**Canberra Health Services**

**Procedure**

**Gifts and Benefits**

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| Purpose |

This document sets out the procedures to be followed by Canberra Health Services (CHS) team members if offered a gift or benefit (including hospitality) that is outside their normal employment conditions, in order to ensure that no perceived, potential or actual conflict of interest arises. This includes managing the acceptance or rejection of the gift or benefit, and the reporting and approval processes.

It should be read together with the *ACT Government’s Gifts, Benefits and Hospitality Policy.* This procedure is consistent with the provisions of the ACT Government policy, while including variations to the detail that allow for CHS’ particular operating environment and organisational structure.

This document also provides information on the expectations of employees who are involved in grants processes in relation to receiving gifts or benefits.

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| Alerts |

CHS employees, students, contractors and volunteers should always seek to avoid accepting gifts or benefits. Token gifts (those with an apparent value of $75 or less) from, for example, the family of a patient, or following a lecture or presentation, may be accepted, if offered as a gesture of appreciation, and not given in order to secure a favour.

CHS employees should not expect to receive extra for their salaried duties, nor should they personally benefit from their role in the ACT Public Service.

CHS employees, students, contractors and volunteers must never:

* Solicit a gift or benefit
* Accept a gift or hospitality of an apparent value greater than $75, unless refusal to accept it would cause severe embarrassment or affront
* Accept offers of cash, gift cards, lottery tickets or the like, nor
* Accept a gift or hospitality, of any value, offered as an inducement to act in a particular way, or where the reason for the offer is unclear or gives rise to concern.

Failure to appropriately declare the receipt or offer of a gift or benefit may lead to misconduct and/or disciplinary action.

CHS employees from regulated health professions are also subject to professional standards regarding professional boundaries, breaches of which may be notified to the Australian Health Practitioner Regulation Agency (AHPRA).

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| Scope |

This procedure applies to all CHS team members, including employees, students, contractors and volunteers who work in, or provide a service to, CHS. It also extends to members of their family who may receive a gift or benefit from a supplier or potential supplier to CHS in order to indirectly influence a CHS employee’s actions and/or decision making.

In relation to Visiting Medical Officers and other contracted stakeholders, this procedure applies whenever they are receiving payment for work done within CHS, or where they are acting in an official capacity on behalf of CHS.

The procedure refers to all gifts and benefits that patients, clients, customers, businesses or contractors may offer, no matter what the value. This may include, for example:

* Prizes, including lucky door prizes
* Promotional materials, including clothing, books, CDs
* Bottles of wine, manufacturers’ samples or personal items
* Benefits under loyalty schemes
* Discounts on commercial items
* Tickets to entertainment such as sporting or theatre events
* Invitations to participate in golf days
* Equipment or facilities, including laptops, cameras
* Free or discounted places on training and development courses
* Fees to individuals for presentations, training or facilitation
* Offers of cash or shares
* Preferential treatment
* Job promotion
* Access to confidential information
* Accommodation and hire car discounts
* Honorarium payments
* Sponsored travel; and/or
* Invitations to hosted events and provision of meals or other like hospitality.

The matter of wills and bequests should be managed in accordance with this procedure and the associated CHS Wills Procedure*.*

Any hospitality provided by the pharmaceutical industry must comply with this procedure and the guidelines from Medicines Australia Code of Conduct, edition 18, 16 May 2015, available at: <https://medicinesaustralia.com.au/code-of-conduct/>. These compliment federal legislation requirements of the *Therapeutic Goods Act* 1989. However, should the value of hospitality provided exceed $75, it must be declared in line with this procedure.

A team member who is sponsored (financed) by a person, firm, or organisation to attend or present at conferences or seminars in their capacity as an employee of CHS is considered to be on official travel and must comply with this procedure and the CHS Travel for Official Purposes and Associated Accommodation Procedure.

**Out of scope**

Generally, gifts of low value from colleagues to celebrate a special occasion such as a birthday, baby shower, Christmas or retirement are out of scope of this procedure. However, thought should still be given to the motivation for providing the gift and if there are any apparent conflicts of interest.

For fundraising and sponsorship activities within CHS see the CHS Donations, Fundraising and Sponsorship Procedure.

Gifts or benefits that are offered as part of an appropriately approved employee health and wellbeing program, appropriately approved rewards and recognition programs are out of scope of this procedure.

