



Health Professional Councils Authority

## GIFTS AND BENEFITS POLICY

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<b>Version:</b>	Final				
<b>Summary:</b>	HPCA staff must not accept gifts or benefits of a non-token value.  This Policy provides guidance for staff on how to manage the offer of gifts, benefits and bribes. It is based on the NSW Health Policy Directive <i>Conflicts of Interest and Gifts and Benefits</i> (PD2010_010).				
<b>Applies to:</b>	All HPCA staff				
<b>Author:</b>	Bronwyn Coop, Manager, Corporate Governance				
<b>Owner:</b>	HPCA Executive				
<b>Related legislation, Awards, Policy and Agreements:</b>	<ul style="list-style-type: none"><li>• Independent Commission Against Corruption Act 1988</li><li>• NSW Health, Conflicts of Interest and Gifts and Benefits Policy Directive (<a href="#">PD2010_010</a>)</li><li>• NSW Health, Code of Conduct (<a href="#">PD2012_018</a>)</li><li>• NSW Health, Fraud Control Strategy (<a href="#">PD2007_070</a>)</li><li>• NSW Health, Corrupt Conduct – Reporting to ICAC (<a href="#">PD2011_070</a>)</li></ul>				
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<b>Approved by:</b>	Director, HPCA				
<b>Approval date:</b>	1 February 2012				

## GIFTS AND BENEFITS POLICY AND PROCEDURES

### INTRODUCTION

Staff may be offered gifts or benefits for a variety of reasons and in many different circumstances. How these situations are handled is crucial to avoiding unprofessional and unethical conduct or the perception that such conduct has occurred.

The HPCA has adopted the NSW Health Policy Directive *Conflicts of Interest and Gifts and Benefits* (PD2010\_010) which prescribes the management of conflicts of interest and gifts and benefits by NSW Health agencies.

### BACKGROUND

#### About this document

This document outlines the HPCA's policy and procedures for managing gifts and benefits. The NSW Health *Policy Statement* and *Gifts and Benefits Procedures* of PD2010\_010 provide examples and further information and should be read in conjunction with this Policy.

Matters related to gifts and benefits offered to Council members are managed by the individual health professional Councils.

#### Key definitions

A **gift** or **benefit** is anything of value that is offered to you that is over and above your normal salary or employment entitlements. It can include free (or less than market value) accommodation, entertainment, hospitality, or travel.

Gifts categorised as **token gifts** are inexpensive gifts of gratitude such as a bunch of flowers, of nominal value. **Non-token gifts** have a greater value or are gifts that can be seen to be given as an inducement.

A **benefit** is a service or non-tangible item that is of value to the receiver, such as:

- access to a private box at sporting events
- a new job or promotion
- preferential treatment – e.g. queue jumping
- access to confidential information.

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

The **Gift Register** is an official record that records a gift or a benefit received by or offered to a staff member and details the decisions made and action taken.

**Nominal value** is the monetary limit of acceptable token gifts. The nominal value for the HPCA is \$75.

**Staff** includes permanent, temporary and casual employees, contractors or consultants, working in a full-time or part-time capacity, at all levels of the HPCA.

## **Responsibilities**

**Director, HPCA** is responsible for ensuring implementation of this Policy, including that appropriate education and training is provided and information is regularly disseminated to staff; and that the systems and records outlined in the Policy are implemented.

**Manager, Corporate Governance** is the nominated officer responsible for maintaining the HPCA Gift Register and gifts and benefits file.

**Executive Officers and business unit managers/supervisors**, in addition to their responsibilities as a staff member, must make staff aware of this Policy; record the offers or receipt of a gift or benefit reported to them by staff and when necessary provide a copy of a completed disclosure form to the Manager, Corporate Governance.

**Staff/Staff members** have a responsibility in respect of their public duty to not seek any payment, gift or benefit for themselves or an immediate family member; never accept gifts of cash, nor gifts, rewards, travel or meals from suppliers or individuals; and report as soon as possible the receipt of any gift or benefit to a manager/supervisor; treat all persons equally and fairly and not show preference to any individual or organisation.

## **GIFTS AND BENEFITS**

At times, such as Christmas, staff may receive token gifts of appreciation. Token gifts of up to nominal value do not need to be recorded in the Gift Register. However staff should inform their manager/supervisor of receipt of the gift.

Staff should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

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

Staff should avoid all situations in which the appearance may be created that any person or body (such as companies, industry or professional associations), through the provision of hospitality or benefits of any kind, is securing or attempting to secure the influence or favour of the individual staff member, a health professional Council or the HPCA.

Things that could influence the perception of a gift or benefit would include:

- the scale, lavishness or expense/cost/value
- the frequency of occurrence
- the degree of openness surrounding the occasion or gift.

As a general rule gifts and benefits are not to be accepted from commercial organisations. It should be recognised that gifts or benefits are rarely offered by commercial organisations where the giver would not expect to receive or to have received some advantage or reward. Staff should be wary of accepting any such offers and the inherent debt that can result.

