

# Gifts, Benefits and Hospitality

Policy code: P-RS1

Current version: September 2021

Previous version: June 2018

Next review date: September 2024

Section: Socially Responsible & Sustainable

Sub-Section: Financial Management and Delegation

## 1. Intent

The Intent of this Policy is to ensure that:

- Western Health (**WH**) complies with the requirements of the *Gifts Benefits and Hospitality Policy Framework for the Victorian Public Sector* (the **Framework**) for giving, accepting, declining or disposing of gifts, benefits and hospitality (**GB&H**); and
- WH's recording and reporting system for GB&H is in accordance with the Framework, including Victorian Department of Treasury and Finance (DTF) requirements, to support review and authorisation by WH management, and transparency of GB&H across WH.

## 2. Outcomes

### 2.1 Policy Statement

This Policy incorporates minimum requirements in relation to GB&H for all WH directors, officers or employees (**WH Parties**).

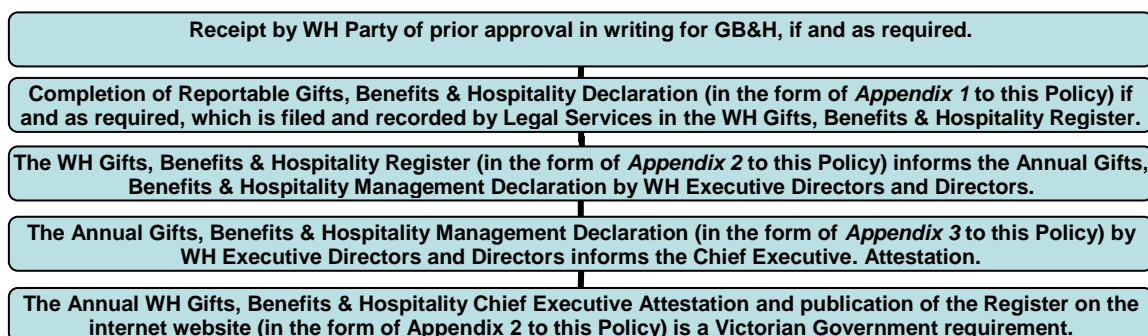
The Victorian community trusts that public sector employees will perform their duties impartially. They can only do this if their personal interests don't conflict with their public duty. Accepting or giving gifts, benefits or hospitality can give the perception that a WH Party will favour a particular person or organisation when making decisions or taking action. This may not be the intention of either the WH Party or the donor/recipient but a perceived conflict of interest must still be addressed to guard against any impression that gifts, benefits or hospitality are being used to solicit benefits or encourage other forms of unethical or dishonest behaviour.

### 2.2 Policy Details

2.2.1 Before making a decision to accept a gift, benefit or hospitality the following must be considered:

- The value, purpose and risk of accepting the gift, benefit or hospitality;
- Obligations under WH's policy: *P-EP2 Code of Conduct*; and
- Obligations under WH's procedure: *OP-RS2 Conflict of Interest*.

2.2.2 WH GB&H documentation is intended to follow a logical process for approval, declaration, attestation, and publication, if and as required, in accordance with the following diagram, and as detailed in this Policy.



2.2.3 Before a gift, a benefit or hospitality of nominal value (as defined in Item 6 of this Policy) is accepted by a WH Party, the recipient must seek prior written approval of the Chair of the WH Board in the case of Directors and the Chief Executive, the Chief Executive in the case of Executive Directors, and Executive Directors in the case of all other employees (Management Approval). Before giving Management Approval the decision maker must consider whether:

- The gift may be retained by the recipient;
- The gift should be retained by WH; or
- The gift should be disposed of, that is, returned to the donor, sold, donated to a charity or held by a third party in trust for WH.

