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Police Service of Northern Ireland

ABSTRACT: This Policy outlines instructions relating to the recording, acceptance or declining of offers of Gifts, Gratuities and Hospitality

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POLICY DIRECTIVE

INSTRUCTIONS RELATING TO THE RECORDING, ACCEPTANCE OR DECLINING OF OFFERS OF GIFTS, GRATUITIES AND HOSPITALITY

1. POLICY IDENTIFICATION

POLICY TITLE: Instructions Relating to the Recording, Acceptance or Declining of Offers of Gifts, Gratuities and Hospitality

POLICY OWNERSHIP:

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POLICY APPROVED BY:

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INDEX

SECTIONS 1- 6

Section	Subject	Page
1	Policy Identification Page	1
2	Policy Statements	3
3	Introduction	3
3(1)	Summary	3
3(2)	Application	3
3(3)	Background	3-4
3(4)	Aims	4
3(5)	Legal Basis	4
4	Implications of the Policy	4
4(1)	Risks	4
4(2)	Bureaucracy	4
4(3)	Consultation	4-5
5	Human Rights/United Nations Convention On The Rights of The Child (UNCRC)/Equality/Code of Ethics/Freedom of Information	5
6	Review	5

SECTION 7

Paragraph

Procedures and Guidance

1.	General Principles	6
2.	Definitions	6
3.	When a Gift or Gratuity may be Accepted, and Must be Recorded	6-7
4.	When Gifts may be Accepted and do not Require to be Recorded	7
5.	When a Gift or Gratuity Must Not be Accepted	7
6.	Declining and Returning Unacceptable Gifts	8
7.	Hospitality and Invitations to Events	8-9
8.	Hospitality Offered by the PSNI	9
9.	Canvassing of Gifts for Prize Draws and Sponsorship	9
10.	Donations to Charities	9
11.	Authorisation	9-10
12.	Administration	10-11
13.	Monitoring and Compliance	11
14.	Internal Policy Links	11

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2. POLICY STATEMENTS

- (1) This Policy outlines how the Police Service of Northern Ireland (PSNI) will deal with offers and canvassing of gifts, gratuities and hospitality.
- (2) Members of the organisation must be vigilant and constantly aware of public perception. Police officers and members of police staff hold positions that are susceptible to corrupt approaches. Their actions must at all times be beyond reproach. The reputation and effectiveness of the organisation is at risk if an unethical relationship is fostered with an individual, a business or an organisation.
- (3) The PSNI is committed to dealing with any gifts, gratuities or hospitality in an accountable and transparent manner. This Policy provides details of how gifts, gratuities and hospitality will be registered.

3. INTRODUCTION

(1) Summary

- (a) This Policy provides instructions as to circumstances when it is and is not appropriate to accept gifts, gratuities and hospitality. It is also designed to provide protection for PSNI staff and the organisation on those occasions when a gift, gratuity or hospitality has been offered, by recording such offers and the reasons for or against acceptance in an accountable and transparent way.
- (b) The Policy applies to the acceptance of gifts, gratuities and hospitality which are offered to police officers and members of police staff as a consequence of their employment, or which could reasonably be perceived to be offered as a consequence of their employment, for example if the donor is someone you have met as a result of your employment. This includes offers made to staff whilst they are off duty.

(2) Application

- (a) The Policy is aimed at all levels of the organisation and applies to all full-time and part-time police officers; members of police staff, including agency staff; and student officers, (collectively referred to as PSNI staff).
- (b) It applies to PSNI staff whether they are on or off duty, if the gift, gratuity or hospitality is offered as a consequence of their employment, or could reasonably be perceived to have been offered as a consequence of their employment.

(3) Background

- (a) Article 8.2 Code of Ethics (2008) states that police officers shall ensure that any gift or gratuity they personally accept complies with, and has been authorised according to Police Service policy. Gifts, gratuities and hospitality will therefore only be accepted by the PSNI or by any individual within the PSNI, in accordance with this Policy and supporting Procedure.
- (b) Recommendation 8 of Her Majesty's Inspector of Constabulary's Thematic Inspection on Police Integrity 1999 states, "Chief Constables should state clearly and regularly what is, and is not, acceptable practice in respect of gratuities".
- (c) Lord Nolan, in the report of the committee that examined standards in public life (1995), set out seven principles. One of these is that holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

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(d) Sections 1.9 and 1.10 of the Conduct chapter of the NICS Staff Handbook refers to the acceptance of gifts and gratuities.

