

COPY

West Midlands Police



PART 1 POLICE ORDERS

Police Headquarters
Lloyd House

FORCE DIRECTIVE

NO. 02/2010

FEBRUARY 2010

GIFTS AND HOSPITALITY.

All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, gender, transgender, race, religion, belief or sexual orientation. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.

Any enquiries in relation to this Order should be directed to Steve Middleditch, Head of Corporate Services on extension 7800 2456.

1. INTRODUCTION.

1.1 The provision and acceptance of gifts and hospitality are issues that require careful consideration by all police officers, police staff and Police Community Support Officers (PCSOs)

1.2 When participating in normal working relationships, whether between the force and other organisations or between individuals, it is recognised that hospitality and reciprocation may be acceptable and that it can present the force in a positive way. The monetary value or perceived monetary value of the hospitality forms the essence of what is acceptable. This order sets a framework within which all West Midlands Police officers, staff and PCSOs may consider individual instances, seek advice and ultimate authority.

1.3 A modest degree of hospitality is welcomed by partners in public service and displays cordiality that can improve working relationships. A responsible approach to this area and the correct degree of control will see that this traditional means of greeting and appreciation remains a benefit to the force.

2. GUIDANCE.

2.1 The circumstances for either accepting or receiving gifts and hospitality are limited in order to retain public confidence. This applies to all police officers, staff and PCSOs. In all cases, permission should be sought from a line manager and, where appropriate, recorded in a central register (see section 3).

- 2.2 The term 'gift' should be taken to mean items of a token value such as desk top items and diaries. It may be that a gift of a higher value is offered; this may be due to cultural or traditional reasons and accepting such a gift may be acceptable. In cases of doubt, advice should be sought from line management and where circumstances do not justify acceptance, the gift should be politely refused. Where gifts and hospitality are offered by a contractor or supplier, known to be or likely to be on any list of tenderers or contractors, they must not be accepted without express permission.
- 2.3 This guidance relates to police officers, police staff and PCSOs in their employment within West Midlands Police. However, all officers, staff and PCSOs are expected to maintain the highest level of integrity at all times and to act in accordance with force values.
- 2.4 In general, hospitality is defined as provision of refreshments including drinks and/or food and should be employed in welcoming visitors and in expressing our appreciation of their visit. It may be engaged when participating in customary exchanges between organisations and individuals and in recognising support and contributions to our work.
- 2.5 Best practice would dictate that:
- a) Hospitality and gifts received are evidenced locally.
 - b) Hospitality and spends given (other than meetings/ceremonies etc) are recorded via the IProcurement purchase system using the appropriate cost code available.

N.B. (please refer to section 3 as to the appropriate values).

- 2.6 Providing a comprehensive list or summary of what is and is not acceptable is not practical and leaves too great an area subject to interpretation. Police officers, staff and PCSOs should act using their professional judgement, and always in the light of force values. In all cases, consideration as to what is proper and what may be seen to be proper should be given. However, certain events and products should be avoided especially where there is no tangible policing or community link or benefit and where embarrassment or reputational damage to the force could be caused. Such items may include events (e.g. sporting, theatrical or musical) and gifts of cash.

3. OFFICIAL RECORDING and AUTHORITY REQUIRED.

- 3.1 Appropriate gifts and hospitality **up to the value of £75** may be accepted and given without the recording of details via form WG450. However, all police officers and staff still have a duty to inform their own LPU/departmental line manager in writing for local audit recording and examination.
- 3.2 The acceptance of, or giving of gifts and hospitality **between £75 and up to £250**, must be authorised by the LPU Commander or Department Head. Where the gift or hospitality involves the LPU Commander or Department head, this should be referred to the Director of Resources.
- 3.3 Gifts or hospitality given or received that **exceed £250 in value** must be authorised by the Director of Resources.
- 3.4 The issue of aggregation should be considered by managers and supervisors. That is, the number of and the value of gifts or hospitality of any value where any one individual or outside body is involved.
- 3.5 All gifts or hospitality, given or received, above the value of £75 should be submitted to the Support Services Unit, Corporate Services Department along with form WG450 via the standards forms page of the intranet.
- 3.6 Corporate Services Department will maintain the force register. Nil returns (above the value of £75) will formally be recorded as certification that no gifts or hospitality have been given or received.

4. CONSEQUENCES.

- 4.1 Strict anti-corruption legislation exists to ensure the highest standards of conduct and probity are maintained by public servants. Breaches, particularly regarding suppliers, tenders and contracts can result in criminal offences being committed. Questions are asked by the media and the public regarding the levels/value of gifts and hospitality, either given or received. The force is bound, under the Freedom of Information Act, to publish that information. Inappropriate acceptance of or giving of gifts and hospitality can cause embarrassment and reputational risk to the force and to the individual.

