

## GIFTS, BENEFITS AND HOSPITALITY POLICY

### PURPOSE:

The purpose of the Gifts, Benefits and Hospitality policy is to set out the obligations of Oxley Primary School staff (including school council members and their employees/contractors) when making or receiving offers of gifts, benefits or hospitality, based on the [Department-wide Gifts, Benefits and Hospitality Policy](#).

The overarching objective of this policy is to encourage behaviours that will earn and sustain high standards and levels of community and government trust. In particular, this policy seeks to equip schools to:

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

This policy contributes to the Department's management of conflicts of interest and maintenance of high standards of integrity and public trust.

### SUMMARY:

- Personnel comply with the Minimum Accountabilities in the Department's Gifts Benefits and Hospitality Policy and how to record an offer of gift, benefit or hospitality in the Registry System.
- 'Thanks is enough' is the desired standard when responding to offers of gifts benefits and hospitality.
- Any offers of gifts, benefits and hospitality which represent an actual, potential or perceived conflict of interest must be declined.
- All offers of gifts, benefits or hospitality valued at \$50 or more must be declared regardless of whether the offer is accepted or declined and must be recorded in the online [Gifts, Benefits and Hospitality Registry System](#) (login required) within 5 days of receiving the offer. The exceptions are gifts of appreciation provided by students/parents/carers to members of the Teaching Service to express appreciation of the person's contribution to the education of students. If the estimated value of the gift is more than \$100 it must be declared, regardless of whether it was accepted or declined.
- Authorised Delegates must approve acceptance decisions within the Gifts, Benefits and Hospitality Registry System. This is non-delegable.
- Personnel must not seek or solicit gifts, benefits or hospitality for themselves or others and must refuse offers that may adversely affect their standing as a public official.
- A gifts, benefits and hospitality register report is published annually on the Department's website.
- See [Resources](#) tab for a number of helpful documents including the [Gifts, Benefits and Hospitality: Quick Guide](#) (login required).



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#### **DETAILS:**

The Department-wide Gifts, Benefits and Hospitality Policy (GBH Policy) contributes to the Department's management of conflicts of interest and the maintenance of high standards of integrity and public trust. The intent is to establish clear rules and guidance for personnel in responding to and providing gifts, benefits and hospitality. Personnel must not accept or make offers of gifts, benefits or hospitality that influence, or may give the impression to influence, any decision unfairly.

#### **Thanks is Enough**

When Personnel receive an offer from current or prospective suppliers of goods or services, the standard and desirable response is to politely decline and say 'Thanks is Enough'.

#### **Minimum Accountabilities**

Outlined below are the Minimum Accountabilities required of Personnel who are offered gifts, benefits or hospitality, of Authorised Delegates and of School Councils. Additional Minimum Accountabilities apply to the provision of gifts, benefits or hospitality and to the Secretary that are outlined on page 5 of the full GBH Policy. Personnel offered gifts, benefits and hospitality (Recipients) must:

1. not seek or solicit gifts, benefits and hospitality for themselves or others
2. refuse offers of gifts, benefits and hospitality that:
  - are Non-Token offers without a legitimate business benefit
  - give rise to an actual, potential or perceived Conflict of Interest
  - extend to their relatives or friends
  - are from a person or organisation about whom Personnel are likely to make business decisions
  - are money, items used in a similar way to money, or items easily converted to money, including Vouchers other than Non-Cash Vouchers offered as Gifts of Appreciation, as defined in the GBH Policy (and below).
  - may adversely affect their standing as a Public Official or which may bring their public sector employer or the public sector into disrepute
  - the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies
3. refuse bribes or inducements and report bribery and inducements attempts to the Secretary or their delegate
4. declare all accepted Ceremonial Gifts and all Non-Token offers — whether accepted or declined — in the Registry System within five Days of the offer date, and seek approval from their Authorised Delegate to accept any Non-Token offer, where possible prior to acceptance
5. transfer to the Department or school any accepted Non-Token gifts valued at \$500 or more and any Ceremonial Gifts, excluding Gifts of Appreciation to members of the Teaching Service offered by multiple sources (for example a group of parents or students).



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**Authorised Delegates must:**

6. assess all declared Non-Token offers proposed to be accepted in the Registry System, and make an approval decision within 10 Days of the Declaration and where possible prior to acceptance
7. where appropriate, approve a Recipient's retention of a Non-Token Gift including a Gift of Appreciation of any value when offered by multiple sources but excluding a Ceremonial Gift or any other Non-Token Gifts valued at \$500 or more
8. oversee and monitor the acceptance or refusal of Non-Token offers and compliance with the Policy, and provide appropriate counselling or take appropriate employment action where Personnel have not complied with the Policy
9. report any criminal or corrupt conduct to the Secretary or their delegate.

