

Gifts, benefits and hospitality policy

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1. Purpose

This policy states the Department of Education (the department) position on:

- responding to offers of gifts, benefits and hospitality; and
- providing gifts, benefits and hospitality.

This Policy is intended to support individuals and the department to avoid conflicts of interest and maintain high levels of integrity and public trust.

The department has issued this policy to support behaviour consistent with:

- the Code of Conduct for Victorian Public Sector Employees and *Public Administration Act 2004* (Clause 1.2 states that all employees are required to comply with the policy)
- the Code of Conduct for Directors of Victorian Public Entities which applies to school council members.

2. Application

This policy applies to all departmental employees — which includes members of the Teaching Service, School Councillors, School Council employees, and contractors — who are bound by the Policy and its Minimum Accountabilities. The Policy refers to these cohorts of people collectively as Personnel.

This Policy also applies to entities where staff are employees of the department and key portfolio agencies:

- Victorian Registration Qualifications Authority
- Victorian Curriculum and Assessment Authority
- Merit Protection Board
- Disciplinary Appeals Boards
- Victorian Academy of Teaching and Leadership
- Victorian School Building Authority
- Independent Office for School Dispute Resolution

This Policy may be used as a guide by all portfolio public bodies outside the department's entity.

The Policy also applies to gifts, benefits or hospitality offered to Personnel's Immediate Family members, if the offer is linked to the Personnel's role with or in relation to the department, as these offers may be made to influence their public duties.

The Policy does not apply to gifts, benefits or hospitality offered to personnel in a context that has no connection with their professional responsibilities or role.

Schools must comply with this policy but may establish their own additional guidelines to meet local requirements. The guidelines cannot contradict or limit application of this Policy.

3. Policy Principles

This Policy has been developed in accordance with requirements outlined in the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission (see section 4 below).

The department is committed to and will uphold the following principles in applying this policy:

Impartiality - Personnel 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.
- not accept offers from those about whom they are likely to make business decisions which includes awarding contracts, grants, accepting sponsorships, applying regulations, and making enforcement or licencing decisions.

Accountability - Personnel 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.

Personnel 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.

Integrity – Personnel 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. Personnel will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

Risk-based approach – the department, through its policies, processes and audit committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Personnel 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.

4. Minimum Accountabilities

Under the Instructions supporting the Standing Directions of the Minister for Finance 2018, 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: Minimum Accountabilities.

5. Definitions

Authorised Delegate

Nominated personnel assigned the responsibility to consider and approve proposed acceptance decisions within declarations of gift, benefit and hospitality offers. Authorised delegates' responsibilities are non-delegable.

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 or rewards 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.

Business associate

An individual or body that the department 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.

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 department, irrespective of value, and must be accepted by individuals on behalf of the department or school. The receipt of ceremonial gifts must be recorded on the register but does not need to be published online.

Conflict of interest

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.

Consumed offer

A gift, benefit or hospitality offer is regarded as consumed when it has been accepted prior to approval and it is not possible to return it.

Days

Days in this Policy are working days. School holidays are not counted as working days for declarations in schools.

Declaration

The documented disclosure of an offer and the Recipient's decision, which includes all pertinent details to enable the Authorised Delegate to assess the Recipient's decision.

Donations

Gifts given from or received by the department or schools, typically for charitable purposes and/or to benefit a cause. They impose no obligations on the receiving organisation and offer little or no rights or benefits to the provider. Donations given by the department must be in accordance with *Guidance 4.2.2, Minister for Finance Standing Directions 2018* however they are not governed by this Policy. Similarly, donations to schools are not considered gifts, benefits or hospitality and their administration does not fall under this Policy.

Schools should refuse donations (monetary or gifts) from current or potential suppliers that may be perceived as influencing future procurement decisions.

Fundraising and collections

Fundraising undertaken by the department or schools, or on behalf of the department with its prior consent, does not breach the minimum accountabilities provided it complies with the department's fundraising policy: [Fundraising Activities \(including fetes\) : Policy | education.vic.gov.au](https://www.education.vic.gov.au/fundraising/Pages/fundraising-activities-including-fetes-policy.aspx).

Individual fundraising undertaken by personnel in a private capacity does not breach the minimum accountabilities as long as it is clearly undertaken in a private capacity.

Gift of Appreciation (Teaching Service only)

An offer from or on behalf of a parent, carer or student(s) made to a member(s) of the Teaching Service, intended to express appreciation of their contribution to the education of a student or students. Where the estimated value is \$100 or less, the Gift of Appreciation is considered Token and does not need to be declared. A gift with an estimated or actual value above \$100 is considered Non-Token and must be declared.

