

POLICY

GIFTS, BENEFITS AND HOSPITALITY

Purpose

To manage and provide guidance on the receipt and giving of gifts, benefits and hospitality by people acting on behalf of Forensicare so that they comply with all relevant legislation and regulations.

Scope applies to:

Forensicare

Definitions

Benefits	Non-material offers such as preferential treatment, privileged access or other advantages.
Bribe	Money or something else of value given or promised to someone to influence actions. Bribery is illegal.
Conflict of interest	A personal interest that may have an actual, potential or perceived impact upon their ability to deliver their work impartially.
Gift	Any free or discounted item offered to someone in association with their work, e.g. cinema tickets or a bottle of wine.
Hospitality	An offer of reception and entertainment that can range from light refreshments at a business meeting to restaurant meals and sponsored travel.
Non-reportable gift, benefit or hospitality	Any gift, benefit or hospitality offered as a courtesy that is not of significant value to both the person giving it and receiving it, and is worth \$50 or less (including cumulative offers from the same source over the preceding 12 months). It may include refreshments offered as part of a meeting or a gift given after a presentation.
Reasonably perceived	The public or a third party could rationally conclude that something may have occurred, e.g. that the friendship of a tender panel member with a successful tenderer may have had a role in their success even if it did not.
Reportable gift, benefit or hospitality	Any gift, benefit or hospitality worth more than \$50 or which could be reasonably perceived as having significant value to the person giving or receiving it. It includes any gifts intended for Forensicare or the Victorian Government.

Version no: 1.0

Approved by: Audit, Security and Risk
Committee of the Board

Approval Date: 27/08/2017

Next Review Date: 27/08/2020

UNCONTROLLED WHEN DOWNLOADED

Page 1 of 6

Reward and recognition Recognition of significant staff achievements which make staff feel valued and motivated to achieve set goals.

Policy

Not accepting a gift, benefit or hospitality

- Do not accept **any** gift, benefit or hospitality that that could be reasonably perceived as:
 - > Undermining Forensicare's reputation, integrity or impartiality
 - > Creating a conflict of interest
 - > Unduly influencing an action or decision
 - > Creating an obligation.
- Do not accept gifts, benefits or hospitality that are:
 - > Money, items used like money or easily converted into money
 - > Intended for family, friends or associates
 - > From a person or organization who is:
 - A current supplier
 - Involved or likely to be involved in a current tender or grant process
 - Covered by Forensicare's enforcement of regulatory responsibilities
 - Primarily engaged in the lobbying of members of parliament or government agencies
 - > Likely to be reasonably perceived as endorsing the person or organisation giving them
 - > Likely to provide the giver with an unfair advantage in future tender or grant processes.
- Record any reportable gifts, benefits or hospitality that are offered (whether accepted or not) within seven days of receipt using the Reportable Gifts, Benefits and Hospitality Form.
- Manage any conflict of interest, whether actual, potential or perceived, in accordance with the Financial Code of Practice Policy.
- If unsure about the appropriateness of a gift, benefit or hospitality refer to the Victorian Public Sector Commission's GIFT test. See Appendix A.
- Consult line manager if there is an uncertainty on how to respond to an offer.
- When refusing a gift, benefit or hospitality do so courteously and explain that it is against Forensicare policy.

NOTE: Do not **seek** gifts, benefits or hospitality for self or others.

Accepting a gift, benefit or hospitality

- Advise line manager of offer.
- Check whether the cumulative value of any other gifts, benefits or hospitality received from the giver in the last 12 months is reportable.
- Assess whether it is a reportable gift, benefit or hospitality. If there is an uncertainty about whether something is valuable enough to qualify as a reportable gift, benefit or hospitality, assume that it does.

- If it is a reportable gift, benefit or hospitality consult with responsible Executive Director to determine whether the recipient or Forensicare should keep it.
- Only accept a reportable gift, benefit or hospitality when:
 - > Doing so would not reasonably be perceived as compromising Forensicare’s reputation, integrity and impartiality
 - > It would cause offence to refuse the offer (e.g. giving a gift is part of the giver’s culture or it is given in a manner where refusal would cause the giver embarrassment- such as at the end of a public presentation)
 - > It is received in the course of normal duties and is related to work or is of benefit to Forensicare or the Victorian community.
- If there is an uncertainty regarding the cost of a high value item, seek an independent valuation from a valuer with relevant expertise.

Giving a gift, benefit or providing hospitality to an external person or organisation

Ensure that:

- Doing so meets a legitimate business or policy need, objective or priority
- It would not be reasonably perceived as compromising the integrity of the individual or organisation receiving it
- It efficiently uses resources in a way that is proportionate to the benefits obtained
- If unsure about the appropriateness of a gift, benefit or hospitality refer to the Victorian Public Sector Commission’s HOST test. See Appendix B
- It is approved by a manager authorised to do so in the Delegations Policy.

