

|  |
| --- |
| Gifts, Benefits and Hospitality Policy |
|  |

Contents

[1. Purpose 2](#_Toc178936288)

[2. Scope 2](#_Toc178936289)

[3. Minimum accountabilities 2](#_Toc178936290)

[4. Definitions 3](#_Toc178936291)

[5. Responding to offers 4](#_Toc178936292)

[6. Declaring offers 5](#_Toc178936293)

[7. Official gifts or items 6](#_Toc178936294)

[8. Offers to the department 6](#_Toc178936295)

[9. Providing gifts, benefits and hospitality 6](#_Toc178936296)

[10. Alleged breaches 7](#_Toc178936297)

[11. Governance 8](#_Toc178936298)

[Appendix A—Minimum accountabilities 9](#_Toc178936299)

# Purpose

This policy states the Department of Health’s (the department) position on responding to offers of gifts, benefits and hospitality, and providing gifts, benefits and hospitality.

This policy reinforces the Victorian public sector values of impartiality, integrity and accountability set out in the Code of Conduct for Victorian public sector employees 2015(the Code). Clause 1.2 of the Code requires all staff to comply with this policy.

Staff should not expect gifts, benefits or hospitality for doing their job. Most times, you can answer, **‘thanks is enough’**. Refer to the department’s process map to assist with decision-making.

# Scope

This policy applies to:

* staff of the department, including Safer Care Victoria
* all other workplace participants undertaking activity for or on behalf of the department—for example, contractors, consultants, board members and committee members.

This policy uses the term ‘staff’ to describe anyone the policy applies to, regardless of their employment or engagement status.

# Minimum accountabilities

The Victorian Public Sector Commission issues the minimum accountabilities in relation to gifts, benefits and hospitality. The minimum accountabilities are mandatory under the *Financial Management Act 1994 (2018 Directions).* (see **Appendix A**)**.**

## Staff

As a staff member, you must comply with this policy when offered or providing gifts, benefits and hospitality.

You must not seek, request or accept any gifts, benefit or hospitality that could reasonably be seen as connected to your employment. Where possible, seek manager approval before accepting an offer.

If you are unsure what to do, consult your manager or [contact the department’s Integrity Unit](mailto:integrity@health.vic.gov.au) <mailto:integrity@health.vic.gov.au>. You can also refer to the gifts, benefits and hospitality guidance on the intranet.

## Managers

Managers with direct reports must also:

* approve or reject offers declared by your staff within five business days
* promote awareness and ensure compliance with this policy
* model good practice.

## Head of organisation

The Secretary, Department of Health and Chief Executive Officer, Safer Care Victoria must fulfil their obligations under ‘Minimum accountability 10―communicating to employees’ and ‘Minimum accountability 11―communicating to business associates’ (see **Appendix A**).

# Definitions

|  |  |
| --- | --- |
| Term | Definition |
| **Benefit** | Preferential treatment, privileged access, favours or other advantage—for example, access to discounts and loyalty programs; promises of a new job. |
| **Business associate** | An individual, group or organisation that the department has/plans to have a business relationship with, or who may seek commercial or other advantage. This includes suppliers, contractors and any funded agency. |
| **Conflicts of interest** | **Actual**: There is a **real conflict** between a staff member’s public duties and private interests.  **Potential:** A staff member 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 reduce that future risk.  **Perceived:** The public or a third party **could form the view** that a staff member’s private interests could improperly influence their decisions or actions, now or in the future.  Refer to the Conflict of Interest policy for further information. |
| **Gift** | Items or services that are free, discounted or that the public would generally see as a gift. These include but are not limited to:   * donations of goods (for example, personal protective equipment) * free tickets to attend a paid event (for example, conference or forum) * vouchers and gift cards * chocolate, flowers, artwork * services such as maintenance.   **Note:** You must decline vouchers and gifts cards because they are prohibited under the minimum accountabilities.  Refer to the department’s guidance on accepting offers to attend events [here](https://dhhsvicgovau.sharepoint.com/:w:/r/sites/health/_layouts/15/Doc.aspx?sourcedoc=%7B478D7825-8C7F-40C2-BC21-F663580B355A%7D&file=FAQs%20-%20GBH%20and%20attendance%20at%20events%20accessible%20version.docx&action=default&mobileredirect=true&wdLOR=c4ED5C319-19F1-4D28-8AF9-B6FEABFC66DE). |
| **Hospitality** | Includes meals, drinks, accommodation and travel. It can range from light refreshments to expensive restaurants and hotels. |
| **Legitimate business benefit** | Furthers the official business or other legitimate goals of the department, the public sector or the State. |
| **Non-token offer** | An offer valued at $50 or more. |
| **Official gift or item** | Items with cultural, ceremonial, religious, historic or other significance. |
| **Official register** | The official record of all declarable offers of gifts, benefits, or hospitality made to our staff or the department. |
| **Public register** | The publicly available record of information, which is a summary of the official register. The department publishes this register online. |
| **Token offer** | A token offer has a value of less than $50. It has trivial value to both the person making the offer and the recipient (for example, a box of chocolates).  **Note**: Some offers may be described as ‘free’ but there are real costs involved, like services, catering, venue hire. These costs must be considered when estimating the value. |

