
Special Notice 28/97

Friday 29 August 1997

**Code of Practice for acceptance of
gifts and hospitality**



**METROPOLITAN
POLICE**

Code of Practice for acceptance of gifts and hospitality

The London Beat puts strong emphasis on the need to display high integrity and ethical standards at all levels in the Service. The Nolan Committee Report on Standards in Public Life underlines this approach and gives specific advice of the acceptance and recording of gifts and hospitality.

In the light of the above, Policy Board has drawn up the following Code of Practice which will come into effect immediately. There is a requirement for a permanent local record to be kept and a hard backed bound register should be used to show entries in a chronological order. All entries should be indexed.

Operational command unit (OCU) and support command unit commanders should keep registers. Area assistant commissioners and other heads of business groups should make appropriate arrangements at area level and for their business groups, respectively. Supplementary instructions may be issued by senior officers to accommodate local anomalies.

The registers will be internal documents, each to be kept securely by a named individual. They are to be made available for examination by heads of business groups, auditors, Her Majesty's Inspectorate of Constabulary or other persons/bodies whom the head of business group feels has a legitimate need for access.

Code of Practice for acceptance of gifts and hospitality

(OG 42/95/1) (P4)

Introduction

- 1 During the course of their work, members of the Metropolitan Police Service (MPS) will sometimes receive offers of gifts (which includes goods or payment) and hospitality. To refuse such offers may cause offence or hinder working relationships; however to accept may be wrong.
- 2 This Code of Practice sets out some guiding principles covering acceptance of gifts and hospitality, including a reference to interests in contracts. It does not provide for every eventuality and you should not hesitate to seek advice from a senior officer.
- 3 If there is the slightest doubt about the wisdom or propriety of accepting an offer of a gift or hospitality, it should be refused. With this in mind, the following guidance is issued for the benefit of all members of the MPS.

The law

- 4 Under the Prevention of Corruption Act 1906 it is an offence corruptly to accept any gift or consideration as an inducement or reward for:
 - doing (or not doing) anything in your official capacity; or
 - showing favour (or disfavour) to anyone in your official capacity.
- 5 Under the Prevention of Corruption Act 1916, any money gift or consideration (including hospitality) received from a person or organisation holding or seeking to obtain a contract with the Receiver may be deemed by the courts to have been received corruptly unless you prove otherwise.
- 6 In certain circumstances, these offences could be committed by a gift or consideration being accepted by a friend or relative as well as by you.

Guiding principles

- 7 Your action must not give rise to, or foster the suspicion that you have been, or may have been, influenced by a gift or consideration to show favour or disadvantage to any person or organisation. You must not allow your judgement or integrity to be compromised in fact or by reasonable implication.
- 8 Gifts or offers of hospitality must be refused if there could be any doubt about the propriety of accepting them. If a gift or hospitality is accepted, you must be able to justify it in terms of benefit to the public service.

Gifts

- 9 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 which the MPS expects from its staff. Such offers must be declined politely with an explanation that the rules of the Service do not allow acceptance. If the refusal is in writing a copy should be kept; if oral a written note must be made. If refusal to accept would cause embarrassment or offence, the gift should be accepted but sent to the Director of Procurement and Commercial Services with a covering report.
- 10 Special difficulties can arise when gifts are offered on festive occasions or in return for interviews or broadcasts, or to mark specific events. In such circumstances, gifts of a trivial and inexpensive nature, such as a calendar, pocket diary or paperweight, may be accepted provided they bear the company's name or insignia and can therefore be regarded as being in the nature of advertising matter and can be used for official purposes.

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Payment for interviews and broadcasts

- 11 Any payment made for interviews or broadcasts must be declared and paid into the Metropolitan Police Fund. You may keep payment only if:
- the subject is unconnected with your normal duties;
 - your membership of the MPS is not an integral part of the interview or broadcast; and
 - you have reported the matter to a supervisor and obtained approval for retention of any payment.

Hospitality

- 12 Hospitality covers a wide spectrum and includes offers of a working lunch and complimentary tickets to functions and sporting events. The offer of hospitality of any kind must be treated with the utmost caution. Acceptance may make it difficult to avoid the appearance of some obligation to the party offering it and might later be interpreted as having affected your impartiality in dealing with official matters.
- 13 Inexpensive hospitality offered in the normal course of duty, including attendance at community functions, consultative meetings, visits to youth clubs and schools and so on, may be accepted. It may be appropriate in some cases to accept the offer of a light working lunch (or very exceptionally a working dinner) but more substantial hospitality should normally be declined.
- 14 If, exceptionally, it is considered appropriate to accept more substantial hospitality, authority must be given in writing by a senior officer (of at least commander rank or grade 5 level or above) before acceptance and be recorded in a hospitality register (*See* Paragraphs 17 to 19). Any hospitality you accept must be capable of justification in terms of benefit to the Service. Particular care should be taken where the MPS has a contractual relationship with the giver of hospitality.

Interests in contracts

- 15 The standard conditions of Government contracts prohibit a contractor from offering gifts or other consideration of any kind with the object of obtaining preferential treatment in connection with a contract. If any such offer, gift or irregular suggestion is made to you or your immediate family, the facts must be reported to the OCU commander, head of branch or where appropriate, more senior officer without delay who should inform the Director of Procurement and Commercial Services.
- 16 Invitations or gifts received from or offered by a firm whilst in the process of tendering must be declined.

Hospitality registers

- 17 Assistant commissioners and heads of business groups must nominate appropriate senior officers of at least superintendent rank or grade 7 level to maintain hospitality registers for their respective business groups.
- 18 Apart from the exceptions set out in Paragraph 19, hospitality registers must record:
- invitations and offers of hospitality which are accepted;
 - invitations and offers of hospitality received by staff in any part of the procurement process, whether accepted or not;

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- invitations and offers of hospitality made by companies or other organisations with which the MPS has a contractual, grant giving or regulatory relationship, or is actively considering such a relationship; and
 - invitations to attend or participate in sporting or cultural events which are largely social in nature.
- 19 In certain circumstances it may not be necessary to record hospitality in the hospitality register. These circumstances include:
- working lunches and dinners incidental to meetings, training events, presentations, conferences, seminars or similar events where attendance is in the MPS's interests; and
 - attendance at lunches, dinners, receptions or comparable functions organised by embassies, cultural organisations, professional bodies and their equivalents where attendance is in the MPS's interest.

Account must be taken however, of the nature of the relationship between the MPS and the organisation concerned and of the scale of the hospitality offered. If there is any doubt, the offer must be declined.

Overriding principle

- 20 If in any doubt at all whether or not to accept hospitality, gifts or payment, you should immediately seek the advice of a supervisor or of the officer responsible for maintaining the hospitality register.

Penalties

- 21 This Code of Practice describes conduct which you are expected to observe. Failure to do so could render you liable to disciplinary proceedings and may lead to criminal proceedings under the Prevention of Corruption Acts 1906 and 1916.

Further publication

- 22 Assistant commissioners and heads of business groups should publish this Code of Practice in any manual setting out local purchasing procedures, but in doing so the Code may not be altered apart from inserting any necessary internal authority levels as approved by Policy Board.

Enquiries about this Notice should be made to personnel managers. Personnel managers who require further information should contact P4 on extn 62605.

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