

## TARGET AUDIENCE

Northern Health (NH) Board of Directors, all employees and anyone acting on behalf of NH.

## PURPOSE AND SCOPE

The general principle outlined in the Code of Conduct for Victorian Public Sector Bodies is that gifts or favours from anyone who would benefit from providing the gift or favour should be refused.

This Procedure adopts the minimum accountabilities, as set out in the Victorian Public Sector Commission's *Gifts, Benefits and Hospitality Policy Guide*.

The purpose of this procedure is to inform staff as to what constitutes a gift, benefit or hospitality and to provide guidance on dealing with situations involving offers of gifts, benefits or hospitality. The objective is to reinforce the Victorian public sector values of impartiality and integrity.

## DEFINITIONS

**Gift** is something given voluntarily without payment in return, as to show favour toward someone, honour an occasion, or make a gesture of assistance; a present.

**Benefit** is something that is advantageous or good; an advantage.

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

**Legitimate business benefit** is a gift, benefit or hospitality that furthers the conduct of official NH business or other legitimate goals of the public health sector in Victoria.

**Reportable Gift** is defined as any gift with a monetary value above \$50.

Gifts, benefits, and favours of insignificant monetary value which would be viewed as socially acceptable norms of behaviour (i.e. a box of chocolates given by a patient to a member of staff out of gratitude for service rendered during the patient's stay in hospital) are not reportable gifts.

**Significant Gift** is defined as any gift with a monetary value above \$1,000.

**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). Anything valued more than \$50 is not a token offer.

## PROCEDURENH staff and board members who are offered gifts, benefits and hospitality

Staff should not directly or indirectly solicit or accept an unsolicited gift of any kind from any third party transacting with NH (including but not limited to patients and suppliers or potential future patients and suppliers) that could be reasonably perceived as influencing actions or decision making. For example, gifts or benefits from current or potential suppliers, contractors and consultants must not be accepted if they might reasonably compromise (or reasonably be seen to compromise) the integrity of the purchasing process.

NH staff and board members must refuse all offers that:

- are money, items used in a similar way to money, or items easily converted to money (for example gift vouchers)
- if accepted may give rise to an actual, potential or perceived conflict of interest
- may adversely affect their reputation as a NH employee, or bring NH or public health into disrepute, or are non-token offers without a legitimate business benefit.

Staff offered a gift which they believe may be reportable (i.e. \$50 or greater in value) should report this on the **Reportable Gifts and Benefits Notification Form (Appendix 1)** and present this to their Manager who will advise whether or not it is appropriate to accept. Reportable gifts must be authorised by the staff member's Manager and the Chief Executive Officer / Chief Financial Officer before being accepted. It is important to note that multiple gifts/benefits from the same person/company over a period of time might be considered to be part of a single series of gifts or benefits which together might become reportable.

Where the Chief Executive is offered a gift that may be reportable this must be approved by the Board Chair or Audit & Risk Committee Chair before being accepted.

All reportable gifts that are accepted must be recorded in the **NH Gifts Register**. The format of the Register is set-out in **Appendix 2**. The NH Gifts Register is maintained by the Financial Controller and is subject to regular scrutiny, including review by Internal and External Audit.

Significant gifts will be regarded as the property of NH and are to be recorded on the NH Assets Register.

Staff should consider each time they are offered a gift or benefit by the same person or company.

Staff must immediately report to the Chief Executive Officer and/or Chief Legal Officer any attempt to bribe them or their colleagues with money or any other gift.

Staff must immediately report to their Manager any colleague who tries to solicit a bribe.

Breaches of the guideline will constitute a breach of the NH Code of Conduct and Ethics and result in disciplinary action.

At the end of each Fringe Benefits Tax (FBT) year the Financial Controller will review the NH Gifts Register to assess the FBT implications of any reportable gifts.

A staff member who receives a bribe, receives a corrupting benefit or abuses a public office may be guilty of an offence under the *Criminal Code Act 1995* (Cth) or under the *Crimes Act 1958* (Vic). In addition involvement in suspect conduct exposes Directors and employees to scrutiny by the Independent Broad-based Anti-Corruption Commission (IBAC).

### Examples of the application of the Procedure

A staff member receiving a small gift of appreciation such as a box of chocolates from a client for the work they have done. This type of gift is generally acceptable if the appreciation is being shown for a service provided (also, declining the gift could cause embarrassment).

