



Policy/Procedure Document Title:	Gifts and Benefits
Summary:	This policy provides additional guidance on the appropriate reporting of gifts and benefits that may be offered or received by staff in the course of their employment with the Office of the Children's Guardian.
Status:	Draft
Policy/Procedure Number:	16
Version Number:	1.0
File Reference:	
Compliance Level:	Mandatory
Compliance Detail:	All staff
Category:	Governance
Related Policies:	Office of the Children's Guardian <i>Code of Conduct</i> , Independent Commission Against Corruption's <i>Managing Gifts and Benefits I the Public Sector Toolkit 2006</i> .
Superseded Policy Ref:	N/A
Public Availability:	This policy will be made available on the OCG website.
Feedback:	Any comments or suggestions can be made to the Director Corporate Strategy and Service
Date Issued:	July 2014
Review Date:	July 2016

1. Public Accountability

Staff of the Office of the Children's Guardian make many decisions and recommendations that affect individuals and organisations. There is a potential for staff making these decisions to be improperly influenced by an offer of a gift or benefit from the individual or organisation being affected.

The community has a right to expect that staff will make decisions that are fair, unbiased and not affected by self-interest or personal gain. The perception that the acceptance of a gift and or benefit has influenced an outcome can undermine public confidence in our integrity and that of the Office of the Children's Guardian.

Staff must not accept any gift or benefit in the course of their work, which is intended to, or likely to, inappropriately influence their behaviour and cause them to act impartially in the interests of the individual, or the organisation offering the gift or benefit.

In some circumstances, it may be acceptable to receive gifts and benefits offered by individuals or organisations. Guidance in this document on managing gifts and benefits is provided in accordance with the Office of the Children's Guardian's *Code of Conduct* and the Independent Commission Against Corruption's *Managing Gifts and Benefits in the Public Sector Toolkit 2006*.

A Register of Gifts and Benefits is maintained by the Manager Business Services and is published on the Office of the Children's Guardian's website to provide full transparency to the community on the integrity of decision making by staff.

2. Accepting Gifts and Benefits

Staff must never solicit gifts or benefits or accept bribes. This may constitute an offence under the *Crimes Act 1900*.

Staff must consider the following key factors when deciding, in consultation with their Manager/Supervisor whether a gift or benefit may be accepted:

- The *value* of the gift or benefit
- The *intention* of the donor in offering the gift or benefit

Value

A gift or benefit that is valued at \$50 or less may be accepted by staff however it is still required to be recorded. The Office of the Children's Guardian has determined that all gifts and benefits are to be recorded due to the ambiguity of determining the value of some gifts and benefits in some circumstances.

If the value of the gift or benefit is considered to be greater than \$50, staff being offered the gift or benefit must decide in consultation with their senior management whether to accept the gift or benefit. Staff must endeavour to obtain

prior approval from their line manager before accepting such a gift or benefit. However, it is recognised that in exceptional circumstances prior approval may not be practical. If the gift or benefit is accepted, it must be declared in writing in accordance with *Section 3 Register of Gifts and Benefits* of this document.

Regardless of the value of the gift or benefit staff must consider the intention of the donor in offering the gift or benefit.

Intention

Staff must never accept gifts or benefits that are intended to improperly influence their decision making. These are *gifts and benefits of influence* and have the potential to compromise staff and undermine their impartiality. Sometimes, the intention of the donor may not be clear or obvious. In these circumstances, if the likely perception is that the gift or benefit could improperly influence the decision making by staff, the gift must not be accepted. Example of *gifts and benefits of influence* include:

- a supplier who is seeking a business relationship with the Office of the Children’s Guardian offers an invitation to the purchasing officer for Christmas lunch and drinks at a restaurant
- an organisation offers free tickets to staff to a production as a reward for future favourable treatment.

Staff may accept gifts and benefits that are offered as gratitude or appreciation for conduct of a specific task or exemplary performance of duty. While staff should not require additional rewards for performing their duties, it may be inappropriate to refuse gifts of gratitude when they are offered. Examples of *gifts of gratitude* include:

- a modest bottle of wine given to a staff member for giving a presentation at a conference to a community group
- a box of chocolates and/or flowers given to a staff member as a token of thanks

Staff may accept token gifts that are given in a business situation when representing the Office of the Children’s Guardian. They are normally items that are mass produced and are not given as a personal gift but are available freely to everyone. Examples of token gifts include pens, folders, and calendars with a company logo usually given at a conference. These types of token gifts are similar in nature to the Office of the Children’s’ Guardian’s promotional items and are not required to be recorded in the *Register of Gifts and Benefits*.

Staff may accept ceremonial gifts given from one agency to another during or at the end of official business. They are usually an expression of gratitude and a gift to the agency rather than the individual. Examples of ceremonial gifts include

plaques or souvenirs given by overseas or interstate delegates to commemorate a visit. These should still be recorded in the *Register of Gifts and Benefits*.

