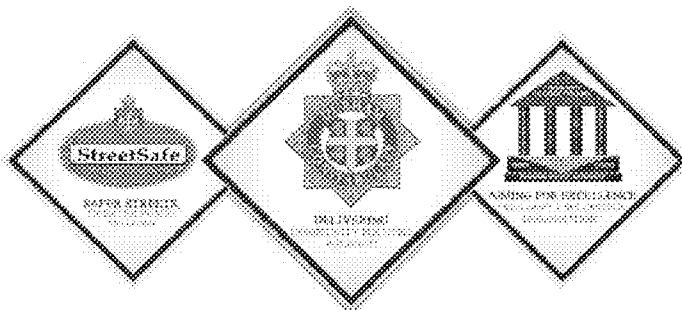


NOT PROTECTIVELY MARKED

# DURHAM CONSTABULARY

## Personnel, Policies, Procedures & Practices



### Gratuities, Gifts, Donations and Testimonials Guidance & Procedure

**Application: All Police Officers & Staff**

Registry Reference No.	DCP 095a
Policy Owner	Personnel
Policy approved at FMG	N/A
Date approved at PUG	05.02.09
Effective from	04.11.97
Version	1
Updated	20.02.09
Reason for change	To include lunches/hospitality
Publication Scheme Y/N	Yes
Policy Review Date	20.02.12
Durham Constabulary Freedom of Information Act Publication Scheme	

#### Relevant policy

Gratuities, Gifts, Donations and Testimonials Policy

#### Associated documents:

Appendix A Gratuities & Gifts Register (available on the Fore intranet)

Appendix B Process Map (attached to this document)

NOT PROTECTIVELY MARKED

1

All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation

NOT PROTECTIVELY MARKED

## 1.0 **GUIDANCE**

### 1.1 **Acceptance of Gifts or Donations**

- 1.1.1 An Area Commander or Head of Department, after having satisfied themselves that a donation or gift can properly be accepted will, as soon as possible thereafter, send a letter of thanks to the donor and inform them of the charity or sports and athletic club(s) which will benefit.
- 1.4 If a donor has expressed a wish that this donation should be given to a specific charity, their wishes should be complied with.
- 1.5 In the event of an offer being made by the promoters of a proposed public entertainment to donate part of the proceeds to a Police charity or athletic organisation, they should be thanked and informed that the offer will be submitted for consideration. Whilst as a general rule such offers will not normally be accepted from promoters who are professional organisers of entertainments, full details will, nevertheless, be submitted by Area Commanders/Heads of Department, together with their observations, to the Chief Constable for decision.
- 1.6 The acceptance by Police Officers and Police Staff of gifts or testimonials spontaneously given by their colleagues will, in proper cases, be approved. But this approval will not be given when the gift or testimonial is offered by members of the public, save in very exceptional circumstances.

### 1.7 **Gifts Offered in the Street**

- 1.7.1 Should the circumstances be such that Police Officers or Police Staff have a donation or gift forced upon them under conditions in which it is impracticable, impossible or undesirable to refuse, the employee concerned should take the following action:-
- (a) Inform the donor (if this is possible) that the donation or gift will be submitted for directions.
  - (b) Make an immediate full notebook entry of the circumstances, including details of any persons present.
  - (c) Complete an official receipt and where practicable, hand a copy to the donor.
  - (d) Hand the donation or gift in at their Station, as soon as possible, against receipt.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- (e) Submit a comprehensive report of the circumstances.

**1.8 Gifts and Hospitality offered by Contractors, Organisations, etc.**

- 1.8.1 Casual gifts offered to Police Officers and Police Staff by contractors, organisations, firms or individuals may not be in any way connected with the performance of official duty so as to constitute an offence under the Prevention of Corruption Act, however, they should be declined.
- 1.8.2 Nothing more than a calendar, diary, blotter or some other simple item of office equipment for use in Police buildings and of insignificant value may be accepted, and then only if it bears the Company's name or insignia.
- 1.8.3 Any lunches/hospitality accepted will potentially be subject to public scrutiny. Therefore working lunches and other hospitality may only be accepted where it:-
- a) allows the business of the force to be legitimately progressed
  - b) is open and transparent
  - c) does not invite the perception of a conflict of interest
  - d) cannot be perceived by others to be extravagant.
- 1.8.4 Offers of all other gifts must be politely but firmly refused, or, if received through the post, returned to the donor with a suitably worded covering letter signed by the Area Commander/Head of Department.
- 1.8.5 Gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm to members of the public may be accepted, however, where there is any doubt, the gift should be politely refused.
- 1.8.6 Police Officers and Police Staff should exercise the utmost discretion in dealing with offers of outside hospitality of any kind as acceptance may make it difficult to avoid some obligation to the party offering it, and might later be thought to have affected the impartiality in dealing with official matters. Particular care should be exercised in dealing with contractors, developers, etc. In general these invitations should be declined, as acceptance, particularly if repeated, may make it difficult to avoid an obligation or the implication of an obligation, or may be capable of misconstruction generally.
- 1.8.7 Anyone who has doubt about accepting any hospitality should consult with their Area Commander/Head of Department. Where anyone is pressed to accept an offer of hospitality about which they have doubts, or if an offer of hospitality has been approved and accepted but subsequently raises doubts about its purpose a report should be submitted to the Chief Constable via their Area Commander/Head of Department.