● CHIEF CONSTABLE

West Midlands Police

**OPERATIONS - IN CONFIDENCE
POLICE ORDERS**

**PART
1**

**Police Headquarters
Lloyd House**

No. 54/98 - 20 October 1998

1. GIFTS AND HOSPITALITY (F2.11.6)

- 1.1 Any enquiries in relation to this Order should be addressed to Derek Smith, Finance Director on Lloyd House ext. 2126.

LEGAL FRAMEWORK

- 1.2 The provision and acceptance of gifts and hospitality is a delicate issue for all officers and support staff. The framework for conduct in this area is governed by reference to the following Regulations, Conduct Rules and Standing Orders.

1.3 Police Officers

1.31. Regulation 7 Police (Discipline) Regulations

"Corrupt or improper practice which offence is committed where a member of a police force:

in his (her) capacity as a member of the force and without the consent of the Chief Officer of police or Police Authority, directly or indirectly solicits or accepts any gratuity, present or subscription;

places himself (herself) under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member of the force;

improperly uses or attempts so to use his (her) position as a member of the force for his (her) private advantage or;

in his (her) capacity as a member of the force and without the consent of the Chief Officer of Police, writes, signs or gives a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind"

1.4 Support Staff

1.4.1 S117 (2) Local Government Act 1972

"An officer of an Authority shall not under the colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration".

1.4.2 West Midlands Police Authority - Standing Orders relating to Contracts

"There shall be inserted into every contract in writing a clause empowering the Authority to cancel a contract and recover from the contractor the amount of loss, resulting from such cancellation if the contractor shall have offered, given or agreed to give to any person, any gift or consideration of any kind as a reward for doing any action in relation to obtaining the contract".

1.4.3. All police officers and support staff should note that the circumstances for either accepting or receiving gifts and hospitality are limited, in order to retain public confidence. This applies regardless of rank and/or seniority of post.

2.0 **GUIDANCE AND ADVICE**

2.1 There are limited occasions where it is acceptable to give or receive gifts and hospitality. In all cases, permission should be sought from your Commander or Head of Department and recorded in a central register maintained by the Chief Constable's Staff Officer. (Commanders and Heads of Departments will obtain permission from the appropriate Chief Officer).

2.2 Officers and Support Staff should not accept gifts other than a token value. If in doubt, you should refuse the gift. You should not accept any personal gift or hospitality from any contractor or supplier known or likely to be of any list of tenderers or contracts without express permission.

2.3 For the purposes of this advice, the guidance set out below deals with officers and support staff in their place of employment and not as representatives for other organisations. However common sense dictates that personal integrity should be everybody's watchword in whichever activity people are involved.

3.0 **GIFTS**

3.1 West Midlands Police will provide and accept small value gifts to:

- (a) Recognise appreciation of visitors to the force.
- (b) Reflect customary exchanges between professional organisations.
- (c) Recognise support and contribution to the policing effort of the force.

3.2 Any gifts received or given must be:

- (a) A modest gift of minimal value and generally of promotional character e.g. pens, diaries etc.
- (b) Small gifts (to a value not exceeding £50) where refusal would cause needless offence and where the giver merely wishes to express thanks for advice, help or

co-operation received.

- 3.3 Any gift received where the value is £10 or less is deemed minimal and does not need to be recorded in the register. Where the value is in excess of £50 an item must be reported to and permission received by the Director of Administration.

4.0 HOSPITALITY

4.1 Receiving Hospitality

Officers and Support Staff may receive hospitality, providing that it meets the following requirements:

- (a) Reciprocating expected hospitality from proper visitors to the force.
- (b) Hospitality involved when members of the force attend seminars, presentations and other functions in their professional capacity.
- (c) In developing relations with the private/public organisations, to gain support for/further the development of police related activity.
- (d) Accepting recognition of achievement in police related aspects.

4.2 Normally, these will encompass:

- (a) (a) Invitations to the public, trade, professional or business events, including opening ceremonies, trade shows, celebrations.
- (b) A working lunch of a modest standard, provided so that the parties can continue to discuss business.
- (c) Invitations to social/sporting events, in recognition of support, guidance or advice provided.

4.3 All staff should properly consider the circumstances relating to (c) above. On all occasions, permission should be sought from Commanders and Heads of Departments prior to the event and the event must be deemed suitable by the manager involved. Examples of unacceptable hospitality in this regard are; offers of accommodation, holidays, foreign trips or inappropriate entertainment.

4.4 Occasionally, partners are invited to events. This is acceptable provided that the full level of hospitality is recorded in the register. Where partners are required to pay for entrance, tickets etc. the member of the force is responsible for payment.

