GIFTS, BENEFITS AND HOSPITALITY POLICY

VICTORIA State Government | Education and Training

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Melbourne January 26

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1. INTRODUCTION

PURPOSE

The Gifts, Benefits and Hospitality Policy (the Policy) states the Department of Education and Training's (the Department) requirements for receiving or providing offers of gifts, benefits or hospitality.

The Policy contributes to the Department's management of conflicts of interest and the maintenance of high standards of integrity and public trust.

This Policy is underpinned by the Department's values of integrity and impartiality, which are binding on Personnel through the Code of Conduct for Victorian Public Sector Employees and *Public Administration Act 2004*, and apply to school council members via the Code of Conduct for Directors of Victorian Public Entities.

APPLICATION

All Departmental employees (including members of the Teaching Service), School Councillors, School Council employees, and contractors are bound by the Policy and its Minimum Accountabilities. The Policy refers to these cohorts of people collectively as Personnel.

This Policy should be used as a guide by all portfolio public bodies outside the Department's entity, including the Victorian Curriculum and Assessment Authority, the Victorian Institute of Teaching, the Victorian Registration Qualifications Authority, Adult Multicultural Education Services (AMES Australia), and all Adult and Technical and Further Education Institutes.

The Policy also includes 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 your public duties.

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

Schools may establish their own policies to meet local requirements. To the extent these are inconsistent with or undermine the Policy, the Policy's provisions prevail.

VERSION AND REVIEW

The Policy is managed and maintained by the Procurement Division, Infrastructure and Finance Services Group.

The Policy will be reviewed routinely to ensure it is fit-for-purpose and achieves its stated aims. Amendments may be made to the Policy with the approval of the Executive Director, Procurement Division or the Secretary, where appropriate.

Capitalised terms are defined in the Glossary.

2. MINIMUM ACCOUNTABILITIES

Personnel offered gifts, benefits and hospitality (Recipients):

1. Not seek or solicit gifts, benefits and hospitality for themselves or others.
2. Refuse offers of gifts, benefits and hospitality that:
   - are Non-Token offers without a legitimate business benefit
   - give rise to an actual, potential or perceived Conflict of Interest
   - extend to their relatives or friends
   - are from a person or organisation about whom Personnel are likely to make business decisions
   - are money, items used in a similar way to money, or items easily converted to money, including Vouchers
   - may adversely affect their standing as a Public Official or which may bring their public sector employer or the public sector into disrepute
   - the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies.
3. Refuse bribes or inducements and report bribery and inducements attempts to the Secretary or their delegate.
4. Declare all Non-Token offers whether accepted or declined, and accepted Ceremonial Gifts in the Registry System, within five Days of the offer date, and seek approval from their Authorised Delegate to accept any Non-Token offer, where possible prior to acceptance.
5. Transfer any accepted Non-Token gifts valued at $500 or more and any Ceremonial Gifts, excluding Gifts of Appreciation to members of the Teaching Service, to the Department or school.

Authorised Delegates:

6. Assess all declared Non-Token offers proposed to be accepted in the Registry System, and make an approval decision within 10 Days of the Declaration and where possible prior to acceptance.
7. Where appropriate, approve a Recipient's retention of a Non-Token Gift including a Gift of Appreciation of any value, but excluding a Ceremonial Gift or any other Non-Token Gifts valued at $500 or more.
8. Oversee and monitor the acceptance or refusal of Non-Token offers and compliance with the Policy, and provide appropriate counselling or take appropriate employment action where Personnel have not complied with the Policy.
9. Report any criminal or corrupt conduct to the Secretary or their delegate.

School Councils:

10. Fulfil the responsibilities of Authorised Delegates for School Council-related Non-Token offers.
11. Monitor and oversee offers and provision of gifts, benefits and hospitality within schools, and at least annually review the school Register, to ensure compliance with the Policy.

