



Gifts and Hospitality (Policy & Procedure)

OFFICIAL

Publication Scheme Y/N	Yes – Can be published on Internet /iForce
Department of Origin	Professional Standards Department (PSD)
Policy Holder	Chief Superintendent Head of PSD
Author	D/Superintendent – PSD
Related Documents	National Police Chiefs Council Police Conduct Regulations 2020 Safecall
Date First Approved at BMG	20/02/2001
This Version	Version 2.11 – Created 3 rd July 2020
Next Review due	01/03/2022

July 2020



Policy

Statement

Police officers and staff are subject to Standards of Professional Behaviour; paramount to them is that which relates to honesty and integrity. The Standards of Professional Behaviour of both officers and staff outline that officers and staff are honest, act with integrity, and do not compromise or abuse their position.

To that end police officers and staff 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.

Further, 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. The Force, however, do recognise there will be some limited circumstances where it is appropriate to accept some gifts /hospitality; to do so must be in line with this policy.

Aims

The aim of this policy is to give clear guidance to all staff as to the Force's stance on the acceptance of gifts and hospitality. This policy will establish and maintain a consistent approach for staff in relation to the offer, refusal/acceptance and recipients of gifts, gratuities and hospitality; thereby satisfying the public that gifts or hospitality are not improperly given or received and that any offer of the same is transparent and auditable.

Objectives

The objectives of this policy are to:

- a) To ensure all staff are aware of the existence of this policy and adhere to it.
- b) To provide transparency to the issue of Gifts and Hospitality in relation to our staff.
- c) Ensure that any gift or hospitality offered and declined or accepted is recorded with appropriate rationale in the Gifts and Hospitality Register.
- d) Ensure that any acceptance of any gift or hospitality is justifiable and open to public scrutiny.
- e) Ensure that the offer or acceptance of any gift or hospitality does not compromise the impartiality, integrity or reputation of any individual member of staff or the Force or give rise to any such perception.

Outcome Evaluation

Outcomes should reflect specific objectives and will be measured against those objectives via internal and external audit of the Gifts and Hospitality Register, hereafter referred to as 'the Register'.

Regular scrutiny of the Register will indicate adherence to the policy. Adherence to this policy and associated procedures should allow the force to withstand any internal/external audit and help ensure that any gift or hospitality given or received is justifiable. This should contribute to increased public confidence in the integrity of Merseyside Police and its staff.

Measures

- Each Strand and Department will collect and retain data on the offer and refusal or acceptance of any gifts which will be entered on the Register, held by the Professional Standards Department (PSD).
- PSD will conduct a six monthly audit of the Register, culminating in a report to the Deputy Chief Constable outlining any areas for concern identified in the audit and any action proposed or taken.
- The Register and data collected in respect of this policy by Areas and Departments, will be maintained in such a way that its integrity is maintained by restricting its access to designated staff, as outlined in this policy.
- The Register will provide data and appropriate rationale for all offers and the acceptance of any gifts or hospitality, how they were subsequently dealt with and any recipients of them.
- Gifts and Hospitality will be included in appropriate operational orders, briefings and training– this will be subject to random audit by PSD and reported on six monthly to the Head of PSD.
- PSD will conduct and document random knowledge checks of staff to ensure knowledge of and adherence to the policy – this will be reported on six monthly to the Head of PSD.

Application and Scope

All police officers and police staff including those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures of Merseyside Police.

The Chief Officer lead for this policy is the Deputy Chief Constable.

Procedure

Version History

4/10/2010	V 2.1 – Policy reviewed as a result of Police Authority Audit. Changes are primarily a tightening of recording procedures, defining specific responsibility for the holding of each Area/Department register, and a reformat of the procedures section itself to provide better clarity.
24/11/2010	V 2.2 – Policy amended to reflect views of BMG, particularly need to ensure consistency around donations to the Chief Constable's Charity Fund and Merseyside Police Benevolent Fund.
14/06/2012	V2.3 – Policy amended to reflect HMIC report 'Without Fear or Favour' and newly issued draft ACPO Guidance (version X 2012)
29/08/12	V2.4 – Miscellaneous minor grammatical corrections.
5/11/2012	V2.5 – Para 1.2.3 inserted re non-compliance and Safecall facility.
28/01/2013	V2.6 – Para 4.1.3 inserted to clarify expectations around alcohol consumption. Included to reflect findings of the Leveson enquiry and latest draft of ACPO Guidelines.
25/02/2013	V2.7 – Paras 7.11 & 7.15 amended to provide more clarity around database entries.
05/02/2016	V2.8 – Amended to include vouchers in description of gifts; instruction around use of vouchers for alcohol; clarity around published content of annual report.
14/05/2019	V2.9 – Amended after review.
01/03/2020	V2.10 – Amended after review and introduction of the new legislation, Police Regulations 2020.

