Gifts, Benefits and Hospitality Policy

**Rationale:**
- The giving and receiving of gifts are common place in schools, however, both need to be managed sensitively, both need to comply with Australian taxation laws, and neither must compromise the good name of the school. Hospitality may be provided to welcome guests, facilitate relationships or to celebrate achievements.

**Aims:**
- To ensure that the giving and receiving of gifts result in positive experiences that enhance the school and its relationships with others.
- The high standards of integrity and impartiality from Victorian public sector employees and school councillors are maintained in respect of gifts benefits and hospitality
- If 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 be applied to employee and school councillor families if the gift benefit or hospitality can be linked to the responsibilities of that employee or school councillor.

**Definitions:**

*Gifts* are 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. Gifts may also include those provided by organisations to a visiting delegation from another jurisdiction. 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. It may also be provided by public sector organisations in three situations:

- ‘*Official State hospitality*’ is that hosted directly by an elected official and not a public sector organisation. This may include some diplomatic, consular and ceremonial activities, state contributions to the Australian system of honours and awards and the conduct of community cabinets. This type of hospitality is exempt from this Policy framework.
- ‘*Official hospitality*’ refers to the hosting of diplomatic and foreign government officials, community representatives and/or people from the private and academic sectors by public sector organisations, and state-sponsored events.
- ‘*General hospitality*’ is usually that provided by public sector organisations, often in the workplace and often involving fellow public sector employees. General hospitality can be
provided for a range of purposes, from providing sustenance at a lengthy meeting through to celebrating achievements. Modest hospitality includes light refreshments such as tea or coffee offered as a courtesy, and light meals such as sandwiches served at a business meeting held over meal times. It also extends to more generous forms of hospitality such as catered meals at functions, meals at restaurants, and may include the provision of alcohol. Depending on the nature of the hosting organisation’s business, sometimes recipients of general hospitality may be stakeholders external to the Department or school, or business partners.

**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.

**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, 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.

**Non-school-based employees** refers to all employees who are not physically located on a school site and who do not report to a school principal or school council. This also incorporates contactor staff engaged through the Staffing Services (temporary labour) Panel.

**School-based employees** refers to all employees who are physically located on a school site and who report to a school principal or school council.

**Implementation:**

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;
- establish awareness of and compliance with gifts, benefits, and hospitality policies with 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 $50 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.

**Receiving Gifts, benefits or hospitality:**

1. The **minimum requirements for individuals** for accepting gifts, benefits and hospitality are that they:
   - do not solicit gifts, benefits or hospitality;

Ratified in 2015
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;
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 $50.

Gifts of 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.

2. Benefits and hospitality in relation to for-profit organisations sponsoring conferences or industry tours will be declined, unless reasons why there is no conflict of interest or apparent conflict of interest or improper influence can be demonstrated. If attendance at the conference or industry tour is in the public interest, then the Department or school should consider paying for the travel and accommodation.

3. 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. Benefits and hospitality in relation to for-profit organisations sponsoring conferences or industry tours should generally be declined, unless reasons why there is no conflict of interest or apparent conflict of interest or improper influence can be demonstrated. However, if attendance at the conference or industry tour is in the public interest, then the Department or school should consider paying for the travel and accommodation.

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. Employees and school councillors should remember that the consequences of creating a perception that the Department’s or school’s impartiality can be compromised may be as damaging as an actual compromise.

**Giving Gifts Benefits or Hospitality:**

1. The minimum requirements for individuals when providing gifts, benefits or hospitality are that they:

Ratified in 2015
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.

2. Gifts and hospitality provided to external guests

Authorised officers may consider providing hospitality for the purposes of:

- receiving guests (for example a visiting delegation from another jurisdiction, or hosting a meeting held over lunch time);
- facilitating relationships between third party organisations that are in the interests of the State (for example, an event where community sector organisations can meet business organisations to establish partnerships);
- celebrating the opening of an event, exhibition, or the establishment of a new public body; or launching an initiative (for example, the launching of a new community awareness campaign).

3. In considering whether to provide a gift or hospitality, the authorising officer should seek to uphold, and where possible, enhance the reputation of the public sector, including the school. The following questions will be used to assist this consideration:

- will the provision of hospitality foster the conduct of Departmental or school-based business?
- will the provision of hospitality help to promote or support the government’s policy objectives?
- in providing hospitality, can we be sure that the reputations of both the public sector/school and the external guests are upheld?
- will the gift being considered provide a benefit to the State? NOTE: Any gift should normally be symbolic, rather than financial, in value.

4. Gembrook Primary School gives gifts to recognise the contributions of volunteers.

Gifts given by Gembrook Primary School are generally of little monetary value and usually consist of bouquets of flowers, small school mementoes, or other inexpensive items of sentimental value.

