

ACCEPTANCE OF GIFTS AND HOSPITALITY POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

ACCEPTANCE OF GIFTS AND HOSPITALITY

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Legal Basis

Legislation specific to the subject of this policy document:

- Police Act 1996
- Code of Practice on Financial Management
- Local Authorities (Goods and Services) Act 1970
- Bribery Act 2010
- Police Regulations 2003

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000
- Public Contracts Regulations 2015 (paragraph 24)

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

Other Related Documentation:

- Income Generation: Sponsorship and Loans Procedure
- Communications and Engagement (Media Liaison) Policy
- Anti-fraud and Corruption Policy
- Disclosable Associations Policy

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- 7Force Strategic Procurement Policy

1. Introduction

- 1.1 The Police Act (1996) includes a provision that permits Police Forces to accept gifts, loans, donations, hospitality and sponsorship in accordance with legislation.
- 1.2 This policy will provide guidance to police officers, police staff, members of the Special Constabularies, volunteers, agency staff and contractors when considering acceptance of offers of gifts, non-monetary loans, donations, hospitality or sponsorship – referred to as ‘gifts and hospitality’ from here on.
- 1.3 At times, to refuse such offers may cause offence or hinder working relationships; however, to accept could equally be misinterpreted. It may lead to inaccurate expectations of favour or even constitute a criminal offence in some circumstances.
- 1.4 The principle behind this policy is that members of Norfolk and Suffolk Constabularies should not accept gifts and hospitality, unless the procedures outlined within this policy are adhered to. The procedures apply to each offer of gifts and hospitality received on any basis.
- 1.5 For the purposes of this policy, gifts and hospitality that are required to be recorded are those provided by members of the public, contractors, outside organisations (other than other police forces) given to an individual that works for the Constabularies or given to the Constabularies as a whole for any reason.
- 1.6 For both Norfolk and Suffolk Constabularies, staff associations (including the Police Federation) will operate within the governance provided by legislation concerning that body for its operational business and they are not subject to this policy whilst officers and/or staff are carrying out their organisation’s business for that recognised body. However, officers are reminded that ‘off duty’ conduct can amount to a breach of the Standards of Behaviour in certain circumstances, so they may wish to consult with their association before accepting gifts and hospitality in their capacity as a member/representative.

Please Note: This policy does not include guidance on receiving monetary loans, income generation, sponsorship or charging for police services which are all managed by the Norfolk and Suffolk Finance Departments. The Income Generation: Sponsorship and Loans procedure should be referred to where necessary.

2. Statement of Policy

- 2.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Professional Standards Department in conjunction with the Central Policy Unit.

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- 2.2 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet our needs, and reflects any changes in legislation and police regulations.
- 2.3 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 2.4 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

3. Applicability and Responsibility

- 3.1 This policy applies to all police officers, police staff, members of the Special Constabularies, volunteers, agency staff and contractors (collectively referred to as "Staff" throughout this policy).
- 3.2 Individuals are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring their public office and/or the Constabularies into disrepute.
- 3.3 The utmost care should be exercised in accepting hospitality or gifts where there could be a real or perceived conflict with an individual's official duties. Staff must not accept any gifts or hospitality which might, or might reasonably appear to, compromise their personal judgement or integrity or place them under an improper obligation. Staff must never canvass or seek gifts and hospitality unless through approved discount schemes such as Blue Light, Sports and Social Club membership, or those supported by official staff associations (as per Section 12).

4. General Definitions

Gifts

- 4.1 For the purpose of this policy, all gifts, donations and non-monetary loans* will be referred to as 'gifts' and are defined as the unsolicited voluntary provision to Norfolk or Suffolk Constabularies of non-public funds, services, equipment or other resources with no return favour or recognition expected/given other than thanks.

**Non-monetary loans would be the lending of equipment or resources to Norfolk or Suffolk Constabularies for a period of time where the ownership remains with the lender. At the end of the loan period, the Constabularies will return the equipment or resource to the lender. This does not include loans of money. Any offers of monetary loans should be referred to the Finance Department and the Sponsorship and Loans Procedure referred to as necessary.*

Hospitality

- 4.2 The offer of hospitality is defined as the acceptance of free or discounted entertainment, access, service, refreshment or alcohol from any person or

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organisation outside of Norfolk or Suffolk Constabularies. This includes discounted food and drink.

5. Considerations

5.1 Gifts and hospitality should not be accepted where there is a risk of offending the integrity or propriety of the police, for example:

- By accepting offers from sources which come under the direct scrutiny of the police,
- Where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the police force; or
- To influence the direction of a particular policy or operation.

5.2 Where offers of gifts or hospitality are made from more than one company in a competing market, care should be taken to demonstrate an even-handed approach in accepting and/or rejecting any offer.