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.

Hospitality

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals as well as sponsored travel and accommodation.

Host

The person, office holder or organisation which authorises an event. Responsibilities of a public sector host include initiating the event and approving decisions, for example in relation to cost, selecting invitees, ensuring the event runs smoothly and meets its objectives, and facilitating relationships between invitees.

Immediate Family

Personnel's spouse/partner, sibling, child or parent.

Legitimate business benefit

A legitimate business benefit furthers the conduct of official business or educational or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.

When considering the benefit, define in tangible language how the department's objectives will be advanced. If you cannot or the only benefit is 'networking' or 'relationship building', then it is likely the benefits are personal and not business benefits.

For example, the gift of a ticket to an education conference so a policy offer can enhance their understanding of curriculum is more likely to be of legitimate business benefit to the department than the offer of hospitality at a corporate box at the football for networking.

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 valued at \$50 or more are non-token offers and must be recorded in the [Registry System](#) (except for specific offers received by a person employed in a Victorian government school, as defined under 'token offer').

Personnel

Departmental employees (including members of the Teaching Service), School Councillors and School Council employees, and contractors.

Procurement

Procurement refers to all the business processes associated with purchasing goods and services under the Financial Management Act 1994, or construction-related services and infrastructure under the Project Development and Construction Management Act 1994, spanning the entire lifespan from the identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset. It also includes the organisational and governance frameworks that underpin the procurement function.

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.

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.

Public Sector

As defined within the Public Administration Act 2004. The Public Sector comprises:

- the public service
- public entities
- special bodies.

Recipient

Personnel to whom offers of gifts, benefits and hospitality are made.

Register

The department-wide record of all declarable gifts, benefits and hospitality.

Registry System

The department-wide information technology application used by Personnel to declare and approve offers of gifts, benefits and hospitality and provide reports.

School Council

School councillors are required to monitor and oversee offers and provision of gifts, benefits and hospitality within schools, and at least annually review the school Register for compliance with the Policy.

Spam Offers

Spam offers, junk email and similar offers made available to the public, refers to unsolicited messages, usually sent in bulk to large numbers of recipients, that are not specifically targeted to Personnel in their public sector role. A generic bulk email invitation may address Personnel by name but still be considered SPAM. Personalised and individual invitations however, must be treated as general offers and declared if non-token.

Sponsored Travel

Sponsored travel is an offer to fund, wholly, or in part, Personnel's travel and other work-related costs. This includes sponsored transport, accommodation, meals, conferences and industry tours. Sponsored Travel should be declined unless a Legitimate Business Benefit for acceptance can be demonstrated.

Sponsorships

The purchase or receipt of rights or benefits, including naming rights, delivered through association with an organisation's products, services or activities. The rights or benefits typically relate to the sponsor's reputation management or communication objectives. In accordance with *Guidance 4.2.2, Minister for Finance Standing Directions 2018*, sponsorships are not considered gifts, benefits or hospitality and their administration does not fall under this Policy.

Supplier Code of Conduct

A code of conduct issued by the Victorian Government which outlines the minimum ethical standards in behaviour that suppliers will aspire to meet when conducting business with, or on behalf of, the State.

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 are less than \$50.

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.

Transfer

The passing of possession or control of a physical item to the department or school.

Victorian Public Sector Organisations

Victorian Public Sector entities as defined within the Public Administration Act 2004. This does not include Victorian local government organisations.

Voucher

Vouchers (including retail debit cards and gift cards) are a payment facility offered by businesses to consumers.

Cash Vouchers are any vouchers that can be 'universally' used in the same way as cash can. A financial institution issued debit card, e.g. a bank \$50 debit card, is a 'cash' voucher. The acceptance of Cash Vouchers is prohibited under this Policy.

Non-Cash Vouchers are vouchers that must be used at specific retailers and cannot be converted to cash. Non-Cash Vouchers are prohibited under this Policy except when they are offered as Gift of Appreciation to the members of the Teaching Service.

6. Management of offers of gifts, benefits and hospitality

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality.

6.1 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.

The default position of the Department is to politely decline all offers: [Thanks is enough](#). The GIFT test below can be used as a guide to the appropriateness of accepting a gift. Answering YES to any of the below tests would usually lead to a decision to decline an offer.

