

Title: Gift, Benefits and Hospitality Policy

Type	Policy	Risk Rating:	High
Department:	TMHS – Organisation Wide	Authorised By:	Chief Executive Officer
Section:	Human Resources	Approved By:	Board Of Management

Purpose

This policy states Terang & Mortlake 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 TMHS to avoid conflicts of interest and maintain high levels of integrity and public trust.

TMHS has issued this policy to support behaviour consistent with the Code of conduct for Victorian public sector employees (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

Principles

Terang & Mortlake Health Service (TMHS) employees make decisions and provide advice that is free of prejudice or favouritism and are based on sound judgement. Before making a decision or providing advice, TMHS employees should consider relevant information and the impact on TMHS and its employees. Employees' decisions should not be affected by personal influences.

Personnel

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

Definitions

Benefits

Are preferential treatment, privilege access, favours or other advantage offered. 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.

Gifts

Are free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. Gifts may also be provided by organisations to, for example, a visiting delegation from another jurisdiction. 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.

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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.

Token Offer

Is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of a trivial value to both the person making the offer and the individual and does not create an actual or potential conflict of interest. A token offer cannot be worth more than an estimated \$50.

Individuals may accept token offers of gifts, benefits and hospitality without approval or declaring the offer on the TMHS register.

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 the inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a gifts, benefits and hospitality register.

Policy

Employees will:

1. Not seek or accept gifts, benefits or hospitality for services performed in connection with their duties whether for the employee or others including members of their family. The general principle to be followed is that employees should not seek or accept gifts, benefits or hospitality from anyone who could benefit by influencing them or that could be reasonably perceived as influencing them.
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. Immediately report to their manager any circumstances where an offer of a gift or benefit is made, regardless of whether it is accepted or not. The employee must refuse bribes or 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).

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4. Not use their position to obtain a private benefit for someone else. Family, community, social or other personal relationships must not improperly influence the employee's decisions.
5. Consider a gift or benefit is acceptable if it is offered on the understanding that it does not place or appear to place an employee under any obligation and is not offered as a payment for anything an employee would do as a TMHS employee.
6. Immediately complete a Gift and Benefit Register Form when accepting Gifts or Benefits that have a real or perceived value greater than \$50. The Gifts and Benefits Register Form must be signed by the employee's manager prior to being forwarded to the Manager Finance Administration who will maintain a Gifts and Benefits Register.
7. If unsure about accepting a gift or benefit must seek advice from their manager.

Managers will:

1. Communicate and make clear within TMHS 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 (*Grievance/Disciplinary Protocol*) 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 TMHS Conflict of Interest policy.
2. Report at least annually to the organisation's Audit & Compliance committee on the administration and quality control of 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.
3. Details of TMHS's gifts, benefits and hospitality policy and register are available on the TMHS public website.

Management of providing gifts, benefits and hospitality

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

Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, 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 in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;

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- That any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations; and
- It does not raise an actual, potential or perceived conflict of interest.

References

- TMHS – Gift and Benefit Register Form
- TMHS – Code of Conduct Policy
- TMHS – Purchasing Procedure
- TMHS – Instrument of Delegation
- TMHS – Grievance/Disciplinary Protocol
- Bendigo Health Care Group
- Directors Code of Conduct
- Victorian Public Sector Commission (VPSC). Gifts, benefits and hospitality policy. 2016.
- Victorian Public Sector Commission (VPSC). Minimum Accountabilities for the Management of Gifts, Benefits and Hospitality. 2016