

GIFTS, BENEFITS AND HOSPITALITY

PROCEDURE



Forensicare

Purpose

To manage and provide guidance on the receipt and giving of gifts, benefits and hospitality by people acting on behalf of Forensicare to ensure integrity in Forensicare's operations and comply with all relevant legislation and regulations.

Forensicare Vision

Meaningful lives led safely

Hope in recovery

Connected care

Target Audience

Forensicare including the Forensicare Board of Directors.

Definitions

Benefits	Preferential treatment, privileged access, favours 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 private interest that may have an actual, potential or perceived impact upon your ability to deliver your work impartially.
Gift	Any free or discounted item or service 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 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. Referred to in the VPSC Minimum Accountabilities as the 'token offer'.
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 \$50 or more. It includes any gifts intended for Forensicare or the Victorian Government. Referred to in the VPSC Minimum Accountabilities as the 'non-token offer'.
Reward and recognition	Recognition of significant staff achievements which make staff feel valued and motivated to achieve set goals.
Reportable Gifts, Benefits and Hospitality Register , also referred to as The Register	Register that records all reportable gifts, benefits and hospitality. Includes details such as: <ul style="list-style-type: none">• what was received;• who received it;• when they received it; and

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	<ul style="list-style-type: none"> the value of the gift or benefit.
Business Associates	Any supplier of goods and/or services to Forensicare or any other person with whom a Forensicare Employee has dealings in the course of performing their role.

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Responsible Party	Action
All Staff	<ul style="list-style-type: none"> Advise line manager of any offer of a gift, benefit or hospitality. Must not, for themselves or others, seek or solicit gifts, benefits and hospitality. Be aware of potential consequences for breaching this Gifts, Benefits and Hospitality Procedure, including disciplinary action. Refer to the Victorian Public Sector Commission's Gift Test if unsure about the appropriateness of a gift, benefit or hospitality. See Appendix A. Check whether the cumulative value of any other gifts, benefits or hospitality received from the giver in the last 12 months is Reportable. <p>If it is a Reportable gift, benefit or hospitality:</p> <ul style="list-style-type: none"> Consult with your manager or responsible Executive Director to determine whether the recipient or Forensicare should accept or decline the offer having regard to the considerations in this Procedure. Only accept a Reportable gift, benefit or hospitality when approved by their Manager and when: <ul style="list-style-type: none"> 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. <p>If there is an uncertainty regarding the cost of a high value item:</p> <ul style="list-style-type: none"> Seek an independent assessment of value from either your Manager or a valuer with relevant expertise. Consult line manager if there is an uncertainty on how to respond to an offer. Must not accept any gift, benefit or hospitality that that could be reasonably perceived as: <ul style="list-style-type: none"> Undermining Forensicare's reputation, integrity or impartiality Creating a conflict of interest Unduly influencing an action or decision Creating an obligation. Must not accept any gift, benefit or hospitality that is: <ul style="list-style-type: none"> Money, items used like money or easily converted into money

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	<ul style="list-style-type: none"> > Intended for family, friends or associates > From a person or organisation who is: <ul style="list-style-type: none"> ▪ 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 the gift > Likely to provide the giver with an unfair advantage in future tender or grant processes.
	<p>When refusing a gift, benefit or hospitality:</p> <ul style="list-style-type: none"> • Do so courteously and explain that it is against Forensicare policy.
Manager	<ul style="list-style-type: none"> • Provide assistance and guidance as needed to assist the person to meet the requirements of this policy. <p>If considering whether an offer of a gift, benefit or hospitality is a Reportable gift, benefit or hospitality:</p> <ul style="list-style-type: none"> • Consult with your responsible Executive Director to determine whether the recipient or Forensicare should accept or decline the offer. • Report actual or suspected instances of not following this Gifts, Benefits and Hospitality Procedure to applicable Executive Director following the guidelines set out in the Preventing Fraud, Corruption and Other Losses 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. • Ensure the gift or benefit is managed or disposed of in accordance with the Asset Management Policy where applicable,
Financial Controller	<ul style="list-style-type: none"> • Ensure a Reportable Gifts, Benefits and Hospitality Register is established and maintained. • Ensure the Reportable Gifts, Benefits and Hospitality Register is reviewed every 6 months to ensure reporting and analysis of content has been conducted and ensure gifts and benefits are being managed appropriately and in line with this Gifts, Benefits and Hospitality Procedure. Where appropriate, actions to improve compliance will be initiated. • Ensure this Procedure and the current and previous financial year's Reportable Gifts, Benefits and Hospitality Register is published on Forensicare’s public website.
Executive Director of People and Culture	<ul style="list-style-type: none"> • Support Executive Directors while following any disciplinary procedures arising from a failure to follow the Gifts, Benefits and Hospitality Procedure.
All Executive Directors	<ul style="list-style-type: none"> • Record any Reportable gifts, benefits or hospitality that are offered (whether accepted or not) to them or their staff within seven days of receipt in the Reportable Gifts, Benefits and Hospitality Register.

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	<ul style="list-style-type: none">Investigate and report instances of alleged failure to comply with the Gifts, Benefits and Hospitality Procedure to Executive Director of People and Culture for advice on any disciplinary considerations. Refer to guidance given in the Preventing Fraud, Corruption and Other Losses Policy.
General Counsel	<ul style="list-style-type: none">Provide written record (such as via email) of decision to recipient.Notify Victorian Police or the Independent Broad-Based Anti-Corruption Commission of any attempted bribe concerning someone acting on behalf of Forensicare.
Business Associates	<ul style="list-style-type: none">Consequences for business associates breaching the Gifts, Benefits and Hospitality Procedure will be in line with Forensicare's Supplier Code of Conduct and contractual provisions.

Monitoring

This document will be reviewed at least every 3 years, or in the event of any change of legislation, or best practice, or recommendations from reviews. The document may also be monitored through internal audits.

Overarching Policy

[Financial Management Policy](#)

Key Related Forensicare Documents

[Delegations of Authority Manual](#)

[Asset Management Policy](#)

[Preventing Fraud, Corruption and Other Losses Policy](#)

[Reportable Gifts, Benefits and Hospitality Register](#)

National Safety and Quality Health Service Standards

This document 1: Not Applicable

Justice Health Service Standards

This document supports **Standard 5.5 Support functions**

Legislation

This document is in line with the following legislation:

Financial Management Act 1994 (Vic.)

Public Administration Act 2004 (Vic)

References

[Public Sector Standards Commissioner Gifts, Benefits and Hospitality Policy Framework](#)

Victorian Public Sector Commission [Codes of Conduct](#)

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Executive Sponsor

Chief Financial Officer



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APPENDIX A

VPSG 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

VPSG 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>