5.3 For both Norfolk and Suffolk Constabularies, a record of the market value of all gifts and hospitality must be maintained for audit and reporting purposes. A Central Register (Gifts and Hospitality) is held and managed by the Professional Standards Department.

5.4 The following is a useful checklist to assist Staff in deciding whether they should accept gifts or hospitality:

- 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 it really an integral and logical part of the business relationship or process?
- Would the gift or hospitality involve either Force in additional costs? e.g., in the case of a vehicle, fuel, insurance and possible maintenance costs would be incurred.
- What could be the outcome for the police service, Norfolk Constabulary, Suffolk Constabulary or the intended recipient if the offer is accepted or declined?
- What advice would the line manager give if they were with the recipient at the time the offer was made, or was aware of the offer?
- Would the recipient feel content, and easily able to justify its acceptance to the public?

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- What is the motivation behind the offer and is there any risk of the recipient and/or the Constabularies being seen, or perceived, to be improperly beholden to the donor?
- 5.5 The Bribery Act 2010 describes the offence of bribery as the offer, promise or giving of a financial or other advantage, with the intention to bring about or reward improper performance of a relevant function or activity, or where knowing or believing that acceptance of the advantage itself constitutes improper performance of a relevant function or activity. The Bribery Act states:
- Where a person agrees to receive or accepts a financial or other advantage, that person is guilty of the offence of being bribed whether or not the person actually receives it;
 - The test of what is expected in relation to the improper performance of a relevant function or activity is what a 'reasonable person' in the UK would expect in relation to the performance of the type of function or activity concerned.

6. Personal Gifts

- 6.1 The general principle governing the acceptance of any gift is that Staff should not be deemed to be acting in a manner which would or could lead to suggestions of impropriety. In this context it is impractical to define or cater fully for all such occurrences in this policy.
- 6.2 Judgement is required as to whether a gift would benefit the Constabularies or compromise the integrity either of an individual or the Forces. Normally, personal gifts should only be accepted if they are of a low monetary value and by way of a seasonal or promotional nature, e.g. pens and calendars, and these should be shared with the appropriate team/department since not all individuals are in a position to receive such gifts. An individual should only retain personal gifts if they are of very small cash value, e.g. a box of chocolates or bunch of flowers. Under no circumstances should money or alcohol be accepted as a personal gift. In case of doubt, reference should be made to the Professional Standards Department (PSD) for advice and adjudication.
- 6.3 The acceptance of gifts will not, however, be allowed in the following circumstances:
- If there is any possibility of an ulterior or dishonest motive in the offer;
 - Where it is clearly undesirable that police be under an obligation to the donor (e.g. managers or licensees under the Licensing Act 2003);
 - Where there may be an expectation of information (no matter how seemingly innocuous) being provided to the media;
 - When acceptance might give rise to suspicion that police action would be influenced by the gifts (e.g. award of contract, elections or trade disputes);

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- For any duties in connection with political meetings, elections or trade disputes;
- From persons in connection with any offence, suspected offence or incident;
- In connection with the service of summonses or the execution of warrants; or
- In relation to any tendering process.

6.4 Inappropriate acceptance of gifts may lead to disciplinary proceedings.

7. Hospitality

- 7.1 Common sense should apply in respect of insignificant value occasional hospitality such as refreshment provided by the public at the scene of a Road Traffic Collision or in the course of neighbourhood policing: such hospitality need not be recorded on the Central Register (Gifts and Hospitality). Accepting free or discounted food or services whether on or off duty is unacceptable if the provision is because the donor is aware of the recipient's role, unless exempt as per Section 11.
- 7.2 Offers of conventional hospitality (e.g. working breakfast, lunch or dinner, refreshments provided during the course of attending meetings, seminars or conferences organised by other statutory bodies), which are limited to isolated occasions and can be shown to be in the interests of Norfolk or Suffolk Constabularies are acceptable. These do not need to be recorded in the Central Register (Gifts and Hospitality).
- 7.3 Offers of hospitality extending to groups of Staff, e.g. offering free refreshments as a thank you to local Staff, must be declared to PSD as an event, i.e. each individual who receives the free refreshment does not need to declare it separately but the person liaising with the organiser must ensure they declare it to PSD before the event takes place.
- 7.4 The following will generally be unacceptable unless expressly approved by the Head of Professional Standards Department:
- Invitations to sporting events, social events, conferences or any other event (other than official duties);
 - Offers of free travel and/or accommodation.

(The rationale justifying approval or refusal will need to be recorded).

- 7.5 Where there is doubt regarding acceptance of hospitality it should be referred to the Professional Standards Department for advice and adjudication.
- 7.6 Hospitality offered by the media is generally regarded as inappropriate and any such offer should always be referred to the Corporate Communications Manager or the Head of Professional Standards for advice and guidance.

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- 7.7 The inappropriate acceptance of hospitality may lead to disciplinary proceedings.

