



## **GIFTS AND BENEFITS POLICY**

### **PURPOSE**

The purpose of this policy is to 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.

The community expects high standards of integrity and impartiality from the Victorian public sector and School Councillors. These individuals must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.

Whenever DET 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.

The overarching objective of the Policy is to encourage behaviours that will earn and sustain community and government trust. In particular, the Policy seeks to equip Personnel (i.e., DET staff, School Councillors, School Council employees, volunteers) to:

- distinguish and appropriately manage modest tokens of appreciation, or hospitality that are a basic courtesy, from inducements, conflicts of interest or Non-Token offers without a legitimate business benefit
- identify appropriate boundaries for the provision of gifts, benefits and hospitality in a way that is considered reasonable in terms of community expectations.

### **SCOPE**

The Broadmeadows Valley Primary School (BVPS) Gifts and Benefits Policy and guidelines apply to all employees in the Public Service and Teaching Service and all School Councillors. The scope of this policy incorporates gifts, benefits or hospitality given to a DET employee or a School Councillor's immediate family if the donor can be linked back to the employee or School Councillor's duties and responsibilities. The policy does not apply to gifts received in a private context.

## DEFINITIONS

**Gifts:** includes 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 defined as 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 defined as 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 registry system. 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.

**Token Offer:** An offer of a gift, benefit or hospitality that is made as a courtesy or is of inconsequential or trivial value to both the person making the offer and the recipient. 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 with an estimated or actual value less than \$50, other than for a Gift of Appreciation (Teaching Service only).

**Non-Token Offer:** An offer of a gift, benefit or hospitality with an estimated or actual value that is \$50 or more, other than for a Gift of Appreciation (Teaching Service only).

**Conflict 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.

### **Gift of Appreciation (Teaching Service only)**

An offer from or on behalf of a parent, carer or student(s) made to a member(s) of the Teaching Service, intended to express appreciation of the teacher's contribution to the education of a student or students. Where the estimated value is \$100 or less, the Gift of Appreciation is considered Token and does not need to be declared. A gift with an estimated or actual value above \$100 is considered Non-Token and must be declared.

# **POLICY**

## **Governance and Policy Authority**

The BVPS Gifts and Benefits Policy gives effect to the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework, October 2016, with which the Department and all Victorian Government schools must comply.

The Policy is issued under the delegated authority of the Secretary of the Department of Education and Training. Compliance with the Policy is a requirement for all Personnel.

The Department must also comply with the *Minister for Finance Standing Directions 2016*, and its associated Instructions, which have legal force under the *Financial Management Act 1994*.

The Policy 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 Code of Conduct for Directors of Victorian Public Entities.

The Policy replaces previously issued gifts, benefits and hospitality policies for Department and school-based Personnel.

## **Policy Intent**

The giving and receiving of gifts, benefits or hospitality are commonplace in everyday life. The Victorian community expects high standards of integrity and impartiality from Personnel. The intent of the policy is to establish clear rules and guidance for Personnel in responding to and providing gifts, benefits and hospitality. The main policy intentions include that:

- We must not accept or make offers of gifts, benefits or hospitality that influence, or may give the impression to influence, any decision unfairly.
- We perform our duties without favouritism, bias or for personal gain.
- We act fairly and objectively and maintain public trust by being honest, open and transparent.

## **Conflicts of Interest**

Managing conflicts of interest appropriately is fundamental to ensuring high levels of integrity at Broadmeadows Valley Primary School. Considering any actual, potential or perceived Conflict of Interest is central to determining how to respond to an offer of a gift, benefit or hospitality.

Any offer of gifts, benefits and hospitality which represents an actual, potential or perceived Conflict of Interest must be refused.

A Conflict of Interest arises in circumstances where a staff member or school councillor's private interests can influence or be seen to influence a public duty. Conflicts of interest are an inevitable fact of organisational life and can arise without anyone being at fault. However, where an actual, potential or perceived Conflict of Interest exists, it may create serious risks for the individual, the Department or school, and must be identified and managed appropriately.

## **Implementation**

1. The minimum requirements apply to all employees and School Councillors. 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 the Principal
- seek advice from the 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 school will 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. 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.

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 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 may keep token gifts such as a box of chocolates, for the work they have done.

6. In limited circumstances, employees and School Councillors may be able to keep a gift of appreciation if it is \$100 or less.

7. A gift of appreciation with a value above \$100 or more is considered by policy as non-token and must be declared by the recipient and must be surrendered to the State or school under all circumstances. Employees and School Councillors may purchase a gift worth more than \$100 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.

8. 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 or school.

9. For school-based employees and School Councillors, acceptance and offers of a gift worth more than \$100 (nominal value) must be formally declared on the Department's online Gifts, Benefits and Hospitality Registry system. The Benefits and Hospitality Registry system is monitored by the Department and annually reviewed by the School Council.

10. Repeat gifts and 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.

## **Monitoring and Compliance - Three Lines of Defence**

Responsibility for the Policy's compliance and monitoring is based on the Department's Three Lines of Defence model. This model outlines the overarching ownership, accountabilities, and governance for management responsibilities within the Department.

The first line of defence is departmental and school-based Personnel responsible for making decisions about gifts, benefits and hospitality, whether offered or provided.

The second line of defence is the responsibility of the Policy owner (Procurement Division, IFSG). This Division implements and manages the Department's second line of defence controls for received or provided offers of gifts, benefits and hospitality, in concert with other applicable Divisions, i.e., Financial Services Division, which has an overarching responsibility for financial management compliance controls, and Integrity and Assurance Division. Procurement Division has the following responsibilities with respect to gifts, benefits and hospitality:

- Develop, review and maintain the Department's Policy
- Provide system administration support for the Department's Registry system
- Capture and make available where relevant, authoritative information about offered gifts, benefits and hospitality, including bi-annual reports provided to the Audit and Risk Committee
- Provide consultancy support to Personnel, in concert with other Divisions
- Represent the Department at whole of government meetings and forums in relation to gifts, benefits and hospitality policy and administration
- Implement and manage second line of defence controls.