Personnel providing gifts, benefits and hospitality:

12. 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.
13. Ensure that any costs are proportionate to the benefits obtained for the Victorian Government, and would be considered reasonable in terms of community expectations.
14. 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.

The Secretary:

15. Establish, implement and review policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
16. Establish and maintain a Register for gifts, benefits and hospitality offered to Personnel that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
17. Communicate and make clear that a breach of the Policy may constitute a breach of binding codes of conduct, may constitute criminal or corrupt conduct and may result in disciplinary action.
18. Report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission.
19. 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 Policy. This must take into consideration the Victorian Government's Supplier Code of Conduct.
20. Report at least annually to the Audit and Risk Committee on the administration and quality control of its Policy, processes and Register. This report must include analysis of risks, including repeat offers from the same source and offers from Business Associates, risk mitigation measures and any proposed improvements.
21. Publish the Department's Policy and Register annually on the Department's public website. The published Register covers the current and the previous financial year, and will be published following the end of the financial year.

3. GOVERNANCE

POLICY AUTHORITY

The Policy gives effect to the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework, October 2016, with which the Department and all Victorian Government schools must comply.

The Policy is issued under the delegated authority of the Secretary of the Department of Education and Training. Compliance with the Policy is a requirement for all Personnel.

The Department must also comply with the *Minister for Finance Standing Directions 2016*, and its associated Instructions, which have legal force under the *Financial Management Act 1994.*

The Policy is underpinned by the integrity and impartiality values and principles specified in the *Public Administration Act 2004*, the Code of Conduct for Victorian Public Sector Employees and the Code of Conduct for Directors of Victorian Public Entities.

The Policy replaces previously issued gifts, benefits and hospitality policies for Department and School-based Personnel.

POLICY INTENT

The giving and receiving of gifts, benefits or hospitality are commonplace in everyday life. The Victorian community expects high standards of integrity and impartiality from Personnel. The intent of the policy is to establish clear rules and guidance for Personnel in responding to and providing gifts, benefits and hospitality.

We must not accept or make offers of gifts, benefits or hospitality that influence, or may give the impression to influence, any decision unfairly. We are to perform our duties without favouritism, bias or for personal gain. We act fairly and objectively and maintain public trust by being honest, open and transparent. We also need to be confident in using public resources responsibly when making offers of gifts, benefits or hospitality in the course of our work.

The overarching objective of the Policy is to encourage behaviours that will earn and sustain community and government trust. In particular, the Policy seeks to equip Personnel to:

- distinguish and appropriately manage modest tokens of appreciation, or hospitality that are a basic courtesy, from inducements, conflicts of interest or Non-Token offers without a legitimate business benefit
- identify appropriate boundaries for the provision of gifts, benefits and hospitality in a way that is considered reasonable in terms of community expectations.

CONFLICTS OF INTEREST

Managing conflicts of interest appropriately is fundamental to ensuring high levels of integrity in the Department and schools.

Considering any actual, potential or perceived Conflict of Interest is central to determining how to respond to an offer of a gift, benefit or hospitality.

Any offer of gifts, benefits and hospitality which represents an actual, potential or perceived Conflict of Interest must be refused.

A Conflict of Interest arises in circumstances where a staff member's private interests can influence or be seen to influence a public duty. It can affect employees at all levels of seniority and in every area of work in the Department. Conflicts of interest are an inevitable fact of organisational life, and can arise without anyone being at fault. However, where an actual,

potential or perceived Conflict of Interest exists, it creates serious risks for the individual, the Department or school, and must be identified and managed appropriately.

Guidance on the management of Conflict of Interest can be found in the Department's Conflict of Interest Policy.

DEPARTMENT VALUES

The Department's values underpin the behaviours that the Government and community expect of all public sector officials. Values-driven behaviours increase trust and confidence in our work.