(e) NIO Guidance – Corporate Governance Series – Gifts, Hospitality and Awards Received: Published 2008

(4) Aims

(a) This Policy aims to provide instructions as to what is/is not acceptable with regard to gifts, gratuities and hospitality, and outlines steps to be taken if a gift, gratuity or hospitality is offered.

(b) This Policy contributes to the achievement of the policing plan under 'Satisfaction and Confidence' – 'To build, broaden and sustain confidence in the PSNI'.

(5) Legal Basis

(a) The acceptance of gifts, gratuities and hospitality is referred to in Article 8.2 of the PSNI Code of Ethics (2008) and NICS Staff handbook, sections 1.9 and 1.10 of the Conduct chapter. The legal basis for the Code of Ethics (2008) is the Police Service of Northern Ireland (Conduct)(Amendment) Regulations 2008.

(b) Under the Prevention of Corruption Act 1906 it is an offence for a staff member corruptly to accept any gift or consideration as an inducement or reward for:

(i) Doing (or not doing) anything in their official capacity; or

(ii) Showing favour (or disfavour) to anyone in their official capacity.

(c) The Public Bodies Corrupt Practices Act 1889 extends to soliciting gifts and in certain circumstances, these offences could even be committed by a gift or consideration being accepted by a friend or relative on behalf of a staff member.

(d) 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 police may be deemed by the courts to have been received corruptly unless proven otherwise.

4. IMPLICATIONS OF THE POLICY

(1) Risks

Lack of policy could impact on public confidence in the PSNI and expose PSNI staff to integrity issues. Failure to comply with this Policy could affect public perception, and the ability of the PSNI to carry out its functions effectively, impartially and professionally.

(2) Bureaucracy

This Policy will result in increased but limited administration at District Commander/Head of Branch and Command Secretariat level. Assistant Chief Constables (ACCs, Heads of Departments and internal audit will be responsible for annual oversight of registers. The increase in administration is justified in reducing exposure to integrity issues. Impact to front-line policing is minimal.

(3) Consultation

Consultation has taken place with the following:

(a) PSNI Senior Management Team;

(b) Human Rights Legal Adviser;

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- (c) Police Federation/Superintendents' Association/NIPSA;
- (d) District Commanders;
- (e) Heads of Branches;
- (f) Office of the Police Ombudsman;
- (g) Head of Foundation Faculty;
- (h) Northern Ireland Policing Board (NIPB);
- (i) Human Resources Department;
- (j) Deloitte & Touche.

5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) The Policy may be considered to engage Protocol 1, Article 1 – Right to peaceful enjoyment of possessions, and Article 8 – Right to respect for Private and Family life, in relation to gifts and hospitality offered to PSNI staff whilst off-duty. However, the Policy is not intended to be applied to gifts received in a bona fide personal capacity, and is therefore deemed to be lawful and proportionate. Therefore this Policy is deemed to be Human Rights compliant and has no United Nations on the Convention on the Rights of the Child (UNCRC) issues.
- (2) The Policy has been screened for Section 75 considerations and complies with the PSNI Code of Ethics. The Policy, and supporting procedure and guidance are suitable for publication under the Freedom of Information Act 2000.

6. REVIEW

- (1) This Policy will be reviewed in 12 months time.
- (2) Interim reviews may also be prompted by feedback, challenge or change in legislation.
- (3) Feedback or queries relating to this Policy should be addressed to Head of Professional Standards Department (PSD).

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SECTION 7

PROCEDURES AND GUIDANCE

1. GENERAL PRINCIPLES

- (1) This Policy cannot give a definitive list covering every eventuality, however, the overarching principles are transparency and accountability, and any gifts or hospitality accepted must be reasonable and justifiable. A common sense and reasonable approach needs to be taken regarding the acceptance, declining and recording of gifts and hospitality.
- (2) The Policy covers gifts, gratuities or hospitality given as a consequence of a PSNI staff member's employment, and includes occasions when they are offered on or off duty, for example, being offered free or reduced meals by restaurants or bars in areas where a PSNI staff member is stationed, or when purchasing take-away meals whilst in uniform.
- (3) It is not the intention of this Policy to prevent PSNI staff from taking advantage of special offers negotiated by the Police Federation for Northern Ireland (PFNI), RUC Athletic Association, or NIPSA because of their buying power as a large organisation.
- (4) Acceptance of any gift, gratuity or hospitality cannot only result in personal benefit. There must also be an organisational benefit. Examples of organisational benefit can include, but are not restricted to:
 - (a) Discussing the aims of policing;
 - (b) Fostering community and business contacts;
 - (c) Raising the profile of the PSNI.