# Responding to offers

In most instances, your default response to any offer should be ‘thanks is enough’.

You must declare all offers valued at $50 or more via the department’s online register Even if you decline the offer, you must declare it.

## Integrity check—receiving an offer

There are limited circumstances where you can accept an offer.

Before accepting an offer, you must seek Manager approval and apply the integrity check below.

|  |  |
| --- | --- |
| Consider: | What you must do: |
| **Money, gift cards or similar** | Refuse all offers of money, gift cards, or items that can be converted to money regardless of value. |
| **Conflict of interest** | You must refuse offers that create an actual, potential or perceived conflict of interest.  Offers from business associates/suppliers can lead to a conflict of interest and must be refused unless there is a legitimate business benefit, and the conflict of interest can be managed. |
| **Public trust / disrepute** | Would it pass the public perception test (‘pub test’)?  You must refuse offers that are not consistent with community expectations, would damage the public’s trust in the department or its reputation. |
| **Legitimate business benefit** | Refuse all offers that do not have a legitimate business benefit.  Networking and relationship building are not sufficient business benefits. |
| **Bribe** | Refuse all offers that could reasonably be seen as a bribe or inducement. These must be reported to the Integrity Unit. |

## Further considerations

You should also consider the issues below when deciding whether to accept an offer.

|  |  |
| --- | --- |
| Consider: | What you should do: |
| **Repeat offers** | Be aware that repeat offers from the same individual or organisation may create a conflict of interest, even if the value is low. |
| **Decisions you are likely to make or influence** | Refuse offers if it is from an individual, group or organisation that you are likely to make or influence a decision about in the foreseeable future. For example, procurement, recruitment, grants management, funding agreements, enforcement and regulatory functions. |
| **Lobbying** | Refuse all offers made by an individual, group or organisation whose primary purpose is to lobby Ministers, Members of Parliament or public sector agencies. |
| **Endorsement** | Refuse if the offer could reasonably be seen as endorsing a product or service. |
| **Sufficient attendees** | Refuse an offer if the department will already be sufficiently represented to meet the business needs. |
| **Your own judgement** | Refuse if you feel that accepting an offer would breach the Code, or if you have any ethical concerns about accepting. |

## Ownership of non-token gifts (value of $50 or more)

In most cases, non-token gifts belong to the department. If you received the gift in specific recognition of your work or contribution, you may retain it if:

* it is not an official gift (see [section 7](#_Official_gifts_or))
* it is unlikely to bring you or the department into disrepute
* it would be consistent with community expectations
* your manager or delegate provides written approval.

## Exceptions to declaration rule

### Generic offers that are refused

In the course of your public duties, you may receive generic offers. These may include:

* emails targeting staff with offers to attend a seminar or webinar at a discount rate
* marketing emails or other offers.

You do not need to declare a generic offer if you refuse it. If you want to accept the offer, you will need to ensure it meets the integrity check and then declare it.

### Multiple-staff declaration

Sometimes multiple staff receive the same offer from an organisation or individual. In this instance it may be appropriate to make a single declaration for the total cumulative value.

A multi-staff declaration must have a consistent response (accept or decline) from at least three staff. Only one staff member should make the declaration on behalf of the group.

