

Gifts Benefits and Hospitality

Owner: CEO

Executive Sponsor: CEO

Section: Corporate: Human Resources **Endorsing Committee:** Finance and Risk

Policy Statement

Orbost Regional Health (ORH) acknowledges that our community expects high standards of integrity, impartiality and accountability from ORH employees and directors. ORH employees and directors are expected to:

- earn and sustain public trust
- be honest, open and transparent in their dealings
- make decisions and provide advice without bias / influence
- avoid any real or apparent conflicts of interest
- use their powers responsibly
- report improper conduct
- seek to achieve best use of resources; and
- submit themselves to appropriate scrutiny.

Orbost Regional Health maintains a Gifts, benefits and hospitality register for all reportable gifts. Records relating to the provision of hospitality such as professional development approval forms and related training records are maintained in staff files.

Employees and directors must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly. When providing hospitality, employees and directors must ensure that it reflects prudent use of public resources and does not compromise the real or perceived integrity of recipients.

All employees/directors are required to comply with the following minimum accountabilities:

- Do not seek or solicit gifts, benefits or hospitality
- Refuse all offers of gifts, benefits or hospitality that
 - are money, items used in a similar way to money, or items easily converted to money such as shares
 - give rise to an actual, potential or perceived conflict of interest. Activities that have a higher risk of conflict of interest are possibly recruitment, procurement, regulating individual and business activities, distributing goods, services or funds and making binding decisions.
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute or
 - are non-token offers without a legitimate business benefit
- Refuse all offers of gifts, benefits or hospitality from people or organisations that could be reasonably perceived as undermining the integrity and impartiality of the organisation or themselves
- Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or Executive member to accept any non-token offer.
- Refuse bribes or inducements and report inducements and bribery attempts to the CEO or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Accepting Gifts and Hospitality

Accepting a gift or hospitality from a consumer beyond a small, one off token of appreciation has the potential to compromise the professional relationship between consumer and the staff member.

Orbost Regional Health does not endorse an individual staff member accepting a gift(s) from clients, residents and/or patients. Orbost Regional Health understands and accepts that consumers may send to departments or the organisation as a whole, flowers or gifts which are appreciated and provide the opportunity to acknowledge appreciation of work by all staff members.

Orbost Regional Health acknowledges that a total ban on the acceptance of all gifts and hospitality for our organisation and industry is impractical and unrealistic. However there is a low risk tolerance for the acceptance of gifts, benefits and hospitality which may influence integrity and impartiality or employee solicitation of gifts, benefits and hospitality.

Employees may only accept gifts under the following circumstances:

- All gifts are to be reported to management and registered on the Gift Register maintained at the main reception.
- No gift over the value of \$50 shall be accepted by a single employee unless approved by management under special circumstances.
- Employees may accept small tokens of appreciation, mementos and small gifts such as chocolates, flowers, and stationery. These gifts, where practicable, should be shared with other employees.

If a staff member receives a gift from a consumer beyond a small, one off token of appreciation, the staff member should attempt to decline the gift and report this immediately to their manager. Sometimes it is difficult to refuse a gift without offending the person offering it and staff may need to discuss with their manager how you will deal with that person in the future. If staff are offered a gift they should consider the following:

- Is this offer made for reasons of genuine appreciation for something I have done, without any encouragement from me?
- If I accept it, would a reasonable bystander be confident that I could be independent in doing my job?
- Could I always feel free of any obligation to do something in return for the donor?
- Would I be comfortable if the gift was transparent to my organisation, its clients and to the public?

The GIFT test

The GIFT test is a good reminder of what to think about when making the assessment to accept or decline a gift, benefit or hospitality. Take the GIFT test and if in doubt ask your manager

G	Giver	Who is making the offer and what is their relationship to me? 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	Who is making the offer and what is their relationship to me? 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?
F	Favour	Who is making the offer and what is their relationship to me? 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?
T	Trust	Who is making the offer and what is their relationship to me? 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?

Modest hospitality such as light refreshments should be proportionate to the occasion (e.g. catering at a conference) and when offered as part of official business is not a reportable gift.

When employees attend a conference they are representing their organisation and any benefits (door prize, speaker fee, grants etc) belong to the organisation.

Providing Gifts and Hospitality

Hospitality provided by ORH to external guests and catered functions and gifts for staff should be determined based on a balanced judgement between the costs incurred and the potential benefits, and whether the proposed hospitality and/or gift is in line with community expectations. 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 HOST test

The HOST test is a good reminder of what to think about when making the assessment to provide hospitality or gifts to staff or external business associates. Take the HOST test and if in doubt ask your manager

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?

A breach of this policy or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.

The Gifts, Benefits and Hospitality Policy and the Gifts, Benefits and Hospitality Register is available on the Orbest Regional Health website, which complies with the Standing Directions of the Minister for Finance 2016.