2.2.4 In each instance of a gift, a benefit or hospitality of significant value (as defined in Item 6 of this Policy) being offered to a WH Party, the recipient must seek Management Approval. In addition, a Reportable Gifts, Benefits & Hospitality Declaration (in the form of *Appendix 1* to this Policy) must be completed and provided to Legal Services. The notification in the Declaration will be recorded in the WH Gifts, Benefits & Hospitality Register (in the form of

Appendix 2 to this Policy) by Legal Services.

- 2.2.5 A WH Party may only accept gifts, benefits or hospitality of significant value, including but not limited to free or subsidised travel or accommodation, or tickets to interstate or overseas events, from a supplier, at any time, with Management Approval. There may also be other obligations for WH staff in relation to the acceptance of such gifts, benefits or hospitality (for example, in relation to continuing medical education), and the relevant Executive Director should be consulted in this regard, prior to seeking Management Approval.
- 2.2.6 If a WH Party is unsure about how to respond to an offer of a gift of significant value, they should seek advice from the Chair of the Board in the case of Directors and the Chief Executive, the Chief Executive in the case of Executive Directors, and Executive Directors in the case of all other employees.
- 2.2.7a If a WH Party intends to give a gift, a benefit or hospitality of more than minor value (as defined in Item 6 of this Policy) to a party external to WH, but associated with WH in a professional capacity, he/she must seek Management Approval. In addition, a Reportable Gifts, Benefits & Hospitality Declaration must be completed and provided to Legal Services. The notification in the Declaration will be recorded in the WH Gifts, Benefits & Hospitality Register.
- 2.2.7b **Guidelines**
- **A WH Party MUST:**
    - Immediately report in writing to the Chair of the WH Board in the case of Directors and the Chief Executive, the Chief Executive in the case of Executive Directors, and Executive Directors in the case of all other employees, any situation where an offer of a gift, a benefit or hospitality is made, regardless of whether it is accepted or not, if he/she reasonably believes that the offer involves a bribe or an attempt to induce favoured treatment.
    - If a relevant manager to whom a WH Party reports a reasonable belief that an offer involves a bribe or an attempt to induce favoured treatment, immediately report the offer in writing to:
      - The Chair of the WH Board and the Chair of the Audit & Risk Committee;
      - The Secretary of the Department of Health and Human Services;
      - The Independent Broad-based Anti-corruption Commission; and
      - Victoria Police.
  - **A WH Party MAY:**
    - Accept gifts of minor value such as flowers and chocolates, from patients or carers as a token of personal appreciation. Repeated or multiple gifts from the same person or organisation within any three month period must be considered a gift of at least nominal value, or if appropriate, significant value, and dealt with as required under this Policy.
    - Except during a tender period (as defined in Item 6 of this Policy) when no supplier gifts may be accepted, accept minor promotional gifts from suppliers, such as pens, notepads or fridge magnets. Repeated or multiple items gifted from the same person or organisation within any three month period must be considered a gift of at least nominal value, or if appropriate, significant value, and dealt with as required under this Policy.
    - Except during a tender period when no supplier gifts may be accepted, accept nominal promotional gifts, benefits and hospitality from a supplier with Management Approval.
  - **A WH Party MUST NOT:**
    - Request a gift, benefit or hospitality of any kind from a patient, carer, or supplier, for himself/herself or any other person.
    - Accept a gift of money or other financial benefit from a patient, carer or supplier, for himself/herself or any other person.
    - Accept any gift or benefit from a supplier while that supplier is tendering to supply goods and services to WH.
    - Accept personal sponsorship or other personal support from suppliers.
- 2.2.8 DTF requires each public sector organisation to publish its gift, benefit and hospitality policy and register on its internet website. The WH Gifts, Benefits & Hospitality Register will be published on 1 September each financial year, and will cover the previous financial year to 30 June of that financial year. The WH Gifts, Benefits & Hospitality Register will remain published and unamended on the internet until its successor register is published. Staff will not be individually named in the published WH Gifts, Benefits & Hospitality Register, but their Directorate and position will, as well as the provider, and the value of the GB&H, and the relationship of the staff member with the provider.

