sporting activities coming from the licensing trade, *e.g. a brewery*, either the Chief Constable or Deputy should approve such an agreement in advance.

Where members of staff are in any doubt over the giving or receiving of any sporting or social sponsorship arrangements, they should seek advice from the appropriate Senior Manager.

### **Staff Interests in Contracts**

The standard conditions of government contracts prohibit a contractor from offering gifts or other consideration of any kind for the purpose of obtaining preferential treatment in connection with a contract. In particular invitations or gifts received from or offered by a firm while in the process of tendering **must be declined**.

No gift or other consideration shall be accepted from any contractor, or a potential contractor who is otherwise engaged in a tendering process with the force, or who may, by a reasonable person armed with reasonable knowledge, be foreseeably engaged in a future business relationship.

Where any member of the force accepts hospitality by way of a meal or refreshments during attendance at a conference or seminar hosted by a contractor, or potential contractor, during the tendering process **then this fact should be recorded in the on-line Gifts and Hospitality Register**.

All staff must be careful that they do not unwittingly commit Dyfed Powys Police to contractual obligations when responding to or initiating verbal or written enquiries with suppliers or contractors. In all matters of contractual decision-making Standing Orders on contracts must be adhered to. **Force Procurement Officers should be consulted for advice**.

No Dyfed Powys Police contract may be entered into by a member of staff under the following circumstances; where it is known that the contract is:

- by or with their partner,
- or their relatives;
- or with any business partnership of which the individual or some member of their family is a known member;
- with someone / business where there exists a close personal relationship/s

- or with any company where the member of staff or such a partner or family member is a director, unless the business interest and the extent of their involvement is disclosed in writing.

The Director of Finance will provide confidential advice in writing to any members of staff who consider themselves potentially to be in this position. Once reported upon, it falls upon the Director of Finance to give permission, in writing, for the letting of the contract to proceed.

No member of staff, may become involved in, or accept a directorship in any company holding a contract with Dyfed Powys Police, without the express written permission of the Chief Constable.

There may be occasions when members of staff come into official contact with a business organisation, contracted to Dyfed Powys Police, in which they, or a family member, have a known interest. In these circumstances, the employee must immediately disclose this interest to the relevant line manager, who will ask someone else to deal with that business. In addition, when an individual discloses an interest in an organisation, which is participating in a procurement exercise, the head of the policing area / department must pass those details immediately in writing to the Director of Finance under confidential cover.

No member of staff concerned in any way whatsoever with official contracts or purchasing of goods or services will disclose personal details of themselves or other individuals to a contractor for private contact purposes, *e.g. delivery to, home address, e-mail address or telephone number/s.*

### **Contracts and Purchasing (General)**

There are frameworks for entering into and negotiating contracts. These provide sets of rules, which must be strictly adhered to. Advice, written or informal, is always available from the force procurement officers.

**The offering of a gift or other consideration of any kind as an inducement to take some action or forbearance pertaining to a contract is illegal.** If any such

approach is made to a member of staff either in connection with a contract or with the object of obtaining preferential treatment prior to the acceptance of a contract, the fact must be reported immediately to a line manager who will refer the matter to HQ PSD.

The provision of hospitality has been touched upon elsewhere in this document. However, all members of Dyfed Powys Police must understand that the provision of hospitality by suppliers may represent an attempt to circumvent the rules on acceptance of rewards. It is accepted, however, that the informal contact created by offers of hospitality may sometimes be beneficial to mutual understanding and efficient conduct of business.

Modest hospitality may be accepted on isolated occasions, but as with the giving or receiving of hospitality (see above) similar rules for acceptance apply. On the issue of free travel or accommodation however, it is likely to be automatically regarded as having influenced a particular decision and **must be declined**. In exceptional circumstances however, and where appropriate, approval may be obtained from the Senior Manager.

Offers of hospitality take many forms and reference to the guiding principles (see above) should identify the appropriateness of any such offer.

As with gifts and gratuities, except where acceptance is permitted under this order, all offers of hospitality, which are accepted or refused and must be recorded on the online gifts and hospitality register.

Where it is evident that the work of Dyfed Powys Police would be facilitated, invitations to attend receptions, conferences, luncheons, cocktail parties and the like should be accepted, or declined, in accordance with the following framework:

- By invitation, which has been approved by the Senior Manager
- Any invitation received from a firm known to be in the process of tendering for work with Dyfed Powys Police will be declined without exception.
- Staff involved in any tendering process and dealing with contractors must be clear about the concepts and the separation of client and contractor roles. Senior staff who have both a client and contractor role must be aware of the need for accountability and openness at all times.

- Staff in client or contractor roles must exercise transparent fairness and impartiality when dealing with all customers, clients, suppliers, contractors and sub-contractors and their agents.
- Staff who are privy to confidential information on tenders or costs for either internal or external contractors will not disclose that information to any unauthorised party or organisation.
- Staff will also ensure that no special favour is shown to current or past members of staff, their partners, relatives or associates in awarding contracts to businesses run by them, or employment of them.

***Staff have a positive duty to ensure that not only is no favour given but also their actions are able to withstand scrutiny. Their actions should be of a scrupulous appearance and should not give rise to the impression of favours being imparted in relation to such contracts.***

### **Employee Business Interests and Secondary Employment**

A policy for both police officers and police staff covers this subject). No member of staff who is engaged in secondary employment may do anything that infers Dyfed Powys Police are in any way supportive of, or indeed involved with the activities undertaken by that person in the course of their secondary employment.

### **Fair Dealing**

All customers, be they members of our community or business contacts, including those expressing an interest in tendering for business, must be treated in a transparently honest, fair and even-handed way.

Where Dyfed Powys Police is a partner in a consortium, all consortium members will be treated equally.

No association between Dyfed Powys Police and a supplier or contractor must be capable of being misinterpreted as a commercial endorsement of the product/service or as discriminatory to competitors. All staff and specifically those members of staff with purchasing responsibilities must at all times demonstrate to suppliers that they are impartial and responsible managers of public funds.