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

- 1.8.8 Police Officers and Police Staff should be aware that the conditions of contract prohibit a contractor from offering or making a gift or other consideration of any kind as an inducement to some action appertaining to a contract.
- 1.8.9 Under the Prevention of Corruption Acts it is an offence to corruptly solicit or accept any gifts or consideration as an inducement or reward for:-
- (i) doing or refraining from doing, anything in the official capacity, or
  - (ii) showing favour or disfavour to any person in their official capacity.
- 1.8.9.1 If any such offer, gift (except in the circumstances detailed above) or irregular suggestion is made, either in connection with a contract or with the object of obtaining preferential treatment prior to the acceptance of a contract, a report should be submitted immediately for the attention of the Chief Constable via the Area Commander/Head of Department. No Police Officer or Police Staff who is concerned in any way with official contracts or purchasing should disclose their private address to a contractor.

**1.9 Statutory Provisions**

- 1.9.1 An Employee commits an offence under the Discipline Code who:-
- (i) in their capacity as a member of the Force and without the consent of the Chief Constable or the Police Authority, directly or indirectly, solicits or receives any gratuity, present, subscription or testimonial; or
  - (ii) in their capacity as a member of the Force and without the consent of the Chief Officer of Police, writes, signs or gives any testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.
- 1.9.2 In no circumstances is a reference to be given by a Police officer to any person without the consent of the Chief Constable. Further advice on any request should be sought from the Personnel and Development Department.
- 1.9.3 The Police Pensions Act, provides that a pension may be forfeited if the pensioner solicits or, without the consent of the Police Authority, accepts directly or indirectly any testimonial or gift having any pecuniary value on retirement from the Police Force or otherwise in connection with their service in a Police Force.

**2.0 SPECIFIC INSTRUCTIONS**

- 2.1 Gifts which are not intended for a charitable purpose can only be accepted in accordance with the Police Authority and Force policy regarding Gifts, Loans and Sponsorship.

**NOT PROTECTIVELY MARKED**

4

**All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation**

**NOT PROTECTIVELY MARKED**

- 2.2 The acceptance of gifts or donations will not be allowed in the following circumstances:-
- (a) If there is any possibility of an ulterior or dishonest motive in the offer;
  - (b) Where it is clearly undesirable that the Force will be under an obligation to the donor; (e.g. managers or licensees under the Licensing Act, 1964).
  - (c) When acceptance might give rise to suspicion that Police action would be influenced by the gifts; (e.g. elections or trade disputes).
  - (d) If the donor is known to be of suspicious character or their mental capacity is in question;
  - (e) For any duties in connection with political meetings, elections or trade disputes;
  - (f) From persons in connection with any offence, suspected offence or accident;
  - (g) In connection with the service of summonses or the execution of warrants.
- 2.3 An offer in money or kind made to an Officer for services rendered in the ordinary course of their duty must be politely declined, the Officer making a brief note of the circumstances in their pocket book.

**3.0 INDIVIDUAL ROLES AND RESPONSIBILITIES**

- 3.1 It is the responsibility of the Area Commander or Head of Department to send a letter of thanks to donors and inform them of the charity or sports and athletic club(s) which will benefit.
- 3.2 Where a donation or gift is offered at a Police Station, the Officer in Charge will decide whether they should politely decline the offer forthwith or accept the offer with thanks.
- 3.2.1 Where the offer comes from a source which clearly precludes acceptance, the Officer concerned will politely and tactfully explain that it is regretted that Service Regulations do not permit them to accept the offer. This explanation should not be enlarged upon. The Officer concerned will also complete a brief entry in their official notebook. No further report will be necessary.

**NOT PROTECTIVELY MARKED**

5

**All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation**

**NOT PROTECTIVELY MARKED**

3.2.2 Should it appear to the Officer in Charge that the offer is made in circumstances in which acceptance may be appropriate, the donor should be thanked and informed that the offer will be submitted, in accordance with Service Regulations, for directions. An official receipt will be issued forthwith.

