



Purpose

This policy states West Wimmera Health Service’s position on:

- responding to offers of gifts, benefits and hospitality; and
- providing gifts, benefits and hospitality.

This policy is intended to support individuals and the Service to avoid conflicts of interest and maintain high levels of integrity and public trust.

Application

This policy applies to all Service workplace participants including board members, executive staff, managers, employees, contractors, consultants, volunteers and any individuals or groups undertaking activity for or on behalf of West Wimmera Health Service.

Note: Contractors and consultants are only bound by the code if explicitly required by their contract for services.

Policy principles

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality* issued by the Victorian Public Sector Commission.

The Service is committed to and will uphold the following principles in applying this policy:

Public interest: individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment.

Individuals must not accept offers from those about whom they are likely to make business decisions.

Accountability: individuals are accountable for:

- declaring all offers (both token and non-token) of gifts, benefits and hospitality;
- declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- the responsible provision of gifts, benefits and hospitality.

Individuals with direct reports are accountable for overseeing management of their direct reports’ acceptance or refusal of non-token gifts, benefits and hospitality, modeling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Risk-based approach: the Service, through its policies, processes and Audit and Governance Committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed.

Individuals with direct reports will ensure they are aware of the risks inherent in their team’s work and functions and monitor the risks to which their direct reports are exposed.

Management of Offers of Gifts, Benefits and Hospitality i.e. where the Service's workplace participants are offered gifts, benefits or hospitality

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This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the Chief Executive Officer and be reviewed at the next available meeting of the Audit and Governance Committee.

Offers to individuals associated with the Service of gifts, benefits and hospitality can be either **token** or **non-token**.

Token offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50. If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Examples of a token offer include flowers and chocolates.

An individual may receive a token offer but must still report it to the Chief Executive Officer using the [Gifts, Benefits and Hospitality Declaration Form](#).

Non-Token Offers

Offers made to individuals in the following circumstances are considered to be non-token regardless of the amount and should be refused. That is, offers that are:

- made by a current or prospective supplier;
- made during a procurement or tender process by a person or organisation involved in the process;
- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- by a person or organisation about which they will likely make a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- with no legitimate Service business benefit;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the Service will already be sufficiently represented to meet its business;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; or
- made in secret.

Further, individuals must not, for themselves or others, seek or solicit any of the above types of offers.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Chief Executive Officer or their delegate (who should promptly report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

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Individuals should consider the following GIFT test and the requirements below to help respond to a non-token offer.

The GIFT test

G Giver: *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, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?*

I Influence: *Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or endorse a product or service?*

F Favour: *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?*

T Trust: *Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?*

Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers **must** be approved in writing by the Chief Executive Officer, recorded in the Gifts, Benefits and Hospitality register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, the Service or the public sector into disrepute (the above 'GIFT' test is a good reminder of what to think about in making this assessment); and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the Service.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek written approval from the Chief Executive Officer within five business days of receiving the gift or hospitality.

Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in the Service's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the individual's work functions and benefit to the Service.

All non-token offers are to be reported using the attached [Gifts, Benefits and Hospitality Declaration form](#) to the Executive Director of Finance and Administration who is responsible for maintaining the Service's gifts, benefits and hospitality register.

The Service's Audit and Governance Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of the Service's gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where they have received written approval from the Chief Executive Officer. Employees must transfer to the Service official gifts or any gift of cultural significance or significant value (over \$50).

Where the value of the item exceeds \$1,000 it shall be added to the Service's asset register and recorded as non-cash income in accordance with the relevant accounting standard.

MANAGEMENT OF THE PROVISION OF GIFTS, BENEFITS AND HOSPITALITY (i.e. individuals or entities external to the Service are offered gifts, benefits or hospitality by the Service)

This section sets out the requirements for providing gifts, benefits and hospitality.

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further Service business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports Service policy objectives and priorities;
- that any costs are proportionate to the benefits obtained for the Service, and would be considered reasonable in terms of community expectations (the 'HOST' test below is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.

The HOST test

H Hospitality: *To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the Service?*

O Objectives: *For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support Service policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?*

S Spend: *Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?*

T Trust: *Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift, benefit or hospitality? Will the event be conducted in a manner which upholds the reputation of the Service? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?*



Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the Service have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?
- Will other Service policies (including those relating to entertainment, reasonable expenditure levels, the instrument of delegation) be breach

Breaches

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the Service’s Code of Conduct.

"Speak Up"

Individuals who consider that gifts, benefits and hospitality or conflicts of interest within the Service may not have been declared or are not being appropriately managed should speak up and notify their manager or the Chief Executive Officer.

The Service will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

Contacts for further information

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy, should ask their manager, their Executive Director, or take independent expert advice, in such instances.

Definitions:

Business associate: an external individual or entity which the Service has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

Benefits include preferential treatment, privileged access, favours or other advantages 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 be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual’s behaviour.

Actual conflict of interest: There is a real conflict between an employee’s public duties and their 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.

Gifts are free or discounted items and any 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). Fundraising that is consistent with relevant legislation and any government policy is not prohibited under this policy.

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.

Legitimate business benefit: gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the Service.

Register is a record of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.

Token offer is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual. Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the Service as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12-month period).

Non-token offer is an offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on the Service’s gift, benefit and hospitality register.

Appendices:

[Gifts, Benefits and Hospitality Declaration Form](#)

References:

[Victorian Public Sector Commission's Code of Conduct for Employees](#)

[Victorian Public Sector Commission's Code of Conduct for Directors](#)

[Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Resource Suite](#)

[Standing Directions of the Minister for Finance](#)

[Public Administration Act 2004](#)



Title: Gifts, Benefits and Hospitality
Department Finance & Administration
Approved by Audit & Governance Committee

POLICY

WWHS

Linked P&P(s):

[Code of Conduct](#)

[Financial Code of Practice](#)

Revision History:

	Name	Position	Service / Program
Lead Reviewer:	Ritchie Dodds	Acting Chief Executive Officer	Finance and Administration
Contributors:			
Committee/s:	Audit & Governance Committee		