Value	How values can be demonstrated
Responsiveness	• Offer declared within 5 days of receipt • Offer authorised within 10 days of submission • Requests for additional information answered within required timeframes • Offer information based on all available facts
Integrity	• Offers that should not be accepted are declined • Actual, perceived or potential conflicts of interest does not exist • Public trust is not damaged by offer • Public funds are spent wisely when providing gifts or hospitality • Report cases of undeclared offers through proper channels (immediate supervisor, Authorised Delegate or ring Speak Up Service).
Impartiality	• Decision about offer is based on clear and proper reasoning • Approval of offer is consistent, objective and respects equality • Offer does not influence decision, in the present or future
Accountability	• Proposed decisions to accept or decline offers are explained and justified by Recipients • Non-Token offers are declared by Recipients and considered by Authorised Delegates within required timeframe • Understand the consequences of not adhering to the Department's policy • Use work resources appropriately when providing hospitality. • Authorised Delegates monitor offers over time.
Respect	• Do not accept offers that are illicit or vulgar
Leadership	• Promote the application of the Policy • Help others understand the Policy
Human rights	• Uphold and respect the rights of others.

4. OFFERS OF GIFTS, BENEFITS AND HOSPITALITY

TYPES OF OFFER

A **Token offer** is an offer of a gift, benefit or hospitality with an estimated or actual value that is less than $50, other than for a Gift of Appreciation (Teaching Service only). Refer to Definitions for further information about Token offers.

A **Non-Token offer** is an offer of a gift, benefit or hospitality with an estimated or actual value that is $50 or more, other than for a Gift of Appreciation (Teaching Service only).

A **Ceremonial Gift** is an official gift from one organisation to another organisation. Ceremonial gifts are provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the Department or school, irrespective of value, and are to be accepted by Personnel on behalf of and Transferred to the Department or school. The receipt of Ceremonial Gifts must be declared.

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. For further information see Gifts of Appreciation below.

GIFTS OF APPRECIATION

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 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: "conveying appreciation to members of the Teaching Service".

Pursuant to VPSC's Minimum Accountabilities, Vouchers including retail debit cards and gift cards offered as Gifts of Appreciation must be refused.

Where the total estimated value of gifts and benefits from the one source (individual student or family or group thereof) to a member of the Teaching Service is equal to or exceeds $500, the Authorised Delegate has discretion to allow the Recipient to retain these gifts. This discretion can only be exercised in relation to Gifts of Appreciation. Alternatively, if the Authorised Delegate requires gifts to be Transferred to the ownership of the School, the Transfer is to be recorded in the Registry system.

ACCEPTING GIFTS, BENEFITS AND HOSPITALITY OFFERS

Personnel must exercise particular care when accepting gifts, benefits or hospitality if the donor:

- is involved in a procurement or grant funding process with the Department or school

- is the subject of, or potentially affected by a decision or the authority of the Department or school.
- is in a contractual relationship with the Victorian Government or School Council
- has offered gifts, benefits or hospitality of any kind more than once in the last year.

Where conditions apply to offers, Recipients must assess whether the conditions comply with the Policy. Recipients must refuse conditional offers which do not comply with the Policy.

When considering whether to accept an offer of a gift, benefit or hospitality take the GIFT test. If in doubt, Personnel should discuss the situation with their supervisor.

DECLARING GIFTS, BENEFITS AND HOSPITALITY OFFERS

Personnel must use the Department's gifts, benefits and hospitality Registry system to declare Non-Token offers, whether accepted or declined. Accepted Ceremonial Gifts should be declared in the Registry system, irrespective of their value, i.e. whether they are Token or Non-Token.

Non-Token offers, whether accepted or declined, and accepted Ceremonial Gifts are required to be declared by Recipients in the Registry system within five 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 five days of the acceptance date, and provide an explanation of the circumstances to the Authorised Delegate. Unjustified delays in declaring offers may constitute non-compliance with the Policy.

Non-Token offers to Immediate Family members, must be declared by Personnel, if the offer is linked to the Personnel's employment with the Department or school.