The third line of defence is provided by Integrity and Assurance Division and external audit and assurance entities.

## **Audit and Risk Committee**

In accordance with its Terms of Reference, the Department's Audit and Risk Committee is responsible for Policy compliance monitoring and oversight across the Department and schools.

## **School Councils**

School Councils monitor and oversee offers and provision of gifts, benefits and hospitality within schools, and at least annually review the school Register for compliance with the Policy.

## **Compliance Attestation**

The Policy applies to all Personnel.

Compliance with the Policy by schools and School Councils will be evidenced through the 'Internal Certification Checklist' or school attestation, returned by schools to the Department in July of each year.

## **Speak-Up**

Personnel can raise concerns about non-compliance by using the Department's Complaints Management framework. They can seek local resolution by raising concerns with their manager or manager's manager, seek advice about unprofessional conduct from Employee Conduct Branch (9637 2595) or report to the Department's external Speak Up service.

## **Keeping (offered) gifts**

The retention by Recipients of Non-Token offers is not prohibited under the Policy. An offer that has a legitimate business benefit can be accepted. However, all Personnel are encouraged to adopt a 'Thanks is Enough' approach when responding to offers of gifts, benefits or hospitality. 'Thanks is Enough' is a desired standard for all corporate and school-based Personnel when responding to offers of gifts, benefits and hospitality; ensuring impartiality in decision making with business or suppliers. The approach means that a simple thank you is all Personnel need from businesses or suppliers to show their appreciation.

## **Factors to Consider When You Receive an Offer**

### ***Gifts Than Can Be Kept***

While the offering of gifts, benefit and hospitality, such as hampers, football tickets or invitations to corporate functions, is often a gesture of goodwill, it may give businesses and suppliers a commercial edge by encouraging Personnel to think of them first next time.

Accepting offers can give rise to a Conflict of Interest; lead to the perception of bias among colleagues and communities; and call our objectivity and integrity into doubt.

Gifts of Appreciation to members of the Teaching Service are able to be retained by Recipients, subject to the approval of Authorised Delegates.

### ***Offers that Cannot be Kept***

Gifts valued at \$500 or more or Ceremonial Gifts regardless of value, must be transferred to the Department or school. The exception to this provision is Gifts of Appreciation when offered by multiple sources, and Non-Token offers related to Sponsored Travel and conference/meeting attendance where these are effectively consumed by the Recipient and are unable to be transferred.

All offers from suppliers, potential suppliers or organisations about whom you make business decisions must be refused.

Official gifts presented to an individual Recipient on behalf of the Department or school, remain the property of the Department or school, and must be declared if Non-Token.

Vouchers (including retail debit cards and gift cards) are considered to be items used in a similar way or easily converted to money and are prohibited, pursuant to the Victorian Public

Sector Commission's Minimum Accountabilities. The exception to this provision is Non-Cash Vouchers as defined in this Policy, offered as Gifts of Appreciation.

## **Privacy**

Regardless of whether offers are accepted or declined, Recipients should inform donors that:

- The Department is required to publish Non-Token offers in the Register report
- Personal information will be de-identified
- For accepted offers from organisations, business names will be published
- For declined offers from organisations, organisational categories will be published.

## **FURTHER INFORMATION AND RESOURCES**

DET Gifts, Benefits and Hospitality Guidelines & Policy

[http://www.education.vic.gov.au/edulibrary/public/schadmin/standards/gifts\\_benefits\\_hospitality\\_policy.pdf](http://www.education.vic.gov.au/edulibrary/public/schadmin/standards/gifts_benefits_hospitality_policy.pdf)

Public Administration Act 2004

[http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/PAAAct2004/\\$File/PAAAct2004.pdf](http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/PAAAct2004/$File/PAAAct2004.pdf)

[http://www.eduweb.vic.gov.au/edulibrary/public/schacc/school\\_council\\_code\\_of\\_conduct\\_2010.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/schacc/school_council_code_of_conduct_2010.pdf)

**CASES21 - Chart of Account**

**Code of Conduct for Victorian Public Sector Employees**

Code of Conduct for Directors of Victorian Public Entities

**Conflict of Interest Policy**

**Department's Values and Resources**

**Finance Manual for Victorian Government Schools**

**Financial Authorisations Policy and Guidelines**

**Fraud and Corruption Control Framework**

**Independent Broad-based Anti-corruption Commission (IBAC)**

Oracle Financials - Chart of Accounts

**Risk Management Framework**

**Speak Up Service**

**Sponsorships Policy and Guidelines**

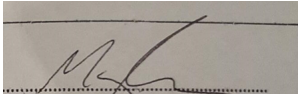
**Standing Directions of the Minister for Finance 2016**

**Supplier Code of Conduct**

**Thanks is Enough**

## EVALUATION AND RATIFICATION

The BVPS Gifts and Benefits Policy will be reviewed as part of the school's three-year review cycle or before in line with DET requirements or mandates. Amendments to this policy will be made in consultation with staff, School Council and the school community. Broadmeadows Valley Primary School will monitor and review the effectiveness of this policy and revise the policy at least once every three years.

<b>Policy</b>	<b>BVPS GIFTS AND BENEFITS POLICY</b>
<b>BVPS Council President</b>	Signed: 
<b>BVPS Principal</b>	Signed: <i>C. Ziano</i>
<b>Reviewed</b>	<b>August 2021</b>
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