

## Policy

# Gifts, Hospitality, Sponsorship & other Gratuitous Benefits Connected

## Peninsula Care Goal

### 1. INTRODUCTION

Invitations to events, offers of sponsorship, and gifts from suppliers can be an ethical minefield for public sector employees. Peninsula Health is committed to providing an ethical, efficient and accountable environment for the conduct of its operations. All staff at Peninsula Health are required to:

- (a) perform their duties in a fair and unbiased way, and not make decisions which are affected by self-interest or personal gain
- (b) be mindful of the appearance of influence that may be created by gifts, hospitality, sponsorship and other gratuitous benefits, and where appropriate, seek approval for such benefits from an Executive Director or the CEO.

### 2. PURPOSE

The purpose of this Policy is to outline the processes to be used at Peninsula Health to ensure transparency and accountability in respect of receiving gifts, hospitality, sponsorship and other gratuitous benefits.

This Policy focuses on, but is not limited to, gifts, hospitality, sponsorship and other gratuitous benefits being offered by, or received from, suppliers or potential suppliers, and individuals associated with those suppliers.

The definition of “**supplier**” in this context is broad and:

- (a) encompasses any person, body, company or entity that could potentially supply goods or services of any kind to Peninsula Health in the future
- (b) includes situations where goods or services have been or will be provided to Peninsula Health:
  - (i) free of charge
  - (ii) through a loan, trial, donation or hire arrangement
  - (iii) partially or entirely funded by the Department of Health or another Government entity
- (c) includes situations where a particular supplier of goods or services is mandated by legislation or is selected for Peninsula Health by the Department of Human Services or another Government entity
- (d) is not restricted to private sector agencies, and could include the supply of goods or services by another public sector agency (e.g. another health service, a university, or Government Department or entity)
- (e) includes the companies that supply medications to Peninsula Health’s patients, including situations where medications are not supplied directly to Peninsula Health but where the prescribing and dispensing practices of individual health care professionals employed by Peninsula Health will impact on which company supplies medications for a patient in the community (e.g. discharge medications).

#### **Which staff does this policy apply to?**

This Policy applies to all staff at Peninsula Health, including all medical, nursing, allied health, management and administrative staff, whether full-time, part-time, sessional or casual.

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**Part-time and casual staff** need to seek approval as appropriate under this Policy if:

- the offer they receive (e.g. of hospitality or sponsorship) might be perceived by an impartial observer as being connected in a substantial way with the role of that staff member at Peninsula Health, or
- there is a likelihood that the staff member could influence purchasing decisions made by Peninsula Health in relation to that supplier or its products.

This will involve responsible self-policing on the part of part-time and casual staff members.

Full-time staff should always seek approval as appropriate under this Policy to ensure transparency.

### 3. DEFINITIONS

A **“token gift”** has value of less than AUD\$50.

A **“non-token gift”** has value of AUD\$50 or greater.

A **“gratuitous benefit”** is a free benefit or preferential treatment and includes vouchers, discounts, points in a loyalty or reward program, or use of facilities such as gyms or holiday homes.

**“Hospitality”** in this content includes meals, alcohol, entertainment and events. It does not include tea, coffee, biscuits or similar modest refreshments that are offered by most organisations as a courtesy to visitors attending a meeting.

**“Sponsorship”** in this context means a contribution in money or kind, generally by the corporate sector or private individuals, in support of public sector activity. It does not include consultancies, gifts, donations or bequests, where the benefit provided to Peninsula Health is a unilateral act by a person or entity who is not a potential supplier of goods or services to Peninsula Health, where there is clearly no potential expectation of future business.

Where this Policy refers to an Executive Director’s approval being required, and where the gift, hospitality, sponsorship or other benefit is being offered to an Executive Director, that Executive Director requires the CEO’s approval under this Policy in place of an Executive Director’s approval.

### 4. POLICY

Staff should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived as intended or likely to influence, the staff member:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance
- to otherwise deviate from the proper exercise of their duties.

Staff should generally avoid situations in which an appearance or impression may be created that any person, body, company or entity, through the provision of gifts, hospitality, sponsorship or other gratuitous benefits, is attempting to secure the influence or favour of an individual staff member. This is true of all business dealings, and is especially important for public sector agencies like Peninsula Health in its dealings with suppliers and potential suppliers.

In addition, staff should take reasonable steps to ensure that their immediate family members and friends are not the recipients of gifts, hospitality, sponsorship or other gratuitous benefits,

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which could give the appearance to of an indirect attempt to secure the influence or favour of a staff member.