Staff this document applies to

- All Staff

Purpose

- To provide all Orbest Regional Health’s employees, directors and consumers with guidance on expectations around the acceptance and provision of gifts, benefits and hospitality.
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Roles and Responsibilities

Roles & Responsibilities	
Organisational Role	Responsibility
Board of Directors	Maintain oversight of Orbost Regional Health's approach and practice around the acceptance and provision of gifts, benefits and hospitality to ensure alignment with community expectations
CEO and Executive Directors	<ul style="list-style-type: none"> Regularly review policies and processes that provide guidance to employees on ORH expectations around the acceptance and provision of gifts, benefits and hospitality. Maintain a register of gifts, benefits and hospitality offered to staff, that, at a minimum, records sufficient information to effectively monitor, assess and report on the minimum accountabilities. Encourage awareness and compliance with ORH policies and processes for the acceptance and provision of gifts, benefits and hospitality. Reinforce and role model importance to ORH employee's high standards of integrity and impartiality to support alignment with community expectations. Provide an annual report to the Finance and Risk Committee, on the administration and quality controls of the gifts, benefits and hospitality policy, processes and register. Any identified risks, risk mitigation and proposed improvements.
Senior Managers	<ul style="list-style-type: none"> Maintain knowledge of and capability to explain to staff ORH policies and processes for the acceptance and provision of gifts, benefits and hospitality. Monitor staff compliance with ORH policies and processes for the acceptance and provision of gifts, benefits and hospitality Encourage staff awareness of ORH policies and processes for the acceptance and provision of gifts, benefits and hospitality. Ensure contractors or suppliers are aware of the policy requirements.
Staff	<ul style="list-style-type: none"> Maintain awareness and comply with ORH policies and processes for the acceptance and provision of gifts, benefits and hospitality.
Consumers	<ul style="list-style-type: none"> Support ORH staff to comply with ORH policies and processes for the acceptance and provision of gifts.

Aligned Policies/ Documents

- Code of Conduct Policy
<http://system.prompt.org.au/Download/Document.aspx?id=5308423&code=61F6999476723ECCCC2058799B73730E>
- Conflict of Interest Policy
<https://system.prompt.org.au/Download/Document.aspx?id=17042975&code=236690FB6B6E019132EDC4048DDEBBB2>
- Gifts, Benefits and Hospitality Register
https://www.orbostregionalhealth.com.au/fileadmin/filemount/Documents/2018/Gifts_Benefits_and_Hospitality_Register.pdf

Definitions

- **Benefits** include preferential treatment, privileged access, favours or other advantage offered to an individual. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.
- **Conflicts of interest** 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.
- **Gifts** are the 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 values (e.g. artwork), 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** is the friendly reception and entertainment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
- **Public Register** is a public register, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities.
- **Register** is a record, preferably digital, of all declarable gifts, benefits and hospitality. The register is maintained by reception staff and reported to the Finance & Risk committee annually.
- **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). Token offers cannot be worth more than \$50.
- **Non-token offer** is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register.



Accreditation standards

Accreditation Standards	
Standard	Action Description
Governance for safety and quality in health service V2 Std 1.7	The health service organization uses a risk management approach to: <ul style="list-style-type: none">• Set out, review, and maintain the currency and effectiveness of, policies, procedures and protocols• Monitor and take action to improve adherence to policies, procedures and protocols• Review compliance with legislation, regulation and jurisdictional requirements.

Legislation

- Public Administration Act 2004
- Financial Management Act 1994
- Directors Code of Conduct for Victorian Public Sector Employees
- Victorian Public Service Executive Employment Handbook
- Conduct of Commercial Engagements, Victorian Government Purchasing Board
- Taxation Administration Act 1953 (Cwlth) Section 353-20 Schedule 1
- Health Insurance Act 1973 (Cth) Section 19, 20A and 20B, 129AA
- Health Insurance Act 1975 (Cwlth) Section 23DZZID, 23DZZIF, 23DZZ1K
- Health Insurance Regulations 1975 (Cth) Regulations 20CA and 20CB

Evidence of Compliance

- Satisfactory evidence of Gift declaration on the Orbost Regional Health Gift Register.
- Annual review by the Board's Finance and Risk Committee of Gifts, Benefits and Hospitality Policy for appropriateness and effectiveness.
- Annual review of Gifts Register (the timing of this annual review should seek to support an annual CEO attestation, endorsed by the Finance and Risk Committee in August each year)
- A breach of this policy may constitute a breach of binding codes of conduct and result in disciplinary action.

References / legislation / Supporting Documents

- Gifts, benefits and hospitality policy guide, 2018, Victorian Public Sector Commission
 - VPSC Circular No. 2018-01, Gifts, benefits and hospitality policy guide – revised June 2018.
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Author / Contributors

NAME	POSITION	SERVICE/PROGRAM	DATE
Andrew Phillips	Manager Primary & Community Home Support Services	Community	Amended 30 Nov 2016
Meryn Pease	Chief Executive Officer	Org wide	30 Nov 2016
Amanda Henry	Chief Financial Officer	Governance	29 August 2018
Meryn Pease	Chief Executive Officer	Governance	7 Sept 2018

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Committee Approval / Endorsement

NAME OF COMMITTEE	DATE OF ENDORSMENT
Finance and Risk	13 December 2016
Finance and Risk	16 October 2018

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