


<b>Title:</b>	<b>Gifts, Benefits and Hospitality Policy</b>			
<b>Section:</b>	Governance	<b>PRH:</b>	Chief Executive Officer	

## 1. POLICY:

To ensure that Alexandra District Health (ADH) provides safe high quality health care and experiences to our consumers by actively following the Victorian Clinical Governance Framework and through its Consumer Participation Framework actively engage and partner with consumers.

To ensure all staff are responsible and accountable for safe and high quality care, and ADH continuous improvement will be informed by regular monitoring and evaluation of performance.

ADH will ensure that it meets the high standard of integrity honesty and impartiality expected from Victorian public sector employees.

This policy states ADH'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 ADH to avoid conflicts of interest and maintain high levels of integrity and public trust.


ADH has issued this policy to support behavior consistent with the Code of Conduct for Victorian Public Sector Employees and the Code of Conduct for Directors of Victorian Public Entities (the Code of Conduct). All employees are required under *clause 1.2 of the Code of Conduct* to comply with this policy.

## 2. POLICY OUTCOME:

This policy applies to all workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors, consultants and any individuals or groups undertaking activities for, or on behalf of ADH.

It is expected that all workforce participants:

1. Earn and sustain public trust;
2. Be honest, open and transparent in their dealings;
3. Make decisions and provide advice without bias;
4. Avoid any real or apparent conflicts of interest;
5. Use their powers responsibly; and
6. Report improper conduct.


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### 3. ROLES AND RESPONSIBILITIES:

All staff are responsible and accountable to know, understand and support each other to meet the requirements of the Victorian Clinical Governance Framework. All staff will be aware of the Consumer Participation Framework and actively engage and partner with consumers, demonstrate ownership and accountability for safe, quality care, and participate in regular evaluation and monitoring of performance to inform improvement.


### 4. DEFINITIONS

- 4.1 Business associate** An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
- 4.2 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 be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.
- 4.3 Ceremonial gifts** Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.
- 4.4 Conflict of interest** Occurs when an employee's private interests conflict with their public duty. Employees have a duty to always resolve a conflict of the public interest, not their own.  
Conflicts may be:
- **Actual:** There is a real conflict between an employee's public duties and private interests.
  - **Potential:** 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:** The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
- 4.5 Employee** Is a person who is directly employed or otherwise engaged by

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ADH as a contractor or who is a statutory director of the ADH Board or Board sub-committee.

- 4.6 Gifts** Gifts are free or discounted items or services and any item or service 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), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
- 4.7 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.
- 4.8 Legitimate business benefit** A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector or the State.
- 4.9 Nominal Value** Means the material value of gifts, benefits or hospitality offered and is set at a defined threshold between zero and \$50.00. Irrespective of dollar value, a gift, benefit or hospitality offered that may create a reasonable perception that an employee could be influenced must be refused.
- 4.10 Non-token offer** A non-token offer is 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 a gift, benefit and hospitality register.
- 4.11 Public official** Public official has the same meaning as section 4 of the *Public Administration Act 2004* and includes, public sector employees, statutory office holders and directors of public entities.
- 4.12 Public register** A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided in the Policy Guide.
- 4.13 Register** A register is a record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be recorded is provided in the Policy Guide.
- 4.14 Token offer** A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth more than \$50.
- 4.15 Value** Means the estimated or actual value of gifts, benefits or hospitality in Australian dollars, including the cumulative value of gifts,

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benefits or hospitality offered by the same individual or organisation within a 12 month period.

## 5. POLICY IN OPERATION:

ADH is committed to upholding the following principles in applying this policy:

- 5.1 Impartiality** 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 reasonable perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.
- 5.2 Accountability** Individuals are accountable for:
- declaring all non-token offers 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, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.
- 5.3 Integrity** Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.
- 5.4 Risk-based approach** ADH, through its policies, processes and audit 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.


## 6. MINIMUM ACCOUNTABILITIES

Under the *Instructions supporting the Standing Directions of the Minister for Finance 2016*, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality.

These can be found at Schedule A (refer last page of this document).

## 7. MANAGEMENT OF OFFERS OF GIFTS, BENEFITS AND 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 (CEO).

**7.1 Conflict of interest and reputational risks**

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties, or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.


**Figure 1. GIFT test**

<b>G</b>	Giver	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	Influence	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<b>F</b>	Favour	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>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?</p>
<b>T</b>	Trust	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

**7.2 Requirement for refusing offers**

Individuals should consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- could bring them, ADH or the public sector into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing),

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particularly offers:

- made by a current or prospective supplier;
- made during a procurement or tender process by a person or organisation involved in the process; or
- [add any further prohibited offers] ;
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs [specify how the number of employees attending an event will be limited under the policy];
- 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 organisations; or
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the CEO. The CEO should then report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).

#### **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 that would be considered a basic courtesy, such as light refreshments during a meeting.


The minimum accountabilities state that token offers cannot be worth more than \$50.

Individuals may generally accept token offers without approval or declaring the offer on the ADH gifts, benefits and hospitality register, as long as the offer does not create a conflict of interest or lead to reputational damage.

At ADH small gifts of appreciation for work done may be accepted e.g. chocolates. Stationery and pens may be accepted at conferences.

Modest hospitality offered as a courtesy in the course of a business meeting is not a reportable gift.