03/07/2020	V2.11 Amended after review to include Silver / Gold ratification through BC mode in response to specific situation.
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1. General Principles

1.1 Legal Context

- 1.1.1. Offers of a gift, gratuity or hospitality vary widely according to the circumstances; this can range from a genuine offer of a small gift in appreciation of good work to an officer/team through to criminal offences of Bribery or Misconduct in Public Office.
- 1.1.2. The Bribery 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 / 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.

1.2 Professional Context

- 1.2.1 The general principle governing the offer of any gift or hospitality is that it will be refused and a record made in the Gifts and Hospitality Register, in line with this policy.
- 1.2.2 However, it is accepted that there will be some occasions where the acceptance of a gift or hospitality will be appropriate. In these cases such acceptance must ensure that the dignity and integrity of the Police Service and all its staff must not be compromised in any way or leave rise to the perception that any such compromise has taken place. The acceptance of any such gift or hospitality must be in line with this policy. This policy will also outline the occasions when the policy would not be invoked, for example attendance at training events or conferences.
- 1.2.3 It is also recognised that there may be occasions where staff will become aware of colleagues receiving or being offered gifts / hospitality that has not been reported, as per this policy. Staff should report such matters to their Command Team (via their supervision) or confidentially using the Safecall.

2. Definitions

- 2.1 **Gift:** is defined, for the purposes of this policy, as 'any item, cash, vouchers, goods or service which is offered for personal benefit at no cost, or at a cost that is less than its commercial value.'

- 2.2 **Hospitality:** is defined, for the purposes of this policy, as any generous or material welcome or reception that is more than an incidental kind ie more than a beverage or light refreshment, and includes the offer of any free meals, excursions, flights, and accommodation.
- 2.3 **Gratuity:** is defined as a gift of money.

3. Acceptance and Provision of Gifts

- 3.1 The Force's general position in relation to the acceptance of gifts is that **they will not be accepted**; however there will be some occasions when the acceptance of gifts is permitted.
- 3.2 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. A record should be made of the offer and it should be entered on the Register.
- 3.3 Should officers/staff believe that such a refusal would cause unnecessary offence or might hinder productive working relationships then acceptance may be possible, subject to the following condition: -
- 3.4 Officers /staff must be able to account for why the acceptance of the gift was necessary; this should be recorded within the Register, and ratified by the strand Command Team.
- 3.5 The following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift:
- a) **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?
 - b) **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?
 - c) **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?
 - d) **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?

3.6 Officers and staff should consider in their determination whether accepting such an offer may be misinterpreted and could lead to inaccurate expectations of favour or service. If any doubt exists about the appropriateness of any gift or hospitality or the motive of the person offering such then it should be refused and the offer recorded in the Register.

3.7 A gift may be accepted if:

- a) 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).
- b) It amounts to small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations.
- c) If it is 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. To assist, 'inexpensive' is defined as an item where the retail value does not exceed £10.
- d) It is accepted on the understanding that the contributor is informed that the gift will be received on behalf of the organisation and that the Strand Lead / Departmental Head will determine the recipient of the gift. It is anticipated that items such as chocolates / biscuits will be returned to the individual / team whereas for other items it may be more appropriate to donate them to Force approved charities.
- e) It is recognition of good work or thanks by your Line Manager, or colleague.
- f) It is a retirement, long service, or change of role gift from a colleague.
- g) If ratified through a command structure in place for a specific operation / force activity or Business Continuity. This must be recorded on the policy log for Silver / Gold, outlining what is acceptable.

3.8 A gift will not be accepted if:

- a) It is cash, other than donations to specific Force approved charities. Specific guidance is given in this respect in section 5.
- b) It comprises alcohol or any item which may be perceived in a negative light by the public, if received from a member of the public or external agency. Any vouchers use to purchase alcohol or entitling the purchaser to a discounted alcohol price.
- c) It is from external contractors or companies tendering for work with the Force or wider police service.

- d) It is a financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of the Force.