4.5 Providing Hospitality

Officers and support staff may provide hospitality:

- (a) (a) Reciprocating hospitality from visitors to the force.
- (b) Acknowledging support provided to furthering policing effort.
- (c) Recognising achievements of staff e.g. award ceremonies, etc.
- (d) Providing a forum for the exchange of skills and experience, relating to police/professional related activities.

4.6 Normally, these will encompass:

- (a) (a) Working lunches of a modest standard, to enable parties to continue to discuss

business.

- (b) Light buffet e.g. for awards and other ceremonies, opening launches etc.
- (c) Invitations to senior officer mess or other force functions.

4.7 Commanders/Heads of Departments have authority to authorise expenditure of up to £50 for hospitality on an occasion. Any expenditure in excess of this amount must be approved by the Director of Administration.

4.8 A flowchart of the Gifts and Hospitality procedure is attached for easy reference.

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HOSPITALITY DONATIONS AND GIFTS

General Hospitality

Where police Regulations do not provide for subsistence or refreshment allowance to be paid, the undermentioned types of hospitality will be accepted as a proper charge on public funds:-

- (a) Refreshment for members of the Police Authority and officials at committee meetings.
- (b) Official working parties or meeting of officers where the meeting takes place in committee rooms and are minuted.
- (c) Officials meeting with officers from other authorities, bodies or members of the public.

Meetings under these arrangements should reflect the following:-

- (i) *reciprocating hospitality to visitors to the Force*
- (ii) *acknowledging support provided to furthering the police effort*
- (iii) *recognising achievement of staff*
- (iv) *providing a forum for the exchange of skills and experience for police related activities*

As a general rule OCU's/Departments who initiate the working party, meeting or visit will fund the hospitality.

1. OCU/DEPARTMENTAL HOSPITALITY BUDGET

1.1 Allocations. OCU's/Departments are allocated hospitality budgets at the beginning of each financial year.

1.2 Application for Hospitality. Applications for expenditure will be submitted prior to the event on Form WA 195.

1.3 Procedure for Obtaining and Payment of Hospitality.

- (i) Section 1 (Application). To be completed by the officer requesting hospitality except those columns marked "Canteen Use Only".
- (ii) Section 2 (Authorisation). Should be signed by the cost centre manager and forwarded to the canteen as an order for hospitality.
- (iii) After the hospitality has been provided the Catering Direct Service Organisation (DSO) will submit Form WA 195 with the trading statement in order to obtain reimbursement from the Police Authority.

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- (iv) OCU's who wish to pay for the hospitality provided from petty cash, should submit Form WA 195 as a petty cash voucher through the OCU Disbursement Account.

1.4 **Payment from Force Command Budget.** In exceptional circumstances Form WA 195 may be submitted to the Chief Administrative Officer for consideration of reimbursement from Force Command Budget. Form WA 195 will be returned to the OCU/Department requesting the hospitality in order for the cost centre records to be updated. If approved, Form WA 195 should then be forwarded to the canteen as an order for hospitality.

1.5 **Period of Notice.** If beverages/biscuits are required, the canteen should be given 24 hours notice prior to the event.

If food is required, the canteen should be given 48 hours notice prior to the event. If the numbers for food exceed 12, then more than 48 hours notice will be required, and the Area Catering Supervisor should be informed.

It is recognised that notice periods may not always be possible and the DSO will endeavour to respond to urgent requests. The Area Catering Supervisor should be contacted if there are any special requirements, eg dietary.

1.6 **Additions/Reductions.** If it is necessary to reduce or add to the hospitality required once the WA 195 has been forwarded to the canteen, where possible, the canteen should be contacted at least one hour before beverages or 24 hours before food is required. The canteen will adjust the hospitality required by recording the information under the columns marked "For Canteen Use Only". Similarly, the officer who notifies the canteen of the change or hospitality required, should update the cost centre records.

1.7 **Cancellation/Reductions.** The DSO will charge at the full rate for cancellations and reductions not notified within the notice periods stated in paragraph 1.6.

1.8 **Menus.** Details regarding specific prices, menus or individual requirements can be obtained by contacting the Area Catering Supervisor.

2. GIFTS

2.1 **Provision of Gifts - General.** At the discretion of the Cost Centre Manager, there is provision in the hospitality budget for official visitors to the Force, and for members of the Force who visit other Police or civilian organisations both in the UK and abroad, on Force or Authority business to be presented with mementos eg Force plaques.

2.2 **Applications.** Where it is thought necessary to present such items, Form WA 75 should be completed by the officer requiring the items, setting out the case for the expenditure and including the cost centre code. The form will be authorised by the Cost Centre Manger and will not normally exceed £50 in-value (excluding VAT).