Personnel must ensure that the offer has a clear and legitimate business benefit if proposed to be accepted.

Accepted Token offers and declined and/or unanswered generic 'spam' invitations do not need to be declared. Neither does any hospitality provided by other Victorian Government agencies, where the reason for attendance is consistent with the Department's or school's functions and objectives, and the Personnel's official role.

In accordance with *Guidance 4.2.2*, *Minister for Finance Standing Directions 2016*, Donations and Sponsorships are not considered gifts, benefits or hospitality and their administration does not fall under this Policy.

SPONSORED TRAVEL OFFERS

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

If travel is in the public interest, the Department or school should consider paying for the travel, accommodation and associated costs in full. Personnel should 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, before submitting a Travel Request Approval (TRA).

Guidance on the management of travel can be found in the Department's Travel Policy

5. KEEPING (OFFERED) GIFTS

OFFERS THAT CAN BE KEPT

The retention by Recipients of Non-Token offers is not prohibited under the Policy. An offer that has a legitimate business benefit can be accepted. However, all Personnel are encouraged to adopt a 'Thanks is Enough' approach when responding to offers of gifts, benefits or hospitality.

'Thanks is Enough' is a desired standard for all corporate and school-based Personnel when responding to offers of gifts, benefits and hospitality; ensuring impartiality in decision making with business or suppliers.

The approach means that a simple thank you is all Personnel need from businesses or suppliers to show their appreciation.

Factors to consider when you receive an offer

While the offering of gifts, benefit and hospitality, such as hampers, football tickets or invitations to corporate functions, is often a gesture of goodwill, it may give businesses and suppliers a commercial edge by encouraging Personnel to think of them first next time.

Accepting offers can give rise to a Conflict of Interest; lead to the perception of bias among colleagues and communities; and call our objectivity and integrity into doubt.

To find out more about how using 'Thanks is Enough' can support the management of gifts, benefits and hospitality offers, including information to support local businesses and suppliers, see: 'Thanks is Enough' FAQs.

Gifts of Appreciation to members of the Teaching Service are able to be retained by Recipients, subject to the approval of Authorised Delegates.

OFFERS THAT CANNOT BE KEPT

Gifts valued at $500 or more or Ceremonial Gifts, regardless of value, must be Transferred to the Department or school. The exception to this provision is Gifts of Appreciation, and Non-Token offers related to Sponsored Travel and conference and meeting attendance where these are effectively consumed by the Recipient and are unable to be transferred.

Official gifts presented to an individual Recipient on behalf of the Department or school, remain the property of the Department or school, and must be declared if Non-Token.

Vouchers (including retail debit cards and gift cards) are considered to be items used in a similar way or easily converted to money and are prohibited, pursuant to the Victorian Public Sector Commission's Minimum Accountabilities.

PRIVACY

Regardless of whether offers are accepted or declined, Recipients should inform donors that:

- The Department is required to publish Non-Token offers in the Register report
- Personal information will be de-identified
- For accepted offers from organisations, business names will be published
- For declined offers from organisations, organisational categories will be published.

6. APPROVAL

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
- will not bring the Recipient, the Department or school, or the Public Sector into disrepute
- complies with the Policy.

Table 1: Authorised Delegates (non-delegable)

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
Deputy Secretary	Secretary
Secretary	Deputy Secretary, Infrastructure and Financial Services Group

School-based Personnel

Offer Recipient	Authorised Delegate
Members of the Teaching Service, administrative staff and school contractors Assistant Principal	Principal
Principal	Regional Director
School Council member / employee / contractors	School Council, with offer Recipient *in absentia* 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. PROVIDING GIFTS AND HOSPITALITY

OVERARCHING CONSIDERATIONS

When considering whether to provide hospitality, Financial delegates should seek to uphold the reputation of the Department or school and consider whether the:

- provision of hospitality fosters and supports the Department's or school's objectives
- reputation of the Department or school and any external guests are upheld
- provision of gifts will be of benefit to the State.

