



GIFTS, GRATUITIES AND HOSPITALITY POLICY

Policy / Procedure Title	Gifts, Gratuities and Hospitality Policy
Responsible officer	Chief Executive and Monitoring Officer

Security Classification	Public
Disclosable under the Freedom of Information Act 2000	Yes

Implementation date	2015
Next review date:	Bi annual

Revision record	
Date:	Nature of revision
October 2019	Amended following review

STAFF CODE OF CONDUCT

1.0 POLICY OUTLINE

1.1 This policy provides guidance to the Police and Crime Commissioner, Deputy Police and Crime Commissioner and all staff of the Office of the Police and Crime Commissioner (OPCC) in West Mercia, as to the acceptance of gifts, gratuities and hospitality.

2.0 PURPOSE OF POLICY

2.1 The purpose of this policy is to provide guidance to the entire West Mercia OPCC, including the elected Commissioner and senior managers, on the acceptance of gifts and hospitality. Everyone in the Office will from this point be referred to as 'the OPCC', while 'OPCC staff' will refer to all excluding the PCC and DPCC.

2.2 This guidance is necessary to ensure that:

- The actions of members of West Mercia OPCC will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage, by any member of West Mercia OPCC accepting gifts or hospitality from any such person or organisation.
- No member of West Mercia 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 West Mercia OPCC.
- Any gift or hospitality, whether accepted or declined, will be recorded in the Gift and Hospitality Registry and will be subject of audits.

2.3 This policy is designed to adhere to the same standards outlined in the equivalent West Mercia and West Mercia Police policy, which was drafted in accordance with national guidance.

2.4 This policy is separate to Section 7.10 of the Police and Crime Commissioner and Chief Constable Financial and Contract Regulations relating to Gifts, Loans and Sponsorship but the OPCC need to be aware of this section when accepting gifts and hospitality.

3.0 POLICY GUIDANCE

3.1 The following guidance is to be noted on instances where an exemption from any requirement to record is in order, and discretion may to an extent be exercised:

- Where there is an impromptu and unforeseen provision of light refreshments in line with staff duties.

- Where working meals of a modest standard are offered during OPCC-related meetings, without alcoholic drinks.
- Where inexpensive promotional products from partnerships or conferences are offered to a maximum total value of £20.00.
- Where a discount is offered on a service or product that is available to the entire office.

3.2 All gifts, gratuities or hospitality, accepted or declined, which do not fall within the categories as stated in 3.1 above will be recorded-in the manner outlined in 3.3.

3.3 The following guidance applies to the PCC, DPCC and all OPCC staff. A single Register is available for completion and is maintained by the OPCC Secretariat. Where possible, acceptance of gifts, gratuities or hospitality by OPCC staff must be approved by the Chief Executive. Should there be any doubt as to whether a gift, gratuity or hospitality should be recorded, advice should be sought from the Chief Executive and Monitoring Officer. In line with The Elected Local Policing Bodies (Specified Information) Order 2011 as amended, it is a statutory requirement that this information is made available on an ongoing basis. The register will be regularly updated and published on the OPCC website.

4.0 POLICY IMPLICATIONS

4.1 This policy is suitable for public disclosure.

4.2 The provisions of this policy are consistent with the Bribery Act 2010.

4.3 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 well being 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.

4.4 There are no direct financial implications to the OPCC resulting from this policy.

- 4.5 The procedure set out has been designed to ensure a corporate approach is adopted and to minimise the amount of additional bureaucracy by aligning all claims into a single document. The digitisation of this procedure is designed to reduce the time needed to meet this policy's requirements.
- 4.6 There are no staffing or training implications in relation to this policy. All OPCC staff do need to be aware of the requirements relating to gifts, gratuities and hospitality as outlined in 3.3. They will also need to understand how to access the appropriate electronic Register.

5.0 RISK ASSESSMENTS / HEALTH AND SAFETY CONSIDERATIONS

- 5.1 There is no identified Health and Safety risk associated with this policy.
- 5.2 The risks emanating from the acceptance of Gifts, Gratuities and Hospitality are to both the individual's integrity and the organisation's reputation. Both of these risks will be mitigated by the adoption of this policy and adherence to its guidance.
- 5.3 The identified risks will also be mitigated by regular audit of all OPCC Gifts, Gratuities and Hospitality Registers by the West Mercia Joint Audit and Standards Committee, under the supervision of the Treasurer