



ACCEPTING GIFTS

Policy

Introduction

In accepting gifts, School Council members and employees must always act fairly and objectively and maintain public trust by being honest, open and transparent.

Application

The following Guidelines apply to all School Council members, all employees and casual staff engaged by schools and are bound by the applicable Code of Conduct. It includes gifts given to a council member or employee's immediate family if the donor can be linked to the undertaking of duties.

The Guidelines do not apply to gifts received in a private context.

It is acknowledged that gifts are often an important element in schools interactions with other parties.

The Guidelines differentiate between a recipient accepting and keeping a gift.

Principles

There are limited circumstances in which gifts may be accepted on an individual basis by School Council members or school staff.

A useful test is to consider if it would be embarrassing or difficult to publicly explain or justify the acceptance of a gift. If this is the case, or if there is any doubt, then the gift should be politely declined.

Gifts should **never** be accepted in connection with a tender process or a decision over which a councillor, employee or the Department could be perceived to have influence.

Care should be taken by schools not to offer gifts or benefits of more than little nominal value to public officials as this could be perceived as an attempt to improperly influence them.

It should be remembered that the consequences of creating a **perception** that the school impartiality can be compromised may be as damaging as an actual compromise.

What is a Gift?

A gift may take a wide range of different forms. It is not feasible to list all of the possible types of gifts and benefits. In general, a gift is an item of value provided for no, or greatly reduced cost.

These Guidelines apply to gifts that are given with the *intention* that they be kept by the recipient as an individual (or group of individuals) rather than the school or Department.

Gifts:

include bottles of wine, manufacturers' samples or personal items; promotional materials, including clothing, books or compact discs; works of art; memorabilia; cash or shares; etc.

When Can Gifts be Accepted?

Council members and employees must exercise particular care in accepting gifts if:

- the donor person, company or organisation is involved in a tender process with the school or the donor person or organisation is the subject of, or affected by, a decision within the school's discretionary power or significant influence;
- the person, company or organisation is in a contractual relationship with DEECD; or
- gifts of any kind have been offered from the same donor more than once in the last year.

Gifts of seemingly excessive value should not be accepted unless failure to accept the gift is likely to cause embarrassment or insult.

Gifts of any value must never be accepted if:

- the donor or reasonable observer would perceive that acceptance would create an obligation to the donor, particularly if the value of the gift is disproportionate to the circumstances in which it is offered.
- the gift is likely to influence a council member or employee in the course of their duties or where acceptance could cause a conflict of interest
- the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies
- the gift is an offer of money or anything readily convertible into money (e.g. shares).
- the gift results in additional cost to the school or Department.

If an individual believes they have been offered a bribe (i.e. anything given in order to persuade a person to act improperly) they must refuse it, explain why it is not appropriate, and immediately report the matter to the Principal or Regional Director.

Other benefits

School councillors and employees may accept benefits, such as invitations to official functions or events of reasonable value, as long as they are related to the business of the school and provided that they do not involve a conflict of interest or create a perception that the recipient will be unduly influenced by accepting the benefit.

Examples of gifts it may be appropriate to accept

Appropriate: token gifts and promotional material of nominal value including pens, key rings, coffee mugs, t-shirts etc.

Inappropriate: anything that might be seen to compromise an employee's personal judgement or integrity.

Context defines the appropriateness of accepting gifts. In some circumstances, such as when an employee is involved in a tender process it is NEVER appropriate to accept gifts or benefits, irrespective of value.

Keeping Gifts

A council member or employee may keep token gifts (up to \$100 value) subject to the approval of the Principal and/or School Council.

Gifts of a value greater than \$100 must not become personal property. They should either be politely refused or become the property of the school and the donor advised accordingly. Where the gift has been accepted, the recipient should refer the gift to the Principal for appropriate recording and determination of how the gift will be treated.

Staff sometimes win prizes of monetary value from other organisations in the course of their work. Staff winning prizes should notify their Principal who will determine how the prize will be treated.

Such prizes with a value exceeding \$100 become the property of the school or Department.

In limited circumstances, individuals may be able to keep a gift worth \$100 or more, but less than \$500, subject to the documented approval of the School Council. The School Council or Principal may also consider offering the recipient the option of purchasing the gift at market value.

Gifts worth \$500 or more must be surrendered to the school under all circumstances. The recipient may purchase a gift worth more than \$500 from the school with the School Council's written approval, provided that no other public entity (e.g. Museums Victoria) has expressed interest in retaining the gift. For further detail on purchasing gifts see Attachment A.

From time to time commercial organisations offer to School Council or staff members, gratis or subsidised invitations to attend intrastate, interstate and overseas conferences, seminars and other promotional activities. Such offers would need to be discussed with the recipient's Principal and the following probity issues addressed:

- What does the commercial organisation hope to achieve by the offer?
- Would acceptance of the offer imply some actual or perceived obligation on the part of the school or DEECD towards that organisation?

