

# Gifts, Benefits and Hospitality Policy

## Definition of Terms

*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 e.g. sporting invitation.

*Hospitality* is the friendly reception and treatment of guests.

*Reportable gifts* are those that must be recorded, typically on a gift declaration form and/or gift register that exceed a nominal value.

*Nominal value* refers to the value of the gift offer.

## Rationale

Alphington Primary School expects high standards of integrity and impartiality from school employees and 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 accept gifts, they must always act fairly and objectively and maintain public trust by being honest, open and transparent.

## Aims

To:

- Guide Alphington Primary School staff and School Councillors as to what they need to do when considering whether to accept gifts, benefits and hospitality.
- Maintain 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*.

## Implementation:

The **minimum requirements** apply to all employees and school councillors. The **minimum accountabilities** also apply to the Department's executive and executive class and Principal class employees in the Teaching Service (excluding Assistant Principals).

1. 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 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.
2. The **minimum accountabilities** for the Department's executive, executive class and Principal class employees in the Teaching Service (excluding Assistant Principals) are that they:
  - Disseminate and establish awareness and compliance with the Gifts, Benefits, and Hospitality policy and Guidelines with all staff 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 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 audit committee.

### 3. Accepting Gifts or Hospitality

Employees or School Councillors may accept benefits and hospitality, such as invitations to official functions or events of reasonable value, as long as they are related to the business of the Department or school, and provided that they do not involve a conflict of interest or create a perception that the employee or School Councillor will be unduly influenced by accepting the benefit or hospitality. In all cases the benefit or hospitality should be proportionate to the occasion.

### 4. 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.

### 5. Keeping Gifts

- Employees and School Councillors may keep token gifts (eg chocolates), for work done.
- In limited circumstances, employees and school councillors may keep gifts worth between \$100~\$500, **subject to documented approval** of School Council. The 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 school **under all circumstances**.

### 6. Recording the Acceptance and/or Keeping of a Gift

- Acceptance of token gifts or reasonable hospitality does not need to be formally registered. Hospitality provided by other government departments does not need to be recorded.
- The school will keep a Gift Register maintained by the Principal and reviewed by School Council. Gifts valued between \$100 and \$500 will be recorded on the Gift Register.

### Evaluation:

The School Council will be responsible for the review of the policy within the life of the School Strategic Plan.

This policy was last ratified by School Council in....

August 2011

## Appendix

### 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.

<b>G</b>	<b>Giver</b>	<b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b> Does my role require me to select contractors, award grants, or determine policies? Could the person or organisation benefit from a decision I make?
<b>I</b>	<b>Influence</b>	<b>Are they seeking to influence my decisions or actions?</b> 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?
<b>F</b>	<b>Favour</b>	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> 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?
<b>T</b>	<b>Trust</b>	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family, friends or associates think?

### Consequences of 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.

In some circumstances, accepting a gift or benefit may constitute a breach of sections 175–179 of the *Crimes Act 1958*. This is an indictable offence that attracts a maximum penalty of ten years imprisonment.

Division 9A of the *Crimes Act 1958* also provides that common law bribery attracts a maximum penalty of ten years imprisonment.