However, staff are not to accept money or items of potential monetary value (e.g. tattsлото tickets) for their personal use. Cash donations are to be directed to reception and receipted appropriately. Lottery tickets are to be handed to the Chief Executive Officer (CEO) or delegate and

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proceeds from any winnings are to be receipted as a cash donation to ADH.

**Non-token offers**

Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing by the individual’s manager or organisational delegate, 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, ADH or the public sector into disrepute; 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 ADH, public sector or the State.

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 approval from their manager within five business days.

Where the gift would likely bring you or the organisation into disrepute, the organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

**Repeated Gifts and Attempted Bribes**

Repeated gifts or offer of gifts from a single source must be reported to the Hospital CEO.

Staff must also report any staff member who tries to solicit a bribe.

**Recording non-token offers of gifts, benefits and hospitality**

Individuals must declare all non-token offers of gifts, benefits and hospitality (whether or accepted or declined) using the gifts, benefits and hospitality declaration form.

Any gift, benefit or hospitality that has a nominal value of more than \$50, whether accepted or declined, must also be recorded on ADH’s gifts, benefits and hospitality register.


Access to the register is restricted to the CEO.

Any monetary gifts to employees must be passed to the CEO. Significant gifts (that are also deemed assets) are also recorded on the assets register.

The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the individual’s work functions and benefit to ADH, the public sector or State.

Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in ADH’s register when recording the business reason:

**Unacceptable**

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- “Networking”
- “Maintaining stakeholder relationships”

**Acceptable**

*“Individual is responsible for evaluating and reporting on the outcomes of ADH sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the ADH on the event.”*

*“Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The gift was accepted on behalf of ADH.”*

ADH’s Finance, Audit and Risk Management 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 ADH’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.

The public register will contain a subset of the information detailed in ADH’s internal register.

**Ownership of gifts offered to individuals**

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the ADH into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to the ADH official gifts or any gift of cultural significance or significant value.

**Repeat offers**

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

**Ceremonial gifts**


Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the organisation, irrespective of value, and should be accepted by individuals on behalf of the ADH. The receipt of ceremonial gifts should be recorded on ADH’s register but this information does not need to be published online.

**Hospitality provided by Victorian public sector organisations**

Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.

Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the individual’s attendance is consistent with the ADH’S functions and objectives and with the individual’s role.



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## 8. MANAGEMENT OF THE PROVISION OF GIFTS, BENEFITS AND HOSPITALITY

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

**Figure 2. HOST test**


<b>H</b>	Hospitality	<p><b>To whom is the gift or hospitality being provided?</b> Will recipients be external business associates, or individuals of the host organisation?</p>
<b>O</b>	Objectives	<p><b>For what purpose will hospitality be provided?</b> Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
<b>S</b>	Spend	<p><b>Will public funds be spent?</b> 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?</p>
<b>T</b>	Trust	<p><b>Will public trust be enhanced or diminished?</b> Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</p>

- 8.1 Requirements for providing gifts, benefits and hospitality**
- Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector 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 that furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
  - that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at **Figure 2** 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.
- 8.2 Containing costs**
- Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the Code of Conduct for Victorian Public Sector Employees and the Code of Conduct for Directors of Public Entities.

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The following questions may be useful to assist individuals to decide on 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 organisation 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?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

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## 9. NON COMPLIANCE

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 ADH's Conflict of Interest Policy.

Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*, which includes:

- breaches of the binding Code of Conduct for Victorian Public Sector Employees and the Code of Conduct for Directors of Public Entities, such as sections of the Code covering conflict of interest, public trust and gifts and benefits; and
- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Chief Executive Officer.

## 10. SPEAK UP

Individuals who consider that gifts, benefits and hospitality or conflict of interest within ADH may not have been declared or is not being appropriately managed should speak up and notify their manager or the CEO. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC).

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

## 11. CONTRACTORS, CONSULTANTS AND OTHER BUSINESS ASSOCIATES

ADH will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates.

Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.


## 12. 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 accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager or the CEO for advice.

## 13. AUTHORISING OFFICER AND ORGANISATIONAL DELEGATE

This policy and the Gifts, Benefits and Hospitality Register and Attestation form will be reviewed annually. Compliance will be noted for the Department of Health and Human Services (DHHS).

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The organisational delegate is the CEO. The CEO shall report all gifts and benefits received or offered to ADH employees at least annually to the Finance, Audit and Risk Committee.

#### 14. REFERENCES:

Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions of the Minister for Finance)  
 Public Administration Act 2004  
 Criminal Code Act 1995 (Cth)  
 Code of Conduct for Victorian Public Sector Employees  
 Code of Conduct for Directors of Victorian Public Entities  
 Victorian Public Sector Commission's Gifts, Benefits And Hospitality Policy Guide  
 Standing Directions for the Minister of Finance 2016  
 Premier's Circular No. 2010/1 Gifts, Benefits and Hospitality Policy Framework  
 HPV policies

#### 15. RELATED DOCUMENTS:

ADH Financial Code of Practice  
 ADH Protected Disclosure Policy  
 ADH Conflict of Interest Policy  
[Gifts Benefits and Hospitality Register and Attestation form – F.MGMT.011](#)  
[Gifts, Benefits and Hospitality Declaration form – F.MGMT.019](#)

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## SCHEDULE A: MINIMUM ACCOUNTABILITIES

### 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 or which may bring their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).


### Public officials providing gifts, benefits and hospitality:

5. 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.
6. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
7. 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.

### Heads of public sector organisations:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. 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.
10. Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
11. 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.

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12. Report at least annually to the finance, audit and risk 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.
  
13. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.