5. 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.

When considering giving a gift: Take the GIFT test and when in doubt ask your manager or school principal.

<table>
<thead>
<tr>
<th>G</th>
<th>Giver</th>
<th>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?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Influence</td>
<td>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?</td>
</tr>
<tr>
<td>F</td>
<td>Favour</td>
<td>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?</td>
</tr>
<tr>
<td>T</td>
<td>Trust</td>
<td>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?</td>
</tr>
</tbody>
</table>

Ratified in 2015
Another useful test is to consider if it would be embarrassing or difficult to publicly explain or justify the acceptance of a gift. If this is the case, or if there is any doubt, then the gift should be politely declined.

**Catered functions for staff**  
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 Principal will determine if a catered function for staff would be considered reasonable and must take into consideration community expectations in relation to expenditure by public officials.

**Working meals in a business meeting**  
Working meals involve participation of persons outside the organisation.  
The provision of working meals should normally occur:
- at an ordinary Departmental or school-based meeting location  
- on non-regular occurrences, except where particular meetings are planned to continue without break for the convenience of Departmental or school-based timetables.

Working meals may be accepted when:
- there are organisational efficiencies in continuing the meeting through the normal meal break; or  
- there is no reasonable alternative date and time to conduct the meeting expect through a normal meal period.  
- the venue chosen for the meal should be in accordance with the significance of the purpose of the meeting and the status of the persons/participants.

An employee is not permitted to claim a reimbursement or allowance for meals or beverages where the meal/entertainment has been provided as part of hospitality.

**Providing gifts to staff**  
- On occasions, the 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.
- The school may collect donations from the community to purchase a gift for a retiring staff member of considerable service.
- All purchases need to be made in accordance with the Department's *Purchasing Policy and Guidelines (corporate)*.

**Hospitality**  
- Authorised officers may consider providing hospitality for the purposes of:
  - receiving guests (for example a visiting delegation from another jurisdiction, or hosting a meeting held over lunch time);  
  - facilitating relationships between third party organisations that are in the interests of the State (for example, an event where community sector organisations can meet business organisations to establish partnerships);  
  - celebrating the opening of an event, exhibition, or the establishment of a new public body; or launching an initiative (for example, the launching of a new community awareness campaign).
- Any order for hospitality will include a ‘School Hospitality Expenses Approval Form’, which will detail the purpose, cost, detail, duration and attendees.

**Catered functions for staff**

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

1. As part of a larger staff-related event, for example a training course, workshop, planning day seminar or conference; and
2. 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).
3. Working Meals in a Business Meeting
   o Working meals involve participation of persons outside the organisation. The provision of working meals should normally occur at an ordinary Departmental or school-based meeting location or on non-regular occurrences, except where particular meetings are planned to continue without break for the convenience of Departmental or school-based timetables.
4. Working meals may be accepted when:
   o there are organisational efficiencies in continuing the meeting through the normal meal break; or
   o there is no reasonable alternative date and time to conduct the meeting expect through a normal meal period.
   o Any hospitality including the venue chosen for the meal should be in accordance with the significance of the purpose of the meeting and the status of the persons/participants.

*When considering providing hospitality: Take the HOST test*

The HOST test is a good reminder of what to think about when deciding whether to provide hospitality or gifts to staff or stakeholders. Take the HOST test and when in doubt ask your manager or school principal.

<table>
<thead>
<tr>
<th>H</th>
<th>Hospitality</th>
<th>To whom is the gift or hospitality being provided?</th>
<th>Will recipients be external business partners, or employees of the host organisation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>O</td>
<td>Objectives</td>
<td>For what purpose will hospitality be provided?</td>
<td>Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</td>
</tr>
<tr>
<td>S</td>
<td>Spend</td>
<td>Will public funds be spent?</td>
<td>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided? Will the costs incurred be proportionate to and less than the benefits obtained?</td>
</tr>
<tr>
<td>T</td>
<td>Trust</td>
<td>Will public trust be enhanced or diminished?</td>
<td>Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</td>
</tr>
</tbody>
</table>

**Declining a gift, benefit or hospitality**

- Employees and school councillors involved in procurement processes and awarding grants or awards must not accept gifts from applicants.
- Offers of sponsored travel and accommodation to attend a conference should generally be declined because of the potential for conflict of interest. However, if attendance is...
considered to be in the public interest, then the Department or school could pay for the travel and accommodation instead.

- If there is no public benefit to accepting a gift, benefit or hospitality, then it should be declined. This is particularly the case when acceptance could be perceived as an endorsement of the organisation or product.