### 4.1 External requirements

The Victorian Government seeks to observe high ethical standards and conduct in commercial engagements.

The *Gifts, Benefits and Hospitality Policy Framework* (revised April 2012) published by the State Services Authority provides the following minimum requirements for all Public Officials:

1. Do not solicit gifts, benefits or hospitality
2. Refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of their organisation or themselves
3. Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
  - Tender processes;
  - Procurement;
  - Enforcement;
  - Licensing; or
  - Regulation.
4. Refuse all offers of money or items easily converted to money such as shares
5. Refuse bribes and report bribery attempts to the head of the public sector organisation
6. If unsure about how to respond to the offer of a gift, benefit or hospitality of more than nominal value, seek advice from a manager or other appropriate organisational delegate.

The *Code of Conduct for Victorian Public Sector Employees (No. 1) 2007* published by the State Services Authority provides that:

Public sector employees do not – for themselves or others – seek or accept gifts or benefits that could be reasonably perceived as influencing them.

Public sector employees comply with any policies of their public sector employer in relation to accepting, declaring and/or recording the receipt of gifts or benefits.

Public sector employees who are unsure about accepting a gift or benefit seek advice from their manager.

*Good Medical Practice: A Code of Conduct for Doctors in Australia, consistent with the Health Practitioner Regulation National Law Act 2009* and published by the Medical Board of Australia in 2010, provides the following:

Good medical practice involves:

- 8.11.6 Not asking for or accepting any inducement, gift or hospitality of more than trivial value, from companies that sell or market drugs or appliances that may affect, or be seen to affect, the way your prescribe for, treat or refer patients.
- 8.11.7 Not asking for or accepting fees for meeting sales representatives

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- 8.12.2 Not encouraging patients to give, lend or bequeath money or gifts that will benefit you directly or indirectly
- 8.12.5 Being transparent in financial and commercial matter relating to your work, including in your dealings with employers, insurers and other organisations or individuals

Under the Victorian *Public Administration Act 2004*, public sector employees involved in procurement must not make improper use of their position.

The *Victorian Government Purchasing Board - All Procurement Policies* (December 2012) published by the VGPB Secretariat, Department of Treasury and Finance includes the *Conduct of Commercial Engagements Policy*. The *Good Practice Guidelines – Conduct of Commercial Engagements* provides the following:

#### **Can I accept gifts and favours?**

54. You should not seek or accept favours of gifts for services performed in connection with your official duties. Included in this category are gifts in kind, such as free accommodation or travel or entertainment vouchers whether for you or members of your family. The general principle to be followed is that you should not seek or accept favours or gifts from anyone who could benefit by influencing you.

55. Immediately report to your CEO any circumstances where an offer of a benefit or gift is made, regardless of whether it is accepted or not, if you feel that such circumstances involve an attempt to induce favoured treatment.

56. Where a gift is given without your prior knowledge or consent or where a gift is given as a token of goodwill to the State, inform your CEO as soon as possible. Gifts of more than nominal value should in all cases remain the property of the State and be recorded in a publicly available gifts register.

57. Organisations vary in their policies on accepting gifts and benefits depending on the nature of their business. It is expected, however, that token gifts in the nature of souvenirs, mementos or symbolic items of low material value may be accepted in circumstances approved by your CEO.

58. You must not use your position to obtain a private benefit for someone else. Family or other personal relationships must not improperly influence your decisions

#### **4.2 How do you know whether there might be appearance or impression of influence?**

When considering whether there might be an appearance or impression of influence, the relevant standard to be applied is that of an **“impartial observer”**.

Factors that could impact upon the likelihood of gift or benefit creating an impression of influence include:

- the cost, expense or value of the gift or benefit
- the frequency of occurrence
- the degree of openness and transparency surrounding the occasion
- the timing of when a gift or benefit is offered or accepted (e.g. a current or future tender or selection process, or ongoing negotiations with a supplier).

Staff need to appreciate that, in the context of gifts, hospitality, sponsorship and other gratuitous benefits, they will be judged by the appearance of what they do, regardless of their actual motives. The fact that the staff member’s own moral standards were not offended will be irrelevant if their conduct warrants investigation.