GIFT test

G	Giver	Who is providing the gift, benefit or hospitality, what is their relationship to you and does that represent a conflict of interest? 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?
I	Influence	Could the giver be seeking to gain an advantage or influence my decisions or actions? 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?
F	Favour	Is the giver 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? Would the public view acceptance of this gift, benefit or hospitality as a betrayal of their trust? Would my colleagues, family, friends or associates think I was diminishing public trust?

6.2 Requirement to refuse offers

Personnel are encouraged to use the GIFT test at Figure 1 and the requirements below to ensure they 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, their school, the Department of Education or the public sector into disrepute or is inconsistent with community expectations;

- could compromise the public's trust that they will perform their public duties in an impartial manner or the public's trust in the impartiality of the Department of Education, their school or the public sector;
- 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), 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.
- 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 department will already be sufficiently represented to meet its business needs;
- 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.

Personnel are considered to make business decisions about any entity they personally make or are likely to make a decision or where any of their direct reports are likely to make or influence a decision.

Gifts valued at \$500 or more must be declined or transferred to the department or school if there is a legitimate business benefit. The exceptions to this provision are:

- Gifts of Appreciation when offered by multiple sources; and
- Sponsored Travel and conference/meeting attendance offers where these are effectively consumed by the Recipient and are unable to be transferred.

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

Learning and development offers from suppliers

Accepting offers from suppliers for free or discounted development opportunities that they were not contracted to provide will not pass the GIFT test above in some circumstances.

Personnel may only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed.

Contract managers may consider incorporating training and development requirements into supplier contracts as deliverables to ensure conflicts of interest are managed.

For example, if a supplier sent a link for a webinar that is free for everyone, attending the free webinar would most likely meet community expectations and can be accepted under this policy.

Similarly, if a supplier delivers a training program that was specified as a deliverable in its contract with the department, personnel would be permitted to accept that under this policy.

6.3 Requirement to declare offers

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 must be worth less than \$50.

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 a token cannot be worth more than \$100.

Unless it is a Ceremonial Gift (see below) a token offer does not need to be declared in the department's on-line register and does not need to have a legitimate business benefit to be retained. However, all other acceptance conditions apply for example it cannot be a voucher, cannot extend to family, and cannot be from a supplier.

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 \$50 or more 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').

Personnel can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved electronically by the recipient's authorised delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- none of the conditions to refuse an offer have been met (see section 6.2 above); 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 the department, public sector or the State.

Personnel may be offered a gift or hospitality where there is no opportunity to seek written approval from their Authorised Delegate 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 Authorised Delegate within five business days.

Where the gift cannot be accepted, the gift must be returned or ownership transferred to the department or school.

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. If it is appropriate to accept a ceremonial gift, it must be accepted on behalf of the department or the school, not accepted personally.

Token and non-token ceremonial gifts are government property and must be recorded on the department's register. However, this information does not need to be included in annual public report.

Gifts of Appreciation

A Gift of Appreciation is an offer from or on behalf of a parent, carer or student(s) made to members of the Teaching Service (only), intended to express appreciation of the teacher's contribution to the education of a student or students. Where the estimated value is \$100 or less, the Gift of Appreciation is considered Token and does not need to be declared. A gift with an estimated or actual value above \$100 is considered Non-Token and must be declared.

Gifts of Appreciation may be provided by an individual or group of students, parents or carers. It is the total value of the offer rather than the individual contribution by each donor that determines if the offer is Non-token.

Gifts or benefits offered to a member of the Teaching Service by other members of the community (e.g. community groups, businesses) are not Gifts of Appreciation and are subject to the standard Token offer threshold of \$50.

Gifts of Appreciation received by a member of the Teaching Service that are valued above \$100 are Non-token gifts. Personnel must declare and seek approval to retain Non-token gifts in the Registry system. These gifts have a unique legitimate business benefit: Gift of appreciation.

Non-Cash Vouchers as defined in this Policy and offered as Gifts of Appreciation may be accepted. However, cash vouchers are prohibited e.g. a pre-paid visa card.

Where the total estimated value of a Gift of Appreciation (and not the value of each individual contribution for group offer) is equal to or exceeds \$500, the Authorised Delegate has discretion to allow the Recipient to retain it only when it has been offered by multiple students, parents and/or carers. Otherwise, the Gift of Appreciation must be either declined or transferred to the ownership of the school or the department.

Targeted email and SPAM

Generic offers and SPAM do not need to be declared if they are declined or unanswered.

Generic offers may appear personalised by being addressed to personnel directly, or through the use of generative language tools that can quickly and believably personalise the body of emails whilst still sending them to a large number of people.

