

WPS – GIFTS, BENEFITS & HOSPITALITY POLICY

For period: February 2015 – December 2018

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.

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*.

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. 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. 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 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.

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).

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.

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

- promote 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.

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.

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.

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.

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: (see appendix B)

recipient's name
donor's name and organisation
location of the gift
description and estimated value
date, time and place of offer
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.

CERTIFICATION

This policy was adopted at the School Council meeting held at Wandong Primary School on the 10th day of August 2015.

Signed:

School Council Vice President

Signed:

Acting Principal