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Explanations such as the following will not be of assistance:

- *“everybody else is doing it”*
- *“we’ve been doing this for years”*
- *“I was just networking”*
- *“we were fostering the business relationship”*
- *“it was harmless”*
- *“there are so many of these occasions that I don’t bother seeking approval”*
- *“it’s just part of the job”*
- *“this is part of the culture and to refuse would cause offence”*
- *“public officials are not paid enough and should be entitled to keep the extra reward”*

#### 4.3 **What sorts of gifts, hospitality, sponsorship and benefits are covered by this Policy?**

In general, staff have a responsibility not to accept the following from suppliers or potential suppliers, or individuals associated with those suppliers, if the circumstances could potentially create an impression of influence or favour, to an outside observer:

- gifts
- rewards
- travel
- meals
- expenses
- accommodation
- entertainment
- tickets
- vouchers
- discounts
- donations
- souvenirs, mementos and symbolic items
- sponsored meetings (e.g. where food is supplied paid for by a sponsor)
- invitations to corporate sponsored events (e.g. races, sports events, concerts)
- other sponsorship
- other hospitality or benefits

If a staff member wishes to accept a gift or another benefit including those listed above, they are required to follow the procedures set out in this Policy. Failure to comply with this Policy may lead to disciplinary action.

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#### 4.4 Token Gifts

At Peninsula Health **“token gifts”** are regarded as acceptable and may be retained by the recipient without reporting it to a manager, provided the gift or benefit meets each of the following criteria:

- (1) the gift has an approximate value of less than AUD\$50
- (2) the gift must be modest (e.g. single bottles of reasonably priced alcohol, or a box of chocolates, or flowers, or some other gift of insignificant commercial value, including souvenirs, mementos or symbolic items)
- (3) the gift must have been offered in circumstances that might be considered deserving or appropriate by an outside observer (e.g. in recognition of giving a presentation or hosting a visitor)
- (4) the gift must have been offered in circumstances where there was a degree of openness (e.g. at a public occasion or end of year function).

Any gift or benefit under AUD\$50 that does not clearly meet **all** the above criteria requires the approval of the relevant Executive Director (or the CEO) before the staff member is entitled to keep the gift or benefit, regardless of its value. This includes:

- a voucher of any value from a supplier
- a Christmas gift of any value from a supplier.

Where a gift or benefit under AUD\$50 does not meet all the above criteria, the staff member should complete the form attached in *Appendix 1* to seek approval from the relevant Executive Director (or the CEO). If the Executive Director’s (or CEO’s) approval is not given, the gift or benefit must be returned or declined.

The receipt of a token gift must be a single, one-off event for that staff member. Repeated or multiple gifts received from, or offered by, a particular supplier or potential supplier, whether token or non-token, must be reported to the relevant Executive Director (or the CEO).

It is acceptable for a staff member to share a token gift (e.g. chocolates) amongst work colleagues at work, provided that the circumstances of its receipt meet all the above criteria. If the gift was given to the individual on behalf of a team, then it would be inappropriate for that individual to keep the gift personally. Note that all employees must comply with Peninsula Health’s policy on *Alcohol and Other Drugs – Staff Usage* in respect of consuming alcohol at work. Staff should consider making the gift available to an auxiliary to be part of a raffle.

If a staff member is unsure whether a particular gift or benefit under AUD\$50 from a supplier or potential supplier meets the criteria set out above, so that they may retain it without reporting it to a manager, advice should be sought from the relevant Executive Director (or the CEO).

Receiving a small token of appreciation with modest value from a grateful **patient, client or resident** of Peninsula Health is acceptable, and if under the value of AUD\$50, does not require approval.

If it is not practical or possible to obtain the Executive Director’s permission in advance of an event, a completed form seeking approval should be submitted to the Executive Director at the first opportunity following the event.

#### 4.5 Non-token Gifts and other Gratuitous Benefits

For the purposes of this policy, a gift with a value of AUD\$50 or greater is regarded as a **“non-token gift”**.

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All gifts and benefits of a non-token nature require the written approval of the relevant Executive Director (or the CEO) before the staff member is entitled to keep the gift or benefit. Where possible, the relevant permission should be sought in advance of receiving the gift or benefit.

Any Peninsula Health staff member wishing to retain the following items should complete the form attached in *Appendix 1*, to seek permission from the relevant Executive Director (or the CEO) to retain it:

- a gift or benefit worth AUD\$50 or more
- a gratuitous benefit of any value, such as a voucher, discount, points in a loyalty or reward program, or preferential treatment
- a Christmas gift from a supplier of any value.

Gift splitting of the items received, or amongst other staff members, in order to get around the AUD\$50 threshold is not permitted because it defeats the purpose of the Policy.

