

# OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR DEVON AND CORNWALL

## Gifts and Hospitality Policy

March 2013

### 1. Introduction

This policy applies to:

- The Police and Crime Commissioner (PCC), Deputy Police and Crime Commissioner;
- Special advisors to the Police and Crime Commissioner;
- Staff and Officers of the Office of the Police and Crime Commissioner (OPCC);
- Members of the Joint Audit Committee for the OPCC;
- Members of the Appointments and Remuneration Committee for the OPCC;
- Any panel, committee member or community member who has been appointed or selected to assist with the work of the Police and Crime Commissioner.

### 2. Standards of Professional Behaviour

- 2.1 The PCC, Deputy PCC (if appointed), advisors appointed by the PCC, independent members, and all officers and staff of the OPCC are expected to be honest, to act with integrity and not to compromise or abuse their position.
- 2.2 In the course of normal working relationships between the OPCC and other organisations, offers may be received of gifts and hospitality. A decision to accept such gifts and hospitality need to be considered carefully in each case and in accordance with the guidelines set out in this policy. Gifts or gratuities should never be accepted that could compromise their impartiality
- 2.3 The acceptance of gifts and hospitality may be acceptable and lawful depending on the circumstances. However, acceptance may in some circumstances not be lawful and may constitute an offence under the Bribery Act 2010 or may reflect adversely on the reputation of the OPCC. The OPCC does not tolerate bribery and any concerns must be reported to the Chief Executive or the Monitoring Officer.
- 2.4 Inappropriate or unlawful acceptance of gifts and hospitality or failure to register them as interests could constitute a breach of the code of conduct and in the case of staff of the OPCC a disciplinary matter which, depending on the seriousness of the matter could lead to dismissal.

### 3. The Bribery Act 2010

- 3.1 The Bribery Act 2010 came into force on 1 July 2011 and replaces earlier legislation. It is a criminal offence to bribe a person to induce or reward them to improperly perform functions of a public nature or a business activity.

Accepting or receiving a bribe as a reward for improperly performing a public function or a business activity is also a criminal offence.

- 3.2 There is an expectation that public and business functions will be carried out in good faith, impartially, or in accordance with a position of trust. Bribery in both the public and private and public sectors are covered by the Act.
- 3.3 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, to present products and services, or to establish cordial relations. It is, however, clear that hospitality and promotional or other business expenditure can be employed as bribes. Consideration in this regard will include the degree of lavishness of a gratuity or hospitality, its relative value to the industry norm, and the extent to which the gratuity or hospitality is connected to the business in question.
- 3.4 Organisations will also be committing an offence if they fail to prevent bribery by someone associated to them.

#### **4. Considerations**

The following considerations may assist officers in deciding whether the hospitality or gift may be accepted:

- Why is the offer being made?
- What are the background circumstances?
- Does the donor feel obliged to make the offer?
- What is the donor likely to expect in return?
- How does the intended recipient feel about the propriety of the offer?
- Is the gift or hospitality a logical part of the business relationship?
- What could be the outcome for Devon and Cornwall Police or the recipient if the offer is accepted or declined?
- Would the offer or acceptance be seen as reasonable in the eyes of the public?

#### **5. Guidelines**

##### **5.1 What is Acceptable**

The following examples should be regarded as a guide as to gifts and hospitality which may be accepted on a reasonable and proportionate basis:-

- Modest refreshments provided at any meeting which you attend as part of your official duty as the PCC or work as a member of staff of the OPCC.
- Promotional goods or souvenirs such as pens, pencils and diaries not exceeding £25 (Force £30) in value.
- Hospitality received as part of an official visit to which the PCC is invited and the arrangements for which are made by OPCC staff.

## **5.2 What is Not Acceptable**

The following are not intended to be a complete list but examples where it would be inappropriate and not in the interests of the OPCC to accept gifts or hospitality:-

- Gifts of an intrinsic value of more than £25 (30) without express approval from the Chief Executive. This should be recorded in the Register of Interests (NB needs adding)
- Work for the personal benefit of members of the PCC or staff by persons undertaking any contract for the OPCC.
- Any gift which is likely to compromise an officer or members impartiality, or which may give the impression of doing so
- Invitations to sporting or social events (other than on official duties), offers of free travel and/or accommodation, invitations to conferences or other events in foreign locations will generally be unacceptable unless expressly approved by the Chief Executive.
- Any gift which is likely to damage the image and reputation of the OPCC

Where there is doubt regarding acceptance of gifts or hospitality it should be referred to the Chief Executive.

## **6. Register of Gifts and Hospitality**

6.1 In the case of the PCC or Deputy PCC, any gift or hospitality received to a value exceeding £25 must be registered in the register of interests. You must within 28 days of receiving a gift or hospitality declare the name of the person from the gift or hospitality is received and the date the gift or hospitality was received. A form is provided for this purpose which may be obtained from the Monitoring Officer. Alternatively you may notify the Monitoring Officer in writing or by email of your declaration.

6.2 Offers of gifts or hospitality which are in excess of £25 but which are not accepted must still be recorded as being offered but declined.

## **7. Further Advice and Reporting**

If you wish to seek advice as to the acceptance of any gift or hospitality of whatever value you should contact the Monitoring Officer. It is however your own decision whether or not in all the circumstances a gift or hospitality should be accepted and if necessary you will need to justify any decision taken.