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# GIFTS AND HOSPITALITY POLICY FOR THE DIOCESAN SCHOOLS SYSTEM

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November 2016

## PURPOSE

The giving and receiving of gifts and hospitality are everyday events and an integral part of our Catholic culture. This policy aims to ensure that the exchange of gifts or hospitality is:

- limited to appropriate circumstances,
- undertaken in an ethical manner that will not compromise the reputation of the DSS or its staff
- modest in nature, equitable and mindful of the DSS's responsibility for stewardship of educational resources.

Given that all funds in schools are derived from government grants or parent fees for the education of the students, this policy places an onus on staff to be modest in the giving of gifts or hospitality which are paid for out of school funds.

This policy covers gifts and hospitality:

- offered to DSS staff members by third parties, eg gift from a supplier, thank you for presenting workshop in another diocese
- offered to third parties by the DSS eg gift to presenter at a conference
- given on behalf of a school or the CSO to DSS employees eg retirement.

## POLICY CONTENT

### Definitions

A *gift* refers to articles, items or monies given by one party to another party. They may be free or offered at a highly discounted rate. A gift may include but is not limited to money, tickets, alcohol, flowers, gift vouchers or other products. Gifts may also take the form of benefits. Benefits are privileged treatment, access or favours offered to an individual. For the purposes of this policy, a gift does not include a donation.

A *bribe* refers to a gift or benefit that is offered to, or solicited by, a staff member in order to influence that person to act in a particular way.

*Nominal value* refers to the amount set by the DSS to guide staff in terms of what would be considered a minor amount.

### Nominal value

Nominal value is set at \$75.00 (inclusive of GST). This value will be regularly reviewed by the Catholic Schools Office.

### Offer to DSS staff member of Gifts, benefits or hospitality from a third party

The minimum requirements for DSS staff for accepting gifts, benefits or hospitality from a third party are that they:

- Complete a gift declaration for all gifts, benefits or hospitality above the nominal value that are offered to a staff member
- Have not solicited the gift, benefit or hospitality
- Do not accept cash or gifts that could easily be converted to cash (for example shares)
- Refuse all offers of gifts, benefits or hospitality that could reasonably be perceived as having been provided with the intent of influencing the employee in carrying out their duties (including bribes).

### *Token Gifts*

Staff may, from time to time, be involved in business, social, cultural or community events where a presentation or exchange of token gifts is customary. For example pens, ties, scarves, candles. They are impersonal, of less than the nominal value and intended to serve as a reminder of the event. Employees are able to accept gifts of this nature. Modest gifts of this nature are not a reportable gift.

Where an employee is unsure of the actual value of a gift, he or she should treat the gift as having a value of greater than the nominal value.

### *Gifts to staff from the School Community*

Principals should be mindful of the practice of P&F or class parents offering end of year gifts to teachers to ensure that gifts are not extravagant and that there is equity across all staff.

### *Modest Hospitality*

Light refreshments such as tea or coffee, or a light meal offered in the course of a business meeting may be accepted. These will be offered as a courtesy and to make the guest 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.

### *Deciding on a course of action*

A staff member must not accept a gift or hospitality that could reasonably be perceived as having been provided with the intention of influencing the employee in carrying out their duties. To offer, give, seek or receive a gift or hospitality with the intention of corruptly influencing the behaviour of any person may constitute a criminal offence. The giving of gifts can involve a conflict of interest or the perception of a conflict of interest, and while such conduct may not be corrupt it is inappropriate. This policy needs to be read and applied in conjunction with the DSS Conflict of Interest Policy.

In determining whether the gift should be accepted personally, declined or transferred to the school or CSO, supervisors should consider

- the value, frequency and purpose of the gift or benefit.
- the perceptions that might apply to a situation.

The [Code of Conduct](#) provides advice that might assist staff members and supervisors.

Some staff members perform roles that necessarily call for greater scrutiny. Staff involved in procurement of good and services must not accept gifts from contractors, particularly when a tender has been advertised. This is because the staff member has the power to make a decision in the donor's favour and could be influenced or perceived to be influenced by the gift.

### *Gift & Hospitality Declaration*

Staff members who are offered or accept gifts, benefits or hospitality greater than nominal value must complete the gift declaration (Appendix 1) within 14 days of the gift being offered and pass it to their supervisor. All declarations must be entered in a Gifts and Hospitality Register. The register must be reviewed annually to ensure gifts, benefits and hospitality are accepted in accordance with this and other related policies.

