



## Gifts, Benefits and Hospitality Policy 2023

Jacana School for Autism has:

- Established a process to ensuring that all staff and school council members are advised of the policy requirements
- Establish a gift register to keep records of accepted gifts, benefits and hospitality of more than nominal value.

Accepting gifts, benefits and hospitality

Individuals must exercise particular care in accepting gifts, benefits or hospitality if:

- The donor person, company or organisation is involved in a tender process with the Department or school, or the donor person or organisation is the subject of, or affected by, a decision within the Department or school's discretionary power or significant influence;
- The person, company or organisation is in a contractual relationship with the Victorian Government or school council; or
- The employee or school councillor has been offered gifts of any kind from the same donor more than once in the last year.

Employees or school councillors may accept benefits and hospitality, such as invitations to official functions or events of reasonable value, 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 employee or school councillor will be unduly influenced by accepting the benefit or hospitality. In all cases the benefit or hospitality should be proportionate to the occasion.

**Benefits and hospitality in relation to for-profit organisations sponsoring conferences or industry tours should generally be declined, unless reasons why there is no conflict of interest or apparent conflict of interest or improper influence can be demonstrated. However, if attendance at the conference or industry tour is in the public interest, then the Department or school should consider paying for the travel and accommodation.**

Gifts of seemingly excessive value should not be accepted. The only exception to this is when failure to accept the gift, benefit or hospitality is likely to cause embarrassment or insult to the donor.

Gifts of any value must never be accepted if:

- The donor or reasonable observer would perceive that acceptance would create an obligation to the donor, particularly if the value of the gift is disproportionate to the circumstances in which it is offered.
- The gift is likely to influence an employee or school councillor in the course of their duties or where acceptance could cause a conflict of interest.
- The organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies.
- The gift is an offer of money or anything readily convertible into money (e.g. shares), or
- The organisation or individual has a connection with a tender process or a decision over which the Department or the school could be perceived to have influence.

Keeping gifts

- Employees and school councillors may keep token gifts (under \$100) such as a box of chocolates, for the work they have done.

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In limited circumstances, employees and school councillors may be able to keep a gift worth \$100 or more, but less than \$500, **subject to the documented approval** of their Deputy Secretary or school council. The Secretary, Deputy Secretary or school principal may also consider offering the employee or school councillor the option of purchasing the gift at market value.

Employees and school councillors should remember that the consequences of creating a perception that the Department's or school's impartiality can be compromised may be as damaging as an actual compromise.

The principal will monitor the gift register records which are reviewed annually by the school council

The Department's policy:

- Applies to all Department employees in the public service and teaching service, school council employees and school councillors
- Does not prevent teachers and principals from accepting token gifts from students, parents and overseas visitors.

### Reference

School Policy and Advisory Guide

<https://www.education.vic.gov.au/school/principals/spag/governance/pages/gifts.aspx>

Support and Service (Schools)

[https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3030/support\\_and\\_service\\_\(schools\)%252Fprocurement, funding, travel and gifts%252Fgifts, benefits and hospitality%252Fgifts, benefits and hospitality](https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3030/support_and_service_(schools)%252Fprocurement,_funding,_travel_and_gifts%252Fgifts,_benefits_and_hospitality%252Fgifts,_benefits_and_hospitality)

### Evaluation

This policy will also be reviewed as part of the school's regular policy review process

<b>Ratified By JSA School Council:</b>	23 March, 2023
<b>Review Date:</b>	March, 2024

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## VALUATION AND DISPOSAL OF GIFTS

Any disputes as to the value of a gift must be resolved by independent valuation.

### **Valuation**

The value of a gift is assessed according to the wholesale price in the country of origin.

Valuations are to be obtained by valuers competent to value in the field. The Department or school will pay any costs of valuation.

### **Disposal**

Gifts that are Departmental or school property may be:

- Transferred in title to Victorian Government departments and agencies and repositories of collections, including museums, galleries, libraries, archives and special-interest collections, education or community institutions.
- Donated to a nominated non-profit organisation or charity, at the discretion of the recipient and the Department
- Purchased by the recipient {if no Victorian Government entity has made a prior claim}
- Disposed of in an appropriate manner by the Department or school.

Gifts must be retained for one year before they are subject to the disposal process. The Secretary {non-school-based staff} or school council {school-based staff and school councillors} must approve any exception to this rule. All disposals of gifts require the approval of the Secretary {non-school-based staff} or school council {school-based staff and school councillors}. The purchase of gifts worth more than \$500 by the Secretary requires the approval of the Chair of the Audit Committee.

Public entities, such as the National Gallery of Victoria, State library of Victoria and Museums Victoria, retain a right of first claim over any gifts to be disposed of that are deemed to be of historical or cultural significance.

Disposal of gifts must be in the public interest and pay due respect to the wishes and expectations of the donor. Disposal of gifts to individuals, other than by way of purchase by the original recipient, is not permitted. Disposal of gifts to private-sector organisations should be avoided. All disposals must be arm's length transactions and be properly documented for audit.

In the case of disposal of **Department gifts**, the Executive Director, Procurement Division, may initiate a disposal request at any time after the conclusion of the one-year retention period. A gift disposal recommendation form must be completed and forwarded to the Premier or Secretary, accompanied by a briefing on any ethical or accountability issues relating to the disposal. Once approved, the Executive Director, Procurement Division, may {if requested} donate the gift on the Premier's or Secretary's behalf.

In the case of disposal of **school gifts**, the school council may initiate a disposal request at any time after the conclusion of the one-year retention period. A gift disposal recommendation form must be completed and forwarded to the Premier or Secretary, accompanied by a briefing on any ethical or accountability issues relating to the disposal. Once approved, the school council may {if requested} donate the gift on the Premier's or Secretary's behalf.

The following details of disposal must be entered in the gift register:

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- Description of the gift
- Date of disposal
- Recipient of disposal
- Original donor
- Reason for disposal

*Attachment A*

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*Attachment B*

**GIFT DECLARATION FORM**

*To be completed by the recipient of the reportable gift within 14 days of the offer*

Date offered:

Offered to: \_

Title/Role: \_

Division/Unit/School: \_\_\_\_\_

\_\_\_\_\_

Offered by: \_

Title/Role: \_

Organisation: \_\_\_\_\_

\_\_\_\_\_

Reason offered: \_\_\_\_\_

Description of gift: \_

Location of gift: \_\_\_\_\_

Estimated value: \_\_\_\_\_

Decision regarding gift:

Declined

Retained

Transferred to Department ownership

Transferred to school ownership

Signature of recipient .....

Date: ..... / ..... / .....

**Noted by authorised delegate:**

Name: ..... Position: ..... Date: ..... / ..... / .....

Signature: .....

***(On Completion – Please send to Executive Director, Procurement Division or School Principal as appropriate)***

**Gift register updated:**

Name: ..... Position: ..... Date : ..... / ..... / .....

Signature: .....

***(Executive Director, Procurement Division, or school principal as appropriate)***

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