

GIFTS, BENEFITS & HOSPITALITY POLICY

Rationale

- The Public Sector Standards Commissioner issued the Gifts, Benefits and Hospitality Policy Framework for the Victorian Public Sector (March 2010) requiring all public sector entities including government schools to ensure that they have gifts, benefits and hospitality policies and processes that satisfy the requirements of the Framework.
- Schools must establish a process for ensuring all staff and School Council members are advised of the policy requirements and establish a gift register to keep records of accepted gifts, benefits and hospitality of more than nominal value.
- The principal must monitor the gift register records which are to be reviewed annually by the School Council.
- The policy applies to all Department of Education and Training (DET) employees in the public service and teaching service, School Council employees and School Councillors.
- The policy does not prevent teachers and principals from accepting token gifts from students, parents and overseas visitors.
- 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 DET 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.
- The policy also includes gifts, benefits or hospitality given to an employee's or a School Councillor's immediate family if the donor can be linked back to the employee's or School Councillor's duties and responsibilities. The policy does not apply to gifts received in a private context.

Purpose

- To ensure Tarneit Rise Primary School 's policies and practices comply with DET policy in relation to the receipt of gifts, benefits and hospitality.
- To ensure the school complies with the minimum requirements and accountabilities as outlined in the Gifts, Benefits & Hospitality Policy Revised February 2017 (for DET Employees, Teaching Service Employees, School Council Employees and School Councillors).

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.

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. 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.

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 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.

Entertainment is specifically defined in tax legislation as entertainment by the way of:

- food
- drink
- recreation
- accommodation or travel associated with the provision of food, drink or recreation.

Therefore, all gifts that are of an entertainment nature and/or any other gifts of \$300 or more in value, accepted by an individual from an employer, associate of an employer, or third party are subject to FBT.

Host is the person, office holder or organisation which authorises, organises and pays for an event. Responsibilities of a public sector host include initiating the event and approving decisions, for example in relation to cost, selecting invitees, ensuring the event runs smoothly and meets its objectives, and facilitating relationships between invitees.

Register is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.

Legitimate business benefit gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State.

A Token Offer is an offer of a gift, benefit or hospitality that is 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. **A Token Offer** is an offer of a gift, benefit or hospitality that is less than \$50¹.

Non-Token Offer is an offer of a gift, benefit or hospitality that is \$50 or more¹.

¹ 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.

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.

Implementation

- DET policy applies to all employees (including Teaching Service), all School Council employees and all School Councillors.
- 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
- declare all non-token offers
- 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;
 - ensure that hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements;
 - publish the Gift Register on the school's website
- Catered staff functions or working meals may occasionally be provided.
- Gifts to recognise a significant staff achievement is acceptable for example the giving of a token (flowers or card) to family members who have experienced a bereavement.
- Birthdays, marriages or birth of children must never be celebrated using public money.
- The principal will establish a process for ensuring that all staff and School Council members are advised of the policy requirements.
- The Gift Declaration Form, downloadable from the website below, must be completed by the recipient of a reportable gift within 14 days of the offer.
- The principal will establish a Gift Register to keep records of accepted gifts, benefits and hospitality of more than nominal value and will monitor gift register records and ensure they are reviewed annually by the School Council.
- Employees or School Councillors may accept and keep token gifts e.g. a box of chocolates (under \$100) from students, parents and overseas visitors provided there is no conflict of interest and the value is proportional to the occasion.

- In limited circumstances gifts over \$100 but below \$500 may be kept subject of the written approval of the School Council.
- Gifts worth \$500 or more must be surrendered to the school in all circumstances.
- However care must be exercised if the donor is involved in a tender process, contractual arrangement with DET or the School Council or if gifts of any kind have been offered more than once in the last year.
- If an individual considers that they have been offered bribe or inducement, the matter should be reported to the principal immediately.
- A gift must never be accepted if there might be a perception that it would create an obligation to the recipient, is likely to influence an employee or the School Councillor in the course of their duties or if the gift is money.
- Gifts that are Departmental or school property may be:
 - transferred in title to Victorian Government departments and agencies and repositories of collections, including museums, galleries, libraries, archives and special-interest collections, education or community institutions
 - donated to a nominated non-profit organisation or charity, at the discretion of the recipient and the Department
 - purchased by the recipient (if no Victorian Government entity has made a prior claim)
 - disposed of in an appropriate manner by the Department or school.
- Gifts must be retained for one year before they are subject to the disposal process.
- Disposal details
 - description of the gift
 - date of disposal
 - recipient of disposal
 - original donor
 - reason for disposal
 - must be recorded in the Register
- For more information, the school will refer to:
 -  [Gifts, Benefits and Hospitality Policy and Guidelines \(docx - 379.82kb\)](#)
 -  [Gift Declaration Form \(docx - 43.61kb\)](#)

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid-August 2017).

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
July 2018	2019	38	2	September 2017

References:

www.education.vic.gov.au/school/principals/spag/governance/pages/gifts.aspx
and Gifts, Benefits & Hospitality Policy Revised August 2017
(for DET Employees, Teaching Service Employees, School Council Employees and School Councillors)