8. Recording & Reporting

- 8.1 All offers of gifts and hospitality will be recorded in writing and submitted for authorisation. Ideally authorisation should be made prior to acceptance, but it is recognised that this is not always appropriate. Offers of gifts or hospitality which are not accepted must still be recorded.
- 8.2 Entries should include the nature of the offer, the surrounding circumstances in which the offer was made, the estimated value of the gift or hospitality and whether permission to accept any such offer was sought and who authorised it.
- 8.3 The appropriate authority to approve acceptance is the Head of Professional Standards or nominated deputy.
- 8.4 All requests for approval of gifts and hospitalities for Norfolk and Suffolk Constabularies should be sent to the central email inbox businessinterestsgifts@suffolk.police.uk. This can be found by typing in 'Business Interests Gifts Hospitality' in Outlook.
- 8.5 A single central register of gifts and hospitality ("Central Register (Gifts and Hospitality)") will be maintained for each Force under the direction and control of the Head of the Professional Standards Department. This register will be maintained and monitored within Professional Standards.
- 8.6 The Central Register (Gifts and Hospitality) will form the basis for annual publication under the Freedom of Information Act and, to ensure openness and transparency, the Professional Standards Department will be responsible for the publication and will ensure appropriate and relevant disclosure.
- 8.7 The Central Register (Gifts and Hospitality) will be overseen by the Professional Standards Department Senior Management Team. The purpose of this oversight is to highlight any likely points of vulnerability and to ensure compliance with this policy.

9. Checking and Monitoring

- 9.1 The Central Register (Gifts and Hospitality) is available for inspection by the Chief and Deputy Chief Constable in each respective Constabulary.
- 9.2 The Central Register (Gifts and Hospitality) will be inspected and monitored by the Offices of Police and Crime Commissioners (OPCCs) for Norfolk and Suffolk Constabularies.
- 9.3 Checks will be made on a regular basis to consider adherence to current policy.

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10. Staff Support Networks and Events

- 10.1 Items obtained for staff events such as Wellbeing, Women in Policing and Staff Support Network or Association events do not fall under the Gifts and Hospitality Policy. However, it is recommended as best practice that staff support networks and Health and Welfare maintain a record of donations to their events should they be required for examination at any time.

11. Discounts Offered through Staff Associations

- 11.1 Staff may be legitimately offered discounted prices for goods and services through membership of a Trade Union or Staff Association officially recognised by each Constabulary, i.e. UNISON, Police Federation of England and Wales, the Superintendents Association or the National Police Chief's Council.
- 11.2 Staff are prohibited from attempting to obtain any reduction in price in relation to any item by showing their Force identification, i.e. no discount is known, but one is asked for.
- 11.3 Staff may be offered discounted goods and services through membership of the Constabularies' Sports and Social Clubs.
- 11.4 Discounted goods and services legitimately offered by the organisations listed above are not subject to this policy and there is no requirement to seek permission or record their acceptance.
- 11.5 Staff Associations and Administrators of Sports and Social Clubs negotiating local discount schemes that do not form part of a national arrangement are required to notify the Professional Standards Department before these schemes are offered to Staff. The purpose of the notification is to ensure the business offering discounts to members of the Constabularies is compatible with the values of the police service.

12. Gifts and Hospitality Offered by the Media

- 12.1 The Communications and Engagement policy should be referred to for general guidance on managing relationships with the media.
- 12.2 Staff are advised to be cautious when dealing with the media and as a general rule must not accept any gifts, hospitality or other incentives unless permission has been given by the Head of Professional Standards. If permission has been given, guidance must be followed regarding recording in the Central Register (Gifts and Hospitality).

13. Prizes and Awards (including loyalty points/rewards)

- 13.1 All prizes and awards received from organisations outside of the Constabularies are required to be recorded on the Central Register (Gifts and Hospitality). Prizes and awards for specific individuals may be kept, however, where an award is given to a group of individuals, it should be used for the development of either that section of individuals or for

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operational purposes, i.e. procurement of equipment, rather than the provision of a social event.

- 13.2 Individuals must not use their personal loyalty or reward card/apps/schemes to benefit from the purchase of any goods obtained during the course of their work. For example, an officer cannot use their own reward/loyalty card to collect points at a petrol station, when purchasing fuel for fleet vehicles. Individuals should avoid claiming loyalty or rewards points for purchases which will be claimed back through i-Expenses.
- 13.3 Loyalty and reward points can be accrued for purchases made by the individual using their own funds when the amount will not be claimed back through i-Expenses. For example, if an individual purchases food for lunch, and it is not going to be claimed back through i-Expenses, in this instance loyalty and reward points can be accrued.

14. Exceptions

- 14.1 The Chief Constable or Force Executive may, in exceptional circumstances, override the above principles where Staff are able to demonstrate that the business needs justify it. An example of this might be where a local business offers hospitality in support of Frontline Workers during a pandemic. Professional Standards can provide advice in these circumstances.