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| Section 1 - Roles and Responsibilities |

Senior Executive Responsible for Business Integrity and Risk (SERBIR) is responsible for:

* Implementing this procedure
* Advising managers and employees of the detail of the procedure as it relates to them
* Advising managers where they are uncertain about what decision to make on gifts or benefits
* Maintaining the CHS Gifts Register; and
* Conducting a 6-monthly review of the CHS Gifts Register and following up on any matters of concern.

Executive Group Managers/Executive Directors/Executive Branch Managers/ delegates are responsible for:

* Monitoring declarations of gifts and benefits offered to CHS employees, students, volunteers or contractors within their division or branch
* Determining the action to be taken in each case; and
* Forwarding completed declarations to the SERBIR’s Office for inclusion on the CHS Gifts Register.

Managers are responsible for:

* Informing team members, contractors, students and volunteers of their responsibilities under this procedure; and
* Managing the completion and submission of gift and benefit declarations by their team members, using the approved [Declaration of Gift and/or Benefit form](https://actgovernment.sharepoint.com/:w:/r/sites/Intranet-CHS/Shared%20Documents/Gift%20declaration%20form.docx?d=wa7df8020bb1a458ea54c53bb11959bac&csf=1&web=1&e=hh400x), in accordance with this procedure.

Employees, contractors, students and volunteers are responsible for:

* Declaring all offers of gifts or benefits
* Refusing inappropriate gifts or benefits
* Adhering to the CHS Values and the ACTPS Code of Conduct; and
* Reporting any alleged breaches of this procedure to their manager or Director.

Canberra Hospital Foundation Office Manager is responsible for:

* Managing all gifts or benefits that have been approved by the delegate to be sent to their office; and
* Recording the receipt and placement of gifts or benefits that have been sent to their office.

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| Section 2 - Receiving Gifts or Benefits |

## Overview

The complexity of the relationship between CHS team members, patients and their families, as well as businesses seeking to provide services to CHS, requires particular care to be taken in relation to the offer of gifts or benefits.

A gift or benefit offered and accepted, regardless of its value, has the potential to constitute a conflict of interest, and damage the reputation of the employee, CHS, and the ACT Government as a whole.

CHS employees, students, contractors and volunteers should always seek to avoid accepting gifts or benefits. Token gifts (those with an apparent value of $75 or less) from, for example, the family of a patient, or following a lecture or presentation, may be accepted, if offered as a gesture of appreciation, and not given in order to secure a favour.

It is not usually appropriate to accept a gift or benefit from a person or company if that person or company is involved in a tender process with CHS for the procurement of goods and services or sale of assets.

CHS employees, students, contractors and volunteers must never:

* Solicit a gift or benefit
* Accept a gift or hospitality of an apparent value greater than $75, unless refusal to accept it would cause severe embarrassment or affront
* Accept offers of cash, gift cards lottery tickets or the like; and
* Accept a gift or hospitality, of any value, offered as an inducement to act in a particular way, or where the reason for the offer is unclear or gives rise to concern.

## When offered a gift or benefit

When a gift or benefit (including hospitality) is offered and the value appears to be greater than $75 or is inappropriate for any of the reasons outlined in this procedure, the intended recipient should politely decline the offer, explaining that accepting it would breach CHS policy. If such a gift is insisted upon, the employee should suggest that a donation be made to the Canberra Hospital Foundation instead.

In circumstances where refusal to accept would cause severe embarrassment or affront, such as where a gift or benefit is offered in a public forum in appreciation for the work, assistance or involvement of the person as an employee of CHS, the recipient should make it clear that they are accepting on behalf of CHS, and at the earliest opportunity complete a Gift Declaration form (see details below).

If cash, vouchers or gift cards are offered (regardless of the amount) the offer should be refused, with an explanation that it is against CHS policy. If the person making the offer persists, they should be directed to the Canberra Hospital Foundation.

If the recipient is not able to refuse receipt of such a gift (e.g. if it is received in the mail) the matter must be declared immediately to their manager and every effort made to return it.

## Declaration of a gift or benefit

Any gift or benefit offered, whether it has been accepted or not, must be declared (on the [Declaration of a Gift and/or Benefit form](https://actgovernment.sharepoint.com/:w:/r/sites/Intranet-CHS/Shared%20Documents/Gift%20declaration%20form.docx?d=wa7df8020bb1a458ea54c53bb11959bac&csf=1&web=1&e=hh400x) when:

* The apparent value is greater than $75;
* It has been offered as an inducement, or where the reason for the offer is unclear, no matter what the value, and/or;
* The cumulative apparent value of a series of gifts is greater than $75.