- Would attendance be justified if the school or DEECD had to meet the cost?
- Could the invitation be perceived by commercial competitors as providing the inviter with an unfair commercial advantage?

The Principal, in order to accept an invitation, would require approval from School Council and the Regional Director.

Recording the Acceptance and/or Keeping of a Gift

Acceptance of token gifts or reasonable hospitality does not need to be formally registered but the recipient must advise and obtain approval from the Principal.

Acceptance of a gift worth more than \$100 must be formally registered on the school's Gifts Register, administered by the Principal. This includes gifts accepted on behalf of or passed onto a third party.

The following information is to be recorded in the register:

- Recipient's name;
- Donor's name and organisation;
- Location of the gift;
- Description and estimated value;
- Date, time and place of offer;
- Decision taken on the gift;
- The Principal's signature.

The Register is monitored and reviewed by the Principal and School Council.

For a sample Gift Registration Form refer Attachment B.

Accepting, Registering and Keeping "Official Gifts"

Official gifts, namely gifts intended for the school or the Department rather than the individual recipient(s), remain the property of the school and/or department.

Individual recipients may keep school official gifts (i.e. with a value of less than \$100) subject to the approval of the Principal.

Gifts worth \$100 or more must be surrendered to the school. Recipients may purchase a gift worth more than \$100 from the school with the School Councils' approval, provided that no other public entity (e.g. Museums Victoria) has expressed interest in retaining the gift. For further detail on purchasing gifts see Attachment A.

1. Consequences of Breaching the Policy

A breach of this policy may constitute.

- a breach of the school staff Code of Conduct
- a breach of the School Council Code of Conduct

In some circumstances, accepting a gift or benefit may constitute a breach of sections 175-179 of the *Crimes Act 1958*. This is an indictable offence that attracts a maximum penalty of 10 years imprisonment.

Division 9A of the *Crimes Act 1958* also provides that common law bribery attracts a maximum penalty of 10 year's imprisonment

This policy will be reviewed as part of the school's four-year review cycle

This policy was last ratified by School Council in....	July 2009
--	-----------

Attachment A

Valuing and Disposal of Gifts

Any disputes as to the value of a gift must be resolved by independent valuation.

Valuation

The value of a gift is assessed according to the wholesale price in the country of origin.

Valuations are to be obtained by valuers competent to value in the field, or selected from a list of accredited valuers issued by the Commissioner for Taxation Incentives in the Arts (www.arts.gov.au/). The School will pay any costs of valuation.

Disposal

Gifts that are departmental property may be:

- transferred in title to Victorian Government departments and agencies, and repositories of collections including museums, galleries, libraries, archives and special interest collections, education or community institutions.
- donated to a nominated non-profit Organisation or charity, at the discretion of the recipient and the department.
- purchased by the recipient (if no Victorian Government entity has made a prior claim).
- disposed of in an appropriate manner by the department.

Gifts, (other than those which may damage e.g. foodstuffs), must be retained for one year before they are subject to the disposal process. The School Council must approve any exception to this rule. All disposals of gifts require the approval of the School Council.

Public entities such as the National Gallery of Victoria, State Library of Victoria and Museums Victoria retain a right of first claim over any gifts to be disposed of that are deemed to be of historical or cultural significance.

Disposal of gifts must be in the public interest and pay due respect to the wishes and expectations of the donor. Disposal of gifts to individuals and to private sector organisations must be arm's length transactions and be properly documented for audit.

A gift disposal recommendation form must be completed and approved by School Council. (See Attachment C)

The following details of disposal must be entered in the Gifts Register:

- description of the gift;
- date of disposal;
- recipient of disposal;
- original donor; and
- reason for disposal.

Attachment B



Department of Education and
Early Childhood Development

GIFTS REGISTRATION FORM

Recipient's Name:

(Print Name)

Title:

School:

Address:

Phone No:

Date of Receipt of Gift:

	/		/	
--	---	--	---	--

Place of offer:

Donor's Name:

Organisation's Name:

Address:

Description of Gift:

Location of Gift:

Estimated value of Gift:

Decision taken on the gift;

_____ -

_____ -

Signature of Principal and/or School Council President

Date

Print Name: _____

(Please retain original of this form at the school)

Attachment C



Department of Education and
Early Childhood Development

GIFTS DISPOSAL FORM

Recipient's Name:

(Print Name)

Organisation:

(If applicable)

Address:

Phone No:

Original Donor's Name:

Organisation's Name:

(If applicable)

Address:

Description of Gift:

Date of Disposal:

Reason for Disposal:

Signature of Principal and/or School Council President

Date

Print Name: _____