Where a gift is given as a token of goodwill to Peninsula Health (e.g. from an overseas visitor), it will normally be regarded as the property of Peninsula Health. The form attached in *Appendix 1* should be completed by the recipient as a record of such a gift. In appropriate cases the gift may require addition to the Assets Register.

#### 4.6 Hospitality

The AUD\$50 threshold does **not** apply to offers of hospitality. If a staff member intends to accept any offer of hospitality, of any value, this requires the written approval of the relevant Executive Director (or the CEO) before the staff member is entitled to attend the event or accept the benefit.

The staff member should complete the form attached in *Appendix 1* in advance of the event. The Executive Director (or the CEO) may determine whether the offer of hospitality or other benefit may be accepted.

Examples of situations that require the approval of the relevant Executive Director (or the CEO) include (but are not limited to):

- *a current or potential supplier invites managers to a corporate box event or corporate golf day*
- *a current or potential supplier invites a group of staff out to dinner in a restaurant to launch and promote a new product*
- *a current or potential supplier gives movie tickets to a few staff for their families*
- *a current or potential supplier invites staff to Christmas drinks after 5pm*
- *a current or potential supplier provides or sponsors a free education session at the supplier's offices in the city and invites attendees to stay afterwards for a wine and cheese function*
- *a current or potential supplier offers points in a loyalty or reward program to individual staff who purchase on behalf of Peninsula Health as part of their role*
- *a supplier that has been selected by DHS invites key staff out to dinner at the end of a project.*

This Policy applies even if a sponsored event will occur on a public holiday or when the staff member has taken annual leave (e.g. to attend a corporate box at the Melbourne Cup, Grand

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Final or Grand Prix), if receipt of the invitation might be perceived by an outside observer as being connected in any way with the staff member's role at Peninsula Health.

A staff member does **not** need to seek approval under this Policy to:

- (a) *accept tea, coffee and biscuits offered by most organisations as a courtesy to visitors attending a meeting*
- (b) *accept a modest lunch or other food and refreshments offered to attendees during a working group or meeting (unless sponsored by a supplier or potential supplier)*
- (c) *attend a Charity Golf Day if it is not being sponsored by a supplier or potential supplier (however the staff member may need to apply for leave from their supervisor to attend if during work hours).*

Where Peninsula Health is currently undertaking or will soon undertake a tender or other selection process, or where it is currently engaged in negotiations that might affect a particular supplier or potential supplier, all staff on the Tender Evaluation Group and other staff involved should decline all social invitations received from such suppliers and report the invitation to the relevant Executive Director (or the CEO).

A part-time or casual member of staff is required to seek approval under this Policy in respect of an offer of hospitality if the offer might be perceived by an impartial observer as being connected in any way with the role of that staff member at Peninsula Health.

If a staff member is unsure about whether permission is required to attend a particular event or accept hospitality offered, they should ask their Executive Director (or the CEO).

If it is not practical or possible to obtain the Executive Director's permission in advance of an event, a completed form seeking approval should be submitted to the Executive Director at the first opportunity following the event.

#### 4.7 Sponsorship

It is not unusual for public sector agencies to look to outside sponsorship for financial support in specific areas, such as conference attendance and education sessions. Contrary views may exist about the appropriateness of particular sponsors in relation to some aspects of public health service activity.

The AUD\$50 threshold does **not** apply to offers of sponsorship. If Peninsula Health or an individual staff member intends to accept any offer of sponsorship or payment of expenses, of any value, this requires the written approval of the relevant Executive Director (or the CEO) before the staff member is entitled to accept the benefit and attend the meeting, conference or event.

The staff member should complete the form attached in *Appendix 1* in advance of the event. The Executive Director (or the CEO) may determine whether the offer of sponsorship or payment of expenses may be accepted.

Examples of situations that require the approval of the relevant Executive Director (or the CEO) include (but are not limited to):

- *a pharmaceutical company offers to pay the airfares of a dietician to attend a professional interstate conference to learn about dietary supplements*
- *a pharmaceutical company offers to pay the overnight accommodation expenses of a full-time senior doctor who has been asked to attend a regional location as a guest speaker*

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- *an oncology or diabetes research staff member is expected to attend an overseas protocol or investigator meeting funded by the drug trial sponsor*
- *a medical equipment supply company offers to fund a traveling fellowship to enable doctors from overseas to work at Peninsula Health for periods of 6 months*
- *a drug trial sponsor offers to pay travel and accommodation for a doctor and his wife to attend a professional conference overseas to present the doctor's research findings*
- *a current or potential supplier sponsors an education lunch for junior medical staff to be held at Peninsula Health.*