3. ACCEPTANCE OF HOSPITALITY AND GIFTS

3.1 **Introduction.** The acceptance of gifts and hospitality by police officers and support staff, may, in certain circumstances be regarded as serious misconduct, resulting in disciplinary action being taken, up to and including dismissal.

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- 3.2 Regulation 4, Schedule 1 Discipline Code 7, specifically restricts the acceptance of gifts by police officers. The National Conditions of Service for Non Manual Staff states, at Section 70 (a), that the public is entitled to demand of a Local Government Officer, conduct of the highest standard. The standard of professional conduct applies equally for all police and support staff employees.
- 3.3 It is important therefore that all police and support staff personnel consider carefully whether it is appropriate, given their position, the circumstances of the offer etc, for them to accept a gift or hospitality. The following guidance should assist in making an informed decision, although it is accepted that it cannot cover all the possible circumstances that may arise. In situations where it is not clear whether a gift or hospitality should be accepted, advice should be sought from OCU/ Departmental Managers. *Where there is the slightest doubt about the nature or validity of gifts or hospitality, then the offer should be refused.*
- 3.4 Where a police officer or member of support staff has a financial interest in an organisation supplying goods or services to their department or OCU, or they have a family relationship with a senior member of that organisation, this fact must be disclosed to the Force Purchasing Officer *and express permission must be sought for any hospitality and/or gift.*
- 3.5 Acceptance - Gifts, Cash and Hospitality
- 3.5.1 Cash. The acceptance of cash payments is not acceptable under any circumstances. Where an offer of cash is made it should be declined and the local manager advised immediately. Donations to specific Police Charities (eg) Police Benevolent Fund, Chief Constables Charity, etc, may be accepted, although donors should be asked to attend police premises to make their donations, in order for a receipt to be provided.
- 3.5.2 Benevolent Fund Collection Boxes. Collecting boxes are retained at each Police Station, into which members of the public may place a donation to the Force Benevolent Fund. Boxes will not be displayed so prominently as to make it appear that a gift is being solicited, nor will any officer solicit gifts for the fund, but the box may be brought to the notice of persons wishing to make a donation. It will be the responsibility of the Administrative Services Manager to arrange for the contents of the Benevolent Fund box to be counted and forwarded to the Secretary, Benevolent Fund, Federation House, 383 Garretts Green Lane, Sheldon, Birmingham B33 0DU, via the cash-in-transit system. A receipt will be sent from the Secretary at the Fund to the OCU concerned.
- 3.5.3 Promotional Gifts. Modest gifts of a promotional nature may be accepted. These include calendars, diaries, articles for office use, pens, key rings or other small gifts offered during a courtesy visit to a OCU or department.
- 3.5.4 Other. Any gifts of genuine intrinsic value should be tactfully refused and returned to the supplier. *For guidance £50 (as a retail value) is the limit for accepting. If a gift is of a higher value, approval must be given by the Director of Administration.*

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3.6 Acceptance - Hospitality

- 3.6.1 When to accept hospitality is a matter of judgement, given the particular circumstances and it would be wrong to produce an atmosphere in which police and support staff employees refused all invitations to socialise with persons or bodies who have, or may seek to have, business dealings with the Authority. However, if advance notice of an offer of hospitality is given, advice must be sought from a supervisory officer regarding whether or not the proposed hospitality is acceptable. *Examples of unacceptable hospitality are: offers of accommodation, holidays, foreign trips or inappropriate entertainment.*
- 3.6.2 The degree to which an offer is acceptable will be determined by the extent and location of the hospitality. A practical test is whether the hospitality is to a level that the Authority could or would be able to reciprocate. If it is not, then the offer should be tactfully declined.
- 3.6.3 It is acknowledged that contacts established at the social level can be helpful in pursuing the Authority's interest. However, it is important that when attending social events there is no suggestion of improper influence. This is particularly so when there is a matter in issue between the person or body offering the hospitality and the Police Authority, for example when contract negotiations are taking place with an outside supplier. *In these cases express permission is required before accepting any hospitality.*
- 3.6.4 *Whenever either a gift or hospitality is accepted, the item should be included in the Central Register maintained by the Chief Constable's Staff Officer. The Register will identify the date, the nature of the item in question, the officer or support staff involved and appropriate authorising manager. The manager will be the OCU Commander or relevant Head of Department. (Commander and Heads of Department must get approval from the relevant Chief Officer.)*
- 3.7 **Further Information.** Further advice may be obtained from the Audit Manager, Force Purchasing Officer, and Personnel Department.
4. **APPEAL FUNDS.** Occasionally appeal funds are established following such incidents as the murder of an officer. A Part I Police Order will be published in such cases outlining the procedures concerning donations received.