- **Repeat gifts or attempted bribery** – if an individual considers they have been offered a bribe or inducement, the offer must be reported to the Secretary, school principal or their delegate immediately.

- In order to provide some consistency and clarity in the giving of gifts, School Council will develop a guide that describes the type of gift that will be given at any particular occasion, and a monetary value. For example, the value of gifts for staff members leaving the school will roughly correlate the period of service the staff members have dedicated to our school.

- Any Fringe Benefits Tax implications of any gift or donation must be fully explored and reported to the Australian Taxation Office.

- All gifts and donations will be recorded in a registry for this specific purpose and reported to school council. Acceptance of token gifts or reasonable hospitality does not need to be formally registered. 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.

- In the case of an international delegation offering ceremonial gifts on behalf of their country to an individual, school or the Department, these gifts (dependent on the nominal value) are to be recorded on the gift register and become the property of the Department or school.

- The school will use the DET provided form to register gifts or donations to the school.

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

- This policy is to be read in conjunction with the school’s Sponsorship policy.

**Evaluation:**
The giving and receiving of gifts, benefits and hospitality at Gembrook Primary school is transparent, recorded, compliant with DET policy and conforms to expectations of the school and wider community.

This policy will be reviewed as part of the three year cycle unless otherwise stated.

**References:**


Gifts, Benefits and Hospitality Policy for Department Employees, Teaching Service Employees, School Council Employees and School Councillors  *Revised February 2015*


Procurement Department Probitity Guidelines. *Revised July 2014*

Public Administration Act 2004, the Code of Conduct for Victorian Public Sector Employees

School Council Code of Conduct.

State Services Authority Gifts Benefits and Hospitality Policy Framework April 2012

Ratified in 2015
VALUATION AND DISPOSAL OF GIFTS

Any disputes as to the value of a gift must be resolved by independent valuation.

Valuation

The value of a gift is assessed according to the wholesale price in the country of origin. Valuations are to be obtained by valuers competent to value in the field. The Department or school will pay any costs of valuation.

Disposal

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. The Secretary (non-school-based staff) or school council (school-based staff and school councillors) must approve any exception to this rule. All disposals of gifts require the approval of the Secretary (non-school-based staff) or school council (school-based staff and school councillors). The purchase of gifts worth more than $500 by the Secretary requires the approval of the Chair of the Audit Committee.

Public entities, such as the National Gallery of Victoria, State Library of Victoria and Museums Victoria, retain a right of first claim over any gifts to be disposed of that are deemed to be of historical or cultural significance.

Disposal of gifts must be in the public interest and pay due respect to the wishes and expectations of the donor. Disposal of gifts to individuals, other than by way of purchase by the original recipient, is not permitted. Disposal of gifts to private-sector organisations should be avoided. All disposals must be arm's length transactions and be properly documented for audit.

In the case of disposal of school gifts, the school council may initiate a disposal request at any time after the conclusion of the one-year retention period. A gift disposal recommendation form must be completed and forwarded to the Premier or Secretary, accompanied by a briefing on any ethical or accountability issues relating to the disposal. Once approved, the school council may (if requested) donate the gift on the Premier's or Secretary’s behalf.

The following details of disposal must be entered in the gift register:

- description of the gift
- date of disposal
- recipient of disposal
- original donor
- reason for disposal.
## GIFT DECLARATION FORM

*To be completed by the recipient of the reportable gift within 14 days of the offer*

<table>
<thead>
<tr>
<th>Date offered:</th>
<th>/ /</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offered to:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Title/Role:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Division/Unit/School:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Offered by:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Title/Role:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Organisation:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Reason offered:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Description of gift:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Location of gift:</td>
<td>.................................................................</td>
</tr>
<tr>
<td>Estimated value:</td>
<td>.................................................................</td>
</tr>
</tbody>
</table>

- **First time offer**  □  **Previous offer(s) within last 12 months by this individual**  □
- **Cumulative value of gifts offered by this individual within the last 12 months:** .................

### Decision regarding gift:

- **Declined**  □  **Retained**  □  **Transferred to Department ownership**  □
- **Transferred to school ownership**  □

**Signature of recipient:** .................................................**Date:** / / .......

### Approved by recipient's authorised delegate:

| Name: | ................................................. | Position: | ................................................. | **Date:** / ....... / .......
| Signature: | ................................................. |

**On Completion - Please send to Executive Director, Procurement Division or School Principal as appropriate**

### Gift register updated:

| Name: | ................................................. | Position: | ................................................. | **Date:** / ....... / .......
| Signature: | ................................................. |

**Executive Director (or appropriate representative), Procurement Division, or school principal as appropriate**

---

Ratified in 2015