

WARRAGUL REGIONAL COLLEGE

GIFTS, BENEFITS & HOSPITALITY POLICY

(FINANCE)

APRIL 2012

PURPOSE

Victorian public sector employees and school councillors must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly. If gifts are accepted, employees and councillors must always act fairly and objectively to maintain public trust by being honest, open and transparent.

This policy also applies to the employee's immediate family if the gift, benefit or hospitality can be linked back to the school. The policy does not apply to gifts or hospitality received in a private context.

DEFINITION OF TERMS

Gifts are free or heavily discounted items, intangible benefits or hospitality, exceeding common courtesy, that are offered in association with employees or councillors duties or responsibilities.

Benefits are privileged treatment, access, favours or other advantage offered to an individual.

Hospitality is the friendly reception and treatment of guests. It can range from offers of light refreshments at a business meeting to restaurant meals, sponsored travel and accommodation.

Reportable gifts are those over a nominal value which must be recorded on a gifts register. Also reported are those gifts offered but not accepted.

Nominal value refers to the value of the gift offer and is used to determine whether the gift is accepted and is reportable. Irrespective of value, a gift offer that could create a reasonable perception that the employee or councillor could be influenced must be refused.

(Reference: DEECD Gifts, Benefits and Hospitality Guidelines, July 2010)

GUIDELINES

- DEECD employees and councillors must:
 - 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;
 - refuse all offers of money or items able to be converted to money;
 - refuse bribes and report bribery;
 - seek advice if unsure how to respond to an offer of gifts, benefits or hospitality.

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- Individuals must exercise particular care in accepting gifts, benefits or hospitality if the donor:
 - is involved in a tender process with the school or department;
 - is in a contractual relationship with the Victorian Government of school council;
 - has offered gifts more than once in the last year.
- Employees or school councillors may accept gifts, benefits or hospitality as long as they are related to the business of the school or Department and provided they do not present a conflict of interest or create a perception that the employee or councillor can be unduly influenced by accepting the gift, benefit or hospitality.
- No employee or councilor may accept gifts, benefits or hospitality of excessive value unless failure to accept will cause embarrassment or insult to the donor.
- 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, is likely to influence decision making, if the donor's primary purpose is to lobby government, the gift is money or able to be converted to money or the donor has a connection with a tender process or other Department or school decision.
- In deciding whether to accept gifts, benefits or hospitality, employees and councilors should undertake the 'GIFT' test (see below).
- Token gifts (such as a box of chocolates) and hospitality provided by government departments or governments may be accepted and do not need to be recorded.
- School-based employees and councilors may accept gifts worth more than \$100 and these must be registered on the school's Gift Register.
- Employees and councilors may keep gifts up to the value of \$500, subject to approval from the Deputy Secretary or school council.
- Gifts worth more than \$500 must be surrendered to the State or school, but the employee or councilor may purchase the gift with the Secretary's or school council's approval.
- Official gifts received whilst representing the school or Department remain the property of the school or Department. Gifts over the nominal value must be recorded on the Gift's Register.
- Fringe Benefits Tax may be payable on some gifts, benefits or hospitality.

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IMPLEMENTATION

The College Principal is responsible for ensuring that:

- Staff and councillors are aware of, and comply with, the Gifts, Benefits and Hospitality Policy and that they understand that breaches could result in disciplinary action.
- Appropriate records are kept of gifts, benefits and hospitality of more than the nominal value (>\$500) and that such records are reviewed regularly.
- Staff and councilors are aware that a breach of this policy may constitute a breach of: Victorian Public Sector Code of Conduct; Public Administration Act 2004; Directors' Code of Conduct under the Public Administration Act 2004; Ministerial Order 199; School Council Code of Conduct.
- If gifts need to be valued, they should be valued by a competent valuer and assessed according to the wholesale price in the country of origin.
- If gifts need to be disposed, various public entities e.g. museum, have first right of claim. Seek advice from the Department.

EVALUATION

Regularly review the school's Gift Register.
Monitor councillor and staff understanding of this policy.
Review this policy will in two years – February 2014.

REFERENCES & RELATED DOCUMENTS

DEECD Gifts, Benefits and Hospitality Guidelines, July 2010

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GIFT Test:

G	Giver	Who is providing gift? Relationship of donor to you? Could donor benefit from a decision I make?
I	Influence	Are they seeking to influence decisions? Offered publicly or privately? Is it a token of appreciation? Is it valuable? Does the timing coincide with decisions about to be made?
F	Favour	Is the donor seeking a favour? Has gift been offered honestly? Have they made other offers within the last 12 months? Would accepting create an obligation?
T	Trust	Would accepting diminish public trust? How would I feel if it became public knowledge? What would my colleagues, family and associates think?

Gift Register should include:

Recipient's name
 Donor name and organization
 Location of gift
 Description and estimated value
 Date, time and place of offer
 Decision taken on gift
 Principal's or School Council President's signature