However, each individual circumstance must be viewed on its own facts – for example, is the offer from a supplier? Could the meeting reasonably take place in other circumstances? Does the perceived personal benefit outweigh the organisational benefit?

2. DEFINITIONS

- (1) The term 'gift' or 'gratuity' includes any personal, material or financial advantage or reward. It also includes discounts.
- (2) Hospitality includes meals and drinks, invitations to events, accommodation, and travel.

3. WHEN A GIFT OR GRATUITY MAY BE ACCEPTED, AND MUST BE RECORDED

The following are examples of gifts or gratuities that may be accepted. These examples are not exhaustive. The over-riding principle should be that acceptance is reasonable and justifiable. Acceptance must be approved and recorded in accordance with paragraphs 11 and 12 of this procedure and guidance.

- (1) A token gift may be accepted if it is presented by an organisation, eg a visiting police force, a plaque from a Council, a framed certificate or picture from an organisation.
- (2) Bereaved families sometimes offer tokens of appreciation to staff that have provided support following loss of their loved ones. In sensitive cases such as these, refusal could cause unnecessary upset and offence. In these circumstances, small gifts may be accepted.
- (3) Similarly, token gifts from religious or ethnic organisations may be accepted.

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- (4) Items, which are given to attendees at a conference or training course, worth more than £10. If there is any doubt as to the value of an item, it should be recorded.

4. WHEN GIFTS MAY BE ACCEPTED AND DO NOT REQUIRE TO BE RECORDED

- (1) This Policy is not intended to prohibit the acceptance of refreshment where payment would not normally be expected, for example a cup of tea offered by a householder or at a work related meeting.
- (2) The acceptance of trophies and plaques by PSNI sports teams.
- (3) Small items, which are given to attendees at a conference or training course such as pens, folders or diaries. Small items would be considered to be those that are worth less than £10.
- (4) Gifts provided from colleagues on transfer, promotion or retirement.
- (5) The Policy does not intend to restrict or record internal gifts between staff, for example at Christmas.

5. WHEN A GIFT OR GRATUITY MUST NOT BE ACCEPTED

- (1) In the following circumstances gifts and gratuities will not be accepted:
- (a) If acceptance results only in personal benefit, ie there is no organisational benefit. Individuals must justify how acceptance of any gift or gratuity benefits the organisation and these reasons must be entered into the gifts, gratuities and hospitality register. For further guidance on what is meant by organisational benefit, see paragraph 1(4) ante.
 - (b) If there is any possibility of an ulterior or dishonest motive on the part of the donor.
 - (c) When acceptance could foster an expectation of police action (or inaction) in return.
 - (d) When the gift or gratuity originates from a media organisation or journalist or employee of such an organisation. Separate arrangements with Media and Public Relations Department, which have been approved by the Chief Constable, are exempt from this paragraph.
 - (e) Donations that are connected with political parties, elections, trade disputes or from any person holding licences whose business comes in any way under police supervision.
 - (f) In connection with the provision of passing police attention for unattended premises.
 - (g) In connection with the operation of an automatic alarm system.
 - (h) In connection with the recovery of stolen or broken down vehicles.
 - (i) From victims of crime. Whilst some victims of crime may wish to express their gratitude to police, this could be viewed as an attempt to influence the outcome of an investigation. Should a victim of crime express a desire to show their appreciation, they should be advised to submit a letter of thanks.
 - (j) In connection with the procurement of goods and services for the organisation. This includes from suppliers (including those with the potential to do so) and others with whom there is, or who are seeking, a commercial or contractual arrangement.
- (2) The above examples are not an exhaustive list and there are likely to be many other occasions when a gift or gratuity should not be accepted. The advice of the District Commander/Head of Branch/Senior Officer should be sought if there is any doubt.