3.9 All such offers of gifts should nonetheless be subject of an entry in the Register.

4. Hospitality

4.1 Acceptance of Hospitality

4.1.1 Hospitality may be provided or accepted if it:

- a) Extends to the impromptu provision of light refreshments during the course of policing duties.
- 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. There should be no requirement to declare any such gratuity in the force register.
- c) 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 should be declared in the force register.

4.1.2 Hospitality will not be acceptable if it amounts to regular free or discounted food or refreshments, whether on or off duty, or 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.

4.1.3 All employees of Merseyside Police should be alert to the dangers of consuming alcohol in a social setting of casual hospitality. Irresponsible consumption of alcohol can lead to the clouding of an individual's judgement, result in a compromise of their integrity and a breach of the Standards of Professional Behaviour. The standards apply equally to both on-duty and off-duty conduct. Cognisance should be taken of public perception in circumstances where alcohol is consumed whilst on-duty, particularly when wearing a Merseyside Police uniform.

4.1.4 Invitations to attend sporting or social events should be entered in the Register and authorised by the Strand Lead/Departmental Head and their decision and rationale as to acceptance or refusal of the hospitality should be recorded in the Register. Examples of unacceptable hospitality in this respect are offers of accommodation, holidays, foreign trips or inappropriate entertainment.

5. Gratuities

5.1 Cash / Donations to Charity

- 5.1.1 Cash should not be accepted.
- 5.1.2 Should the contributor wish to donate to charity then they should be directed to attend a local police station or ask them to send in a donation by post. If a donor has expressed a wish that their donation should be given to a specific police charity, their wishes should be complied with. Where donors indicate that they wish their donations to be sent to a police charity without further definition, such donations should be forwarded to the Merseyside Police Benevolent Fund and recorded in the Register as outlined below.
- 5.1.3 Any deposits of cash should be treated as a valuable and the donator should sign to confirm the amount donated in a pocket note book or similar.
- 5.1.4 Such donations will be recorded in the Register and the Strand Lead/Departmental Head will determine how it is dealt with.
- 5.1.5 Cash will not be distributed to staff in any circumstances.
- 5.1.6 Any offer of money should be fully recorded.
- 5.1.7 Full details of the person, circumstances and amounts should be recorded and entered on the Register.

6. Exclusions

- 6.1. During the course of their duties in the community, police officers or staff may well occasionally be offered gifts or hospitality, which do not in any circumstances amount to any breach of integrity on the part of the either party and so would be excluded from the need to record them in the Register.
- 6.2. Examples of such include the provision of light refreshments as a common courtesy in line with policing duties, promotional products with a nominal value from partnerships or conferences e.g. key-rings/diaries/pens. However, where appropriate records should be kept of what is offered and accepted, this should be in a pocket note book or similar.
- 6.3. **Discounted products /services**
 - 6.3.1 These may be accepted whereby they fit the following criteria:
 - a) Offers or discounts formally negotiated through the Police Federation, Superintendents' Association, trade union or other staff association.

- b) Discounts offered to public service workers, including the police service, are acceptable as long as Merseyside Police has given explicit approval for such an offer.
 - c) Free travel arrangements formally approved and negotiated by Merseyside policy and subject to the relevant policy.
- 6.3.2 There is no requirement to enter such gratuities in the Register.
- 6.3.3 These may not be accepted if they amount to free or discounted offers of food from retail outlets, except as defined above.
- 6.3.4 Should staff be offered such discounts they should courteously refuse.
- 6.3.5 Where such offers are made on a regular or more persistent basis staff should report the matter to a supervisor.
- 6.3.6 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 Federation.
- 6.3.7. 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.
- 6.3.8. Amount to individual gain from a loyalty scheme when purchasing items or fuel.

7. Administrative processes

- 7.1. Any accepted gift should be taken to a police station / premises as soon as practicable and in any event before the officer/ staff member goes off duty and an appropriate record made of its acceptance.
- 7.2. Each Strand / Department will maintain a database to capture the offer and acceptance of any gifts or hospitality by their staff.
- 7.3. The database should be maintained by the Command Team Secretary (or similar role where that post does not exist). Access to the database should be restricted by the use of a password.
- 7.4. The head of PSD (their nominee) will have unrestricted access to each database in order to populate the Register for the Force.
- 7.5. Strands / Departments should ensure local procedures are in place for staff for to notify the administrator of the database of the details of any gift /hospitality offered and or received before they go off duty.

