

## GIFTS, BENEFITS AND HOSPITALITY POLICY

### **RATIONALE:**

The community expects high standards of integrity and impartiality from Victorian public sector employees and School Councillors. These individuals must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly. Whenever Department employees, School Council employees or School Councillors do accept gifts, they must always act fairly and objectively and maintain public trust by being honest, open and transparent.

### **AIMS:**

This policy will guide all individuals as to what they need to do when considering whether to accept gifts, benefits and hospitality. It is underpinned by the integrity and impartiality values and principles specified in the *Public Administration Act 2004*, the *Code of Conduct for Victorian Public Sector Employees* and the *School Council Code of Conduct*. This policy and guidelines apply to all employees in the Public Service and Teaching Service and all School Councillors. The policy also includes gifts, benefits or hospitality given to an employee or a School Councillor's immediate family if the donor can be linked back to the employee or School Councillor's duties and responsibilities.

### **IMPLEMENTATION:**

#### **Definitions**

**Gifts** are the free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees or School Councillors in association with their duties and responsibilities. They may be enduring, such as a work of art, or consumables, such as a box of chocolates. They can range in value from nominal to significant and be given for different reasons.

**Benefits** are the privileged treatment, privileged access, favours or other advantage offered to an individual. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence behaviour.

**Hospitality** is the friendly reception and treatment of guests. Hospitality can range from offers of light refreshments at a business meeting to restaurant meals and sponsored travel and accommodation.

**Reportable gifts** are those that must be recorded, typically on a gift declaration form and/or gift register. At a minimum, reportable gifts include accepted gifts, benefits and hospitality that exceed a nominal value. They could also include gift offers of any value, whether they are accepted or not. The gifts may have been offered to an employee or School Councillor directly, or extended to them as a guest of their partner or other close relation.

**Nominal value** refers to the value of the gift offer. It is used to determine whether an offer, if accepted, is a reportable gift and therefore recorded on the gift register. Irrespective of the value, a gift offer that could create a reasonable perception that an employee or School Councillor could be influenced must be refused.

- The **minimum requirements** apply to all employees and School Councillors.
- The **minimum requirements** for individuals are that they:
  - do not solicit gifts, benefits or hospitality
  - refuse all offers of gifts, benefits or hospitality from people or organisations about which they are likely to make decisions, i.e. tender processes, procurement, licensing or regulation, etc.
  - refuse all offers of money or items easily converted to money, such as shares
  - refuse bribes and report bribery attempts to the Principal
  - seek advice from the Principal class or other appropriate delegate if unsure about how to respond to an offer of a gift, benefit or hospitality of more than nominal value.

- The school will ensure records are kept of accepted gifts, benefits and hospitality of more than nominal value and that such records are subject to regular scrutiny, including review by the audit committee.
- Gifts of seemingly excessive value should not be accepted. The only exception to this is when failure to accept the gift, benefit or hospitality is likely to cause embarrassment or insult to the donor.
- Gifts of any value must never be accepted if:
  - the donor or reasonable observer would perceive that acceptance would create an obligation to the donor, particularly if the value of the gift is disproportionate to the circumstances in which it is offered
  - the gift is likely to influence an employee or School Councillor in the course of their duties or where acceptance could cause a conflict of interest
  - the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies
  - the gift is an offer of money or anything readily convertible into money (e.g. shares), or
  - the organisation or individual has a connection with a tender process or a decision over which the Department or the school could be perceived to have influence.
- Employees and School Councillors may keep token gifts such as a box of chocolates, for the work they have done.
- In limited circumstances, employees and School Councillors may be able to keep a gift worth \$100 or more, but less than \$500, **subject to the documented approval** of their Regional Director or School Council. The Secretary, Regional Director or School Principal may also consider offering the employee or School Councillor the option of purchasing the gift at market value.
- Gifts worth \$500 or more must be surrendered to the State or school **under all circumstances**. Employees and School Councillors may purchase a gift worth more than \$500 from the State or school, with the Secretary's or School Council's written approval, provided that no other public entity (e.g. Museums Victoria) has expressed interest in retaining the gift.
- Official gifts, namely gifts intended for the Department, school or the Victorian Government rather than the individual recipient(s), remain the property of the Department or school.
- For school based employees and School Councillors, acceptance and offers of a gift worth more than \$100 (nominal value) must be formally registered on the school's gift register.
- The gift register is monitored by the Principal and annually reviewed by the Financial Auditors
- *Repeat gifts and attempted bribery* – if an individual considers they have been offered a bribe or inducement, the offer must be reported to the Principal class or their delegate immediately.

**EVALUATION:** This policy shall be reviewed as part of the annual policy and process review.

**REFERENCES:**

DET Gifts, Benefits and Hospitality Guidelines and Policy

<http://www.education.vic.gov.au/school/principals/spag/governance/Pages/gifts.aspx>

Gifts, Benefits & Hospitality Framework

<http://vpsc.vic.gov.au/resources/gifts-benefits-and-hospitality-policy-framework/>

Code of Conduct for Victorian Public Sector Employees

<http://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-2/>

School Council Code of Conduct.

[http://www.eduweb.vic.gov.au/edulibrary/public/schacc/school\\_council\\_code\\_of\\_conduct\\_2010.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/schacc/school_council_code_of_conduct_2010.pdf)