

Gifts, Benefits & Hospitality Policy

Brighton Primary School

1542

Intent

The giving and receiving of gifts and hospitality are commonplace in everyday life. Gifts may be offered to say thanks for good service, a special achievement, or to celebrate an important event. Hospitality may be provided to welcome guests, facilitate relationships or to celebrate achievements.

The community expects high standards of integrity and impartiality from Victorian public sector employees and school councillors. These individuals must not accept or make offers of gifts, benefits or hospitality that influence, or give the impression to influence, any decision unfairly. Whenever Department employees, school council employees or school councillors accept or offer gifts and hospitality they must always act fairly and objectively and maintain public trust by being honest, open and transparent.

This Policy will guide all individuals as to what they need to do when considering whether to accept or offer, gifts, benefits and hospitality.

Minimum requirements and accountabilities

Minimum requirements applies to all Departmental employees (including Teaching Service), school council employees and school councillors.

Minimum accountabilities apply to the Department's executive officers, executive class and principal class employees in the Teaching Service (excluding assistant principals).

The **minimum requirements for individuals** for accepting gifts, benefits and hospitality are that they:

- do not solicit gifts, benefits or hospitality;
- refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of their organisation or themselves;
- 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; and
- refuse bribes and report bribery attempts to their manager/principal.
- seek advice from their manager/principal 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 **minimum requirements for individuals** when providing gifts, benefits or hospitality are that they:

- ensure that any gift or hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations; and
- ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

The **minimum accountabilities** for the Department's executive officers, executive class and principal class employees in the Teaching Service (excluding assistant principals) are that they:

- establish and regularly review policies and processes to respond to offers of gifts, benefits and hospitality, including multiple offers from the same source;
- establish and regularly review policies and processes to provide guidance on the provision of gifts or hospitality, both internally to staff and externally to business partners and other stakeholders;
- promulgate and establish awareness and compliance with gifts, benefits, and hospitality policies with all employees and school councillors;
- reinforce to all employees and school councillors that a breach of gifts, benefits and hospitality procedures could constitute a breach of binding codes of conduct and result in possible disciplinary action;
- 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 Department's Audit Committee; and
- ensure that hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements.

Accepting gifts, benefits and hospitality

Individuals must exercise particular care in accepting gifts, benefits or hospitality if:

- the donor person, company or organisation is involved in a tender process with the Department or school, or the donor person or organisation is the subject of, or affected by, a decision within the Department or school's discretionary power or significant influence;
- the person, company or organisation is in a contractual relationship with the Victorian Government or school council; or
- the employee or school councillor has been offered gifts of any kind from the same donor more than once in the last year.

Take the GIFT test

The GIFT test is a good reminder of what to think about when deciding whether to accept or decline a gift, benefit or hospitality. Take the GIFT test and when in doubt ask your manager or school principal.

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| G | Giver | Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants or determine policies? Could the person or organisation benefit from a decision I make? |
| I | Influence | Are they seeking to influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make? |
| F | Favour | Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour? |
| T | Trust | Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family, friends or associates think? |

Keeping gifts

Employees and school councillors may keep token gifts (under \$100) 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 Deputy Secretary or school council. The Secretary, Deputy Secretary 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.

Recording the acceptance and/or keeping of a gift or hospitality

Acceptance of token gifts or reasonable hospitality does not need to be formally registered. Similarly, hospitality provided by other government departments or governments does not need to be recorded.

School-based employees and school councillors

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. Where a school gift register does not exist, principals are required to institute one and record the following information for each gift. To complete a Gift Declaration Form please click Gifts, Benefits & Hospitality and scroll to Tools and Documents.

- recipient's name
- donor's name and organisation
- location of the gift
- description, reason of gift and estimated value
- date, time and place of offer
- first time, previous offers, cumulative value of gifts within last 12 months by individual
- decision taken on the gift
- principal's or school council president's signature.

The gift register is monitored by the principal and annually reviewed by the school council.

Catered functions for staff

For a range of reasons, catered activities may be occasionally provided for employees.

These may include:

- as part of a larger staff-related event, for example a training course, workshop, planning day seminar or conference; and
- to recognise an organisational or individual staff achievement (for example the successful completion of a project or the retirement of a long-standing member of staff).

The appropriate senior authorising officer must determine if any catered function for staff would be considered reasonable and must take into consideration community expectations in relation to expenditure by public officials.

Providing gifts to staff

On occasions, the Department or school may wish to recognise significant staff achievements and provide token gifts as part of:

- reward and recognition programs or events; and
- celebrating length of service milestones and/or retirements.

A token, such as a card and/or flowers, may also be sent to family members to acknowledge an employees' contribution to the workplace in the event of their death. Doing so can also assist their colleagues with their bereavement.

Gifts given in celebrations of events such as birthdays, marriages or the birth of children should not be funded using public monies.

All purchases need to be made in accordance with the Department's *Purchasing Policy and Guidelines* (corporate).

Provision of alcohol

The supply of alcohol at any event can lead to increased risks, including the risk of anti-social behaviour and risks to the reputation of both individuals and the organisation alike.

Before considering the supply of alcohol at an event, the authorised officer must note their obligations under the Occupational Health and Safety Act 2004, the Liquor Control Reform Act 1998 and the Code of Conduct. Importantly, employees must not be impaired by alcohol whilst in the workplace.

The following parameters may be useful as a guide:

- Any event where alcohol is served should be held at a time which minimises the risk of employees returning to work impaired by alcohol. For example, if normal office hours are worked, the event should be held in the late afternoon or early evening.
- Any event should not exceed two hours in duration.
- No more than two standard drinks per person should be provided.
- The provision of alcohol should be incidental to the overall level of hospitality provided.
- The provision and use of alcohol using government funds is strictly within this Policy.
- The storage and control of any alcohol should be closely monitored.

The provision of alcohol at staff-related functions funded from an organisation's budget carries with it higher risks in terms of public perception, especially in relation to perceptions of waste and excess, including the risk of anti-social behaviour and risks to the reputation of both individuals and the organisation alike. Consideration must be given, prior to approval, to avoid any such perceptions, to contain costs, and to promote adherence to the Code of Conduct.

Breaching the Policy

A breach of this Policy may constitute a breach of:

- Victorian Public Sector Code of Conduct
- *Public Administration Act 2004* in relation to misconduct
- Directors' Code of Conduct under the *Public Administration Act 2004*
- Ministerial Order 199
- School Council Code of Conduct.

This policy was adapted from the DET Gifts, Benefits & Hospitality Policy 2015. For more information, please see:

<http://www.education.vic.gov.au/Documents/school/principals/spag/governance/giftsbenefitsandhospitality.pdf>

This policy was last ratified by School Council June 2016

To be reviewed in 2019