The Gift Declaration Form is at Attachment 1 and can be downloaded from the CHS Health Hub (intranet) site. (*Path to form is Health Hub- Who we are-Governance- Integrity page -Key docs and links )*

Gift declarations must be completed within 14 days of the gift or benefit being given or offered, and submitted to the delegate (Executive Branch Manager, Executive Director, Executive Group Manager, or equivalent executive[[1]](#footnote-2)).

If the employee is unsure of the value of a gift, they should discuss the matter with their manager. As an overriding rule, they should err on the side of caution and declare the gift on the CHS Gifts Register.

**Delegate’s decision on action taken about the gift or benefit**

The delegate must, within seven days, determine the course of action, which may include:

* Returning the item to the giver
* Allowing the recipient to retain the gift
* Retaining the gift within CHS for display or use
* Donating the gift to charity
* Passing the gift to the Canberra Hospital Foundation to be utilised for the benefit of CHS
* Donating the gift to a gallery or museum; and
* Reporting the matter to the SERBIR for further investigation.

Any gift or benefit of cultural significance becomes the property of the Territory and will be managed through discussions with the Chief Minister, Treasury and Economic Development Directorate.

If the delegate decides that the gift or benefit should be returned to the giver, this should be done with an explanation of the reasons for not accepting it (e.g. accepting the gift would be contrary to CHS policy).

A decision by the delegate not to return a gift, should only be made if it would not be perceived by a reasonable person, to be a conflict of interest or an attempt to influence an employee’s decisions.

In exceptional circumstances, the delegate may decide to allow the recipient to retain a gift with an apparent value greater than the $75 threshold.

When entering their decision on the [Declaration of a Gift and/or Benefit form](https://actgovernment.sharepoint.com/:w:/r/sites/Intranet-CHS/Shared%20Documents/Gift%20declaration%20form.docx?d=wa7df8020bb1a458ea54c53bb11959bac&csf=1&web=1&e=hh400x) the delegate must include the reasons for the decision and include any special criteria in dealing with the gift. This is particularly important where the decision may be unusual or contentious, for example when allowing a recipient to keep a gift valued at more than the $75 threshold, or when specifying that an item must be displayed in a particular location.

Where the delegate is unsure of the correct action to take, they should discuss the matter with the SERBIR. CHS SERBIR can be contacted via [CHS.SERBIR@act.gov.au](mailto:CHS.SERBIR@act.gov.au)

The delegate’s decision should be included on the Declaration of Gift and/or Benefit Form and forwarded to the SERBIR for inclusion on the CHS Gifts Register.

The delegate will keep a copy of the Declaration of Gift and/or Benefit Form on file, forward a copy to the team member, and ensure their decision is carried out.

## CHS Gifts Register

The SERBIR will record the contents of all Declaration of Gift and/or Benefit Forms on the CHS Gifts Register. CHS will comply with its obligations under the *Territory Records Act* 2002, the *Financial Management Act* 1996 *(ACT),* and the *Privacy Act* 1988 in relation to maintaining the CHS Gifts Register. This includes ensuring that the gift or benefit giver is advised that their personal information may be published on the CHS Gifts Register.

The CHS Gifts Register may be accessed by a CHS employee in consultation with the SERBIR. The public may also request access to the CHS Gifts Register via Freedom of Information provisions under the *Freedom of Information Act* 2016*.* Copies of previous versions of the CHS Gift Register can also be requested.

The SERBIR will review the CHS Gifts Register at least every six months and investigate any decisions that appear contrary to ACT Government and CHS policy and procedures.

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| Section 3 - Offering Gifts or Benefits |

Sometimes, CHS team members will offer a gift or benefit to an external stakeholder. CHS team members must ensure that their intent is clear, and their decisions are transparent when offering gifts or benefits (this includes official hospitality).

As a general rule, gifts and benefits should be representative of CHS and proportionate to the occasion. If team members feel in any way uncomfortable about offering a gift, they should discuss the circumstances with their manager.

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| Section 4 - Grant Payments and Scholarships |

The ACT Government administers a range of grant programs under two broad funding ‘streams’ – health and community wellbeing, and city and territory services.

