



**POLICE & CRIME
COMMISSIONER**
for Leicestershire

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Leicestershire & Rutland

POLICE AND CRIME COMMISSIONER

Gifts and Gratuities and Hospitality Policy

Version 1

Policy Owner:

Chief Executive

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Policy and Compliance Officer

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1. Introduction to Policy

This policy aims to increase public confidence by providing the Police and Crime Commissioner (PCC) and the staff of the Office of the Police and Crime Commissioner for Leicester, Leicestershire and Rutland (OPCC) with guidance as to the acceptance of gifts, gratuities and hospitality offered in a business capacity.

The policy is applicable to the Police and Crime Commissioner, Deputy PCC, and all those who work within the Office of the Police and Crime Commissioner, as a staff member, contractor or volunteer.

2. Our Approach/Aim

This policy sets out an approach to the acceptance of gifts, gratuities and hospitality offered in a business capacity. It includes hospitality and gifts from members of the public, or local and national organisations.

This Policy and Procedure is necessary to ensure that:

- The actions of members of the OPCC will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage, by any member of the OPCC through the acceptance of gifts or hospitality from any such person or organisation.
- No member of the OPCC will accept any gift or hospitality which could cause their judgement or integrity to be compromised, either in fact or by reasonable implication, and thereby damage the reputation of the OPCC.
- Any gift or hospitality, whether accepted or declined, will be recorded in the Gift and Hospitality Registry and will be subject of audits.

This policy is designed to adhere to the same standards outlined in the equivalent policy of Leicestershire Police.

3. Procedure

The Register of Gifts, Gratuities & Hospitality is under the direction and control of the Chief Executive Officer, who will ensure scrutiny, auditing and governance of the Register.

As a minimum, entries will include the nature of the offer, the surrounding circumstances in which the offer was made, the estimated value of the gift, gratuity, or hospitality. See Appendix 1.

All gifts, gratuities, or hospitality whether accepted or declined, which do not fall within the categories as stated below will be recorded in the manner outlined in this policy. The following exceptions below apply to this Policy:

- a. Where there is an impromptu and unforeseen provision of light refreshments in line with staff duties.
- b. Where working lunches of a modest standard are offered during OPCC related meetings, without alcoholic drinks.

- c. Where inexpensive promotional products from partnerships or conferences are offered to a maximum total value of £20.00.
- d. Where a discount is offered on a service or product that is available to the entire office.

The following policy and procedures apply to all OPCC staff. A single register is available for completion by all OPCC staff working under the Chief Executive. Individual registers for the PCC, DPCC, Chief Executive Officer and Chief Finance Officer will be established and will be required to be maintained by the claimant with the support of the OPCC and published on the PCC website on a monthly basis.

This register is maintained by the Governance team within the OPCC. Where possible, acceptance of gifts, gratuities or hospitality must be approved by the Chief Executive Officer. Should there be any doubt as to whether a gift, gratuity or hospitality should be recorded, advice should be sought from the Chief Executive.

According to the OPCC Publication Scheme, in line with The Elected Local Policing Bodies (Specified Information) Order 2011, it is a statutory requirement that this information is available on an ongoing basis.

This policy is suitable for public disclosure. The provisions of this policy are consistent with the Bribery Act 2010. As with all legislation, OPCC regulations must be read and given effect as far as possible in a way which is compatible with the European Convention on Human Rights. In particular, Article 8 of the Convention states that there shall be no interference with a person's private life unless:

- a) It is in accordance with the law, and b) is necessary in a democratic society: -
 - (I) In the interests of national security.
 - (II) In the interests of public safety.
 - (III) In the interests of economic wellbeing of the country.
 - (IV) For the prevention of disorder and crime.
 - (V) For the protection of health and morals.
 - (VI) For the protection of the rights and freedoms of others.

This means that the restriction must be justifiable on one or more of the grounds specified above, and a proportionate means of meeting that need. Subject to proportionality it can be said on one or more grounds referred to above that restrictions on the receipt of gifts, gratuities and hospitality are necessary to ensure that the OPCC remains effective, protects its reputation, maintains high standards of conduct and probity from its staff, and avoids any conflict of interest within their duty as a holder of office or member of staff.

The procedure (see appendix 2) has been designed to ensure a corporate approach is adopted.

4. Considerations

The following considerations should assist OPCC staff in determining the boundaries of acceptability of any gift or hospitality. These lists should be considered as comprehensive but not exhaustive.

To make what is acceptable more memorable, the acronym GIFT has been devised:

- **Genuine:** is this 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?
- **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 the circumstances?

- **Free:** Could I always feel free of any obligation 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?
- **Transparent:** Would I be comfortable if my acceptance of this offer was transparent to the OPCC, colleagues, and to the public or if it was reported publicly? What could be the outcome for the OPCC? if this offer was accepted or declined?

To assist OPCC staff in applying a consistency of approach, the following cases provide additional guidance.

A gift may be accepted if it is:

- Of a trivial 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 or governmental agencies or similar organisations.
- Bona fide, unsolicited and inexpensive gifts of thanks from members of the public or victims of crime may be offered to individual staff members or teams in genuine appreciation of outstanding levels of service.

A gift should not be accepted if it is:

- From external contractors or companies tendering for work with the OPCC or force or wider service.
- Cash payments (other than donations 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 Office of the Police and Crime Commissioner.

A gratuity may be accepted if it is:

- An offer or discount negotiated through the staff association 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 of a trivial or inexpensive nature (and the force has given explicit approval for such an offer)

There should be no requirement to declare any such gratuity in the OPCC register.

Gratuities which amount to individual gain from a points scheme when purchasing items or fuel are not acceptable, e.g., when refuelling a police vehicle at a supermarket petrol station and using your own in store reward / loyalty card to collect the points.

Hospitality may be accepted if it:

- Extends to the impromptu provision of light refreshments during the course of a working day.
- 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, for

example attendees at meeting, seminar or conference organised by an external body. In either case there should be no requirement to declare any such gratuity in the OPCC register.

- However, should the hospitality entail a conventional meal provided in accordance with the recipient's duties such as; the annual dinner of a representative association, private company or local authority which are limited to isolated or infrequent occasions and can be demonstrably in the interests of the OPCC to attend, then the recipient should declare this in the force register.

If you are in any doubt as to the acceptability of an item you have received as a gift or as a gratuity, you should err on the side of caution and decline the offer or discuss that matter with the Chief Executive Officer before accepting.

Hospitality will not be acceptable if it:

- Amounts to regular free or discounted food or refreshments whether or not it is in the course of a working day.
- Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.

Should the Chief Executive Officer determine that the gifts or hospitality should not have been accepted, or a record is missing from the register, Chief Executive Officer will deal with the matter with regard to the severity of the impact, with respect of the Nolan Principles, keeping a record of action taken.

The misconduct policy will be used as required.

Where it is determined that a gift should not have been accepted the recipient will be responsible for returning it. Where this is not practical or possible, consideration will be given to charity donation.

5. Breaches

It should be noted that any breaches to this procedure may amount to a breach of the Standards of Professional Behaviour for OPCC Staff and may result in action being taken in line with local Misconduct Procedures.

6. Training

All OPCC staff do need to be aware of the requirements relating to gifts, gratuities and hospitality as outlined. They will also need to understand how to access the appropriate electronic Register. Training and guidance on the application of new policies and procedures will be provided to staff.

7. Monitoring

The Chief Executive Officer will be monitoring the implementation of this policy and ensure that the policy and procedure are reviewed and the information is made publicly available on a regular basis.

Flowchart

Appendix 2