Gifts and benefits offered to family members of staff may also be perceived as an attempt to influence the behaviour of the staff member and therefore must not be accepted.

Hospitality at work related functions

Hospitality is a type of benefit offered to staff and specifically relates to the friendly treatment of staff in the course of a business meeting or conference. It can range from light refreshments at a business meeting to restaurant meals and sponsored travel and accommodation.

Accepting hospitality from individuals and organisations that are seeking a business relationship with the Office of the Children's Guardian may be perceived as an attempt to create an obligation on staff and win favourable treatment for the donor.

Staff may accept hospitality such as light refreshment or meals provided at a meeting or provided at a conference and other professional development events. This type of hospitality does not need to be recorded in the *Register of Gifts and Benefits*.

It may be appropriate for staff to accept hospitality at an event sponsored by an organisation that is seeking a business relationship with the Office of the Children's Guardian, if the role of staff at the event includes the marketing and promotion of the Office of the Children's Guardian services in order to build a business relationship. The reasons for any decision made to accept such hospitality should be recorded in accordance with *Section 3 Register of Gifts and Benefits* of the document.

Entertainment and Tickets

The Office of the Children's Guardian recognises that attendance by staff at entertainment and cultural events associated with the business and operations of the Office of the Children's Guardian can be part of their standard professional duties.

These types of benefits have the potential to cause perceived or actual conflicts of interest. However, offers of hospitality may be accepted if they genuinely assist the agency to develop and maintain constructive relationships with stakeholders.

Care needs to be taken to avoid the appearance that any person or organisation is securing, or attempting to secure, the influence or favour of your position by the provision of hospitality or benefits.

The following principles provide guidance to staff in dealing with issues associated with the provision of hospitality:

- You must always seek your manager's approval if you have been asked to attend a function where hospitality is known to, or is likely to, be offered.
- Attendance at functions should be clearly related to your work and have clearly defined and beneficial outcomes for the Office of the Children's Guardian
- Staff should not use their position to solicit invitations to attend industry-hosted functions, or to obtain upgrades or additional benefits.
- Attendance at functions should not be abused, in terms of the time taken away from the workplace and/or in the level of hospitality accepted. For example, you may wish to consider the scale of the hospitality offered, and whether it is proportional to what the Office of the Children's Guardian would provide under similar circumstances

The Office of the Children's Guardian is an organisation which builds relationships with industry. As a consequence of these relationships, tickets to entertainment or cultural events may be offered directly to you or a general allocation to the Office of the Children's Guardian. The acceptance of tickets can lead to a conflict of interest and consequently prior approval to accept a ticket is to be provided by senior management.

The following guidelines are to be observed when dealing with offers of tickets:

- Organisations, regulated by the Office of the Children's Guardian, may offer free tickets to events to individual staff members or as a general allocation to staff. Where tickets are offered generally, all staff within the relevant work area should have an opportunity to express their interest and the way tickets are made available and allocated should be quite clear. It is acceptable for the relevance to a person's employment being taken into account in the allocation of tickets. Any acceptance of this type of benefit must be recorded in the *Register of Gifts and Benefits*
- If there is a potential conflict of interest (such as the tickets being a "reward" for services rendered or a possible expectation of future favourable treatment) you should not accept the ticket, regardless of the allocation method.
- You may not access personal contacts/networks within industry to "request/solicit" tickets or to request upgrades to tickets already held.

3. Register of Gifts and Benefits

A Register of Gifts and Benefits is maintained by the Manager, Business Services. All gifts and benefits, regardless of value, must be declared in writing using *the Gifts and Benefits Form* at **Attachment 1**. All completed forms must be scanned and forwarded to the Manager Business Services.

To ensure increased accountability and transparency the Register of Gifts and Benefits will be published on the Office of the Children's Guardian's website on a quarterly basis.

The Director, Corporate Governance, Strategy and Services will regularly review the Register of Gifts and Benefits to ensure that all gifts and benefits accepted have been properly managed.

CHILDREN'S GUARDIAN APPROVAL:

Kerryn Boland
Children's Guardian



To be completed by person accepting the gift/benefit:

RECIPIENT DETAILS

Name _____ Position _____

Location _____ Relationship to donor _____

DETAILS OF THE GIFT OR BENEFIT

Gift/benefit offered by _____ Date received _____

Description of gift/benefit _____

_____ Estimated value (\$): _____

Signature _____ Email _____

To be completed by person approving the acceptance of the gift/benefit:

APPROVAL TO ACCEPT GIFT

Reason(s) for accepting gift/benefit *(Include details of benefit(s) to the OCG)*

Decision on what will happen with the gift/benefit

Name of approving officer _____ Position _____

Signature _____ Date _____