Direct all queries about completing multi-staff declarations to the [Integrity Unit](mailto:integrity@health.vic.gov.au) <mailto:integrity@health.vic.gov.au>.

# Declaring offers

You must declare all non-token offers (value of more than $50), whether you accept or decline. Declare the offer via the department’s online register, within five business days.

When declaring an accepted offer, you must clearly document the legitimate business benefit and provide sufficient detail to explain the reason for accepting the offer. You should describe the nature of the benefit and how it relates to a specific function or activity.

## Publication of the register

The department maintains and publishes an online register of all [declared offers](https://www.health.vic.gov.au/gifts-benefits-and-hospitality-policy) <https://www.health.vic.gov.au/gifts-benefits-and-hospitality-policy> in accordance with the minimum accountabilities.

## Retrospective approval

You must try to obtain approval before you accept a non-token offer. If this is not possible, you can seek retrospective approval from your manager. You must do this within five business days.

This is limited to situations where:

* it was not possible to know that the offer was non-token―for example, a wrapped gift
* it was an official gift or item and declining the offer at the time may have caused offence.

If a manager rejects a decision to accept an offer, it must be returned.

# Official gifts or items

Official gifts may be offered as part of the culture and practices of communities and governments, within Australia or internationally.

If you accept an official gift, or official item, you do so on behalf of the department. This is regardless of monetary value. An official gift or item:

* must be declared
* will be recorded on the department’s official register
* will not usually be published in the public register.

## Applying for ownership of an official gift or item

If you receive a gift or item that was specifically intended as recognition of your work or contribution, you may only retain it with written approval from your manager and if it passes the [integrity check](#_Integrity_check—receiving_an).

# Offers to the department

When deciding whether to accept an offer made to the department, such as offers of personal protective equipment, you must consider:

* whether accepting the offer creates a conflict of interest
* the nature and circumstances of the offer
* the level of inconsistency, if any, with this policy
* the level of public benefit if the offer is accepted.

You must reject any offer that is not consistent with community expectations.

## Donations or gifts given to others on behalf of the department

An organisation may want to donate to a charity, as a way of saying thank you or recognising your contribution. You should refuse such offers. If the donation has already been made, you should make clear that in future, it is not permitted without prior approval. You must declare non-token donations on the department’s register.

# Providing gifts, benefits and hospitality

You may provide gifts, benefits and hospitality to:

* welcome guests
* further public sector business outcomes
* celebrate significant work-related achievements.

If you are providing an official gift or item, you must make reasonable enquiries to ensure it is appropriate to do so. You can [contact the department’s Inclusion Unit](mailto:inclusion@health.vic.gov.au) <mailto:inclusion@health.vic.gov.au> for advice.

When deciding whether to provide gifts, benefits or hospitality and what you should provide, you must complete the following integrity check.

## Integrity check—providing gifts, benefits and hospitality

|  |  |
| --- | --- |
| Consider | What you should do |
| **Legitimate business benefit** | Ensure there is a legitimate business benefit for the department, the public sector or the State. Some examples of legitimate business benefits are to:   * welcome guests * facilitate the development of relationships and outcomes * celebrate significant work-related achievements. |
| **Conflict of interest** | Ensure it does not raise a conflict of interest (actual, potential or perceived). |
| **Proportionate costs** | Ensure that any costs incurred are proportionate to the benefit. |
| **Community expectations** | Ask yourself if providing the gifts, benefits and hospitality would pass the public perception (pub) test and that is whether it is consistent with community expectations. |

Contact [Procurement Services](mailto:procurement.services@dhhs.vic.gov.au?subject=Hospitality%20and%20Conferences%20Expenses%20Guideline) <mailto:procurement.services@dhhs.vic.gov.au> for a copy of the Hospitality and Conference Expenses Guideline.

## Providing gifts benefits and hospitality to department staff

The department’s Employee Recognition Awards serve to recognise significant staff achievements and make staff feel valued and motivated to achieve set goals. Formal and local recognition activities often also operate within the department. For guidance, standards and processes, refer to the ‘Employee Recognition Awards’ on the department’s website.

The value of recognition purchases must be token and pass the integrity check for each individual being recognised. Deputy Secretary approval is required and purchasing guidelines must be followed.