A staff member receiving an offer of sponsored travel and/or accommodation to attend a conference or to participate in an industry familiarisation tour. Such offers should generally be declined because of the potential for a conflict of interest. However, if the offers are accepted, they must be approved by the staff member's Manager and recorded in the Gifts Register.

A staff member attending a function in an official capacity receives a gift. As the staff member is representing NH any benefits accruing from the staff member's activities belong to NH.

A delegation offering an employee a ceremonial gift on behalf of their company or country. This is similar to the situation immediately above in that the gift belongs to NH.

Service-orientated gifts such as teaching aids provided by a supplier for use by a department could be considered acceptable although this procedure must be applied and each circumstance needs to be considered on a case-by- case basis.

See **Appendix 3** for a decision flow-chart when responding to offers of gifts, benefits and hospitality.

### **NH providing gifts, benefits and hospitality**

All gifts, benefits and hospitality must be provided to further the legitimate organisational goals of NH. Costs must be proportionate to the benefits obtained, and considered reasonable in terms of community expectations.

All gifts, benefits or hospitality provided that is over the value of \$50 must be recorded in the NH register.

### **Reporting and Publication**

The Audit and Risk Committee must receive an annual report on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. This report must include an analysis of the risks connected with NH's gifts, benefits and hospitality

The Audit and Risk Committee will review the Gifts Register annually, and publish the Register on the NH website.

### **ALIGNED POLICY**

[Financial Administration and Management](#)

### **ALIGNED PROCEDURE**

[Finance - Financial Governance Framework](#)

### **EVALUATION**

This procedure is reviewed every three years as scheduled or more frequently as required.

Compliance and effectiveness of guidelines are monitored through the evaluation of:

- Related adverse events recorded on the Victorian Health Incident Management System (VHIMS)
- Australian Council on HealthCare Standards (ACHS) Clinical Indicators
- Other relevant data sets.

Details are reviewed by the local Departmental Manager and Quality, Safety and Risk Coordinator and tabled for discussion and follow up at the relevant Quality & Risk Management (QRM) Committee as required.

**IMPLEMENTATION STRATEGIES**

- Staff are notified of policy document changes via emails to “All NH Campus Staff”.
- Directors ensure their managers are aware of practice changes.
- Individual managers and supervisors are responsible for ensuring details are applied within their respective work areas.

**REFERENCES**

- Victorian Public Sector Commission: Gifts, Benefits and Hospitality Policy Guide – see <https://vpsc.vic.gov.au/resources/gifts-benefits-and-hospitality-resource-suite/>
- EQulPNational Standards, Australian Council on Healthcare Standards, 2012
- National Safety and Quality Health Service Standards, September 2012
- *Criminal Code Act 1995* (Cth)
- *Crimes Act 1958* (Vic)

**AUTHOR / FURTHER INFORMATION**

Financial Controller

DRAFT

**APPENDIX 1: REPORTABLE GIFTS AND BENEFITS NOTIFICATION FORM**

Available via this link: [Finance - Gifts Declaration](#)

Details of the Gift or Benefit – To be Completed by Recipient	
When complete – please send this form to <a href="mailto:FinancialServices@nh.org.au">FinancialServices@nh.org.au</a> . For further information please visit <a href="#">the Gifts, Benefits and Hospitality</a> information page on the Financial Services intranet site.	
Date received/offered: __/__/__	
Offered to: Position: Department:	
Offered by: Person: Title: Organisation:	
Is the person or entity making the offer a business associate of the organisation? If yes, describe the nature of the relationship:	
Description of gift/benefit:	
Estimated Value of Gift/Benefit:	
Is this a first time offer (circle) Yes <input type="checkbox"/> or No <input type="checkbox"/> Previous offer(s) within last 12 months by this individual/company:  Cumulative value of gifts offered by this individual/company within the last 2 years:	
Reason for gift/benefit:	
Signature of Recipient:	Date __/__/__

**Would accepting the offer:**

- a) create an actual potential or perceived conflict of interest exist (Y/N)?; Yes  or No
- b) bring you, the organisation or the public sector into disrepute (Y/N)? Yes  or No

(If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities)

Is there a legitimate business benefit to the organisation, public sector or State from accepting the offer, i.e. does it meet the following:

- a) it was offered during the course of the your official duties (Y/N); and Yes  or No
- b) it relates to your official responsibilities (Y/N); and Yes  or No
- c) it has a benefit to the organisation, public sector or State (Y/N). Yes  or No

(If NO, the offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).