The costs of providing hospitality must be contained and be commensurate with community expectations.

When considering whether to provide hospitality or gifts on behalf of the Department or school, Personnel can, in the first instance take the HOST test.

Any gift should be of a Token value, unless otherwise approved by a financial delegate. All purchases need to be made in accordance with the Department's Procurement Policy (corporate) or the Schools Procurement Policy.

Further guidance on providing hospitality can be found in the Department's Hospitality Approval Guidelines and for school-based Personnel, the Finance Manual for Victorian Government Schools.

If an event or meeting is going to extend over usual meal times, it is acceptable to provide modest hospitality such as tea, coffee and a light meal. This type of hospitality has a low cost per head, is in line with community expectations, and may be required by Personnel employment provisions.

Wherever possible, a sufficient break in proceedings should be encouraged to enable participants to seek their own refreshments if available within the vicinity. Where possible, internal meetings attended by Personnel should not be scheduled to conflict with meal times.

PROVIDING GIFTS AND HOSPITALITY TO NON-PERSONNEL

Authorised officers may provide gifts and hospitality to non-Personnel i.e. external guests, for legitimate business purposes. Any gift provided should be Token, i.e. under $50.

PROVIDING GIFTS TO PERSONNEL

On occasions, the Department or school may wish to recognise 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.

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. Funds sourced from 'staff collections' do not constitute public monies.

Gifts given for other occasions in celebration of events such as birthdays, marriages or the birth of children must not be funded using public monies.

All purchases need to be made in accordance with the Department's Purchasing Card Policy and Guidelines (corporate) or the Schools Procurement Policy.

CATERED FUNCTIONS FOR PERSONNEL

The authorising officer must determine if a catered function for Personnel would be considered reasonable public expenditure by the general community.

CATERING FOR BUSINESS MEETINGS

The provision of working meals should normally occur at an ordinary departmental or school-based meeting location.

Working meals may be provided when:

- there are organisational efficiencies in continuing the meeting through the normal meal break
- there is no reasonable alternative date and time to conduct the meeting except through a normal meal period
- it is warranted by Departmental or school-based timetables
- it is necessary to accommodate the schedules of external invitees.

PROVISION OF ALCOHOL

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. 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. For more advice on serving alcohol in schools, refer to the School Policy Advisory Guide - Alcohol.

8. REPORTING

QUARTERLY ACTIVITY REPORTING

Quarterly activity reports for Non-Token offers are made available to Deputy Secretaries, Assistant Deputy Secretaries / Executive Directors / Regional Directors, School Principals and School Council Presidents.

AUDIT AND RISK COMMITTEE

The Department is required to prepare bi-annual reports to the Audit and Risk Committee on the administration and quality control of the Policy, processes and Register. These reports include an analysis of risks, including repeat offers from the same source and offers from business associates, risk mitigation measures and any proposed improvements.

PUBLIC REPORTING

In accordance with the requirements of Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework, a gifts, benefits and hospitality Register report published

annually on the Department's public website, following the end of the financial year. The published Register report covers the current and the previous financial year. The details of individual offers are published. Ceremonial Gifts are not included in the published Register report.

Corporate and consolidated school-based offers are published in two separate Register reports. School-based Personnel who receive and accept offers are identified in the published Register report by region only. Individual schools are not identified. Individual Recipients are de-identified, but position titles are disclosed. Declaration approvers are described as Authorised Delegates. The position titles used for Recipients are outlined in the following table.