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6. DECLINING AND RETURNING UNACCEPTABLE GIFTS

- (1) Offers of inappropriate gifts should be refused politely, with an explanation that acceptance of the gift is contrary to PSNI policy. This Policy, along with supporting procedure and guidance is available under the publication scheme so that members of the public are able to see what is and is not acceptable.
- (2) It is recognised that tact and sensitivity are needed in order not to cause offence, however it is important that not only do members of PSNI staff not retain inappropriate gifts, but also that the donor is aware of this fact. An exception to this is where returning or declining a gift would cause extreme and unnecessary offence, and donating the gift to charity would be more appropriate. The PSNI supports a number of charities on an annual basis and consideration should be given to disposing of any inappropriate gift via these charities. In any event, full details, including details of disposal, must be recorded.
- (3) There may be occasions when a gift is not given directly to a member of staff, but for example, is left at the enquiry office. If a gift has been left for a member of PSNI staff, which is inappropriate to accept, the gift should be returned with an explanation. In such cases the member of staff must enter full details into the register in accordance with paragraphs 11 and 12.

7. HOSPITALITY AND INVITATIONS TO EVENTS

(1) When Hospitality May Be Accepted

There are a number of situations when hospitality may be accepted:

- (a) A working lunch of modest standard in the course of visits or meetings so the parties can continue to discuss business relating to the aims of the PSNI.
- (b) Participation in an official capacity, or as a representative of the Service, eg speaking at a conference on behalf of the PSNI or furthering community relations. This may include attendance at evening functions but only if the 'work' element is significant. If the function is mainly for pleasure, attendance cannot be free.
- (c) Sporting events where it is considered appropriate for the PSNI to be represented.
- (d) Attendance at a charity event should not be free unless the recipient is invited as a valued dignitary, eg part of the attraction of the event. PSNI staff are advised to pay as part of the contribution to the charity.
- (e) When a member of PSNI staff is attending a function in an official capacity and their partner is also invited, consideration should be given to paying their expenses. If the function is local, for example a formal Council dinner, payment of the partner's expenses would not normally be expected. However, if the function involves significant travel, for example a flight or an overnight stay, the partner's expenses should be paid by the staff member. A possible exception would be where the PSNI contributes to costs for an occasion such as a visit to an award ceremony at Buckingham Palace. The member of staff should also record any hospitality extended to their partner, which they wish to accept, in accordance with paragraphs 11 and 12.
- (f) If in doubt, prior authorisation should be sought from the appropriate authorising officer, in accordance with paragraph 11.

(2) When Hospitality Must Not be Accepted

There are a number of situations when hospitality must not be accepted:

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- (a) Offers of free accommodation, holidays, travel, weekend breaks, free invitations to sporting occasions and entertainment, where there is no organisational benefit. Staff should take particular care when an offer is from an organisation that supplies, or has the potential to supply goods or services to the PSNI.
- (b) Staff members must not in any circumstances use their staff identification cards or their position within the organisation to obtain discounts on goods and services, or entrance to establishments such as bars, clubs or cinemas, except in accordance with paragraph 1(3) ante, as this could give rise to the impression that an officer or staff member is abusing their position.

(3) Declining Hospitality

Offers of hospitality, which are inappropriate to accept, should be politely declined, stating that PSNI Policy does not permit acceptance. This Policy, along with supporting procedure and guidance is available under the publication scheme so that members of the public are able to see what is and is not acceptable. It is recognised that tact and sensitivity are needed in order not to cause offence in declining such offers.

8. HOSPITALITY OFFERED BY THE PSNI

Chief Officers, District Commanders and Heads of Branches have been given various delegated budgets that enable them to offer hospitality or gifts to members of the public or representatives of outside organisations. Such hospitality or gifts should only be given free of charge when they are relevant to the objectives of the organisation. Section 7 of the PSNI Finance Manual provides detailed guidance on the operation of such budgets.

9. CANVASSING OF GIFTS FOR PRIZE DRAWS AND SPONSORSHIP

(1) This Policy also applies to donations of prizes for charity draws, which are associated with the PSNI. Whilst raising money for charity is worthwhile, maintaining police integrity must take priority. Staff should be aware that the soliciting of gifts from local businesses can be an unwelcome request which can be difficult for businesses to refuse, and could also be perceived as fostering relationships which are damaging to the overall integrity of the organisation. All approaches to local businesses must therefore be authorised by the District Commander for the area where the business is located, or in the case of a national organisation, ACC Operational Support. The staff member to whom the offer has been made must record any prize offered by businesses in accordance with paragraphs 11 and 12.

(2) The issue of sponsorship is covered in Service Procedure No 33/07 - Sponsorship Activities.