The granting of money to organisations is a well-established approach to implement government programs and initiatives and achieve government policy objectives. Grants are often awarded through a competitive process in which applications from the public are sought and assessed to select the most appropriate recipient for the funding.

The management of grants and the allocation of public funds carries with it a heightened risk of conflict of interest, whether real or perceived. Grant assessors need to be aware of real, potential or perceived conflict of interest. Assessors may have professional or personal relationships with those in the sector from which grant applications are being sought. It is the responsibility of employees to consider and disclose any financial or personal interests and relationships that influence or could be seen to influence their actions. For further information refer to CHS Conflict of Interest Procedure.

In addition, grants or scholarships may be awarded to individual team members to support research or professional development. The award of grants or scholarships to individual team members is intended to support further professional development opportunities for the improvement of patient care within CHS. Grants or scholarships do not need to be declared or recorded on the CHS Gifts Register. Eligibility and awarding of grants or scholarships must be processed in accordance with the requirements of the particular grant or scholarship and should also be recorded on the employee’s personnel file.

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| Evaluation |

**Outcome Measures**

* No complaints or reports to SERBIR from team members or consumers of inappropriate receipt of gifts and benefits by CHS team members
* Offers of gifts and benefits to team members, contractors, students, and volunteers are declared to management and decisions made on the appropriate course of action; and
* All declared offers of gifts and benefits are recorded on the CHS Gift Register.

**Method**

* The SERBIR conducts a 6-monthly review of the CHS Gifts Register and follows up on any matters of concern.
* The SERBIR reviews team member and consumer feedback relating to inappropriate receipt of gifts and benefits by CHS team members received in the SERBIR inbox and follow up on any matters of concern.

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| Related Policies, Procedures, Guidelines and Legislation |

**Policies**

* ACTPS Gifts, Benefits and Hospitality Policy
* ACTPS Integrity Governance Policy
* CHS Fraud and Corruption Control Policy
* CHS Risk Management[Use SHIFT+ENTER to open the menu (new window).](http://inhealth/PPR/Policy%20and%20Plans%20Register/Risk%20Management%20Policy.docx) Policy

**Procedures**

* CHS Managing a Conflict of Interest Procedure
* CHS Donations, Fundraising and Sponsorship Procedure
* CHS Travel for Official Purposes and Associated Accommodation Procedure

**Frameworks**

* CHS Risk Management Framework
* ACTPS Integrity Framework

**Standards, Values and Codes of Conduct**

* Public Sector Management Standards 2016
* CHS Values
* ACTPS Code of Conduct
* CHS People and Culture Delegations Manual
* CHS Standards of Practice for ACT Health Allied Health Professionals
* Relevant profession specific registration standards as prescribed by the *Health Practitioner Regulation National Law (ACT) Act* 2010
* Relevant Codes of Conduct as specified by individual professional association bodies (e.g. AMA *Code of Ethics* and Position Statement – *Doctors’ Relationships with Industry*).
* Medicines Australia Code of Conduct (edition 18, 16 May 2015).
* Australian Charter of Healthcare Rights

**Legislation**

* *Public Sector Management Act* 1994
* *Health Practitioner Regulation National Law (ACT) Act* 2010
* *Human Rights Act* 2004
* All ACTPS Enterprise Agreements
* *Privacy Act* 1988
* *Therapeutic Goods Act* 1989
* *Financial Management Act* 1996
* *Territory Records Act* 2002
* *Freedom of Information Act* 2016

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| References |

1. NSW Department of Health, Policy Directive, Conflicts of Interest and Gifts and Benefits

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| Definition of Terms |

**Conflict of interest -** A conflict of interest arises where a public officer is placed in a position where their duty to act independently, ethically and without prejudice may be compromised by self-interest or a relationship with a third party. Conflicts of interest may be:

* *Perceived* when it appears to a reasonable person that a team member’s private interest could improperly influence the performance of their duties, irrespective of whether this is in fact the case
* *Potential* when a team member has private interests that are of such a nature that a conflict of interest would arise if the team member was to become involved in official responsibilities in the future related to those interests; and
* *Actual* when the improper influence is occurring or has occurred in the past.

**Delegate** -For the purposes of this procedure, the term ‘delegate’ refers to Codes A, A1, B, C and G of the Canberra Health Services People and Culture HR Delegations Manual.

