

Gifts/Benefits/Hospitality Policy and Procedure	Resp Person: Authorised By:	Chief Executive Board of Directors
National Standard No: 1 – Governance for Safety and Quality in Health Service Organisations		
Aged Care Standard No: 1 – Management systems, staffing and organizational development		
Community Care Common Standard No: 1 – Effective Management		

PURPOSE:

To ensure that Board members, volunteers and employees of Heathcote Health (HH) do not seek or accept gifts, benefits or hospitality for services performed in connection with their official duties, in accordance with the Victorian Public Sector Commission *gifts, benefits and hospitality policy*.

EXPECTED OUTCOME & KPI's:

- High standards of integrity, conduct and governance will be maintained in the organisation through adherence with the Victorian Public Sector Commission *gifts, benefits and hospitality policy*

SCOPE:

All HH staff, volunteers, board directors and contractors

DEFINITIONS:

Employee refers to HH staff, volunteers, board directors and contractors

Gifts are the free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. They may be enduring such as a work of art or consumables such as a box of chocolates. They range in value from nominal to significant and may be given for different reasons.

Benefits are the preferential treatment, privileged access, favours or other advantage offered to an employee. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.

Hospitality is the friendly reception and treatment of guests. It is hospitable to offer light refreshments in the course of a business meeting or as part of a conference program. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.

Conflicts 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.

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.

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Bribes are money or other inducements given or promised to employees to corruptly influence the performance of their role.

Interested parties are persons with either direct or indirect interest in the organizations activities and include patients, residents, clients & their families, contractors and tender applicants.

Legitimate business benefit refers to 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 organisation, public sector or State.

Public official has the same meaning as under section 4 of the Public Administration Act 2004. This includes:

- Public sector employees;
- Statutory office holders; and
- Directors of public entities.

Register is a record, preferably electronic, 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 organisation 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). This does not apply to a person employed under the Education and Training Reform Act 2006 in a Victorian Government school, who receives an offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person's contribution to the education of a student or students, in which case it cannot be worth more than \$100.

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 a gift, benefit and hospitality register (except for specific offers received by a person employed in a Victorian Government school, as defined under 'token offer').

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POLICY STATEMENT:

- This policy has been developed according to the minimum accountabilities for managing gifts, benefits and hospitality issued by the Victorian Public Sector Commission (refer to **Appendix 1**)
- Patients/clients/residents have the right to offer gifts or benefits to employees, volunteers and contractors of HH. However:
 - HH employees must not seek gifts, benefits or hospitality for services performed in connection with their official duties.
 - HH employees must not accept gifts, benefits or hospitality if these are expected or intended to influence a decision(s) about how work is undertaken, contracts let or goods purchased, or if it could reasonably be perceived as such.
 - HH employees should not accept minor gifts, benefits or hospitality except for the specific circumstances outlined in the procedure following.
- The Chief Executive Officer (CEO) will resolve disputes arising from this policy.
- The gifts declaration & register is to be reviewed annually by the HH Corporate Governance Subcommittee.

PROCEDURE:

- Employees should use the **GIFT** test in **Appendix 2** to decide whether to accept or decline a gift, benefit or hospitality. When in doubt, employees should ask their manager.

Accepting Gifts

Donations

Patients/residents/clients or relatives may wish to express their thanks for care provided. Should this occur, donations to HH are welcomed, and donors should be directed to HH Reception where an official receipt will be issued.

Tokens, mementoes and small gifts of appreciation

- Stationery such as pens or pads handed out to everyone attending a conference or made available by sales representatives and the like may generally be accepted where such items are inexpensive and not intended to gain any influence or favour.

Small gifts of appreciation such as a box of chocolates, bottle of wine or flowers

- These gifts are allowed to be exchanged between patients/residents/clients and staff for particular occasions e.g. birthdays or festive occasions such as Christmas and Easter. These gifts must not be linked to any care needs normally provided, and must not be exchanged on a regular basis.

Modest hospitality

- Light refreshments such as tea or coffee offered in the course of a business meeting or while delivering home based services may be accepted. These will have been offered as a courtesy and to make the guest feel welcome.
- Light refreshments such as finger food at an opening ceremony or sandwiches at a conference may be accepted.

