



ASSOCIATION OF
CHIEF POLICE OFFICERS

ACPO guidance on gifts, gratuities and hospitality

Security Classification

Not protectively marked

Disclosable under FOIA 2000

Yes

Author

Mike Cunningham

Force / Organisation

ACPO

Date Created

20 September 2012

Telephone

01785 232217

Implementation Date

18 October 2012

Review Date

October 2013

1. INTRODUCTION

- 1.1. This guidance provides police officers and police staff with a framework to determine the boundaries of acceptability regarding the receipt of gifts and hospitality. It should be used by forces to review and, where necessary, adapt existing policies and procedures for dealing with gifts, gratuities and hospitality.
- 1.2. It is the responsibility of forces to ensure that their staff understand how the acceptance of gifts, gratuities or hospitality can undermine personal and professional integrity. Forces also have a responsibility to reinforce the importance of preventing allegations of corrupt practices or improper relationships with any member of the public or corporate body arising from the offer or acceptance of any gift, gratuity or hospitality.
- 1.3. The guidance sets out that Professional Standards Departments have the direct responsibility for overseeing and scrutinising procedures governing the acceptability, or otherwise, of any gift, gratuity and hospitality.

2. KEY PRINCIPLES

- 2.1. Police officers and police staff should demonstrate the highest standards of professional behaviour, honesty and integrity. In particular they should not compromise or abuse their position by soliciting the offer of gifts, gratuities, favours or hospitality in any way connected to, or arising from, their role within the police service, whether on or off duty.
- 2.2. As a further guiding principle, police officers and police staff should not accept the offer of any gift, gratuity, favour or hospitality unless it complies with the circumstances and considerations as set out below as to do so might compromise their impartiality or give rise to a perception of such compromise.

- 2.3. Offers of a gift, gratuity or hospitality vary widely according to 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 display of gratitude and common courtesy which do not breach the integrity of any party.
- 2.4. The provisions of the Bribery Act 2010 contain two general offences. These include:
- Section 1 - offering, promising or giving of a bribe (active bribery).
- Section 2 - the requesting, agreeing to receive or accepting of a bribe (passive bribery).
- The provisions of the Act extend the definition of bribery to include seeking (or agreeing) to bring about improper performance of duties, which includes a public function such as policing. Improper performance amounts to any breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.
- 2.5. 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, market products and services, or build business relationships. However, it is clear that hospitality, promotional or other similar business expenditure can be employed as a bribe. 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.
- 2.6. During the course of their duties in the community, police officers or police staff may occasionally be offered gifts or hospitality which do not in any circumstances amount to an integrity breach on the part of either party. Examples of such include the provision of light refreshments as a common courtesy in line with policing duties, inexpensive promotional products from partnerships or conferences or discounts aimed at all members of the wider police service.
- 2.7. 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.

Register of Gifts, Gratuities and Hospitality

- 2.8. Forces should maintain a single register of gifts, gratuities and hospitality under the direction and control of the Head of Professional Standards. They will ensure scrutiny, auditing and governance of the register in line with wider corporate governance arrangements for integrity and counter corruption.
- 2.9. As a minimum, entries should include 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. Force guidance should identify the level of seniority for approving the acceptance of a gift, gratuity or hospitality.
- 2.10. The offer of a gift, gratuity or hospitality should be declared irrespective of whether or not it is accepted or rejected by the recipient. This demonstrates integrity, particularly in instances where there is a concern over the motivation behind the offer of the gift, gratuity or hospitality.
- 2.11. Forces may wish to provide further guidance on instances where an exemption from any requirement to record may be acceptable, or the extent to which discretion may be exercised. Such exemptions should generally extend 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.

Considerations

- 2.12. The following considerations will help staff determine the boundaries of acceptability of any gift, gratuity or hospitality:

Is it genuine? Is the 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?

Is it 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?

Is it free? Will I feel obliged 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?

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

- 2.13. To assist individual police officers and police staff, line managers, Heads of Professional Standards and Chief Officers achieve a consistent approach in applying the considerations listed above; the following cases provide additional guidance.

- 2.14. **A gift may be accepted if it is:**

- of a small or inexpensive nature (for example, diaries, calendars, stationery or other small items offered during a courtesy visit or conference)
- a small commemorative item from visiting overseas law enforcement, governmental agencies or similar organisations
- a bona fide, unsolicited and inexpensive gift of thanks from a member of the public or victim of crime offered to individual officers or teams in genuine appreciation of outstanding levels of service and where the offer of such a gift or hospitality cannot be courteously refused in a manner that does not cause offence or embarrassment to the organisation or individual making the offer.

- 2.15. All such gifts should be declared in the force register.

- 2.16. **A gift should not be accepted if it is:**

- from an external contractor or company tendering for work with the force or wider service
- a cash payment (other than donations directed to specific police charities or police supported charities)
- a financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of a police force

- 2.17. The offer – and refusal – of such gifts should be declared in the force register.

- 2.18. **A gratuity may be accepted if it is:**

- an offer or discount negotiated through the Police Federation, The Superintendents' Association or other staff associations or trade unions
- a discount to public service workers including members of the police service offered on the basis that the organisation in question has a large customer base (and the force has given explicit approval for such an offer)
- free or discounted travel arrangements for officers and staff on active duty if approved and formally negotiated through the force to support operational policing and public service.

- 2.19. There should be no requirement to declare any such gratuity in the force register.
- 2.20. Gratuities which amount to individual gain from a points scheme when purchasing services, items or fuel are not acceptable.
- 2.21. **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
- 2.22. In either case, there should be no requirement to declare any such hospitality in the force register.
- 2.23. **Hospitality may also be accepted if it** is a conventional meal and is in accordance with the recipient's duties such as:
- attending a meeting, seminar or conference organised by an external body
 - the annual dinner of a representative association or local authority which is limited to isolated or infrequent occasions and can be demonstrably in the interests of the force to attend
- 2.24. Such offers of hospitality should be declared in the force register
- 2.25. **Hospitality will not be acceptable if it:**
- amounts to regular free or discounted food or refreshments on duty, or off duty where the hospitality offered is made because the recipient is a police officer or member of police staff
 - includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness
- 2.26. Such offers of hospitality should be declared in the force register.