



GIFTS, BENEFITS AND HOSPITALITY POLICY

Rational

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 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.

Purpose

- To ensure school policies and practices comply with the DET policy requirements
- To guide all individuals as to what they need to do when considering whether to accept gifts, benefits and hospitality.

The Department's policy

- Applies to all Department employees in the public service and teaching service, school council employees and school councillors
- Does not prevent teachers and principals from accepting token gifts from students, parents and overseas visitors.
- Includes gifts, benefits or hospitality offered to staff or staff's immediate family if the offer is linked to the staff member's employment with the Department.
- Does not apply to gifts, benefits or hospitality offered in a private context.

Definition of terms for this policy

- *Gifts* are the free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are given to Department or school 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 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 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. It is hospitable to offer light refreshments in the course of a business meeting or as part of a conference program. Hospitality can range from offers of light refreshments at a business meeting to restaurant meals and sponsored travel and accommodation.
- *Nominal value* refers to the value of the gift. A gift is of nominal value if it is worth less than \$100
- *Conflicts of interest*
 - **Actual conflict of interest** - there is a real conflict between an employee's public duties and private interests.
 - **Potential conflict of interest** - an employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
 - **Perceived conflict of interest** - the public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
- *Token Offer* is an offer of a gift, benefit or hospitality that is less than \$50 offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual. The primary determinant of a Token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest.
- *Non-Token Offer* is an offer of a gift, benefit or hospitality that is \$50 or more except where a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school receives an offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person's contribution to the education of a student or students, in which case non-token includes any offer worth more than \$100.

Minimum requirements for all Departmental employees (including Teaching Service), school council employees and school councillors:

- Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
- Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest
 - may adversely affect their standing as a public official or which may bring the school into disrepute
 - the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies
 - are Non-Token Offers without a legitimate business benefit.

- Declare all Non-Token Offers (refer to Definitions) gifts, benefits and hospitality (whether accepted or declined) on the school's Register, and seek approval from the Principal and School Council to accept any Non-Token Offer.
- Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

Minimum requirements for all Departmental employees (including Teaching Service), school council employees and school councillors:

- Ensure that any gift, benefit and 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.
- 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.

Minimum requirements for all Departmental executive officers, executive class and principal class employees in the Teaching Service (excluding Assistant Principals):

- 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
- Promote 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
- 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 when 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
- The employee or school councillor has been offered gifts, benefits or hospitality of any kind from the same donor more than once in the last year.

Keeping gifts of more than Nominal Value

- Employees, or school councillors may keep such gifts as a box of chocolates, for the work they have done. This is considered a Token Offer.
- In limited circumstances, employees or school councillors may be able to keep a gift less than \$500, subject to the documented approval of their Deputy Secretary, Secretary or School Council. The Secretary, Deputy Secretary or Principal may also consider offering the employees or school councillors 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, school or State.
- Employees will be able to keep a gift worth \$100 or more but less than \$500 subject to the documented approval of school council. School councillors must declare all gifts of any value by completing the Gift Registry.
- Gifts worth \$500 or more must be surrendered to the school under all circumstances.

Consequences of breaching the Gifts, Benefits and Hospitality 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
- MCS Code of Conduct.

Resources

For more information see:

- <http://www.education.vic.gov.au/school/principals/spag/governance/Pages/gifts.aspx>
-  [Gift Declaration Form \(docx - 43.61kb\)](#)

Evaluation

This policy will be reviewed as part of the School's three-year review cycle.

Next Review Date: 2020

This policy was last ratified by School Council in: ***December 2017***