A staff member does **not** need to seek approval under this policy to:

- (a) *accept a modest lunch or other refreshments provided to participants at a conference (where airfares, accommodation and other travel expenses have been met by Peninsula Health)*
- (b) *participate in a networking lunch or dinner at a conference if it is part of the conference fee*
- (c) *accept modest promotional items or samples from suppliers or potential suppliers at conferences (e.g. samples of medical consumables) within reason.*

No offer of sponsorship or payment of expenses can be accepted if it is provided in a manner or upon conditions that might potentially interfere with or limit:

- the independence of a health care professional's treatment or advice, or his or her prescribing or dispensing practices
- the independence of a manager in making procurement and other operational decisions in the interests of Peninsula Health
- Peninsula Health's ability to carry out all its functions fully and impartially.

If convenient, a proposed schedule of sponsored breakfast and lunch meetings from a particular department at Peninsula Health for a future period could be submitted to the relevant Executive Director with a single form requesting approval.

Depending on the circumstances, the public interest may be best served by Peninsula Health calling for expressions of interest in respect of securing sponsorship, or by using other mechanisms to make other potential or competing sponsors aware of the need.

While Peninsula Health as an organisation is legitimately entitled to seek expressions of interest for sponsorship, individual employees must not **seek or solicit sponsorship** from anyone where there could be a perception that they might stand to personally benefit. For example, it would be inappropriate for a staff member to write a letter to a pharmaceutical or other supply company to request funding to assist them personally to attend a conference or pay for other accommodation. A manager can write such a letter in respect of their staff. This avoids the appearance of soliciting benefits for oneself, which is not permissible especially in the public sector.

In some circumstances it may be appropriate to record the terms and conditions of an approved sponsorship arrangement in a written agreement. Please seek advice, where applicable from the relevant Executive Director or Peninsula Health's Legal Counsel.

A part-time or casual member of staff is required to seek approval under this Policy in respect of an offer of sponsorship if the offer might be perceived by an impartial observer as being connected in any way with the role of that staff member at Peninsula Health.

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If it is not practical or possible to obtain the Executive Director's permission in advance of an event, a completed form seeking approval should be submitted to the Executive Director at the first opportunity following the event.

### 4.8 **Approval from the Executive Director or CEO**

When the relevant Executive Director (or the CEO) receives a completed application in the form of *Appendix 1*, or a written request containing equivalent information, he or she will determine whether the gift, hospitality, sponsorship or other gratuitous benefit may be retained or accepted, after giving consideration to the following factors:

- (a) the value and nature of the gift, hospitality, sponsorship or other benefit
- (b) whether the gift, hospitality, sponsorship or benefit has been offered by virtue of that staff member's role
- (c) the degree of openness surrounding the gift, hospitality, sponsorship or benefit
- (d) whether the gift or benefit is to be given to a staff member in a public forum in appreciation for that staff member's work, assistance or involvement (or on behalf of their team)
- (e) whether refusal of the gift, hospitality or benefit would cause embarrassment or offence
- (f) whether the supplier currently supplies goods or services to Peninsula Health, and if so, the nature and approximate value of the total supply of those goods and services per annum
- (g) whether Peninsula Health is currently undertaking or will soon undertake a tender or other selection process, or is engaged in current negotiations, that might affect that supplier or potential supplier
- (h) whether there is any possibility that the staff member involved might be, or might appear to be, compromised in any procurement or business process or otherwise in relation to the staff member's role
- (i) the gift, hospitality, sponsorship or benefit must not entail any obligation or expectation that favours could be granted
- (j) acceptance of the gift, hospitality, sponsorship or benefit must be unlikely to be perceived by an impartial observer to create a conflict of interest or influence the performance of the staff member's duties or Peninsula Health's functions
- (k) whether the circumstances could successfully withstand public and professional scrutiny
- (l) whether the circumstances conform to professional and community standards of ethics, good taste and appropriateness
- (m) any offer of sponsorship or any payment of expenses for Peninsula Health or its staff should:
  - (i) be in writing, on the letterhead of the sponsoring company, addressed to Peninsula Health, setting out full details of the offer
  - (ii) be simple, modest and secondary to the educational content of the meeting, conference or other event
  - (iii) be relevant to health care services

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- (iv) be provided in an environment that enhances the quality of health care, education and learning
- (v) not present a real or apparent conflict between the objectives, mission and values of Peninsula Health, and those of the proposed sponsor
- (vi) not be conditional upon any obligation to purchase a particular product or prescribe a particular drug
- (vii) not involve endorsement of the sponsor or any of the sponsor's products
- (viii) make it clear whether it is being offered in connection with a sponsored clinical drug trial
- (ix) preferably be considered against criteria predetermined by Peninsula Health that have been published or circulated in advance, so as to give other potential sponsors a similar opportunity
- (x) not subsidise or pay for the costs of family members or companions of attendees at educational meetings and conferences.