If personnel are unsure if it is a generic offer they may raise it with their Authorised Delegate to determine if it needs to be declared. Some useful questions to ask when unsure are:

- Do I have a relationship with the person who sent the email?
- Do I have a relationship with the organisation who sent the email?
- Is the offer related to my work or the work of my area of the organisation?

If the answer to all of the above is 'no' then it is likely a generic offer and does not need to be declared if declined or unanswered.

6.4 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 the recipient. Personnel must refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

Repeat offers that are Gifts of Appreciation may be retained subject to approval by the Authorised Delegate and having considered the cumulative value of the offers.

6.5 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 must 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 department's functions and objectives and with the individual's role.

6.6 Sponsored travel and conference offers

Sponsored travel and conference must be declined unless a Legitimate Business Benefit for acceptance can be demonstrated. Authorised Delegates approving acceptance of Sponsored Travel offers must determine that no Conflict of Interest or improper influence will result from acceptance and ensure there is a Legitimate Business Benefit from acceptance.

All offers of sponsored travel from suppliers, potential suppliers or organisations about whom you make business decisions must be refused, whether they are the donor or sponsor of the event.

If travel is in the public interest, the department or school may consider paying for the travel, accommodation and associated costs in full. Personnel must be careful not to accept any Sponsored Travel offer where this could be perceived as endorsing an organisation or product.

Personnel must declare and receive approval for any Sponsored Travel offer under this Policy, before submitting a request for travel approval.

Guidance on the management of travel can be found in the department's Travel Policy for corporate staff or on PAL for school staff.

Sponsored travel requests valued at \$500 and above can be accepted if all the conditions for acceptance are met.

6.7 Information required in the declaration

All ceremonial gifts and non-token offers, whether accepted or declined, must be declared in the department's on-line gifts, benefits and hospitality register. This includes Non-token gifts given to personnel by the department or a school at a reward and recognition event, retirement or length of service milestone.

Value

The value of the gift needs to be declared, see section 6.11 below.

Legitimate business benefit

The legitimate business benefit (Acceptance Rationale) 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 the department, school, public sector or State.

Personnel must consider the following examples of acceptable and unacceptable levels of detail to be included in the department's register when recording the business reason:

Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

Acceptable

- "Individual is responsible for evaluating and reporting on the outcomes of the Department of Education's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the Department of Education on the event."

Timing

Declarable offers are required to be declared by recipients in the registry system within 5 days of the offer date, and where possible, be approved prior to acceptance.

Where there is no opportunity to declare the Non-token offer or Ceremonial Gift and seek approval from an Authorised Delegate prior to acceptance, the recipient must declare the Non-token offer in the registry system within 5 days of the acceptance date, and provide an explanation of the circumstances to the Authorised Delegate.

Unjustified delays in declaring offers constitute non-compliance with this Policy.

Accepted Token offers and declined and/or unanswered generic 'spam' offers do not need to be declared.

Access to the register is restricted to relevant persons within the department.

6.8 Valuing offers

In considering the value of a gift, benefit or hospitality, it is the highest of:

- the retail or replacement cost of the gift, benefit or hospitality
- the value of the gift or benefit to the recipient.

Where the retail cost of the gift, benefit or hospitality is not immediately clear, personnel must conduct a simple internet search to determine the cost.

If the exact gift, benefit or hospitality cannot be purchased or found, personnel may estimate the cost using other products of a similar quality and standard.

6.9 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 department or school into disrepute, and where their authorised delegate has provided written approval.

Employees must transfer to the department or school any ceremonial gifts or gifts valued at \$500 or more (except for Gifts of Appreciation funded by multiple families).

6.10 Authorised delegates

Under the Policy, nominated Personnel fulfil the responsibilities of Authorised Delegates.

Authorised Delegates are responsible for considering and approving or declining Recipient's acceptance decisions within the [Registry system](#). Authorised Delegates' responsibilities are non-delegable.

In approving a Recipient's proposed acceptance decision, the Authorised Delegate is confirming that the offer:

- will provide a Legitimate Business Benefit to the department or school
- does not raise a Conflict of Interest
- is not from a supplier, potential supplier or organisation about whom the recipient or Authorised Delegate makes business decisions, as these must be refused
- will not bring the Recipient, the department or school, or the Public Sector into disrepute
- complies with the Policy.