Giving a gift to a staff member as part of a reward or recognition

Ensure that:

- Its value does not exceed \$50
- Gifts are not given for the celebration of events such as birthdays, marriages or births
- If unsure about the appropriateness of a gift, benefit or hospitality refer to the VPSC HOST test. See Appendix B
- The gift is approved by the manager authorised to do so in the Delegations Policy.

NOTE: Under no circumstance accept or offer a bribe. Report any attempt to Forensicare’s Corporate Counsel.

Responsible Party	Action
Managers	<ul style="list-style-type: none"> • A staff person is offered or accepts a gift, benefit or hospitality <ul style="list-style-type: none"> > Provide assistance and guidance as need to assist the person to meet the requirements of this policy > If unsure about the appropriateness of a gift, benefit or hospitality refer to the VPSC’s GIFT test at Appendix A or HOST test at Appendix B

Version no: 1.0

Approved by: Audit, Security and Risk
Committee of the Board

Approval Date: 27/08/2017

Next Review Date: 27/08/2020

UNCONTROLLED WHEN DOWNLOADED



Executive Directors	<ul style="list-style-type: none"> • A Reportable Gifts, Benefits and Hospitality Form is received <ul style="list-style-type: none"> > Record the details in the Register > Provide a written record of the decision to the recipient and to Finance and Business Services for inclusion in the Gifts, Benefits and Hospitality Register ('the register')
Executive Director of Finance and Business Services	<ul style="list-style-type: none"> • Forensicare keeps a reportable gift, benefit or hospitality <ul style="list-style-type: none"> > Manage and dispose of it in accordance with the Asset Management Policy and Procedure > Record any decisions regarding its management in the Register • Managing Forensicare's ongoing approach to Gifts, Benefits and Hospitality <ul style="list-style-type: none"> > Maintain the Register > Submit the Register to the Board's Audit and Risk Sub-Committee annually for review > Report annually to the Audit and Risk Sub-Committee on Forensicare's gifts, benefits and hospitality risks (including repeat offers and offers from business associates), risk mitigation measures and any proposed improvements > Publish this policy and the Register for the current and previous financial year on Forensicare's public website.
Corporate Counsel	<ul style="list-style-type: none"> • Notify Victorian Police or the Independent Broad-Based Anti-Corruption Commission of any attempted bribe concerning someone acting on behalf of Forensicare

Support and Advice

For further information and advice contact the Executive Director, Finance & Business Services.

Related Forensicare Policy

Financial Management and Governance Guidelines

Key Related Forensicare Documents

Delegations Policy

Financial Management and Governance Guidelines

Financial Code of Practice Policy

National Standards for Mental Health Services

This document supports standard:

Standard 8: Governance, leadership and management

Version no: 1.0

Approved by: Audit, Security and Risk
Committee of the Board

Approval Date: 27/08/2017

Next Review Date: 27/08/2020

UNCONTROLLED WHEN DOWNLOADED



National Safety and Quality Health Service Standards

This document supports standard:

Standard 1: Governance for Safety and Quality in Health Service Organisations

Justice Health Service Standards

This document supports standard:

Not applicable

Charter of Human Rights and Responsibilities Act 2006

Forensicare and staff must act in a way that is compatible with the Human Rights Charter when developing policies, delivering services and making decisions.

Legislation/References

This document is in line with the following legislation: *(please select up to 3 or delete all if not applicable)*

Charter of Human Rights and Responsibilities Act 2006 (Vic.)

Financial Management Act 1994 (Vic.)

Electronic Transactions Act 2000 (Vic.)

Electronic Transactions Act 2000 (Cth)

Public Administration Act 2004 (Vic)

Other relevant documentation includes:

Public Sector Standards Commissioner Gifts, Benefits and Hospitality Policy Framework

Victorian Public Sector Commission

- Code of Conduct for Victorian Public Sector Employees
- Code of Conduct for Victorian Directors of Victorian Public Entities
- Conflict of Interest
- Ethics, Behaviour and Culture

VIFMHS Enterprise Agreement

Executive Sponsor

Chief Executive Officer

Department

Corporate

Section

Finance and Commercial

Version no: 1.0

Approved by: Audit, Security and Risk
Committee of the Board

Approval Date: 27/08/2017

Next Review Date: 27/08/2020

Appendix A VPSC Guide for Accepting Gifts and Hospitality

G	Giver	<p>Who is providing the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or endorse a product or service?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

Appendix B VPSC Guide for Giving Gifts and Hospitality

H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided?</p> <p>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?</p>
S	Spend	<p>Will public funds be spent?</p> <p>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?</p>
T	Trust	<p>Will public trust be enhanced or diminished?</p> <p>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?</p>