**4.0 ADMINISTRATION**

4.1 Where a donation or gift is received at a Police Station by post the Officer in Charge will cause a receipt to be issued and sent to the donor in terms which will indicate that the offer of a donation is acknowledged but not necessarily accepted.

4.1.1 Should the donor not be known, a receipt will, nevertheless, be completed to an "anonymous donor".

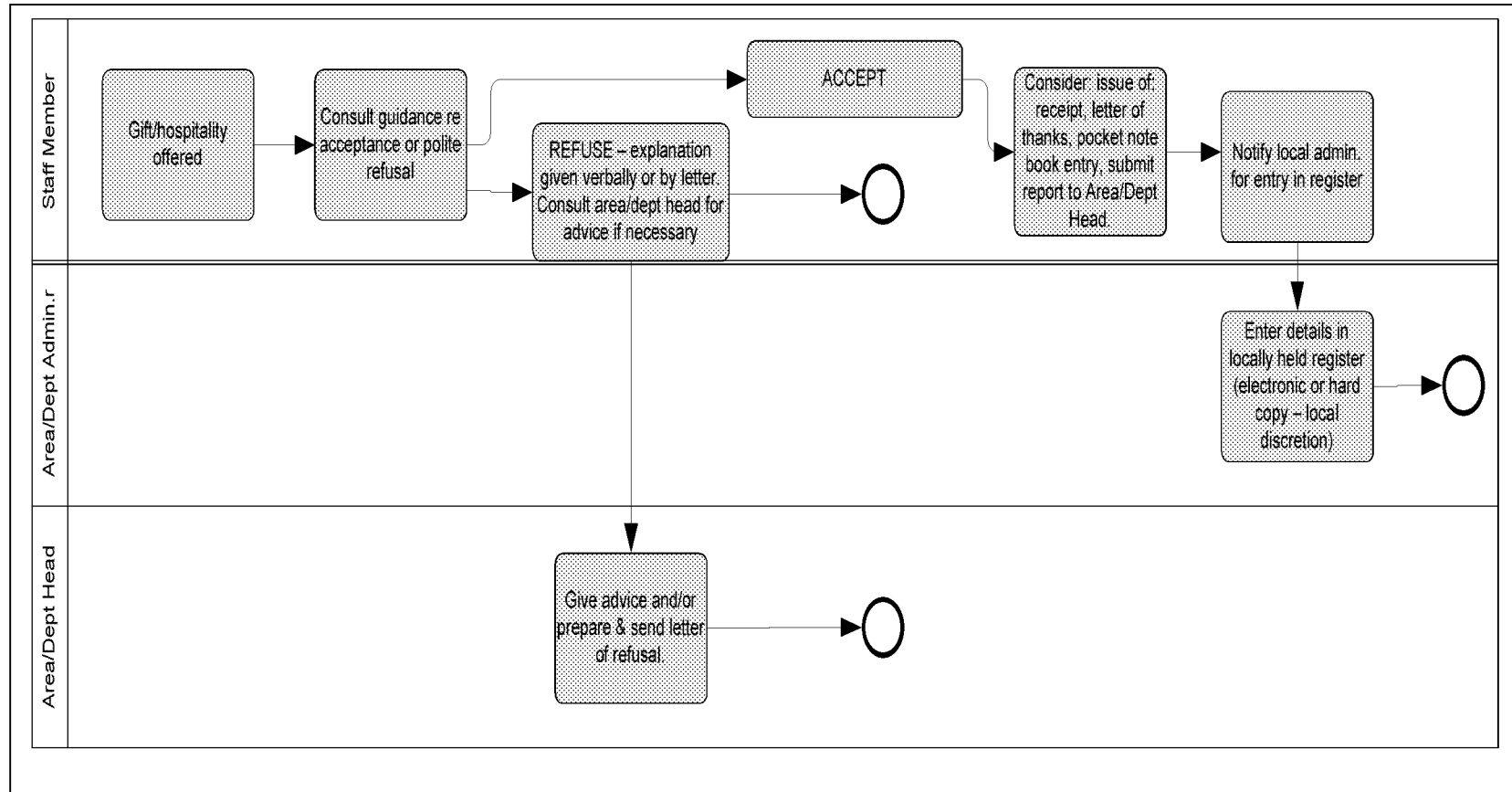
4.1.2 Details of the full circumstances, including any special wishes of the donor, should be submitted as soon as practicable to the Area Commander/Head of Department.

4.2 All lunches/hospitality offered by Contractors and Organisations will be recorded on a local register. The only exception there is to this requirement will be regarding working lunches in relation to meetings with other public sector organisations.

**NOT PROTECTIVELY MARKED**

NOT PROTECTIVELY MARKED

APPENDIX B GIFTS/HOSPITALITY PROCESS MAP CORRECT @ NOVEMBER 2009



NOT PROTECTIVELY MARKED