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- In all cases the hospitality should be proportionate to the occasion. Modest hospitality offered as part of official business is not a reportable gift.

Substantial hospitality

- Substantial hospitality such as restaurant meals, sporting tickets/corporate boxes, travel and accommodation invariably exceed the nominal threshold of \$50 and must always be recorded in the Gifts/Benefits Register.
- In deciding whether or not to accept substantial hospitality, particular care must be taken to ensure that no actual or perceived conflict of interest exists.

Declining Gifts

Employees involved in purchasing goods and services

- Some employees perform roles that necessarily call for greater scrutiny. Employees involved in purchasing goods and services must not accept gifts from contractors/suppliers, particularly when a tender has been advertised.

Gifts and hospitality that do not have an organisational benefit

- Employees are required to consider whether there is an organisational benefit in attending private functions in an official capacity.
- Where there is no clear organisational benefit, the invitation is to be declined. This is especially the case when attendance at the function could be perceived as an endorsement of the company or product.

Money, jewelry or items of sentimental or intrinsic value

- Employees must not accept gifts of money, jewelry or items appearing to have intrinsic or sentimental value.
- Where patients/residents/clients are incapable of understanding a staff member's refusal to accept a gift, e.g. a dementia sufferer, these may be accepted and passed onto the Department Manager for safekeeping and returned to the patients/residents/clients or their family.
- These incidents must always be reported in VHIMS.

Reporting Gifts/ Benefits

Declaring and recording gifts

- Reportable gifts include any gifts of more than the nominal value of \$50 (or \$100 in a 12 month period from a single giver) whether they are accepted or not. The details of the offer of such gifts are to be recorded by the employee on a Gifts and Benefits Declaration Form (refer **Appendix 3**), including the decision taken to accept or decline the gift. The form should then be submitted to the Chief Executive Officer for approval.
- The details are then transferred to the Gifts/Benefits Register which is maintained by the HH Executive Assistant.
 - Significant gifts with a value in excess of \$1,000 are also recorded on the assets register if it is a capital item or piece of equipment.

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- The gifts declaration & register is to be reviewed annually by the HH Corporate Governance Subcommittee.

Providing Gifts

- Managers/coordinates should use the **HOST** test in **Appendix 4** to decide whether to provide hospitality or a gift to employees or stakeholders.
- Gifts to staff will not be provided by the organisation. The departmental manager/coordinate may provide a card to staff to acknowledge circumstances such as:
 - The birth of a baby.
 - Significant illness requiring hospitalisation.
 - Death of an immediate family member (partner / child / parent).
 - Extended period of personal leave.
- Individual departments may wish to take up a collection for staff members celebrating other events i.e. wedding, birthday, resignation etc. This will be monitored by the departmental managers.
- Departmental managers/coordinates may arrange a morning / afternoon tea farewell to recognise the resignation of any staff member.

References:

- Heathcote Health Code of Conduct Policy
- Gifts, benefits and hospitality policy Victorian public sector <https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/>
- State of Victoria (Department of Treasury and Finance), Standing Directions 2018 Under the Financial Management Act 1994, October 2018, Incorporating revisions to 4 September 2023, Instruction 3.4.11

Appendices:

- Appendix 1: Minimum accountabilities
- Appendix 2: GIFT Test
- Appendix 3: Gifts and Benefits Declaration Form
- Appendix 4: HOST Test

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Appendix 1: 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.

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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.
12. 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.
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. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.

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Appendix 2: 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 or suppliers? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?
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 I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family, friends or associates think

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Appendix 3: Gifts and Benefits Declaration Form

Person Making the declaration		
Name		
Position		
Signature		Date

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CEO Approval			
Name			
Signature		Date	

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Appendix 4: HOST Test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or employees' members of the host organisation?
O	Objectives	For what purposes will the hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support HH objectives and priorities? Will it contribute to employees' well-being and satisfaction?
S	Spend	Will HH funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided? Will the costs incurred be proportionate to and less than the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? 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 HH? Have records in relation to the gift or hospitality been kept in accordance with the reporting and recording procedures?