In some circumstances it may be appropriate for the relevant Executive Director (or the CEO) to approve a sponsorship with conditions.

The Executive Director (or the CEO) is required to consider a request for approval under this Policy within a reasonable timeframe, so as not to compromise the event, hospitality or sponsorship that is proposed.

### ***Is there a right of appeal if a request is declined by the Executive Director?***

If an Executive Director declines a request for approval under this Policy, the staff member affected may ask for it to be reconsidered by the CEO, whose decision will be final. In respect of an Executive Director seeking approval, the CEO's decision will be final.

### **4.9 Acceptance of Gifts and Benefits**

In any circumstances where a staff member accepts a gift or benefit from a supplier or potential supplier (whether token or non-token), it is appropriate to indicate to the donor that they are accepting the gift on behalf of their employer organisation, and not personally.

The CEO or Executive Director is entitled to determine to what use a gift or benefit shall be put, and whether the staff member may retain it personally.

Normally a gift that is worth more than token value (AUD\$50) will remain the property of Peninsula Health.

### **4.10 Gifts and Benefits Database**

Once the Executive Director (or the CEO) has indicated his or her approval (or otherwise) on the form attached in *Appendix 1*, a copy of the completed form will be returned to staff member who is seeking permission, and the original completed form will be sent to the Human Resources Department for secure storage.

These forms will **not** be added to the employee's personnel record.

Only the CEO, the Executive Director Human Resources, and the staff member's relevant Executive Director will have access to the forms in the Gifts and Benefits Database. This database will be maintained by the ED Human Resources, and in the event of an investigation, only authorised persons will have access to the forms kept in the database.

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The Peninsula Health Audit and Risk Committee will review the Gifts and Benefits Database for the previous calendar year at its first meeting of the year to assure the organisation that there is transparent reporting of accepted gifts, benefits and hospitality, and there is no evidence of attempts to improperly influence the decisions or actions taken by its employees.

This database will assist Peninsula Health to comply with the public sector organisation reporting and recording obligations as outlined in the *Gifts, Benefits and Hospitality Policy Framework* (revised April 2012) published by the State Services Authority (refer Chapter 7 – Reporting Gifts and Hospitality).

### 4.11 Promotional Items and Samples

Staff are permitted to retain and use modest promotional items and samples provided by suppliers or potential suppliers (e.g. pens, notepads, calendars, diaries, medical consumables), within reason. However staff should remain mindful that the use of multiple or significant promotional items bearing a supplier's name or logo might be viewed as endorsing or promoting that supplier or their products.

Samples received by a staff member from a supplier or potential supplier are for use by Peninsula Health, and are not the personal property of the staff member.

### 4.12 Peninsula Health offering Hospitality

Peninsula Health may from time to time, in appropriate but limited circumstances, wish to entertain outside entities or individuals associated with those entities. Such situations are governed by the principle that Peninsula Health is committed to providing an ethical, efficient and accountable environment for the conduct of its operations.

When Peninsula Health is the provider of gifts or hospitality, the same caution and diligence should be exercised as when Peninsula Health is the recipient, so as to ensure that an impression is not created suggesting that Peninsula Health is inappropriately attempting to secure the favour or influence of an outside entity or individual.

All proposed situations where Peninsula Health intends to provide gifts, hospitality or other gratuitous benefits should receive prior approval from the CEO.

### 4.13 Bribery and Soliciting Benefits

If any offer or suggestion of a bribe is made to a staff member, the circumstances should be immediately reported to the CEO or an Executive Director.

If any staff member is concerned about retaining anonymity when reporting suspected bribery or other irregular conduct involving another staff member in respect of gifts and benefits, the processes contained in Peninsula Health's Policy on *Whistleblowers Protection* for making disclosures may be used.

Any staff member who accepts a gift or benefit without following the appropriate procedures as outlined in this Policy, may be subject to disciplinary action.

Staff must not seek or solicit favours, gifts or benefits from anyone. Such conduct will be viewed seriously.