**Provision of gifts, benefits or hospitality by CSO or Schools**

The minimum requirements for DSS staff when providing gifts, benefits or hospitality are that:

- It is offered for one of the following purposes:
  - To recognise significant staff achievements in relation to employment
  - To acknowledge significant illness or bereavement
  - As a thank you for service over and above normal expectations
  - To express gratitude for providing an unremunerated service to the school or CSO which supports school business
- Gifts, benefits or hospitality do not exceed the nominal value (with the exception of gifts upon retirement and resignation).
- If hospitality is provided it is reasonable in the circumstances.
- Gifts of wine are acceptable.
- Offering the gift, benefit or hospitality would not compromise the reputation of the CSO or School and would be in keeping with community expectations on how educational resources should be spent.
- All gifts, benefits or hospitality are recorded on a Gift and Hospitality Register. The register should clearly articulate the reason why the gift, benefit or hospitality was provided. For example “flowers were sent to ---- due to death of parent.”

Celebrations (gifts and hospitality) for events such as Christmas, birthdays, marriages or the birth of children must not be funded using DSS funds. It would generally be expected that celebrations of this nature would be funded through social clubs, small donations either regularly across the year or collected for the particular purpose, or bringing a plate. This policy does not cover the activities of staff funded social clubs that may organise a range of celebrations.

Gifts given to related parties must also be included on the CSO or School's Related Party Register (Section 83c NSW Education Act requirement)

***Providing Gifts to celebrate retirement or resignation***

Schools or the CSO may wish to acknowledge the service and contribution of a staff member who is retiring or ceasing employment. The value of the gift is to be commensurate with the length of their service to the CSO or school or in the event of retirement, Catholic Education more widely. The value of the gift must not exceed the value listed in the table below.

<b>Years of Service</b>	<b>Maximum Contribution to Gift</b>
0-5	Nominal Value
5-10	\$100
10-15	\$150
15-20	\$250
20 plus	\$400

**Catering functions for Staff**

For a range of reasons the CSO or schools may offer modest hospitality to staff. These include:

- As part of a larger staff-related event, for example a training course, workshop, planning day, seminar or conference; and
- To recognise an organisational achievement or individual staff achievement or retirement, and or resignation of member of staff.

In providing hospitality it is important to record the reason for the hospitality, and those attending the function. An example could be “The Principal & Executive Team and *Educational Expert* went to dinner after all day professional development day to thank ...” or “retiring staff member X was taken out to lunch by staff and school paid for the meal”.

### **Bribes**

The offering of a bribe to a DSS staff member is a serious matter. The acceptance of bribes is strictly forbidden.

If a staff member believes they have been offered a gift as a bribe, or believes that there is potential for the offer of a gift to be perceived as being a bribe he or she should decline acceptance of the gift or benefit. The staff member should cease all interactions with the person that made the offer and report the incident to their supervisor, as soon as possible. If a staff member believes they have witnessed the solicitation by another DSS staff member of a gift or benefit as a bribe the employee should report the incident to his or her supervisor, or if his or her supervisor is involved, then to an appropriate senior officer as soon as possible.

### **Fringe Benefit Tax (FBT) Implications**

Provision of gifts and hospitality may have FBT implications. Staff members should seek advice and guidance from Financial Services prior to committing to a gift or hospitality that is more than of nominal value.

### **Breaches of this policy**

Failure to comply with this policy may result in disciplinary action ranging from informal counselling, increased supervision or monitoring, coaching or mentoring, refunding unauthorised expenditure through to informal or formal disciplinary action. Serious breaches may result in demotion, termination or referral to an external agency or the police for investigation.

### **RELATED POLICIES**

This policy should be read in conjunction with the following:

Code of Conduct  
Conflict of Interest Policy  
Delegation Policy  
Procurement Policy

### **POLICY REVIEW**

This policy will be reviewed within one year of the date of adoption.

### **POLICY DATES**

Date of completion of formulation	October 2015
Date of adoption	January 2016
Date of current version	November 2016
Date of next review	2021

authorised by  
Peter Hamill  
Director of Schools

# GIFT DECLARATION

<b>Complete by the recipient of a reportable gift within 14 days of the offer</b>	
<b>Date offered:</b>	
<b>Offered to:</b> Name: Role:	
<b>Offered by:</b> Name: Role: Organisation:	
<b>Reason gift was offered:</b>	
<b>Description of gift:</b>	
<b>Estimated value of gift:</b>	
<input type="checkbox"/> First time offer    OR <input type="checkbox"/> Previous offer(s) within last 12 months by this individual Cumulative value of gifts offered by this individual within the last 12 months:	
<b>Decision regarding gift:</b> <input type="checkbox"/> Declined    OR <input type="checkbox"/> Retained    OR <input type="checkbox"/> Transferred to organisation's ownership	
<b>Signature of Recipient</b> _____	<b>Date:</b> _____
<b>Noted by authorised delegate</b>	
<b>Name:</b> _____	<b>Signature:</b> _____
<b>Role:</b> _____	<b>Date:</b> _____
<b>Comment:</b> _____ _____	
<b>Gift Register updated</b>	
<b>Name:</b> _____	<b>Signature:</b> _____
<b>Role:</b> _____	<b>Date:</b> _____