

Policy Name	Gifts, Gratuity and Hospitality
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1 st April 2023	V2	Guidance added for recording	1 st April 2024
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1. Introduction

This guidance provides the Office of the Police and Crime Commissioner (OPCC) with a framework to determine the boundaries of acceptability, and recording of, the receipt of gifts, gratuities and hospitality. Staff need to understand that the acceptance of gifts, gratuity and hospitality can undermine personal and professional integrity. Cambridgeshire Constabulary (the ‘Constabulary’) and the Police and Crime Commissioner (the ‘Commissioner’) have a responsibility to prevent allegations of corrupt practice or improper relationships with any member of the public or corporate body arising from the offer or acceptance of any gift or hospitality.

2. Behaviour

The Professional Standards Department (PSD) and the Commissioner have the direct responsibility for overseeing and scrutinising procedures governing the acceptability, or otherwise, of any gift or hospitality. The Information Commissioner's Office (ICO) Code of Conduct for staff states that: "You should not use your official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour, to any person." Therefore, you should not receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement and integrity, or the judgement and integrity of the office.

As a further guiding principle, OPCC staff should not accept the offer of any gift 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.

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 displays of gratitude and common courtesy which do not breach the integrity of any party.

There will often be an element of judgement in coming to a decision. If in doubt, err on the side of caution and do not accept the gift and/or hospitality.

3. Publication

The Elected Local Policing Bodies (Specified Information Order 2011) places a duty on Commissioners to publish a Register of Gifts, Gratuity and Hospitality. This information is published in the link that follows and is inclusive of all interests of staff within the OPCC, who made the offer of the gifts / hospitality, the estimated value and whether it was accepted or declined. This list makes it clear to the public where, if any, conflicts of interests or other issues exist and ensures these do not conflict with the responsibilities of the OPCC. The Gifts and Hospitality Register will be updated on the Commissioner's Website at the end of every calendar month as a pdf document.

4. Recording of Gifts, Gratuity and Hospitality

Definitions:

- A Gift is something given voluntarily without payment in return, as to show favour toward someone, honour an occasion or make a gesture of assistance.
- Hospitality is the friendly and generous reception and entertainment of guests, visitors or strangers.
- A Gratuity is something given voluntarily or beyond obligation.

Common sense should apply with respect to the recording of gifts, gratuity and hospitality of insignificant value and on an occasional basis, such as refreshments provided at community events.

The following considerations will help determine the boundaries of acceptability of any gift, gratuity or hospitality. The **GIFT** mnemonic is commonly used:

- **Genuine:** Is this offer made for reasons of genuine appreciation for something done? Why is the offer being made? What are the circumstances? Has the offer been solicited in any way or does the donor feel obliged to make the offer?
- **Independent:** Would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident that the staff member could remain impartial and independent in all the circumstances?
- **Free:** Are you obliged to do something in return? How do you feel about the propriety of the offer? What are the donor's expectations should you accept?
- **Transparent:** Would you be comfortable if your acceptance of the offer was transparent to your Force, colleagues and the public or if it was reported publicly? What could be the outcome for the Force if this offer was accepted or declined?

4.1 Gifts

All gifts received by all members of staff within the OPCC must be recorded on the Gifts and Hospitality Register, with an estimated value. Any gift, whether accepted or declined, shall be recorded and will be subject to audit, unless it falls under the exemption criteria.

ICO defines 4 categories of gifts:

- a) Category A: Gifts of little or no intrinsic value. They do not need to be recorded in the Gift and Hospitality Register.
- b) Category B: Gifts with an estimated intrinsic value of £5-£25. Gifts received in this category should be recorded in the Gift and Hospitality Register.
- c) Category C: High Value Gifts. These gifts should not be accepted. Any gift offered in this category must be recorded in the Gift and Hospitality Register, even if it is refused.

d) Category D - Gifts from any organisation against which, to the best of your knowledge, we are engaged in or considering formal enforcement action, or are considering entering in to a contract: These gifts should never be accepted, regardless of their value, as there is a clear risk that this would create a perception outside the organisation of an attempt to compromise the ICO's judgement or integrity.

4.2 Hospitality

The OPCC should declare free hospitality. This should be recorded on the Gifts and Hospitality Register, whether it is accepted or declined, and this information will be subject to audit. Hospitality which is proportionate, for a clear business purpose and does not create a conflict of interest can be accepted and should be recorded in the Gifts and Hospitality Register.

The following items are criteria for recording hospitality:

- The hospitality package includes breakfast, lunch or dinner and is a social event rather than an OPCC working event.
- The hospitality offer includes a free place
- The offer has been personally addressed to an individual from an external stakeholder or is from; partner organisations, government departments, OPCCs from other areas, or Constabularies other than Cambridgeshire.

Caution will be exercised where:

- The hospitality is judged to be 'one to one'
- The event/ conference is on a single topic
- The event/ conference could be judged to be sales/ marketing rather than information provision

In general, if the ultimate outcome of the event could be perceived to influence/lobby its attendees then it should be declared.

Acceptance of frequent, regular hospitality, particularly from the same source, will be in breach of this policy, unless it is recorded on the Gifts and Hospitality Register and prior approval from the Chief Executive is also evidenced.

4.2.1 Hospitality Exemptions

Instances that fall under the following are exempt from the requirement to record:

- Teas, coffees and soft beverages at any meeting or event.
- Where the provision of light refreshments at a work related meeting or event are **impromptu** and **unforeseen**.
- Where a working lunch is of a modest standard and offered during OPCC related meetings, without alcoholic drinks.
- If a hospitality package (regardless of content) is offered from the Constabulary or the Association of Police and Crime Commissioner (APCC) (by virtue that we pay a membership fee).
- If an invitation is a circular, even if sent to a named individual (i.e. mail merge)
- If it is for a general event/conference where several policing-related topics are on the agenda

4.2.2 Unacceptable Hospitality

Hospitality which is disproportionate, without a clear business purpose or may create a conflict of interest must be refused. The offer of hospitality should still be recorded in the Gifts and Hospitality Register.

Scenarios may include:

- Amounts to regular free or discounted food or refreshments on duty or off duty where the hospitality offered is made because of the recipient's role and it does not form part of a recognised formally approved scheme.
- Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.

4.3 Disclosure Process

- Offer of gift, gratuity or hospitality made and/or refused/accepted
- Disclosure form completed and sent to Line Manager
- Line Manager completes relevant section and sends back to recipient
- Checks completed on donor, if necessary.
- Completed form returned to team member and item logged appropriately on Gifts and Hospitality Register.
- Gifts and Hospitality Register updated on website by the PA to the Commissioner at the end of every calendar month.