Corporate Personnel

Offer Recipient	Authorised Delegate
VPS personnel up to and including Director and contractors	Assistant Deputy Secretary / Executive Director / Regional Director
Assistant Deputy Secretary / Executive Director / Regional Director	Deputy Secretary / CEO
Deputy Secretary / CEO	Secretary

Offer Recipient	Authorised Delegate
Secretary	Deputy Secretary, Financial Policy and Information Services

School-based Personnel

Offer Recipient	Authorised Delegate
Members of the Teaching Service, administrative staff and school contractors	Principal
Assistant Principal	
Principal	Regional Director
School Council member / employee / contractors	School Council, with offer Recipient <i>in absentia</i> Within Registry system approval workflows, Declarations of School Councillors, and School Council employees and contractors are authorised by Principals on behalf of School Councils, evidencing School Council's documented approval which must be attached to the Registry system Declaration record.

For declined offers, Authorised Delegates are notified of submitted Declarations, but are not required to make an approval decision.

Timeliness of approval decisions

Authorised Delegates must review all declared Non-token offers in the Registry system, and make an approval decision within 10 Days for Non-token offers proposed to be accepted, and where possible prior to acceptance.

Where there is less than 10 days before an offer event date, Authorised Delegates must make reasonable efforts to provide an approval decision in the Registry system prior to the event date.

7. Management of the provision of gifts, benefits and hospitality

This section sets out the requirements for providing gifts, benefits and hospitality. The HOST test can be used as a guide to decide the appropriateness of offering hospitality.

HOST test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business associates, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? 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?
S	Spend	Will public funds be spent? 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?
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 the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

7.1 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, personnel 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, department or school's 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).
- it does not raise an actual, potential or perceived conflict of interest.

Personnel must keep detailed records when providing gifts or hospitality that captures:

- legitimate business benefit or purpose of providing the gift or hospitality
- details of the gift or hospitality including invoices and order forms
- details of approving officer and records of approval.

Records must be available to audit and are ideally kept per transaction in Oracle or CASES21.

7.2 Containing costs

Individuals must 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.

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?

7.3 Hospitality guidelines

Approval for hospitality

The purchase of hospitality with departmental funds must be approved by the responsible financial delegate.

There are two types of Approval Forms.

Corporate staff are required to use the electronic Hospitality Smart Form in the Oracle (Purchase to Pay) system, which is used when Hospitality is purchased via invoice. This form will automatically appear when raising a Hospitality/Event Purchase Requisition.

Schools are required to complete the [School Hospitality Expense Approval Form](#) and submit it to the Principal/School Council President for approval.

An approval form must be approved/signed prior to confirmation of an event unless extenuating circumstances prevent this. Such circumstances must be noted on or attached to the form. Any prior verbal approval must also be noted.

A Hospitality Approval Form is required prior to processing an invoice for any amount of Hospitality. Blanket Approvals for a period of time are not acceptable.

- Any hospitality for the Ministers and their guests requires the approval of the Secretary or the Deputy Secretary, Financial Policy and Information Services, where practicable.
- Any hospitality for the Secretary and their guests requires the approval of the Deputy Secretary, Financial Policy and Information Services.
- Any hospitality for the Deputy Secretaries and their guests requires the approval of the Secretary.
- Any hospitality for the CEO/Executive Directors of statutory authorities that use the department's systems for processing their hospitality must be approved by the Secretary.

Non-allowable hospitality

Hospitality is not to be provided in the following situations:

- Hospitality for departmental officers that is of an unofficial or private nature is not allowable, including birthdays or farewells (other than retirements).

- Provision of hospitality for end of year celebrations beyond the definition of 'light refreshments' below is not permitted.
- Hospitality on behalf of the Ministers and Members of Parliament at both State and Federal levels are not to be incurred from departmental funds except in situations where the Secretary acts on behalf of the Minister on Departmental matters or where Ministers attend Departmental functions.
- Hospitality must not be authorised for intra-agency functions. The principle to be followed is that public funds are not to be used to provide hospitality solely for departmental staff except in circumstances outlined below.

The Secretary's event to acknowledge departmental employees achieving 35 or 40 years' service is allowable using public funds.

Business Meetings

Working meals involve participation of persons outside the organisation.

School Council meetings are business meetings and therefore light catering is permitted.

Where a business meeting is expected to be of extended duration it may be appropriate to offer tea, coffee, milk and biscuits which would be a small cost.

The provision of working meals should be limited to 'light refreshments' and normally occur:

- at an ordinary departmental or school-based meeting location.
- on non-regular occurrences, except where particular meetings are planned to continue without break for the convenience of departmental or school-based timetables.

Working meals may be provided when:

- there are organisational efficiencies in continuing the meeting through the normal meal break, and
- there is no reasonable alternative date and time to conduct the meeting except through a normal meal period.