**School Councils must:**

10. fulfil the responsibilities of Authorised Delegates for School Council-related Non-Token offers
11. ensure compliance with the GBH Policy by monitoring and overseeing offers and provision of gifts, benefits and hospitality within schools and at least annually reviewing the school Register.

**Personnel providing gifts, benefits and hospitality must:**

12. ensure that any gift, benefit and 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
13. ensure that any costs are proportionate to the benefits obtained for the Victorian Government, and would be considered reasonable in terms of community expectations
14. 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.

**When to declare, accept or refuse offers**

The full GBH Policy outlines the circumstances where Personnel must report an offer, when an offer may be accepted and when an offer must be declined.

There are different conditions depending on the value of the offer, whether the offer is ceremonial gift or a Gift of Appreciation (as defined in the Policy), or if the offer could give rise to an actual or perceived conflict of interest. It is important to consult the full GBH Policy within 5 days if you received an offer whether you declined or accepted.

All Non-Token gifts, benefits or hospitality offers (whether accepted or declined) and any accepted Ceremonial Gifts must be declared in the Registry System.



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The Department publishes the consolidated de-identified data annually on its website.

Personnel must not accept Non-Token offers that do not have a legitimate business benefit.

### **Conflicts of interest**

Managing conflicts of interest appropriately is fundamental to ensuring high levels of integrity in the Department and schools.

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's private interests can influence or be seen to influence a public duty. It can affect employees at all levels of seniority and in every area of work in the Department. 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 creates serious risks for the individual, the Department or school, and must be identified and managed appropriately.

Guidance on the management of Conflict of Interest can be found in the Department's Conflict of Interest Policy.

### **Definitions**

#### **Benefits**

Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. The value of benefits may not have definitive monetary value, but as they are valued by the individual, they may be used to influence the individual's behaviour.

#### **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.



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- **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.

### **Donations**

Gifts given from or received by the Department or schools, typically for charitable purposes and/or to benefit a cause. They impose no obligations on the receiving organisation and offer little or no rights or benefits to the provider. In accordance with Guidance 4.2.2, Minister for Finance Standing Directions 2016, donations are not considered gifts, benefits or hospitality and their administration does not fall under this Policy.

### **Fundraising**

The seeking of financial support for a cause, or other enterprise particularly in Victorian government schools does not fall under this Policy.

### **Gifts**

Gifts are free or discounted items and any other item that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates). Gifts may also include those provided by organisations to a visiting departmental or school delegation from another jurisdiction.

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

Gift of Appreciation is 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 person'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 of Appreciation with estimated or actual value exceeding \$100 is considered Non-Token and must be declared.

### **Hospitality**

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. It also includes the reasonable provision of accommodation for Personnel.

### **Non-Token offer**

Non-Token offer is 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).

### **Personnel**

Personnel refers to people covered by the GBH Policy and includes all Departmental employees (including Teaching Service), School Councillors and School Council employees, and contractors.



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### **Registry System**

Registry System is the Department's online Gifts, Benefits and Hospitality Registry system.

### **Token offer**

Token offer is 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 that is less than \$50, other than for a Gift of Appreciation (Teaching Service only).

### **Vouchers**

Vouchers (including retail debit cards and gift cards) are a payment facility offered by businesses to consumers.

- Cash Vouchers are any vouchers that can be 'universally' used in the same way as cash can. A financial institution issued debit card, e.g. a bank \$50 debit card, is a 'cash' voucher. The acceptance of Cash Vouchers is prohibited under this Policy.
- Non-Cash Vouchers are vouchers that must be used at specific retailers and cannot be converted to cash. Non-Cash Vouchers are prohibited under this Policy except when they are offered as Gift of Appreciation to the members of the Teaching Service.

### **Related policies and guidelines**

- [Alcohol and Other Drugs — Students](#)
- [Code of Conduct for Directors of Victorian Public Entities](#)
- [Code of Conduct for Victorian Government Suppliers](#)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [Complaints, Misconduct and Unsatisfactory Performance](#)
- [Conflict of Interest](#)
- [Finance Manual — Financial Management for Victorian Government Schools](#)
- [Fraud and Corruption Control](#)
- [Gifts, Benefits and Hospitality Policy \(for whole of Department\)](#)
- [Hospitality Approval Guidelines](#)
- [Sponsorship](#)
- [Thanks is Enough \(login required\)](#)
- [Travel](#)
- [Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Guide](#)

### **Relevant legislation**

- [Guidance 4. 2.2, Minister for Finance Standing Directions 2018](#)
- [Liquor Control Reform Act 1998 \(Vic\)](#)
- [Occupational Health and Safety Act 2004 \(Vic\)](#)



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**REVIEW CYCLE:**

<b>REVIEW DATE</b>	<b>August, 2020</b>
<b>APPROVED AT SCHOOL COUNCIL</b>	<b>20/08/2020</b>
<b>NEXT REVIEW DATE</b>	August, 2021