

Marlborough Primary School

School Policies Manual



Gifts, Benefits and Hospitality Policy

Rationale:

The community expects high standards of integrity and impartiality from Victorian public sector employees and school councillors. These individuals must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly. Whenever Department employees, school council employees or school councillors do accept gifts, they must always act fairly and objectively and maintain public trust by being honest, open and transparent.

Please refer to the Gifts, Benefits and Hospitality Policy and Guidelines for Department Employees in the Public Service and Teaching Service, School Council Employees and School Councillors which can be found at

<http://www.education.vic.gov.au/management/governance/referenceguide/accountability/5-11.htm>

The Guidelines do not prevent teachers and principals from accepting token gifts from students, parents and overseas visitors.

Implementation:

This policy applies to all employees in the Public Service and Teaching Service and all school councillors including immediate family members if the donor can be linked back to the employee's or school councillor's duties and responsibilities. This policy does not apply to gifts received in a private context.

The main points of the Guidelines are outlined below please refer to the document mentioned above for further clarification and understanding.

DEFINITION OF TERMS

- *Gifts* are the free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy. They can range in value from nominal to significant and be given for different reasons.
- *Benefits* are the privileged treatment, access, favours or other advantage including invitations to sporting, cultural or social events.
- *Hospitality* is the friendly reception and treatment of guests and can range from light refreshments, restaurant meals to sponsored travel and accommodation.
- *Reportable gifts* are those that exceed a nominal value and must be recorded on a register or declaration form. They could also include gift offers of any value whether accepted or not.

- *Nominal value* refers to the value of the gift offer. Irrespective of the value, a gift offer that could create a reasonable perception that an employee or school councillor could be influenced must be refused.

MINIMUM REQUIREMENTS AND ACCOUNTABILITIES

The minimum requirements for individuals are that they:

- do not solicit gifts, benefits or hospitality
- refuse all offers of gifts, benefits or hospitality from those about which they are likely to make decisions.
- refuse all offers of money or items easily converted to money (i.e. shares).
- refuse bribes and report any bribery attempt.
- Seek advice if unsure.

ACCEPTING GIFTS, BENEFITS AND HOSPITALITY

Employees or school councillors may accept benefits and hospitality as long as they are related to the business of the Department or school, and provided that they do not involve a conflict of interest or create a perception that the individual will be unduly influenced and should be proportionate to the occasion.

Gifts of seemingly excessive value should not be accepted except when failure to do so is likely to cause embarrassment or offence.

THE GIFT TEST

Take the GIFT test when in doubt. This can be found in the policy and guidelines document mentioned above.

KEEPING GIFTS

Gifts worth \$500 or more must be surrendered to the State or school **under all circumstances**. See Attachment A of the Policy and Guidelines for further information.

RECORDING THE GIFTS, BENEFITS AND HOSPITALITY

Acceptance of gifts worth more than \$100 (nominal value) must be formally registered on the school's gift register. These registers along with declaration forms are located in the General Office. The gift register is monitored by the principal and annually reviewed by the school council.

DECLINING A GIFT, BENEFIT OR HOSPITALITY

Those involved in procurement processes must not accept gifts from contractors, particularly when a tender has been advertised. Those who award grants must also not accept gifts from applicants or lobbyists.

CONSEQUENCES OF BREACHING THE POLICY

In some circumstances, accepting a gift or benefit may constitute a breach of sections 175 – 179 of the *Crimes Act 1958*. This is an indictable offence that attracts a maximum penalty of ten years imprisonment.

FRINGE BENEFITS TAX

Fringe benefits tax (FBT) is a tax payable by an employer in respect of fringe benefits (subject to certain definitions) provided to an employee, an associate of an employee or an employee by an associate of an employer.

Any FBT liability in respect of school-based employees will be met by the Department, and the cost will be passed on to the school.

Evaluation:

This policy will be reviewed as part of the school's three year cycle.