### 3. Applicability and Policy Exceptions

This Policy applies to all WH Parties.

Unless the Chief Executive has given prior written approval for an exception to this Policy, any breach of this Policy may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.

## 4. Accountability

The General Counsel is responsible for the promulgation of this Policy to all employees and for establishing organisational awareness of GB&H requirements.

The Chief Executive, all Executive Directors and all WH Directors are responsible for:

- Ensuring compliance with this Policy;
- Reinforcing that a breach of this Policy may result in disciplinary action;
- Ensuring that GB&H are declared in accordance with this Policy; and
- Ensuring that hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements.

## 2. Associated WH Instruments

In support of this procedure, the following Manuals, Policies, Instructions, Guidelines, and/or Forms apply:

Code	Name
P-EP2	Code of Conduct
OP-RS2	Conflict of Interest
	Reportable Gifts, Benefits & Hospitality Declaration
	WH Gifts, Benefits & Hospitality Register
	Annual Gifts, Benefits & Hospitality Management Declaration
	Annual WH Gifts, Benefits & Hospitality Chief Executive Attestation

## 3. Definitions and Abbreviations

For the purpose of this Policy, unless otherwise stated, the following definitions/abbreviations shall apply:

Annual Gifts, Benefits & Hospitality Chief Executive Attestation	An annual attestation made by the Chief Executive (in the form of <i>Appendix 4</i> to this Policy) in relation to adherence by WH Parties with this Policy.
Annual Gifts, Benefits & Hospitality Management Declaration	An annual declaration made by WH Executive Directors and the WH Directors (in the form of <i>Appendix 3</i> to this Policy) in relation to adherence by WH Parties with this Policy.
Benefit	Includes preferential treatment, privileged access, favour or other advantage offered such as invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job. Whilst the value may be difficult to quantify in dollars, it may be highly valued by the intended recipient and intended to influence his/her behaviour.
Bribe	Includes money or other inducements given or promised to a WH party to corruptly influence the performance of his/her role. Bribery of a public official is a criminal offence.
Employees	WH staff including visiting medical officers, consultants, contractors and volunteers.
Gift	Includes free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy. Gifts may include gifts of high value (e.g. artwork, jewellery, or expensive pens) and also low value consumables such as a box of chocolates or flowers. A gift may be offered directly or extended to the recipient as a guest of their partner or other close relation. The recipient often cannot be certain of the reason for the gift but reasons usually include: <ul style="list-style-type: none"><li>• Expressing gratitude to the recipient; or</li><li>• Influencing decisions to be made by the recipient in the future; or</li><li>• Commemorating participation of the recipient in an occasion or event or the recipient's support, sometimes of an official nature, at an event.</li></ul> Gifts may range in value from nominal to significant.
Hospitality	Includes the reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
Minor Gifts, Benefits and Hospitality	Includes breakfast, lunch or dinner, or tickets to local sporting events or entertainment of a value less than \$50 in any three month period.
Nominal Value	Means a single item of \$50 value or more, but less than \$150 value. Irrespective of dollar value, an offer that may create a reasonable belief that a WH party may be influenced must be refused.

Reportable Gifts, Benefits & Hospitality Declaration	In each instance where an offer of significant value is made, a declaration (in the form of <i>Appendix 1</i> to this Policy) must be completed. Notification in this declaration is transferred by Legal Services to the WH Gifts, Benefits & Hospitality Register (in the form of <i>Appendix 2</i> to this Policy).
Reportable Gifts, Benefits & Hospitality Significant Value	Means gifts, benefits and hospitality of significant value. Means a single item of \$150 value or more. Irrespective of dollar value, an offer that may create a reasonable belief that a WH party may be influenced must be refused.
Supplier	Means any business providing goods or services to WH (e.g. pharmaceutical companies, building contractors, and consultants).
Tender Period	The period starting when the decision is made by WH to go to tender for goods or services, continuing through documentation preparation and supplier selection, and finishing not less than the date three months after the date the contract with the selected supplier is signed.
WH Gifts, Benefits & Hospitality Register	The WH register (in the form of <i>Appendix 2</i> to this Policy) of reported GB&H. It records the date of offer, information about the donor and recipient, the nature of the offer, its estimated value and how it was handled. Legal Services maintains the register which is reviewed annually by Legal Services, the Executive Committee and the Audit & Risk Committee.