Under Victorian law, it remains a criminal offence for an employee to receive or solicit any "valuable consideration" which would in any way tend to influence him to show favour in relation to his employer's business dealings. It is also contrary to the *Public Administration Act 2004*.

## 5. RELATED POLICIES/GUIDELINES

Code of Conduct

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## Policy

# Gifts, Hospitality, Sponsorship & other Gratuitous Benefits Connected

## Peninsula Care Goal

Financial Code of Practice

This Policy should be read in conjunction with the following set of Peninsula Health policies:

[General Policy – Procurement](#)

[Asset Management](#)

[Internal Services \(Procurement of Goods and Services\)](#)

[Engaging Consultants](#)

[Guidelines for Dealing with Sales Representatives](#)

Tendering

Entering into Contracts

Contract Management & Reviewing Contract Performance

[Facilities Management Department Contractors: Engaging, Orientating and Inducting](#)

[Introduction of New Equipment, Hire, Donation or Trial](#)

[Disposal of Assets, Equipment or Consumables \(includes Loan, Hire or Donation\)](#)

This Policy should also be read in conjunction with the following Peninsula Health policies:

Instrument of Delegation

Risk Management

Fraud

Managing Underperformance and Discipline Procedure

Whistleblowers Protection

Conflicts of Interest

## 6. RESPONSIBILITIES

### 6.1. People & Culture

Maintain Gifts, Hospitality, Sponsorship and Other Gratuities policy and Gift Registry

## 7. EVALUATION

A range of tools will be used to evaluate policy compliance. Feedback systems such as incident reports, complaints, performance indicators and specific audit will be used to facilitate evaluation of compliance. Feedback should be linked with the policy review process.

## 8. REFERENCES

- *Public Administration Act 2004* (Vic)
- *The Gifts, Benefits and Hospitality Policy Framework* (revised April 2012) published by the State Services Authority
- *The Code of Conduct for Victorian Public Sector Employees (No. 1) 2007* published by the State Services Authority
- *Good Medical Practice: A Code of Conduct for Doctors in Australia*, consistent with the Health Practitioner Regulation National Law Act 2009 published by the Medical Board of Australia in 2009

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- *Conduct of Commercial Engagements Policy* contained in The Victorian Government Purchasing Board - All Procurement Policies (December 2012) published by the VGPB Secretariat, Department of Treasury and Finance and the *Good Practice Guidelines – Conduct of Commercial Engagements*
- *AMA Code of Ethics* (2004 – editorially revised 2006)
- *Conflicts of Interest and Gifts and Benefits* (February 2010) NSW Health policy
- 1999, English, Book edition: *Gifts, benefits or just plain bribes?* Guidelines for public sector agencies and officials / Independent Commission Against Corruption (ICAC) NSW
- *Sponsorship in the Public Sector* (May 2006) NSW Independent Commission Against Corruption (ICAC)

### 9. POLICY HISTORY

This policy replaces the following policies previously in existence at Peninsula Health:

- *Gratuities and Hospitality* – previously under the Human Resources section

Document management	Position
Document Coordinator:	Executive Director Finance; Legal Counsel
Executive Sponsor:	Executive Director Finance; Legal Counsel
Approved by:	Board of Directors
Date created/revised in archived system:	11/ 2006, 02/2010, 02/ 2013, 12/2016, 06/2021

## Policy

# Gifts, Hospitality, Sponsorship & other Gratuitous Benefits Connected

## Peninsula Care Goal

### ONE PAGE GUIDE

*This summary is intended to assist with education.  
To fully understand the policy, please read this page in conjunction with the rest of the policy.*

#### KEY POINTS IN THE POLICY

- You should avoid situations where an appearance or impression could be created to an impartial observer that someone is trying to influence you through gifts, hospitality, sponsorship or benefits.
- You need to:
  - perform your duties in an unbiased way
  - make decisions unaffected by self-interest or personal gain
  - be mindful of appearances
- The degree of openness surrounding a gift or other benefit, and its timing, will impact on whether it could create an impression of seeking favour or influence.
- You should use the form in Appendix 1 to seek approval if required by the policy. Criteria to be considered by the Executive Director (or CEO) are listed in the policy. Once approved, the forms will be stored securely in the Human Resources Department.
- Part-time and casual staff should seek approval under this policy if the offer they receive might be perceived as being connected with their role at Peninsula Health.

