



Service Procedure

GIFTS, GRATUITIES AND HOSPITALITY

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Abstract:

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

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1. INTRODUCTION

- (1) These guidelines provide police officers and police staff with a framework to determine the boundaries of acceptability regarding the receipt of gifts and hospitality. It reflects ACPO Guidance on the issue.
- (2) It is important that all officers and staff understand how the acceptance of gifts, gratuities or hospitality can undermine personal and professional integrity. PSNI 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.
- (3) Gifts, gratuities and hospitality will therefore only be accepted by the Police Service or by any individual within the Police Service, in accordance with this Procedure.
- (4) While these guidelines relate to the acceptance of gifts, gratuities or hospitality, police officers and police staff should be aware that the key principles outlined are also relevant when providing any gift, gratuities or hospitality to a third party. Further detail on the acceptable limits for provision of such items can be found under Service Procedure 3/14 ' Financial Regulations '.

2. KEY PRINCIPLES

- (1) Police officers and 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 any gift, gratuities, favours or hospitality in any way connected to, or arising from, their role within the police service, whether on or off duty.
- (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.
- (3) Offers of a gift, gratuity or hospitality vary widely according to the 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.
- (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.
- (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.
- (6) During the course of their duties in the community, police officers or police staff may occasionally be offered gifts or hospitality which does not in any circumstances amount to an integrity breach on the part of the 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.

- (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 misinterpreted and could lead to inaccurate expectations of favour or service. Where doubt exists, advice from a manager or Discipline Branch should be sought.

3. REGISTER OF GIFTS, GRATUITIES AND HOSPITALITY

- (1) The Gifts & Hospitality register will be under the direction and control of the Head of Anti-Corruption & Vetting Branch (S4). D/Supt Anti-Corruption & Vetting will ensure scrutiny, auditing and governance of the gifts & hospitality register in line with wider corporate governance arrangements for integrity and counter corruption.
- (2) 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.
- (3) 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. The principle of transparency is of key importance, not the nature or value of the gift, gratuity or hospitality.

4. CONSIDERATIONS

- (1) The following considerations will help staff determine the boundaries of acceptability of any gift, gratuity or hospitality:
- (a) **Is it 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?
 - (b) **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?
 - (c) **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?
 - (d) **Is it Transparent:** Would I be comfortable if my acceptance of this offer was transparent to my force, colleagues, and to the public or if it was reported publicly? What could be the outcome for the force if this offer was accepted or declined?
- (2) To assist individual police officers and police staff, line managers and Chief Officers achieve a consistent approach in applying the considerations listed above; the following cases provide additional guidance.
- (3) **A Gift may be accepted if it is:**
- (a) Of a small or inexpensive nature (for example, diaries, calendars, stationery or other small items offered during a courtesy visit or conference);
 - (b) A small commemorative item from visiting overseas law enforcement or governmental agencies or similar organisations;
 - (c) 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.

All such gifts should be declared in the gifts & hospitality register.

(4) A Gift should not be accepted if it is:

- (a) From an external contractor or company tendering for work with the PSNI or any other police service. SP12/2012 'Procurement and Contract Management Within the Police Service of Northern Ireland (The Police Service)' also refers.
- (b) A cash payment (other than donations to specific police charities or police supported charities);
- (c) A financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of the PSNI.

The offer – and refusal – of such gifts should be declared in the gifts & hospitality register.

(5) A Gratuity may be accepted if it is:

- (a) An offer or discount negotiated through the Police Federation, The Superintendents' Association, or other staff associations or trade unions;
- (b) 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 PSNI has given explicit approval for such an offer);
- (c) Gifts made between members of staff to mark occasions such as retirement.

There is no requirement to declare any such gratuity in the gifts & hospitality register.

Gratuities which amount to individual gain from a points scheme when purchasing services, items or fuel are not acceptable.

(6) Hospitality may be accepted if it:

- (a) Extends to the impromptu provision of light refreshments during the course of policing duties;
- (b) Is a conventional meal provided during the course of a working day by a partner agency in either law enforcement or community safety.

In either case, there is no requirement to declare any such hospitality in the gifts & hospitality register.

(7) Hospitality may also be accepted if it:

Is a conventional meal and may extend to the limited consumption of alcohol commensurate with the occasion, and is in accordance with the recipient's duties, for example attending a meeting, seminar or conference organised by an external body; the annual dinner of a representative association or local council which is limited to isolated or infrequent occasions and can be demonstrably in the interests of the PSNI to attend. Such an offer of hospitality should be declared in the gifts & hospitality register.

(8) Hospitality will not be acceptable if it:

- (a) 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;
- (b) Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness. This is particularly relevant to any more than minimal consumption of alcohol in a casual or informal setting.

Such offers of hospitality should be declared in the gifts & hospitality register.

5. 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 the Police Service policy. This procedure 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 the Police Service 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 Police Service 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.

6. CANVASSING OF GIFTS FOR PRIZE DRAWS AND SPONSORSHIP

This Policy also applies to donations of prizes for charity draws, which are associated with the Police Service. Whilst raising money for charity is worthwhile, maintaining police integrity must take priority. Officers and 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. All donations for charity must be recorded in the gifts & hospitality register.

7. RECORDING AND AUTHORISATION

- (1) All Police Service staff are personally responsible for reporting and recording any offer of a gift, gratuity, hospitality or discount. The following procedures should be followed in respect of offers of gifts, gratuities and hospitality:
 - (2) Where a member of the Police Service staff has received an offer of a gift, gratuity or hospitality, they will submit a report via the electronic gifts & hospitality register on e-services for information or if appropriate, requesting approval. Information must be full enough so that it can be justified at a later date. If there is not sufficient information, the approving officer should seek further information from the member of staff.
 - (3) The decision on whether any gift, gratuity or hospitality can be accepted lies with the individual's counter-signing manager, or for Superintendents / Grade 7 and above, their direct line manager. In instances where there is a need to amend the approving officer, for example, due to long term absence, the approving officer can be manually amended on screen.
 - (4) 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 request on e-services as soon as practicable afterwards, and not exceeding 5 days after the event.
 - (5) Members of the Senior Management Team are personally responsible for recording any gift, gratuity or hospitality, and returns are subsequently reviewed by the DCC. Separate recording mechanisms are currently in place for the SMT and it is anticipated that they will move to the electronic gifts & hospitality register in the near future. Prior approval should be sought in areas of doubt or which could be potentially contentious.

8. MONITORING AND COMPLIANCE

- (1) A 6 monthly report detailing all offers, approved or otherwise, will be forwarded to District Commanders / Heads of Branch for their information and review.
- (2) ACCs and Head of Departments will inspect gifts & hospitality registers on an annual basis.
- (3) Internal Audit will review Senior Management Team entries in the gifts & hospitality register and report to the Audit Committee on the appropriateness of any gifts, gratuities or hospitality accepted. The Director of Finance is responsible for ensuring that this inspection is conducted.
- (4) It is possible that information contained in gifts & hospitality registers may be requested under the Freedom of Information Act. Entries relating to the Senior Management Team are routinely published on the publication scheme.

9. REVIEW

- (1) This Service Procedure will be reviewed in 24 months time. Interim reviews may also be prompted by feedback, challenge or change in legislation.
- (2) Feedback or queries relating to this Service Procedure should be addressed to Head of Service Improvement Department.