Refer to the Gifts and Benefits Procedures from PD2010\_010 for examples and further information.

## **BRIBES**

A gift or benefit is considered a bribe if it is offered or sought in order to influence the behaviour of a staff member. Bribery is a crime, therefore if an offer or suggestion of a bribe is made to you directly or indirectly, you are required to take the following action:

- reject the offer and stop interacting with the person
- immediately inform your manager or supervisor
- keep a record of events
- consider reporting the matter directly to the ICAC. The Director, HPCA has an obligation to notify the ICAC, however individuals can contact the ICAC directly
- prepare a formal report for the HPCA
- discuss with your manager/supervisor any future relations with the person who offered the bribe and what action is taken.

Refer to the Gifts and Benefits Procedures from PD2010\_010 for further information.

## **DECLARING AND MANAGING GIFTS AND BENEFITS**

As noted above, staff may accept a token gift of appreciation of up to nominal value and do not need to include it on the Gift Register but should inform your manager/supervisor of its receipt.

In all other instances, staff should complete the Gifts and Benefits Disclosure Form to declare the receipt or offer of a gift or benefit and seek your manager's (or the Manager, Corporate Governance's) approval of acceptance in accordance with this Policy. The form is accessible on the HPCA website and in TRIM.

## **TRAINING AND EDUCATION**

HPCA staff attend the Ministry of Health Orientation Program, which includes a session on ethical decision-making and corruption prevention. This Policy, including the attachments, is provided to all staff during orientation and is accessible on the HPCA website.

All staff sign the NSW Health *Code of Conduct*, which includes undertakings regarding gifts, benefits and bribes.

Information from the NSW Ombudsman and the Independent Commission Against Corruption is also readily available. Staff are periodically reminded of their responsibilities regarding gifts and benefits, this Policy and the availability of additional information.

## **RECORD KEEPING**

### **Gifts and Benefits Disclosure Form (Attachment 1)**

The Disclosure Form is accessible on the HPCA website, and is attached to this Policy for reference. Completed forms that have been signed off are scanned into TRIM as child documents of the Gift Register, once the details have been entered on the Gift Register.

### **Gift Register (Attachment 2)**

The HPCA Gift Register is maintained by the Manager, Corporate Governance and is able to be updated and amended only by this officer. The Register template is attached to this Policy for reference. The Register will be referred to the Audit and Risk Committee for review every three years.

These documents are maintained in HPCA TRIM file 11/105.

## **REFERENCES AND RESOURCES**

1. Independent Commission Against Corruption (ICAC) website ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)):
  - Managing gifts and benefits in the public sector - toolkit
  - Bribery, corrupt commissions and rewards tip sheet
2. NSW Ombudsman website ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)):
  - Public Sector Agencies fact sheet no.7: Gifts and benefits

## **ATTACHMENTS**

1. HPCA Gifts and Benefits Disclosure Form
2. HPCA Gift Register
3. Fact Sheet



## GIFTS AND BENEFITS DISCLOSURE FORM

This form is to be completed by any staff member who has been offered or received a gift (other than a token gift of nominal value) or benefit in compliance with HPCA and NSW Health policy requirements. A copy of the completed and signed form is stored on the gifts and benefits file [11/105].

Completed Gifts and Benefits disclosure forms must be forwarded to the Manager, Corporate Governance who maintains the Gift Register and file. For further information refer to the HPCA Gifts and Benefits Policy and PD2010\_010 on the website ([www.hpca.nsw.gov.au](http://www.hpca.nsw.gov.au)) or speak to your manager/supervisor.

**Offered to:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Date of offer: \_\_\_\_\_

**Offered by:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Organisation: \_\_\_\_\_ Contact details: \_\_\_\_\_

**Reason for offer:**

**Description of gift/benefit:**

**Estimated value (\$):**

\_\_\_\_\_  
 Recipient's signature Date: \_\_\_\_\_

**Decision regarding gift/benefit:** (To be made by manager/supervisor or the Manager, Corporate Governance)

\_\_\_\_\_  
 Signature (manager/supervisor) Name: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Received and included in the Gift Register:**

\_\_\_\_\_  
 Signature (Manager, Corporate Governance) Name: \_\_\_\_\_  
 Date: \_\_\_\_\_



# Fact Sheet

## What to do if you are offered a gift, benefit or bribe

### What are gifts and benefits?

A gift or benefit is anything of value that is offered to you that is over and above your normal salary or employment entitlements. It may include free (or below market value) accommodation, entertainment, hospitality, or travel.

#### Gifts

Gifts categorised as **token gifts** are those which are inexpensive gifts of appreciation such as a box of chocolates, bottle of wine or bunch of flowers, of nominal value. The **nominal value** for the HPCA is up to \$75. A **non-token gift** has a greater value or is a gift that can be seen to be given as an inducement.

