# Gifts, Benefits and Hospitality Policy

## Purpose

This policy states Victoria Legal Aid’s (VLA’s) position on:

* responding to offers of gifts, benefits and hospitality, and
* providing gifts, benefits and hospitality.

This policy is intended to support staff, contractors and consultants to avoid conflicts of interest and maintain high levels of integrity and public trust.

VLA has issued this policy to support behavior consistent with the *Code of conduct for Victorian public sector employees* (the code). All employees are required under clause 1.2 of the code to comply with this policy.

## Policy

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for the management of gifts, benefits and hospitality* issued by the Victorian Public Sector Commission (VPSC).

## Policy statement

### VLA staff offered gifts, benefits and hospitality

* 1. Do not, for yourself or others, seek or solicit gifts, benefits or hospitality.
	2. Refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining yourself or the agency’s integrity and impartiality.
	3. Refuse all offers of gifts, benefits or hospitality that:
* are money, items used in a similar way to money, or items easily converted to money
* give rise to an actual, potential or perceived conflict of interest
* may adversely affect their standing as a public official or which may bring the agency or the public sector into disrepute, or
* are non-token offers without a legitimate business benefit.
	1. Staff should refuse all offers of gifts, benefits or hospitality from individuals or organisations about whom they are likely to make decisions involving:
* contract management
* tender processes
* procurement
* enforcement
* licensing
* regulation
* grants of legal assistance, or
* practitioner panels.
	1. Refuse bribes or inducements and report inducements and bribery attempts to your director or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).
	2. If unsure about how to respond to an offer of a gift, benefit or hospitality of more than nominal value (nominal value is $50), seek advice from your executive director, your manager or your People and Culture business partner.

### VLA staff providing gifts, benefits and hospitality

1. Ensure that any gift or hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals or promotes and supports business plan objectives and priorities.
	1. Ensure that any costs are proportionate to the benefits obtained for VLA and would be considered reasonable in terms of community expectations.
	2. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.
	3. Ensure that public funds are not used to purchase alcohol for gifts, benefits and hospitality.
	4. Ensure that where it is appropriate for alcohol to be served, this may be purchased by the individuals hosting the event, but it will not be reimbursed by VLA.
	5. Declare all non-token offers (valued at the nominal value of $50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the VLA register.
	6. Any gifts to employees as part of VLA’s reward and recognition program should only occur in exceptional circumstances, and any gifts should be token in nature.

## Roles and responsibilities

Individual staff and their manager(s) must adhere to the policy requirements and complete the *Gifts declaration for VLA employees* form where a reportable gift is received or accepted.

Managers must seek advice from their executive director or business partner where they are unable to determine appropriate action in relation to staff receiving or providing gifts, benefits or hospitality.

VLA will not use public funds to purchase alcohol, either for VLA events or as part of a meal reimbursement when travelling or working overtime.

This Gifts, Benefits and Hospitality Policy supports VLA’s procurement policy and all relevant internal approval procedures and financial delegations.

The Payroll services manager must maintain the gift register.

The head of People and Culture is the policy owner and is responsible for monitoring the gift register and any associated breaches of the policy.

## Non-compliance with policy

An established failure to comply with this policy will be treated as a matter of misconduct. Possible disciplinary outcomes for misconduct include performance management, counselling, warnings or termination of employment.

Non-compliance with the policy may also constitute criminal or corrupt conduct, which will be reported to the appropriate authorities as required.

## Definitions

**Gift** – any free or discounted item and/or any item that would generally be seen by the public as a gift. These include items of high value (eg artwork, jewellery, or expensive pens), low value (eg small bunch of flowers) and consumables (eg chocolates).

**Benefit** – include preferential treatment, privileged access, favours and/or other advantage offered.

**Hospitality** – the friendly reception and entertainment of guests, ranging from light refreshments at a business meeting to restaurant meals and sponsored travel and accommodation.

**Nominal value** – a subjective assessment of what could reasonably be considered minimal value. Nominal value should not generally exceed $50 but gifts, benefits or hospitality of lesser value may still be considered inappropriate if a perception of bias or influence would ensue.

## How to make a report

Staff that have received a gift that is required to be reported need to complete a *Gift declaration for VLA staff* form. The completed form should be sent to the Payroll services manager in People and Culture at payroll@vla.vic.gov.au

The gift register, and all reported gifts, is required to be publicly available, and as such will be published on the VLA website.

**Policy owner:** Head of People and Culture

**Contact:** Payroll Services Manager