#### YOU NEED TO GET APPROVAL FROM YOUR EXECUTIVE DIRECTOR TO:

- Accept an offer of hospitality of any value from a supplier (e.g. corporate box event, lunch in a restaurant, Christmas drinks)
- Accept an offer of sponsorship of any value from a supplier (e.g. to pay travel expenses to attend a conference, sponsorship of an education lunch)
- Keep any gift or benefit worth \$50 or more
- Keep vouchers, discounts and Christmas gifts of any value from a supplier

#### YOU DON'T NEED TO GET ANY APPROVAL TO:

- Accept tea, coffee, biscuits or a modest lunch provided to you as a courtesy when attending a meeting or working group, or lunch or dinner provided at a conference
- Keep a token gift where the gift is worth less than \$50 and was offered in circumstances:
  - that might be considered deserving or appropriate (e.g. in recognition of giving a presentation, or hosting an overseas visitor) *and*
  - where there was a degree of openness (e.g. a public occasion or function)
- Share a token gift amongst work colleagues (e.g. chocolates)
- Accept a token of appreciation worth less than \$50 from a grateful patient or client
- Keep modest promotional items from suppliers (e.g. pens, notepads, diaries)

#### TO BE AVOIDED:

- Your immediate family and friends being the recipients of gifts, hospitality, sponsorship and other gratuitous benefits from suppliers
- Repeated or multiple gifts from the same supplier
- Gift splitting amongst other staff members in order to get around the \$50 threshold
- Accepting social invitations from a supplier at a time when they may be affected by a tender that Peninsula Health is conducting or will soon conduct, or where there are current negotiations
- Sponsorship offered upon conditions that might interfere with the independence of a staff member's decision making

# Policy

# Gifts, Hospitality, Sponsorship & other Gratuitous Benefits Connected

## Peninsula Care Goal

**FORM OF REQUEST TO EXECUTIVE DIRECTOR (OR CEO)  
FOR APPROVAL IN RESPECT OF RECEIVING  
GIFT, HOSPITALITY, SPONSORSHIP OR OTHER GRATUITOUS BENEFIT  
(in accordance with Peninsula Health policy 3.4.13)  
To be submitted within 14 days of the gift offer**

*Tick the box that best indicates the nature of the gift or benefit in respect of which approval is being sought:*

- Token gift (under \$50) that does not meet all the criteria (e.g. is not modest, or has not been offered in recognition of something, or has not been offered at a public occasion or function)
- Non-token gift (anything worth \$50 or more)
- Vouchers from suppliers of any value
- Christmas gifts from suppliers of any value
- Other gratuitous benefit (e.g. tickets, points in a loyalty or reward program)
- Hospitality (e.g. lunch, function, corporate event)
- Sponsorship (e.g. conference expenses)
- Other

**Name of staff member who is seeking approval:** \_\_\_\_\_

**Position of staff member who is seeking approval:** \_\_\_\_\_

**Name of manager of staff member who is seeking approval:** \_\_\_\_\_

**Provide full details of type and estimated value of the gift, benefit, hospitality or sponsorship being offered and attach supporting evidence e.g. offer of sponsorship must be on company's letterhead. NB A gift, benefit, hospitality or sponsorship with a value over \$300 may incur a Fringe Benefits Tax (FBT) liability to Peninsula Health**

\_\_\_\_\_

**Who is the donor or proposed sponsor of this gift or benefit? (include name of individual, their position, name and details of organisation)**

\_\_\_\_\_

**Who is the intended recipient of this gift or benefit?**

\_\_\_\_\_

**Is the donor or sponsor a current or potential supplier to Peninsula Health? If so please outline the nature of the supply relationship including the annual amount of goods and services they supply to us, how they are selected by us, and any current or future tenders or negotiations potentially involving that supplier.**

\_\_\_\_\_

**Fully describe the circumstances in which this gift, benefit, hospitality or sponsorship is being given or offered, including the purpose of the gift or event, and the degree of openness (e.g. given in a public forum). If an offer of hospitality, what are the details of the event and other attendees, and what will you achieve by going?**

\_\_\_\_\_

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Gratuitous Benefits  
Connected**
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**Signature of the staff member who is seeking approval:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Approval or other decision of the relevant Executive Director (or the CEO) after considering the factors in paragraph 5.7 of policy Gifts, Hospitality, Sponsorship and other Gratuitous Benefits:**

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**Signature of the relevant Executive Director (or CEO):** \_\_\_\_\_

**Date:** \_\_\_\_\_

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This approval form, once completed, must be forwarded to the Human Resources Department for secure storage. It will form part of Peninsula Health's Gifts and Benefits Database, in accordance with policy 3.4.13. A photocopy of the completed form should be returned to the staff member who seeks approval.

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