#### 4. External References

*Gifts Benefits and Hospitality Policy Framework for the Victorian Public Sector* (as updated)

Victorian Public Sector values (Public Administration Act 2004 (Vic), s. 7) and Codes of Conduct.

Website: [vpsc.vic.gov.au](http://vpsc.vic.gov.au)

#### 5. Document History

Number of revisions: 6

Issue dates: February 2002, September 2004, September 2009, August 2012, February 2016 and June 2018

Documents superseded or combined:

Code	Name
P-GO2.7	Gifts, Benefits and Hospitality

#### 6. Sponsor

General Counsel

#### 7. Authorisation Authority

Western Health Board of Directors

## Appendix 1

### Reportable Gifts, Benefits & Hospitality Declaration



Western Health

Completed by the recipient of a reportable gift, benefit or hospitality within 14 days of the offer		
<b>Date Offered:</b>		
<b>Offered to:</b>		
Name		
Role:		
Organisation:		
<b>Offered by:</b>		
Name		
Role:		
Organisation:		
<b>Reason offered:</b>		
<b>Estimated value:</b>		
<input type="checkbox"/> First time offer or <input type="checkbox"/> Previous offer(s) within last 12 months by this individual		
Cumulative value of offer by this individual within the last 12 months:		
<b>Decision regarding acceptance:</b>		
<input type="checkbox"/> Declined or <input type="checkbox"/> Retained or <input type="checkbox"/> Transferred to organisation's ownership <input type="checkbox"/> Disposed of		
<b>Signature of Recipient:</b>		<b>Date:</b>
<b>Noted by authorised Delegate</b>		
Signature		
Name	Role	Date
<b>Western Health Gifts, Benefits &amp; Hospitality Register updated</b>		
Signature		
Name	Role	Date



## Appendix 3

### Annual Gifts, Benefits & Hospitality Management Declaration

By: *(Name)*

*(Position)*

Western Health has a Gifts, Benefits and Hospitality policy in place and I have familiarised myself with it.

This Declaration acknowledges my obligation to disclose to Western Health:

1. A gift, benefit or hospitality which is offered to/received by me; and
2. Gifts, benefits or hospitality, which have been offered to/received by staff that report to me where I become aware of such matters.

**I declare that:**

1. I am aware of the policies/procedures referred to above and of my duty to report any gift, benefit or hospitality offered to/received by me to Western Health.
2. I have, to the best of my ability, made staff who report to me aware of their obligations to disclose to Western Health any gift, benefit or hospitality offered to/received by them from persons or parties outside of Western Health, i.e. suppliers.
3. To the best of my ability, I have made reasonable enquiries of staff that report to me and say that I reasonably understand that any gift, benefit or hospitality has been disclosed by them to me or to Western Health.

Signature:

Date:

## Appendix 4

### Annual Gifts, Benefits & Hospitality Chief Executive Attestation

#### Western Health Attestation on Gifts, Benefits and Hospitality

I, Russell Michael Harrison, Chief Executive attest that:

- Western Health has policies and procedures in place that are consistent with the minimum requirements and accountabilities outlined in the Gifts, Benefits and Hospitality Policy Framework issued by the Victorian Public Sector Commissioner;
- Western Health staff are informed about the gifts, benefits and hospitality policies and procedures; and
- Western Health's Audit & Risk Committee reviews the operation of the gifts, benefits and hospitality policies and procedures at least once a year to ensure transparent reporting of accepted gifts, benefits and hospitality.

Signature:

Date: