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Event History

Procedure owned by OSDG**Gifts, Hospitality and Discounts****WARNING - THIS INFORMATION IS UNDER REVIEW****Please contact the OSDG department****Introduction**

This instruction and guidance within this procedure concerns the offer or acceptance of a gift, gratuity, hospitality or discount which compromises the integrity of a member of staff, or where there is the potential to compromise or convey the impression of compromising their integrity, in respect of their employment, role or responsibilities within the Force. It applies irrespective of whether the offer or acceptance of the benefit occurs during working / duty time or otherwise. It is intended that the application of the policy will protect staff from allegations of unethical conduct and promote public trust and confidence in the Force and its members. It should be applied with common sense and sound professional judgement.

Who does it include?

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 by those members of staff, and includes where gifts are offered through or received by a third person, but where there is a direct or indirect benefit to the member of staff or where there is an intention or a reasonably foreseeable likelihood of a perception of an intention, to influence a member of staff in a way which would compromise the relevant 'Standards of Professional Behaviour'.

Guiding Principles – Advice to Police Officers and Police Staff

The advice of the appropriate line manager should be sought to safeguard against allegations of serious misconduct or unfairness. The following are guiding principles to aid decision making:

- ⌘ Avoid & refuse politely
- ⌘ Do nothing to foster suspicion about your integrity or which produces or gives the impression of conflict between you & your official duty & the private interests of yourselves/others
- ⌘ Your dealings with people must at all times be honest, fair, transparent, even handed, and seen to be so
- ⌘ Ensure your actions in an official capacity are beyond reproach. They must not, foster, or give the impression to anyone with whom you deal, including your colleagues, that you have been influenced by a gift or consideration to show favour or disfavour to any person or organisation.
- ⌘ You must be sure that public funds and police resources are used in a responsible & lawful manner and that you are able to account for them properly
- **Any doubts about the wisdom of accepting an offer or a gift or hospitality, and it should be declined.**
- ⌘ Appropriate records of gifts/hospitality accepted or refused must be maintained on the electronic database in accordance with this policy (please see 'written

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records' below).

Checklist for decision making. Ask yourself:

- ¿ Why is the offer being made?
- ¿ Would the acceptance of the offer be a breach of the law or of the 'Standards of Professional Behaviour'?
- ¿ Am I taking advantage of my position?
- ¿ Am I taking advantage of the person making the offer or of the circumstances in which it is being made?
- ¿ If my actions were reported to the media, how would it appear to other people? Would I be embarrassed?
- ¿ What is the donor likely to expect in return, immediately or in the future. Could they use my acceptance of the gift etc to put me under pressure to carry out some act which would compromise the 'Standards of Professional Conduct' or could it be seen by others of having that potential? Do they expect me to ignore something?
- ¿ Is it really an integral & logical part of the business relationship?
- ¿ What could be the outcome for Staffordshire Police or me if I accept, or decline?
- ¿ Would I feel content, pleased, and easily able to justify the acceptance of the offer to the public?

Money, Discounts and Hospitality – What is acceptable and what is unacceptable?

Money

Staff must not accept personal gifts of money in the course of their duties or employment (including in any off duty situation) 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 as part of the responsibilities of their role. Where an offer of a gift of cash is made it will be declined and reported immediately to a supervisor or manager.

Donations to specific police, or police related charities, (e.g. victim Support Schemes etc) will not be solicited but may be accepted and, ideally, donors should be asked to attend police premises to make such donations so that a receipt can be provided. Alternatively, the donor should be asked to post the donation to Divisional Commander, or Business Manager, and a letter of thanks will be sent enclosing a receipt.

Where the police themselves are the founders of the charity, formal requests for donations will not be against this policy (e.g. Crime Stoppers).

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

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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. Also, discounts available because some companies offer access to e.g. trade warehouses. Such arrangements are only acceptable if they have received the prior approval of the appropriate Divisional Commander or Support Group Head. In such instances, in the interests of certainty and transparency, the details of the benefit must be published on the respective divisional/support group intranet site and in order to avoid misuse, must include any terms on which the discounts are available in order that members of staff are aware of any limitations and conditions under which the benefit is offered. So far as can reasonably be expected, the benefits should be equally available to police officers and to police staff.

As a general rule, it is not permissible to approve or to have informal local arrangements for free, discounted or other beneficial admission into licensed premises of the type which would fall under the description of a 'nightclub', entrance to which would normally be the subject of an admission charge or membership condition.

Benefits which are offered to divisions/support groups and are made available through the division/support group free of charge, e.g. passes for entrance to Trentham Gardens, will only be acceptable if approved by the respective divisional/support group commander, who may at his/her discretion impose a charge, to be donated to charity, in order to demonstrate that the benefit is not being received by individuals, completely free of charge. So far as possible, where such concessions are available they should be available to all members of the Force and they must not be abused e.g. if only available to members of the Force that condition must be complied with.

Except where specifically permitted under this policy, Staffordshire Police as an organisation will not engage in the negotiation of discounts for its employees unless it is with the approval of the Chief Constable.

As a general rule, any promotional gifts accompanying services purchased on behalf of the organisation, for example, tokens or points given away 'free' with the purchase of fuel for police authority owned cars, must be for the benefit of the division or support group, not the individual. **If the arrangements which would be necessary to facilitate the collection of the tokens or points for the benefit of the division or support group would be impractical, they should not be collected at all by anyone. This is in order to avoid allegations that staff are re-fuelling police cars at filling stations where the petrol is more expensive (where some points tend to be given) or that some individuals are engaging in 'points chasing activities' which lead to the development of unacceptable competitive practices between staff.** However, it is not possible to foresee the nature and circumstances of every promotional gift that may become available. There may be circumstances where, due to products purchased by the Force, benefits of a relatively minor value e.g. a pair of cinema tickets, are offered to staff, in an overt manner, where, in order to claim the benefit it is necessary for the member of staff to e.g. make a telephone call or transmit a text message. Such minor benefits may be claimed but it must be at the expense of the claimant. The cost of making the claim,

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even if trivial, must not be borne by Staffordshire Police. If there is any doubt as to whether the benefit is acceptable, management advice should be obtained. In order to maintain a consistent approach, in cases where the benefit is available Force-wide, a decision should be obtained from the Head of the Professional Standards Department. In cases of a locally available benefit, the decision should be made by the Divisional Commander or Support Group Head. Private or personal arrangements whereby a discount is offered, or sought, based upon an individual's employment with Staffordshire Police is not permitted.

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 police uniform when off duty to obtain benefit. Specific examples include, off duty entrance to football grounds, nightclubs or theme parks.

Divisional Commanders may approve locally offered discounts for the provision of meals / refreshments for officers on NPUs. In this situation the discount facilitates the provision of a police presence (should apply equally to police officers including special constabulary and police community support officers), in public areas and officers will always be required to respond to incidents in accordance with their responsibilities. Under no circumstances will meals be received without charge, and the charge agreed must be proportionate, reasonable and acceptable to the satisfaction of the Divisional Commander. The availability of the discount must be published on the respective divisional intranet site. To avoid misuse of the benefit, the terms, if any, under which the discount is available must also be published in order that staff members are aware of any limitations and conditions under which it is available.

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. This may take the form of e.g. a company calendar or quantities of alcoholic drink.

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 the guidance in this policy. Gifts of alcohol and other inappropriate products should not be accepted, or if delivered, should be returned and the donor informed that under force policy, the item cannot be accepted. If it is impractical to return the gift, then this must be brought to the attention of a line manager and recorded on the electronic recording system (please see 'written recors' below). The gift should then be handed to the divisional / support group chief inspector who holds local responsibility for professional standards matters, for safekeeping, until a decision can be made as to how to dispose of the item.

During the course of their duties or employment, staff may attend events where they are offered **relatively inexpensive** promotional, marketing or commemorative

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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 policy, 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."

When to accept hospitality is a matter of judgement. It is important that when attending social events as an official representative of Staffordshire 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 Staffordshire 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 golf tournaments, sports cup finals; 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 Staffordshire Police. When making decisions whether to accept hospitality staff should distinguish between the following:

- ⌘ Is it an on duty participation, e.g. public speaking during working time, where status as an invited speaker is on the basis of one's employment as a member of Staffordshire Police? In such cases, the offer of hospitality, provided that it could not reasonably be seen as lavish, disproportionate or otherwise in breach of the 'Standards of Professional Behaviour' would be acceptable.
- ⌘ Is it a duty attendance? (This could include developing community partnerships, if the 'work' element is significant). Again, provided that the offer of hospitality could not reasonably be viewed as lavish, disproportionate or otherwise in breach of the 'Standards of Professional Behaviour', it would be acceptable.
- ⌘ During the normal course of their contact with the public, members of staff may be offered light refreshment. Provided that the circumstances are not otherwise in conflict with 'Standards of Professional Behaviour', this will generally be acceptable.
- ⌘ Is it for charity? If so, attendance should not be free unless the recipient

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is invited as a valued dignitary.

- ¿ Is it mainly for pleasure? If so, attendance should rarely be free.

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'.

Staff should be sensitive to the timing of offers of hospitality in relation to commercial decisions Staffordshire Police may be taking affecting the provider of the hospitality, i.e. testing products for 'pilots' or IT systems. They should also consider what others would make of this coincidental timing. In such circumstances the details of the offer should be reported to the relevant project manager, or the purchasing officer

Any such high profile or generous invitation should therefore always be declined unless specifically authorised, beforehand, in writing, by the Chief Constable. The approval and receipt of such a benefit must also be recorded on the electronic database (see 'written records' below).

Where hospitality has to be declined, those making the offer should be courteously informed of the restrictions imposed by this policy and an appropriate entry made in the electronic gifts/gratuities/discounts/hospitality database (see 'written records' below).

All staff should consider the checklist of the guiding principles set out above above when considering receipt of hospitality.

Providing Hospitality

Permissible occasions would include:

- ¿ Reciprocating hospitality previously received from visitors to Staffordshire 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.

Hospitality may also be provided and received in the following circumstances:

- ¿ Working lunches of a modest standard during police-related business meetings;
- ¿ Light buffets at presentations, project launches etc.

On such occasions it may be permissible to provide alcoholic refreshment in moderation. **However, alcohol may only be provided where the approval of an appropriate police officer of the rank of Superintendent or above or member of police staff of similar grade/position has been obtained prior to the event.** If alcohol is provided, non-alcoholic refreshment must also be readily available.

The Director of Resources will willingly provide advice to any member of staff who is

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in doubt over a proposed level of hospitality. Divisional/Departmental heads may authorise expenditure up to £500, providing the level of the expenditure is proportionate in the circumstances and can be met from devolved budgets. The Director of Resources must approve any expenditure in excess of this amount.

Giving of Tips and Voluntary Gratuities

Where staff during the course of their duties or employment are required to make payment for meals or other services which are being or will be paid for by Staffordshire Police, including those paid for on a Staffordshire Police credit card, there may be circumstances where the giving of a tip or gratuity may be appropriate. However, the amount given must be proportionate and unless prior management approval has been obtained, must not exceed £5.

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 Staffordshire Police.** In those circumstances only the staff member should contact the Head of Professional Standards outlining the reasons for 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.)

Note

For the purpose of this policy Relative should be construed as, "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 Staffordshire Police duties or employment and the activity which is subject of the sponsorship arrangement.

Notwithstanding the policies existing to allow Staffordshire Police to raise expenditure amounting to 1% of its budget; or the Sponsorship programme managed under the Crime and Disorder Act, 1998, the receiving of sponsorship for individual or group sporting activities which fall outside the work environment must be reported to the Director of Resources.

Sponsorship Checklist

- ⌘ Sponsorship opportunities may not be for personal gain;
- ⌘ Sponsorship may only be courted by a member of Staffordshire Police if it is for charitable purposes, or an individual charitable cause, i.e. treatment for a named sick child; and
- ⌘ It may not be received by an individual member of Staffordshire 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 such as Operation Raleigh. However, the circumstances must be reported in advance, to the

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respective divisional commander or support group head and the event should only be undertaken if their approval is given.

- ⌘ Sponsorship of sporting activities, such as teams representing Staffordshire Police are acceptable, provided it is clearly laid down in advance what each party expects from the activity. The Police Authority, in approving a sponsorship policy, indicated that where sponsorship of sporting activities was to come 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 divisional commander or support group head.

Staff Interests in Contracts

All staff must be careful that they do not unwittingly commit Staffordshire 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. Business Managers or Support Services should be consulted for guidance and advice.

No Staffordshire 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;
- ⌘ 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 Resources 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 Resources 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 the Staffordshire 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 Staffordshire Police, in which they, or a family member, have a known interest. In these circumstances the employee must immediately disclose this interest to the head of their division / department, 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 division / department must pass those details immediately in writing to the Director of Resources 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

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individuals to a contractor for private contact purposes, e.g. delivery to, home address, e-mail address or telephone number/s.

No member of staff who is engaged in secondary employment may do anything that infers Staffordshire Police are in any way supportive of, or indeed involved with the activities undertaken by that person in the course of their secondary employment.

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 Head of Support Services.

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 the Director of Resources.

The provision of hospitality has been touched upon elsewhere in this document. However, all members of Staffordshire 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 Divisional Commander/Departmental Head.

Offers of hospitality take many forms and reference to the guiding principles (see paragraph 3 above) should identify the appropriateness of any such offer.

As with gifts and gratuities, except where acceptance is permitted under this policy, all offers of hospitality, which are accepted or refused and those where, under this policy, acceptance requires the specific management approval, must be recorded on the electronic database (see 'written records' below)

Where it is evident that the work of Staffordshire 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 divisional commander / departmental head.
- ⌘ Any invitation received from a firm known to be in the process of tendering for work with Staffordshire 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

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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 separate written policy for both police officers and police staff covers this subject. However, the brief guidelines are:

- ⌘ Human Resources Unit at Headquarters are informed of the undertaking, in writing;
- ⌘ The business interest must not be incompatible with the police service.
- ⌘ Staffordshire Police premises cannot be used for individual business interests, for example, the hire of classrooms, fitness centres or other resources, unless the activity is notified at the time of the booking, the full economic rate is paid and individual insurance to cover that specific activity is obtained.

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 Staffordshire Police is a partner in a consortium, all consortium members will be treated equally.

No association between Staffordshire 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.

Written Records

Written records are essential to enable both staff and their departments to demonstrate that proper ethical standards have been observed. The records should serve both as an audit trail and as a record of the reasons for making or not making any particular purchasing decision.

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An electronic database for the recording of gifts, gratuities, hospitality and discounts is located on Lotus Notes Workspace. **Except where the benefit is one which is permitted under this policy**, (i.e. discounts negotiated by a staff association, inexpensive marketing or promotional items, or approved by a divisional commander or the Chief Constable and hospitality permitted under this policy), it must be used by staff to record the offer, receipt or refusal of a gift, gratuity, hospitality or discount. The requirement to record the receipt of a benefit includes instances where formal management approval for the receipt of the benefit is, under this policy, required to be obtained. The record must be made by the person to whom the offer is made, as soon as is reasonably practicable. Before such benefits are accepted, the advice of a supervisor or line manager must be obtained and this includes where the member of staff is off duty or not engaged in their employment when the offer is made. In such cases the database must be endorsed to indicate that consultation has taken place including the identity of the line manager/supervisor who has been consulted. If the electronic database is for any reason not available, the offer, acceptance or refusal of a gift etc should be reported on Form 65 to the respective divisional / support group superintendent.

In cases where there is uncertainty as to whether the offer, acceptance or refusal of a benefit should be recorded on the electronic database the member of staff concerned should make such an entry.

N.B. Under the Publication Scheme requirements of the Freedom of Information Act 2000, certain details relating to expenses and hospitality etc received by the Executive Officers of the Force have to be routinely published on the Force website on the Internet.

Staff Associations are encouraged to maintain similar records for scrutiny by their respective electoral committees.

Related Documents

Links to related documents: Gifts, Hospitality and Discounts (Policy)

Gatekeeper - the Author suggested the following Policy document to link to. Gifts, Hospitality and Discounts

Relevant Dates and Review Period

Effective Date: 23/08/2010

Review Date: 23/08/2012

Review Frequency: Annually

FOI, Human Rights and Equality Impact Assessment

Indicators

FOIA: Release to Public

ECHR: Compliant with proportionality test Articles engaged: Article 8 Right to respect for Private and Family life; Protocol, Article 1 - Protection of Property

Indexing

Categories: Professional Standards

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