

SCOPE

Organisation-wide.

POLICY

LCH Policy supports the Gift, Benefits and Hospitality Framework as issued by the Victorian Public Sector Commission, which states that public officials have a responsibility to behave with integrity and impartiality, and to respond appropriately to any offers of gifts, benefits and hospitality.

PURPOSE

In 2012, the Victorian Public Sector Commission issued the Gifts, Benefits and Hospitality Framework which sets out the minimum accountability and reporting requirements relating to offers of gifts, benefits and/or hospitality to public sector employees. This policy details Lorne Community Hospital procedures to ensure compliance with this policy framework.

DEFINITIONS

Benefits are the preferential treatment, privileged access, favours or other advantage offered to an employee. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.

Gifts are the free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. They range in value from nominal to significant.

Gifts register is a register of reportable gifts. It records the date a gift was offered, information about the donor and recipient, the nature of the gift, its estimated value and how it was handled. The Chief Executive Officer (or delegate) maintains the register, which is reviewed by the Board Finance and Audit committee on a regular basis.

Hospitality is the friendly reception and treatment of guests. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.

Nominal value - refers to the value of a gift offer. It is used to determine whether an offer, if accepted, is a reportable gift. Under this policy LCH sets a threshold of up to \$50 to determine nominal value. Staff should always be aware that irrespective of dollar value, a gift offer that could create a reasonable perception that an employee could be influenced must be refused.

Reportable gifts are those that must be recorded on the Service's gifts register. At a minimum, reportable gifts include accepted gifts, benefits and hospitality that exceed a nominal value of \$50. The gifts may have been offered to an employee directly or extended to them as a guest of their partner or other close relation.

PROCEDURE

LCH employees, particularly those who have regular contact with patients and members of the public or with private business, may be offered gifts in the course of their work and be uncertain of how to respond.

This policy removes uncertainty, provides clear guidance on how staff/board members must respond and avoids the potential for misunderstanding and embarrassment. Accepting gifts can give the impression that an employee will favour a particular person or organisation when making decisions or taking action, hence it is imperative that employees, senior executive and board members do not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.

The six minimum requirements of all LCH employees, Senior staff, Executive and Board Members:

Requirement 1 Do not solicit gifts, benefits or hospitality

Requirement 2 Refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of the Service or themselves.

Requirement 3 Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:

- tender processes
- procurement
- enforcement
- licensing ; or
- regulation

Requirement 4 Refuse all offers of money or items easily converted to money, i.e. shares

Requirement 5 Refuse bribes and report bribery attempts to the Chief Executive Officer (or delegate) who will in turn report to Victoria Police.

Requirement 6 If unsure how to respond to an offer of a gift, benefit or hospitality of more than a nominal value, seek advice from your Line Manager or a Senior staff member.

The LCH Board of Directors and Chief Executive Officer are required to adhere to the following four minimum accountabilities:

Accountability 1 Establish and regularly review this policy and processes to respond to offers of gifts, benefits and hospitality, including multiple offers from the same source.

Accountability 2 Promulgate and establish awareness and compliance with gifts, benefits and hospitality policies from all members of the Service – from front line employees to Line Managers, Chief Executive Officer and Board Members.

Accountability 3 Reinforce to all members of the Service that a breach of the Gifts, Benefits and Hospitality policy could constitute a breach of binding codes of conduct and result in disciplinary action.

Accountability 4 Ensure that records are kept of accepted gifts, benefits and hospitality of more than nominal value and that such records are subject to regular scrutiny, including review by the Board Finance and Audit Committee.

Reporting Requirements

LCH policy is that any accepted gifts of more than nominal value are considered a Reportable Gift.

All reportable gifts are to be declared by the relevant staff/board Member on the Declaration Form (refer Attachment A) and forwarded to the Chief Executive's Office. Details of such gifts are then transferred to the Gifts Register and a summary of the Gift Register is presented to the Board Finance and Audit committee as a standard agenda item (refer Accountability 4). The Committee reviews the gifts register to assure the Service that there is transparent reporting of accepted gifts, benefits and hospitality, and there is no evidence of attempts to improperly influence the decisions or actions taken by its employees.