**Approval of the Gift or Benefit – To be Completed by Manager**

**Decision regarding gift/benefit:**

**Complete if individual declined offer:**

I have reviewed this declaration form and submitted it for inclusion on the organisation’s gifts, benefits and hospitality register. Yes  or No

**Complete if individual accepted offer**

I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:

- a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; **and**
- b) will not bring the individual, myself, the organisation or the public sector into disrepute; **and**
- c) will provide a clear business benefit to the organisation, the public sector or the State.

**Detail decision regarding ownership of tangible offers (e.g. specify whether employee retained gift; transferred to organisation’s ownership; returned to offeror; donated to charity etc.):**

**Manager:** Signature Date \_\_/\_\_/\_\_

**CFO/CEO:** Signature Date \_\_/\_\_/\_\_

**Gift Register Noted**

Date \_ / \_ / \_

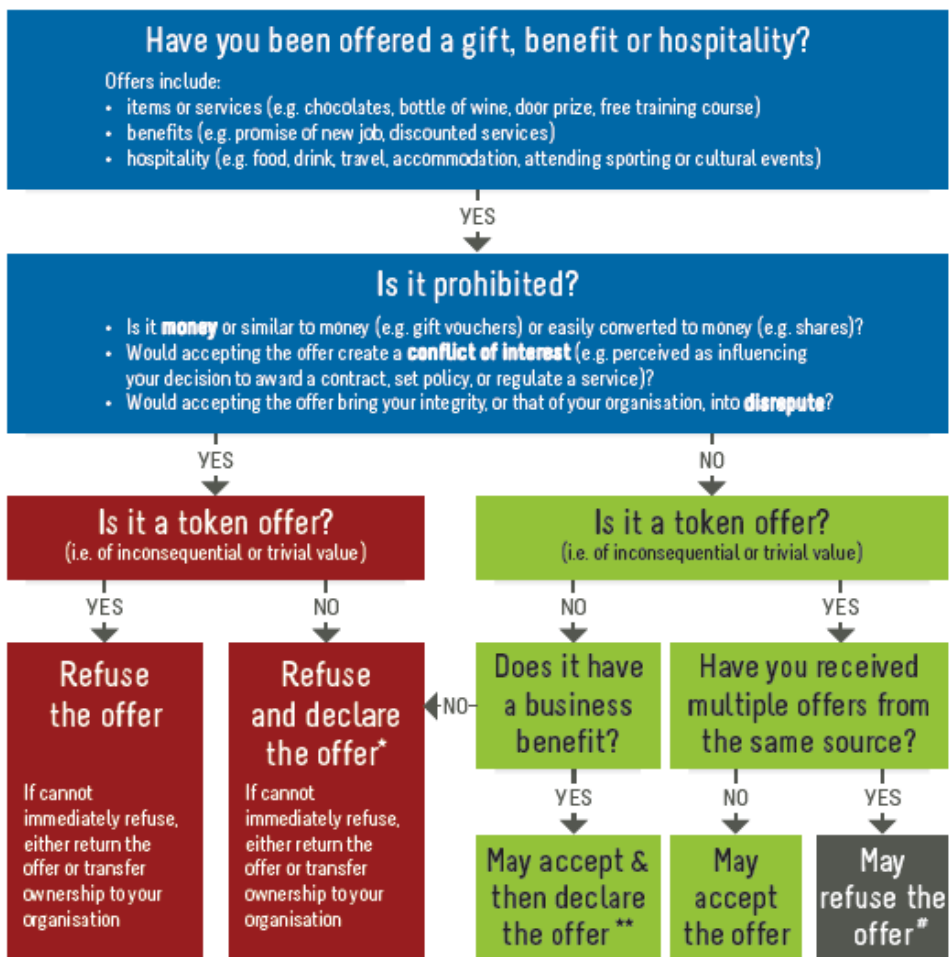


APPENDIX 3: GIFTS BENEFITS AND HOSPITALITY DECISION FLOW-CHART

See – <https://vpssc.vic.gov.au/resources/gifts-benefits-and-hospitality-resource-suite/>

# RESPONDING TO GIFTS, BENEFITS AND HOSPITALITY

Public officials do not seek offers of gifts, benefits and hospitality.



\* Generic, bulk event invitations that are declined (e.g. spam email offers) do not need to be declared.  
 \*\* Hospitality from Victorian public sector organisations does not need to be declared.  
 # More than one token offer may be accepted. However, care should be taken to ensure that multiple offers are not used as a device to avoid offers being recorded on the register.

<https://vpssc.vic.gov.au/gifts-benefits-hospitality/>