Any hospitality provided for business meetings must be considered 'light refreshments' and be commensurate with a modest meal attendees would usually consume. A multiple-course meal at a restaurant would not meet the definition of modest and would not usually be approved.

Effort needs to be made to avoid meetings between 12.00noon and 2.00pm, unless necessary.

An employee is not permitted to claim a reimbursement or allowance for meals or beverages where the meal/entertainment has been provided as part of hospitality.

Catered Lunches

For a range of reasons, catered activities may be occasionally provided for employees. These are likely to be limited to a lunch as part of a larger staff-related event, for example a training course, workshop, planning day seminar or conference that is held offsite.

Catered lunches are encouraged to be modest and meet the description of 'light refreshments' above. The authorising officer must also ensure that the general community would consider it to be a reasonable public expenditure.

Behaviour

Consistent with the minimum accountabilities, personnel must ensure that when hospitality is provided, participants:

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

7.4 Provision of alcohol

The supply of alcohol at any event can lead to increased risks, including the risk of anti-social behaviour and risks to the reputation of both individuals and the organisation alike. Given the risks, alcohol would not normally be served at functions or official meetings, particularly those which are attended solely by department or school staff. This requirement however may be waived at the discretion of the Principal, a Deputy Secretary or Secretary.

Financial delegates must only supply alcohol at an official event in accordance with the *Occupational Health and Safety Act 2004*, the *Liquor Control Reform Act 1998*, and the Code of Conduct. For schools, the Alcohol at School Events Policy also applies.

Personnel must not be impaired by alcohol while working or while otherwise at a departmental or school location.

If the department or school hosts an event where alcohol will be served, the express authorisation of a Deputy Secretary, the Secretary or the Principal is required.

The following parameters must be used when considering the provision of alcohol:

- any event where alcohol is served should be held at a time which minimises the risk of employees returning to work impaired by alcohol. For example, if normal office hours are worked, the event should be held in the late afternoon or early evening.
- any event should not exceed two hours in duration.
- no more than two standard drinks per person should be provided.
- the provision of alcohol should be incidental to the overall level of hospitality provided.
- the storage and control of any alcohol should be closely monitored.

For more advice on serving alcohol in schools, refer to PAL – Alcohol.

7.5 Providing gifts and hospitality to non-personnel

Authorised Delegates may provide gifts and hospitality to non-Personnel such as external guests, presenters and delegates for legitimate business purposes. Any gift provided must be Token, i.e. under \$50. Gifts must not bring the school or department into disrepute and a gifts involving alcohol would not ordinarily be appropriate.

Providing gifts to volunteers is not appropriate.

7.6 Providing gifts to personnel

On occasions, the department or school may wish to recognise a significant Personnel achievements and provide Token gifts as part of:

- a reward and recognition event.
- acknowledging length of service milestones and/or retirements.

A Token gift, such as a card and/or flowers, may be sent to family members in the event of a Personnel member's death. This may also help their colleagues with their bereavement.

Authorised Delegates must consider in providing any gifts if there have been multiple recent events that would result in the perception of excess.

School-based personnel are required to seek approval from the School Council when issuing Non-token gifts to staff that are funded by public monies. However, School Council cannot approve:

- gifts to other school councillors as this would raise an actual, potential or perceived conflict of interest
- expenditure on gifts that are outlined in "Unacceptable provision of gifts to personnel" below

- gifts that depart from the financial responsibility obligations set out in the [Code of conduct for directors of Victorian public entities](#).

Funds sourced from staff collections do not constitute public monies.

Unacceptable provision of gifts to personnel

Public monies must not be used to provide gifts to personnel in other celebratory events such as:

- birthdays
- marriages
- the birth of children
- care packages, wellbeing packs or holiday hampers sent to all staff.

Items offered must be appropriate to the workplace context and preferably not involve alcohol. Gift vouchers are not permitted to be consistent with the VPSC requirement that Personnel do not accept them.

8. Related policy, legislation and other documents

- Minimum accountabilities for the management of gifts, benefits and hospitality (see Schedule A to this Policy)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [Code of Conduct for Directors of Victorian Public Entities](#)
- [Conflict of Interest Policy](#)
- [Department's Values and Resources](#)
- [Fraud and Corruption Control Framework](#)
- [Independent Broad-based Anti-corruption Commission \(IBAC\)](#)
- [Speak Up Service](#)
- [Sponsorships Policy and Guidelines](#)
- [Standing Directions of the Minister for Finance 2018](#)
- [Supplier Code of Conduct](#)
- [Thanks is Enough](#)
- [Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Framework](#)

9. Policy authority

This policy is issued under the authority of the Secretary of the Department of Education to comply with the *Minister for Finance Standing Directions 2018*.