**Gift or benefit -** Anything of value or advantage (real or perceived) that is offered to an employee that is over and above normal salary or employment entitlements:

* *Token gift* is an inexpensive gift of gratitude such as a bunch of flowers or box of chocolates, of nominal value
* *Non-token gift* has a greater than nominal value or is a gift that can be seen to be given as an inducement; and
* *Benefit* is a service or non-tangible item that is of value to the receiver, such as access to a private box at a sporting event, a new job or promotion, preferential treatment, or access to confidential information.

**Gift register** - An official record of gifts, benefits and hospitality received by, or offered to, a team member, including a record of the action taken.

**Grant -** The provision of financial assistance (with or without conditions) to a person or organisation to progress government policy objectives and initiatives while assisting the grantee to meet their objectives.

**Inducement -** Persuasion by enticement or urging to commit a crime, make a particular decision or pursue a particular course of action.

**SERBIR-** An executive nominated by the Chief Executive Officer responsible for the implementation of the integrity strategies and the processes for the detection and investigation of fraud and corruption. The CHS SERBIR is the Deputy Chief Executive, Strategy, Policy and Planning.

**Team member**s- For the purpose of this procedure team member include employees, contractors, students ,volunteers etc.

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| Search Terms |

Gift, benefit, hospitality, conflict, interest, bribe, corrupt, corruption, token, donation, register, declaration, grant, scholarship.

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| Attachments |

Attachment 1: Declaration of Gift and/or Benefit form

**Disclaimer**: *This document has been developed by Canberra Health Services specifically for its own use. Use of this document and any reliance on the information contained therein by any third party is at his or her own risk and Canberra Health Services assumes no responsibility whatsoever.*

*Policy Team ONLY to complete the following:*

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| --- | --- | --- | --- |
| *Date Amended* | *Section Amended* | *Divisional Approval* | *Final Approval* |
| *29 April 2022* | *Complete Review* | *Josephine Smith, EBM-Strategy and Governance* | *CHS Policy Committee* |
| *18/04/2023* | *Updated related documents* | *Josephine Smith, EBM Strategy and Governance* | *CHS Policy Team* |

*This document supersedes the following:*

|  |  |
| --- | --- |
| *Document Number* | *Document Name* |
| *CHS20/077* | *Gifts and Benefits* |
|  |  |

## Attachment 1: Declaration of Gift and/or Benefit

**Instructions:**

1. Please complete all the sections in the form. Incomplete forms will be returned to relevant area for completion.
2. Handwritten forms must be clear and legible.
3. All employees are required to declare any gift or benefit with 14 days, whether it has been accepted or not, on this form when:
4. The apparent value is greater than $75
5. It has been offered as an inducement, or where the reason for the offer is unclear, regardless of its value
6. The cumulative apparent value of a series of gifts is greater than $75
7. This form must be signed by the applicant and the respective delegate. Copies are to be retained by the applicant and manager.
8. The delegate is to determine appropriate course of action within seven days.
9. The delegate is to submit completed form to the applicant and to the CHS Senior Executive Responsible for Business Integrity and Risk (SERBIR) for recording on the CHS Gifts Register.

|  |  |
| --- | --- |
| **Recipient** | |
| Full Name |  |
| Position |  |
| Section |  |
| Phone |  |
| Recipient’s Signature |  |
| Date |  |

|  |  |
| --- | --- |
| **Details of Gift or Benefit** | |
| Date Offered |  |
| Description of Gift or Benefit |  |
| Offered By (Name, Role, Organisation) |  |
| Reason for Gift/Benefit |  |
| Estimated Value |  |
| Previous Gifts from Person/Organisation This Year | Yes / No If yes, estimated value: |
| Action Taken |  |
| Additional Information |  |

|  |  |
| --- | --- |
| **Delegate** | |
| Full Name |  |
| Position and Division |  |
| Decision |  |
| Justification |  |
| Additional Information |  |
| Delegate’s Signature |  |
| Date |  |

For further information, please see the Gifts and Benefits Procedure on the CHS Policy Register. For urgent matters, contact the CHS SERBIR [CHS.SERBIR@act.gov.au](mailto:CHS.SERBIR@act.gov.au) or on extension 49547.

1. Codes A, A1, B, C and G of the Canberra Health Services People and Culture Delegations Manual. [↑](#footnote-ref-2)