Accepting gifts from a client, Council member or stakeholder is discouraged, however the Code of Conduct does allow for the receipt of token gifts.

#### Benefits

Benefits are services or non-tangibles which are of value to the receiver, such as:

- access to a private box at sporting events
- a new job or promotion
- preferential treatment – e.g. queue jumping
- access to confidential information

### Risks of accepting gifts or benefits

Accepting gifts or benefits can lead to a conflict of interest or obligation. This is particularly the case when gifts are from suppliers or other individuals who do business with the HPCA or a health professional Council.

A commercial organisation rarely offers gifts or benefits unless it expects to receive or has received some advantage or reward. As a general rule, gifts or benefits are not to be accepted from commercial organisations.

### Your responsibilities

You should not expect to get anything extra for doing what you are paid to do. You should never seek or accept gifts of cash and generally not accept any gifts or benefits, other than token gifts of appreciation. Nor should your immediate family members accept gifts or benefits.

### Recommended action

As a general rule you should not accept any gifts or benefits. There may however be occasions when refusal would offend or upset the giver, for example a gift of appreciation offered from a client, Council member or stakeholder. Receiving such a gift is acceptable when the services being provided are complete and the gift is of nominal value. Another instance could be that you receive a gift that cannot be immediately declined e.g. through the mail or a public forum.

In accepting a gift you should indicate that you are accepting it on behalf of the HPCA. Token gifts of appreciation do not need to be recorded in the Gift Register but you should advise your manager/supervisor as soon as possible of receipt of the gift.

Receipt or offer of non-token gifts or benefits must be declared to your manager, and a Disclosure Form completed

and submitted to the Manager, Corporate Governance for inclusion in the Gift Register. Your manager or the Manager, Corporate Governance will determine the most appropriate use of the gift.

#### Case Study

A staff member attended a seminar on work time paid for by the HPCA. At the seminar the staff member won the lucky door prize, a small personal planner worth \$250. The staff member kept the prize for her own personal use, without reporting it to her manager. As attendance at the seminar was sponsored by the HPCA the staff member should have declared receipt of the prize and have it recorded on the Gift Register.

### What to do if you are offered a bribe

A gift or benefit is considered a bribe if it is offered or sought in order to influence your behaviour. Bribery is a crime, therefore if you are offered a bribe you must:

- reject the offer
- stop interacting with the person
- keep a record of events
- inform your supervisor
- consider contacting the ICAC
- make a formal report
- discuss future relations
- confirm what action your supervisor takes

#### Case Study

A number of staff received gifts from a supplier. These included a bar refrigerator and a digital camera. The gifts provided were not products of the supplier. Why did the supplier provide these gifts? It could be seen as an attempt to bribe the staff to influence their decision to purchase particular products of that supplier.

### Who can give me advice?

You may speak with your manager, HPCA executive member, or the Ministry of Health's Internal Audit or Corporate Governance Units.

### Where can I get more information?

**HPCA Gifts and Benefits Policy:**

<http://www.hpca.nsw.gov.au>

**NSW Health Policy Directives:**

*Conflicts of Interest and Gifts and Benefits PD2010\_010*

[http://www.health.nsw.gov.au/policies/pd/2010/PD2010\\_010.html](http://www.health.nsw.gov.au/policies/pd/2010/PD2010_010.html)

*Code of Conduct – NSW Health PD2012\_018*

[http://www.health.nsw.gov.au/policies/pd/2012/PD2012\\_018.html](http://www.health.nsw.gov.au/policies/pd/2012/PD2012_018.html)

**Department of Premier & Cabinet:**

*Circular - 2004-07 – Conflict of interests*

[http://www.dpc.nsw.gov.au/publications/memos\\_and\\_circulars/circulars/2004/c2004-7](http://www.dpc.nsw.gov.au/publications/memos_and_circulars/circulars/2004/c2004-7)

**Independent Commission Against Corruption:**

*Managing Gifts and Benefits in the Public Sector*

<http://www.icac.nsw.gov.au/preventing-corruption>

**NSW Ombudsman:**

*Public Sector Fact sheets* <http://www.ombo.nsw.gov.au>



Health Professional Councils Authority

## GIFTS AND BENEFITS POLICY IMPLEMENTATION CHECKLIST

Assessed by:		Date of Assessment:		
IMPLEMENTATION REQUIREMENTS	Not commenced	Partial compliance	Full compliance	
1. Director, HPCA nominate how register will be managed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			
2. Director, HPCA nominate the level of officer to maintain Gift Register	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			
3. Register established as determined by the Director, HPCA and maintained as per policy requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			
4. Information is routinely disseminated to staff by distribution of fact sheets, email reminder of responsibilities, the policy and links to register and additional information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			
5. Policy has been included in education and training programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			
6. Internal Audit have reviewed the register (e.g. every three years)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<u>Notes:</u>			