All Personnel are required to comply with this policy.

9.1 Audit and risk committee

In accordance with its Terms of Reference, the Department's Audit and Risk Committee is responsible for Policy compliance monitoring and oversight across the Department, schools and entities within scope of this policy.

9.2 School councils

School Councils monitor and oversee offers and provision of gifts, benefits and hospitality within schools, and at least annually review the Register for compliance with the Policy.

School Councils may request a copy of the register for their school at any time via gifts@education.vic.gov.au.

9.3 Compliance attestation

Compliance with the Policy by schools and School Councils will be evidenced through the 'Internal Certification Checklist' or school attestation, returned by schools to the Department in July of each year.

The attestation processes outlined above are administered by Financial Services Division. Procurement Division is informed of school attestations by Financial Services Division.

10. Breaches

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 the Department of Education 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.

In the event of identified non-compliance, supervisors may proceed with actions in accordance with the department's [Complaints, Unsatisfactory Performance and Misconduct guidelines](#).

Procurement Division will report instances of potential non-compliance to Authorised Delegates, to allow them to take actions under the Complaints, Unsatisfactory Performance and Misconduct guidelines.

Instances of non-compliance will also be reported to the department's Audit and Risk Committee.

The department and schools 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.

11. Speak up

Personnel who consider that gifts, benefits and hospitality or conflict of interest within the department or school may not have been declared or is not being appropriately managed should speak up and notify their manager or principal.

Personnel can seek advice about unprofessional conduct from Fraud and Corruption Control (7022 0121) or fraud.control@education.vic.gov.au.

Personnel can report to the department's external Speak Up service.

- Hotline service: 1800 633 462
- Email: educationspeakup@pkf.com.au
- Web: (intranet) or (external) www.TalkIntegrity.com/DET

Personnel 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).

How the department or school must respond if personnel speak up

The department must always:

- actively support and protect employees who speak up in good faith
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

12. Contacts

Personnel who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this Policy, should in the first instance discuss the matter with their manager.

Further support is available as follows:

Corporate Personnel:

- [Intranet](#)
- Procurement Division: gifts@education.vic.gov.au

School-based Personnel:

- Procurement Division: gifts@education.vic.gov.au
- School Operations and Governance Unit, Schools and Regional Services: community.stakeholders@education.vic.gov.au
- [Policy and Advisory Library \(PAL\)](#): PAL contains all department policy, guidance and resources applying to schools.

Registry System Administrator:

- Procurement Division: gifts@education.vic.gov.au

13. SCHEDULE A: Minimum Accountabilities

For managing gifts, benefits and hospitality in the Victorian public sector.

Part A – Introduction

The minimum accountabilities are issued by the Victorian Public Sector Commission (VPSC).

A gift, benefit or hospitality must not be accepted or given by a public sector organisation or its employees if the offer does not comply with these minimum accountabilities.

The minimum accountabilities are binding under the [Instructions supporting the Standing Directions of the Minister for Finance 2018](#).

Part B – Receiving offers of gifts, benefits and hospitality

You must comply with the minimum accountabilities when responding to all offers of gifts, benefits or hospitality (token or non-token), including offers from other public sector organisations.

MINIMUM ACCOUNTABILITY 1 – DO NOT SOLICIT OFFERS

You must not solicit (seek) any gift, benefit or hospitality, for yourself or others, if the offer could reasonably be seen as connected to your employment.

MINIMUM ACCOUNTABILITY 2 – OFFERS YOU MUST REFUSE

You must always refuse a gift, benefit or hospitality (token or not token) if any of the following apply:

1. Money or similar

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money, including Vouchers other than Non-Cash Vouchers offered as Gifts of Appreciation, as defined in this Policy.

2. Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties.

3. Public trust

You must refuse the offer if it could compromise the public's trust that you will perform your public duties in an impartial manner or the public's trust in the impartiality of your organisation or the public sector.

4. Community expectations

You must refuse the offer if it is not consistent with community expectations.

5. Bribes

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. Report the offer to the head of your 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).

6. Legitimate business reason – non token offers

Even if the offer complies with all the other requirements above, you must refuse a non-token offer unless there is a legitimate business reason to accept it. The offer must further the conduct of official business or other legitimate goals of the department, your school, the public sector or the State.