Table 2: Public Register Report Recipient Naming Conventions

Corporate		Schools	
Personnel	**Position Title (example)**	**Personnel**	**Position Title (example)**
VPS officer up to and including VPS7	VPS Officer	Department-employed teachers	Member of Teaching Service, South West Region
Manager	Manager, International Education	Other School-based Department employees, contractors and School Council employees	School-based personnel, South East Region
Director	Director, Professional Practice and Leadership	Principal	Principal, North West Region
Area Executive Director	Area Executive Director, South East Region	School Council members, including SC President	School Council member, North East Region
Regional Director	Regional Director, South West Region		
Executive Director	Executive Director, Procurement Division		
Assistant Deputy Secretary	Assistant Deputy Secretary, Strategic Implementation		
Deputy Secretary	Deputy Secretary, Infrastructure & Finance Services Group		
Secretary	Secretary		

9. REGISTRY SYSTEM

INFORMATION SECURITY

The Registry system aligns with the Department's information security standards.

Corporate Personnel Declarations can only be accessed by Recipients, applicable Authorised Delegates and Registry system administrators.

School-based Personnel Declaration records can only be accessed through a school (Edumail) account. School Principals and / or Business Managers determine access privileges to this account.

SYSTEM ACCESS

The Registry system is accessible by all corporate Personnel, and school-based Personnel with an Edumail account. It is the Recipient's responsibility to ensure Non-Token offers and Ceremonial Gifts are declared within the Registry system. Corporate and school-based administrative staff, i.e. Business Managers in schools, are responsible for ensuring that Declarations are obtained from Personnel such as School Councillors, and School Council employees and any contractors who do not have Registry system access. 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.

10. MONITORING AND COMPLIANCE

THREE LINES OF DEFENCE

Responsibility for the Policy's compliance and monitoring is based on the Department's Three Lines of Defence model. This model outlines the overarching ownership, accountabilities, and governance for management responsibilities within the Department.

The first line of defence is departmental and school-based Personnel responsible for making decisions about gifts, benefits and hospitality, whether offered or provided.

The second line of defence is the responsibility of the Policy owner (Procurement Division, IFSG). This Division implements and manages the Department's second line of defence controls for received or provided offers of gifts, benefits and hospitality, in concert with other applicable Divisions, i.e. Financial Services Division, which has an overarching responsibility for financial management compliance controls, and Integrity and Assurance Division.

Procurement Division has the following responsibilities with respect to gifts, benefits and hospitality:

- Develop, review and maintain the Department's Policy
- Provide system administration support for the Department's Registry system
- Capture and make available where relevant, authoritative information about offered gifts, benefits and hospitality, including bi-annual reports provided to the Audit and Risk Committee
- Provide consultancy support to Personnel, in concert with other Divisions
- Represent the Department at whole of government meetings and forums in relation to gifts, benefits and hospitality policy and administration
- Implement and manage second line of defence controls.

The third line of defence is provided by Integrity and Assurance Division and external audit and assurance entities.

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 and Schools.

SCHOOL COUNCILS

School Councils 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.

COMPLIANCE ATTESTATION

The Policy applies to all Personnel.

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.

Instruction 3.4 to the *Minister for Finance's Standing Directions 2016* sets out the obligations for the Secretary's annual compliance attestation, which includes adherence to Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework. The scope of the Standing Directions is limited to corporate and school-based Department employees.

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

SPEAK-UP

Personnel can raise concerns about non-compliance by using the Department's Complaints Management framework. They can seek local resolution by raising concerns with their manager or manager's manager, seek advice about unprofessional conduct from Employee Conduct Branch (9637 2595) or 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.

NON-COMPLIANCE

Non-compliance with the Policy may constitute a breach of:

- *Public Administration Act 2004* in relation to misconduct
- Directors' Code of Conduct under the *Public Administration Act 2004*
- Victorian Public Sector Code of Conduct

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 may also be reported to the Department's Audit and Risk Committee.

11. FREEDOM OF INFORMATION

Gifts, benefits and hospitality are subject to Freedom of Information (FOI) requests made under the *Freedom of Information Act 1982,* and parliamentary questions. Disclosure of identifying information will be determined on a case-by-case basis in line with FOI requirements.