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- 7.6. Strands and Departments should ensure they have measures in place to ensure officers / staff provide sufficient information to the administrator of the database to enable a full entry in the Register to be made. This should be done as soon as possible and in any event before the officer/staff member goes off duty.
- 7.7. The Register will contain the following information and it is the responsibility of the member of Merseyside Police providing or receiving the gift or hospitality to provide sufficient information by way of report or other documentation to allow entries in the Register to be completed in full:
- a) The date / time of the offer/decline/acceptance of the gift or hospitality including the circumstances in which it was offered.
 - b) The rationale, if applicable, as to why the gift/hospitality was accepted.
 - c) Details of the person offering/contributor and receiver.
 - d) The date/time the gift /hospitality was entered onto the database.
 - e) A description of the gift or hospitality including value. Where officers or staff are not able to accurately estimate the value then a full description, e.g. brand, size should be given
 - f) Where a gift or hospitality is accepted from or provided to any supplier or potential supplier then this should be clearly shown on the register and be brought to the attention of PSD and the Strand Lead or Departmental Head.
- 7.8. Once an entry has been made on the database, PSD must be notified by email (addressed to: PSD.S&A.Unit@merseyside.police.uk, so that an appropriate entry can be made in the Register.
- 7.9. The Strand Lead / Departmental Head will approve the acceptance of any gifts/hospitality and also determine how they should be dealt with. Their decision and rationale will be entered onto the database.
- 7.10. In the absence of the Strand Lead / Departmental Head, a member of the Command Team can make the approval but they must be at least one rank/grade higher than the person making the entry. Any items of concern should be brought to the attention of the Strand Lead or Department Head.
- 7.11 Strand Leads and Departmental Heads cannot authorise acceptance of any gifts / hospitality that they have personally received. Gifts or hospitality offered to Strand Leads or Departmental Heads should be entered on their respective local database and the entry brought to the attention of the Head of PSD who will determine whether the gift can be accepted / declined or will defer the decision for a Chief Officer to make.
- 7.12 Gifts should be stored in an appropriate and secure place, until a decision has been made as to how they are to be dealt with. Any items of value should be booked into the station safe or other secure location.
- 7.13 This process will then ensure that Strand Leads/Departmental Heads are kept abreast of items being accepted as gifts and allows appropriate formal recognition to be passed to the recipients and contributors as appropriate.

- 7.14 This will also allow the Strand Lead and /or PSD to conduct appropriate checks with procurement, the Anti-Corruption Unit or other relevant departments to ensure the Force is not compromised by the acceptance of the gift in any way.
- 7.15. All gifts offered and refused or accepted in line with this policy with a retail value of £100 or more must be entered onto the appropriate local database and the matter brought to the attention of the administrator for the Professional Standards Department's Gifts and Hospitality database and the Head of PSD, so that Chief officers can be made aware of the entry if appropriate.
- 7.16 Officers and police staff should not accept any gift from any person / business they know, believe or suspect to be a contractor, supplier of goods and services for Merseyside Police services, without express permission from their Strand Lead or Department Head.
- 7.17 Should it become apparent at any time that such a person has offered or provided gifts to Merseyside Police staff then this should be reported to the Head of PSD.

Notification of Gift / Hospitality

Details of Employee
Gift / Hospitality
offered to / received by

Name :
Open Door No:

Area / Dept

Extension

Date

Details of Gift / Hospitality

Provide details of why
Gift / Hospitality offered.
*Confirm whether **provided** by
the Force or **received** by the
Force. Attach any emails or
supporting documents.*

Name/address of person
offering/supplying - include
any business details if
relevant.

Approximate Value

Is the gift/hospitality related to any current/potential supplier of goods/services to Merseyside Police?

YES NO (Delete as appropriate) If yes enter details below:

Gift / Hospitality Accepted? Yes No (Delete as appropriate)

Why was the gift
or hospitality
accepted/declined?
(No requirement to duplicate if)
this information is contained on
an attached report/email etc)
Put here 'See attached')

Name of Command Team member authorising

Officers and Police Staff should not accept gifts or offers of hospitality other than of token value and with a maximum value of £10. If in doubt they should be refused. Staff should not accept any personal gift or hospitality from any contractor or supplier known, or likely to be, on any list of tenderers or contracts, or any user of Merseyside Police services, without express permission from their senior managers. (This should be either the Area Commander, Department Manager or, where appropriate, the ACC Corporate Services).

03/07/2020