Celebrations of events such as birthdays, marriages, or childbirth are not to be funded using public money.

You must ensure that when hospitality is provided, staff:

* demonstrate professionalism in their conduct
* uphold their obligation to extend a duty of care to other participants.

If you are accepting hospitality, you must also comply with these standards.

# Alleged breaches

## Responding to an alleged breach

You must notify your manager in writing if you think you have breached this policy. If you are not sure, speak to your manager or the Integrity Unit. This enables the department to manage any risks. It may be appropriate, for example, to return a gift. In those circumstances, the register will be updated by the Integrity Unit.

The department will respond to an alleged breach of this policy in a fair, proportionate and reasonable manner. Depending on the circumstances, this may be:

* on an informal basis, for example, through education
* through a performance management process or similar
* if other methods are not appropriate, through a misconduct process.

## Speak up

The department encourages you to speak up about a potential breach of this policy.

You can do so by:

* notifying your manager
* [contacting the Integrity Unit](mailto:Integrity@health.vic.gov.au) <mailto:Integrity@health.vic.gov.au>
* calling the Integrity Unit on 1300 024 324.

You can report your concerns anonymously.

Visit the Integrity intranet page for more information on reporting integrity concerns.

# Governance

## Authorising officer and organisational delegate

The Secretary of the department can delegate the authority to approve provision and acceptance of gifts, benefits and hospitality under section 20(1) of the *Public Administration Act 2004*.

Line managers should familiarise themselves with their delegations. Refer to Delegations and authorisations on the intranet.

## Role of the Audit and Risk Management Committee

The Integrity Unit reports quarterly to the Audit and Risk Management Committee on risks and issues associated with gifts, benefits and hospitality. The report includes analysis of all declared offers and recommendations on how to address any risks and improve the department’s processes.

## Policy review

This policy will be reviewed every two years at a minimum. Minor changes may be made to links or resources as required.

## Document control

|  |  |
| --- | --- |
| Document Name | Gifts, Benefits and Hospitality Policy |
| Version Number | 2.0 |
| Date | 23 October 2024 |
| Author | Integrity Unit |
| Authorised By | Deputy Secretary, People, Operations, Legal and Regulation |
| Distribution | [TBC] |

## Change history

|  |  |  |  |
| --- | --- | --- | --- |
| Version | Issue Date | Author | Reason for change |
| 1.0 | Oct 2021 | Integrity Unit | First publication |
| 2.0 | Oct 2024 | Integrity Unit | Policy review cycle and updated VPSC model policy |

## Appendix A—Minimum accountabilities

The minimum accountabilities are issued under the *Financial Management Act 1994 (2018 Directions).*

## Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:

* are money, items used in a similar way to money, or items easily converted to money
* give rise to an actual, potential or perceived conflict of interest
* may adversely affect their standing as a public official, bring their public sector employer or the public sector into disrepute
* are non-token offers without a legitimate business benefit.

1. Declare all non-token offers (valued at $50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the department’s register and seek written approval from their manager and the authorised delegate to accept any non-token offer.
2. Refuse bribes or inducements and report inducements and bribery attempts to the Secretary or the Manager, Integrity, Prevention and Detection (who will report any reasonable suspicion of criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

## Public officials providing gifts, benefits and hospitality:

1. 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.
2. Ensure that any costs are proportionate to the benefits obtained for the State and would be considered reasonable in terms of community expectations.
3. 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.

## Department head:

1. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
2. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
3. Communicate and make clear within the department that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct, may constitute criminal or corrupt conduct and may result in disciplinary action.
4. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation’s policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
5. Report at least annually to the organisation’s audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation’s gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
6. Publish the organisation’s gifts, benefits and hospitality policy and register on the organisation’s public website. The published register should cover the current and the previous financial year.

|  |
| --- |
| To receive this document in another format, phone 1300 024 324 using the National Relay Service 13 36 77 if required, or email the [Integrity Unit](mailto:Integrity%20Unit) <mailto:integrity@health.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, October 2024.  Available at [Gifts, Benefits and Hospitality](https://dhhsvicgovau.sharepoint.com/sites/health/SitePages/gifts-benefits-hospitality.aspx) <> |