12. RECORD KEEPING

Public sector organisations have record keeping obligations which help to ensure transparency and accountability. These include obligations under the *Public Records Act 1973*, and the *Financial Management Act 1994* to ensure that public funds are appropriately authorised and incurred in accordance with business needs, and captured in financial records. All record keeping relating to this Policy will accord with the Department's obligations.

13. FURTHER ASSISTANCE

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 supervisor.

Further support is available as follows:

Corporate Personnel:

- Procurement Division via: gifts@edumail.vic.gov.au

School-based Personnel:

- School Operations and Governance Unit, Group Coordination and Operations Branch, Group Planning, Coordination and Operations Division via: *community.stakeholders@edumail.vic.gov.au*
- School Policy and Advisory Guide: The Guide provides Victorian government schools with quick and easy access to governance and operational policies and advice. It complements the Department's extensive web resources and directs users to relevant web content and supplementary information.
- Integrity Liaison Officers: Integrity Liaison Officers provide integrity-related advice and referrals relating to the Policy to regional corporate staff, school principals and business managers, in partnership with the Procurement Division.

Registry System Administrator:

- Procurement Division via: gifts@edumail.vic.gov.au

14. GLOSSARY

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.

Business Associate

An external individual or organisation with which the Department or school has, or plans to, establish some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

Benefits

These items 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 not have definitive monetary value, but as they are valued by the individual, they may be used to influence the individual's behaviour.

Ceremonial Gifts

An official gift from one organisation to another organisation. Ceremonial gifts are provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting official business with delegates from another organisation or representatives of foreign governments.

Ceremonial gifts are the property of the organisation, irrespective of value, and are to be accepted by Personnel on behalf of and Transferred to the Department or school, as required by the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework.

The receipt of ceremonial gifts should be declared in the Register, irrespective of value, but do not need to be published.

Conflict 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.

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.

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. In accordance with *Guidance 4.2.2*, *Minister for Finance Standing Directions 2016*, donations are not considered gifts, benefits or hospitality and their administration does not fall under this Policy.

Fundraising

The seeking of financial support for a cause, or other enterprise particularly in Victorian Government schools does not fall under this Policy.

Gifts

Free or discounted items and any other item 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) and consumables (e.g. chocolates). Gifts may also include those provided by organisations to a visiting departmental or school delegation from another jurisdiction.

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 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.

Hospitality

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. It also includes the reasonable provision of accommodation for Personnel.

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.

Token offer

An offer of a gift, benefit or hospitality that is made as a courtesy or is of inconsequential or trivial value to both the person making the offer and the recipient. 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. A Token offer is an offer of a gift, benefit or hospitality with an estimated or actual value that is less than $50, other than for a Gift of Appreciation (Teaching Service only).

Non-Token offer

An offer of a gift, benefit or hospitality with an estimated or actual value that is $50 or more, other than for a Gift of Appreciation (Teaching Service only).

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-relates 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

As defined within section 4 of the *Public Administration Act 2004*. This includes:

- public sector employees, including members of the Teaching Service
- statutory office holders
- directors of public entities, including School Councillors.

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.

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 2016*, 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.

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 non-cash payment facility offered by businesses to consumers. As they are items that are used in a similar way to money, they are prohibited by this Policy in accordance with VPSC's Gifts, Benefits and Hospitality Policy Framework.

15. REFERENCES

CASES21 - Chart of Account

Code of Conduct for Victorian Public Sector Employees

Code of Conduct for Directors of Victorian Public Entities

Code of Conduct for Directors of Victorian Public Entities

Conflict of Interest Policy

Department's Values and Resources

Finance Manual for Victorian Government Schools

Financial Authorisations Policy and Guidelines

Fraud and Corruption Control Framework

Independent Broad-based Anti-corruption Commission (IBAC)

Oracle Financials –Chart of Accounts

Oracle Financials - Chart of Accounts

Risk Management Framework

Speak Up Service

Sponsorships Policy and Guidelines

Standing Directions of the Minister for Finance 2016

Supplier Code of Conduct

Thanks is Enough

Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Framework