MINIMUM ACCOUNTABILITY 3 – DECLARE ALL NON-TOKEN OFFERS

If you receive a non-token offer (valued at \$50 or more), you must:

- declare the offer on the department's Online Registry System, even if you refuse it
- always refuse the offer unless it complies with minimum accountability 2 and you have approval as set out in this policy.

The offer and outcome will be recorded on the organisation's official internal register and in the public register.

Part C – Providing gifts, benefits and hospitality

These minimum accountabilities relate to providing gifts, benefits and hospitality on behalf of your organisation.

They apply when making any offer of a gift, benefit or hospitality, including an offer to another Victorian public sector organisation.

MINIMUM ACCOUNTABILITY 4 – BUSINESS PURPOSE

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of the department or a school 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.

MINIMUM ACCOUNTABILITY 5 – COST AND COMMUNITY EXPECTATIONS

You must ensure that the cost of providing a gift, benefit or hospitality is:

- proportionate to the benefits obtained for the State
- would be considered reasonable in terms of community expectations.

MINIMUM ACCOUNTABILITY 6 – CONFLICTS OF INTEREST

You must ensure that you do not provide a gift, benefit or hospitality unless:

- no conflict of interest exists (actual, potential or perceived), or
- you declare a conflict and your organisation develops a management plan that explicitly allows you to provide it.

MINIMUM ACCOUNTABILITY 7 – BEHAVIOUR

You must ensure that when hospitality is provided, participants:

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

If you are a participant who is accepting hospitality, you must also comply with these standards

Part D – additional obligations for heads of public sector organisations

As the head of a public sector organisation, in addition to the other minimum accountabilities, you must also comply with the following requirements.

MINIMUM ACCOUNTABILITY 8 – CULTURE AND GOOD PRACTICE

You must model good practice and foster a culture of integrity.

MINIMUM ACCOUNTABILITY 9 – POLICIES AND PROCESSES

You must establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.

Your organisation's policy must comprehensively address the minimum accountabilities.

You must ensure that the requirements in your organisation's gifts, benefits and hospitality policy are at least as strong as those in the minimum accountabilities.

The VPSC recommends that your organisation:

- adopt the gifts benefits and hospitality model policy and model forms published by the VPSC
- where appropriate, adapt them to take into account your organisation's functions and any requirements in its establishing documentation.

When an employee speaks up in good faith

You must ensure that your organisation's policy and procedures require the organisation to:

- actively support and protect employees who speak up in good faith about a possible breach of the policy
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

MINIMUM ACCOUNTABILITY 10 – COMMUNICATING TO EMPLOYEES

You must ensure that your organisation's policy and related processes are communicated effectively to employees.

This includes communicating that a breach of the policy may constitute a breach of a binding code of conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

MINIMUM ACCOUNTABILITY 11 – COMMUNICATING TO BUSINESS ASSOCIATES

You must ensure that a clear policy position is established and communicated to business associates on the offering of gifts, benefits and hospitality to employees, including the possible repercussions for a business associate acting contrary to the organisation's policy position.

The information provided to (potential) suppliers should include:

- what constitutes a gift, benefit or hospitality
- the organisation's policy
- that the organisation discourages the making of offers
- any whole of Victorian Government supplier codes of conduct.

MINIMUM ACCOUNTABILITY 12 – REPORTS TO AUDIT COMMITTEE

You must 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 internal register.

This report must include a copy of the internal register, 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.

MINIMUM ACCOUNTABILITY 13 – INTERNAL REGISTER

You must ensure that an official internal register of non-token gifts, benefits and hospitality offered to employees is established and maintained.

At a minimum, the register must record sufficient information to:

- effectively monitor, assess and report on the minimum accountabilities,
- meet the information requirements for the public register.

MINIMUM ACCOUNTABILITY 14 – PUBLISHING ORGANISATION'S POLICY AND THE PUBLIC REGISTER

You must ensure that the following documents are available to the public:

- your organisation's gifts, benefit and hospitality policy

- the public register of reportable gift offers received.

If your organisation has an external website the policy and public register must be published on it. If no public website exists, other reasonable arrangements must be made to ensure the information is available to the public.

The public register should cover the previous financial year and be published within four months of each new financial year.

The public register must at a minimum contain the following reportable information:

- all non-token offers, whether they were accepted or not
- the date each non-token offer was made
- the position of the recipient
- the position and organisation of the person making each offer
- where possible, whether the offeror is a business associate of the organisation
- a description of each offer and its value
- whether the offer was accepted or declined
- if accepted, the business reason for doing so.