10. DONATIONS TO CHARITIES

The same principles for authorisation and recording (paragraphs 11 and 12) will be applied to donations given to staff for forwarding to PSNI staff charities such as the Disabled Police Officers' Association, the PSNI Benevolent Fund and the Civil Service Benevolent Fund.

11. AUTHORISATION

- (1) All PSNI staff are personally responsible for reporting and recording any offer of a gift, gratuity, hospitality or discount, which they wish to accept, or has been left for them (see paragraph 6).
- (2) The decision on whether any gift, gratuity or hospitality can be accepted lies with District Commanders, Heads of Branches, Heads of Departments and ACCs as outlined in paragraph 12(3). To assist in the decision making process, authorising officers may wish to consider the following questions, which are based on the HM Inspectorate of Constabulary's report, 'Police Integrity' (1999):

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- (a) Why is the offer being made?
- (b) Does the donor feel obliged in any way to make the offer?
- (c) What does the donor expect in return?
- (d) What could be the outcome for the Police Service if the offer was accepted or declined?
- (e) Is acceptance in the public interest?
- (f) What is the organisational benefit in accepting?

12. ADMINISTRATION

- (1) District Commanders and Heads of Branches will maintain a register for the respective district or branch.
- (2) A register will be maintained by Command Secretariat for members of the Senior Management Team to record entries.
- (3) The following procedures should be followed in respect of the acceptance of gifts, gratuities and hospitality:
 - (a) Where a member of PSNI staff wishes to accept a gift or hospitality, a written report will be submitted to the District Commander or Head of Branch requesting approval;
 - (b) District Commanders and Heads of Branches should seek authorisation from their ACC or Head of Department;
 - (c) Members of the Senior Management Team are personally responsible for recording any gift, gratuity or hospitality in the register held at Command Secretariat. Prior approval should be sought in areas of doubt or which could be potentially contentious. In recognition that the nature of Chief Officer posts in the organisation legitimately attract more offers of gifts and hospitality, Chief Officers are required to complete a monthly return to Command Secretariat, certifying it is a full and accurate record of all gifts and hospitality, including nil returns. Internal Audit will review all entries in the register held at Command Secretariat and report to the Audit Committee on the appropriateness of any gifts, gratuities or hospitality accepted;
 - (d) Where possible, approval must be given before the gift, gratuity or hospitality is accepted. Where such approval cannot be granted in advance the member of staff should submit a written report to the authorising officer as soon as practicable afterwards, and not exceeding 5 days after the event.
- (4) Copies of all reports outlining details of offers of gifts, gratuities or hospitality, along with the decision and authorisation, will be retained by the District Commander/Head of Branch/Command Secretariat.
- (5) It must be remembered that all entries will be reviewed by ACCs/Heads of Departments or, in the case of members of the Senior Management Team, Internal Audit, and may also be subject to requests under the Freedom of Information Act 2000. As a result, information must be full enough so that it can be justified at a later date. If information is not full enough, the authorising officer should seek further information from the member of staff.
- (6) Registers will be maintained in a hard-backed book or online register to ensure that this integrity issue is dealt with in an accountable and transparent fashion. The register will, as a minimum, contain the following information:
 - (a) Date of occurrence;
 - (b) Full details of the gift or gratuity, with approximate value;

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- (c) In the case of hospitality, full details of the event, type, location;
- (d) Donor of gift or hospitality;
- (e) Reason for gift or hospitality;
- (f) Person or persons benefiting;
- (g) Organisational benefit;
- (h) Whether or not approval is granted, and reason for decision;
- (i) Name of decision maker, and date of decision;
- (j) Date and to whom returned or method of disposal, if appropriate.

13. MONITORING AND COMPLIANCE

- (1) District Commanders/Heads of Branches will review registers on a quarterly basis.
- (2) ACCs and Head of Departments will inspect registers on an annual basis.
- (3) Internal Audit will be responsible for inspecting the register held at Command Secretariat. The Director of Finance is responsible for ensuring that this inspection is conducted.
- (4) It is possible that information contained in registers may be requested under the Freedom of Information Act.
- (5) Breach of this Policy will be viewed as a breach of conduct, and will be dealt with accordingly.

14. INTERNAL POLICY LINKS

The following Policies and Procedures are relevant to this issue:

- (1) Service Procedure No 33/07 – Sponsorship Activities;
- (2) Policy Directive No 11/07 - Integrity and Professional Standards.

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