Annual Attestation The Board of Management is required to make an annual attestation to the Secretary of the Department of Health and Human Services, in a form specified by the Secretary, to the operation, review, promulgation and scrutiny of the gifts, benefits and hospitality policy and procedures within the Service.

The independent broad-based anti-corruption commission (IBAC) outlines procedures and processes for reporting any deviations in relation to public sector misconduct.

Declining gifts

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The relationship between the recipient and donor is crucial

Board Members and some employees perform roles that necessarily call for greater scrutiny. Where they are in a position of power to make a decision in the donor's favour and could therefore be influenced by the gift, there is an obligation to decline gifts. In particular, Board Members and staff involved in purchasing goods and services, or selecting tenders must not accept gifts from contractors.

Alternatives to sponsored travel and accommodation

Health Service staff may receive offers of sponsored travel and 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 attendance at the conference or the industry familiarisation tour is considered to be in the public interest then the LCH may decide to pay for the travel and accommodation.

Gifts and hospitality that do not have a public benefit

LCH require its employees, senior executive and board members to consider whether there is a public benefit to attending private functions in an official capacity. Where there is no clear public benefit, the offer should be declined. This is especially the case when their attendance at the function could be perceived as an endorsement of the company or product.

Repeat gifts and attempted bribery

LCH must be alert to repeated offers of gifts from a single source. The cumulative value of the gifts over a year may be quite high. Employees must immediately report to the Chief Executive Officer (who will in turn report to Victoria Police) any attempt to bribe with money or other benefits. Employees are also required to report any colleague who tries to solicit a bribe.

Method of declining gifts

LCH staff/board members may seek the assistance of the Community Liaison Department in determining the best method of declining a gift without offending the giver. This may include helping staff with the wording of a letter, suggesting a 'favourable comments' letter or suggesting the donor makes a formal donation to the LCH.

Accepting gifts

Tokens, mementos and small gifts of appreciation

Employees may receive small gifts of appreciation such as a box of chocolates from their patients/clients for the care they have received. These gifts are generally acceptable if the appreciation is being shown for a service provided, is of a nominal value and declining the gift could cause embarrassment or offence. Such gifts are allowable under this policy and do not need to be recorded on the Gifts Register.

Modest hospitality

Light refreshments such as tea or coffee offered in the course of a business meeting may be accepted. These will have been offered as a courtesy and to make the staff member feel welcome. In all cases the hospitality should be proportionate to the occasion. Modest hospitality offered as part of official business is not a reportable gift under this policy.

Representing Lorne Community Hospital

When employees attend a conference either as a participant or speaker or apply for an award in recognition of their public sector work, they are representing the LCH. The employer has paid for the employee's costs; their time, labour or accommodation. Any benefits accruing from the employee's activities therefore belong to the Service. This includes door prizes, fees for speaking and financial grants. LCH would record any revenue

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from fees and grants in the general ledger and, in the case of the grants, may choose to fund the employee's further work or development.

Ceremonial and other significant gifts

International delegations may offer ceremonial gifts on behalf of their country to an employee. Ceremonial gifts of significant value become the property of the LCH and are recorded on the asset register.

RELATED and SUPPORTING INTERNAL DOCUMENTS

This policy is to be read in conjunction with the following LCH policies and documents:

- Public Sector Employees Code of Conduct
- LCH Delegations of Authority
- LCH Gifts, Benefits and Hospitality Declaration Form
- LCH Gifts, Benefits and Hospitality Register

RELEVANT LEGISLATION ACTS and STANDARDS

Nil

REFERENCES

1. Gifts, Benefits And Hospitality Policy Framework – Victorian Public Sector (Victorian Public Sector Commission 2012)
2. Premier's Circular No. 2010/1 – Gifts, Benefits and Hospitality Policy Framework.
3. <http://www.ibac.vic.gov.au>

COMPLIANCE and EVALUATION

Expected Outcome

1. That staff/board members of the Service do not accept gifts of more than a nominal value or that maybe considered an attempt to influencing their roles or actions.
2. All reportable gifts are declared and recorded on the Gift Register.
3. Updates on the Gift Register are presented to the Board Finance and Audit Committee as a standard agenda item.

AUTHOR / CONTRIBUTORS

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ALTERNATIVE SEARCH WORDS

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