



# Managing Gifts, Benefits and Hospitality – Policy and Procedure

Professional Standards  
**People and Culture**

Policy no CG02-006  
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## 1 Introduction and Purpose

Fire & Rescue NSW (FRNSW) is committed to the highest standards of integrity, accountability and ethical conduct. FRNSW acknowledges that from time to time, employees may be offered gifts, benefits and hospitality in the course of their employment. Improper acceptance of gifts, benefits and hospitality can give the impression that FRNSW employees may be unduly influenced or are providing preferential treatment to specific individuals or organisations. This can damage the public's perception of the integrity and independence of our organisation and its employees.

FRNSW is committed to managing gifts and benefits in a transparent manner to ensure good governance, clear corruption prevention principles, effective risk management strategies and to maintain the reputation and integrity of FRNSW and its employees. The purpose of this policy is to set the professional behaviours, standards and ethics expected of all employees in relation to reporting, registering and managing any offer of a gift or benefit. It outlines the procedures employees need to follow if they are offered a gift or benefit, and the implications associated with accepting them.

## 2 Scope and application

This policy applies to all FRNSW employees including but not limited to permanent and retained firefighters; administration and other staff; temporary employees including consultants and contractors and sub-contractors; and students gaining work experience (henceforth referred to as employees).

It is important to note that this policy applies to an employee's conduct off-the-job or off-premises in relation to the acceptance of gifts or benefits offered to them as an employee of FRNSW.

## 3 Legal and policy framework

### Legal framework

- The improper acceptance of gifts or benefits can constitute corrupt conduct as defined by the *Independent Commission Against Corruption Act 1988*.
- Accepting or soliciting gifts or benefits may also constitute an offence under the *Crimes Act 1900 (NSW)*.
- Guidelines on the improper acceptance of gifts or benefits are also outlined in the *Fire Brigades Regulation 2014* and the *Government Sector Employment Act 2013*.

### Policy framework

- This policy is supported by the values of FRNSW, and the organisation's *Code of Conduct*.
- This policy is consistent with the requirements and accountabilities outlined in the Public Service Commission's *Behaving Ethically Guidelines 2014*.

## 4 Definitions

- I. **Gift** is any item, including prizes, provided by a member of the public, customer, client, applicant, supplier, potential supplier or external organisation, which has intrinsic value to the recipient, a relative, friend or associate.
- II. **Benefit** is similar to a gift in that it is of value to the recipient, but less tangible e.g. meals, discounts, seats or access to corporate boxes at sporting events, upgrades on flights, new jobs or promotions, preferential treatment, or access to confidential information.
- III. **Bribe** is a gift or benefit offered to or solicited by a public official to influence that person to act in a particular way and to induce the public official to act in a way that is contrary to the known rules of honesty and integrity. **Bribery** includes offences committed under *section 249B* and associated sections of the *Crimes Act 1900 (NSW)*, involving acts of offering or soliciting a corrupt commission or reward to or by a public official to influence that person in a particular way.
- IV. **Donation** is a gift given by physical or legal persons, typically for charitable purposes and/or to benefit a cause. A **donation** may take various forms, including cash, services, new or used goods including clothing, toys, food, and vehicles.
- V. **Gifts and Benefits Register** is the official record that details gifts and benefits received by FRNSW employees and how they were managed. This is maintained by Professional Standards.
- VI. **Public Official** is defined in section 3 of the ICAC Act as an individual having public official functions or acting in a public official capacity, this includes all FRNSW employees including firefighters,
- VII. The Independent Commission Against Corruption (ICAC) defines **corrupt conduct** as the conduct of any individual, whether public official or not, that adversely affects (or could adversely affect), either directly or indirectly, the honest or impartial exercise of public official functions.
- VIII. The provision of **grants and subsidies** to non-government organisations or local governments is a method of funding used extensively by State and Local Government in NSW. In this context 'grants' refers to any allocation by a NSW public authority of government funds to another person or body that agrees to carry out a public service with the funds provided.
- IX. **Sponsorship** is a commercial arrangement in which a 'sponsor' provides a contribution in money (or in-kind) to support an activity in return for certain specified benefits. Many public sector agencies engage in strategic sponsorship arrangements for financial / in-kind support, or to build relationships.

## 5 Policy principles

Whilst gifts or benefits may be offered as gestures of goodwill or a thank you for a job performed well, they may also be offered as an inducement or a form of influence. As such, gifts or benefits may present a corruption risk to FRNSW, due to their potential to compromise and affect the impartiality and integrity of employees.

In most circumstances **FRNSW employees are expected to refuse any offer of a gift or benefit that is not token in nature**, as this makes a clear statement about the value an employee places on their role as a public official. In circumstances where this is not possible, the gift or benefit must be registered and managed according to the standards set out in this policy.

**Under no circumstances are bribes or offers of cash, cheques, money orders, gift cards, alcohol or other personal benefits to be accepted. They must be immediately declined or refused and reported to local management and Professional Standards.**

## 6 Policy implementation

FRNSW is committed to achieving the principles and requirements of this policy and will:

- Provide training, information and advice to employees and managers;
- Maintain a register containing details of gifts and benefits and the decision associated with each.

## 7 Roles and responsibilities

### 7.1 Employee obligations

All employees **must**:

- Declare and register with Professional Standards any gift or benefit that is over the value of \$50, and/or not token in nature.
- Report as soon as possible any offer of an inappropriate gift or benefit to their manager/supervisor.
- Treat all persons equally and fairly, and not show preference or favouritism to any individuals or organisations.
- Avoid and declare any real or perceived conflicts of interest and manage those conflicts of interest that cannot be avoided.
- Take all reasonable steps to ensure family members are not the recipients of gifts or benefits that may be perceived as an attempt to influence the conduct or behaviour of an employee in the course of their official duties with FRNSW.

Employees **must not**:

- Accept any cash or financial benefit that could be considered or perceived as a bribe,
- Accept any gift/benefit that could be perceived by a reasonable person to influence a person whilst carrying out official duties.
- Solicit any gift/benefit from clients in connection with official duties
- Expect to receive anything additional for doing what they are paid to do in their role.

## 7.2 Supervisor / Manager / Team Leader Responsibilities

Managers / Supervisors are expected to sight and approve all declarations for gifts or benefits that exceed \$50 and/or are not token in nature. Managers / Supervisors may also provide or nominate a preferred course of action for the management of any accepted gift or benefit to Professional Standards on the declaration form.

Managers / Supervisors must promote expected standards of conduct and behaviour and regularly remind employees of their responsibilities in relation to gifts and benefits.

Managers / Supervisors must also regularly assess and monitor the risks they may be exposed to in the workplace.

## 7.3 FRNSW responsibilities

FRNSW is obliged to provide a safe working environment for all its employees, contractors and the community, to minimise the potential risk of harm and/or corrupt behaviour regarding the offer or receipt of gifts or benefits.

# 8 Commercially sensitive areas and relationships

High risk areas of FRNSW may be more susceptible to the offer of gifts or benefits due to the types of work undertaken, particularly where there are relationships with external suppliers or where FRNSW perform a compliance function for external organisations.

High risk areas need to be diligent in declining offers of gifts/benefits and understand potential corruption risks associated with receiving gifts/benefits, such as:

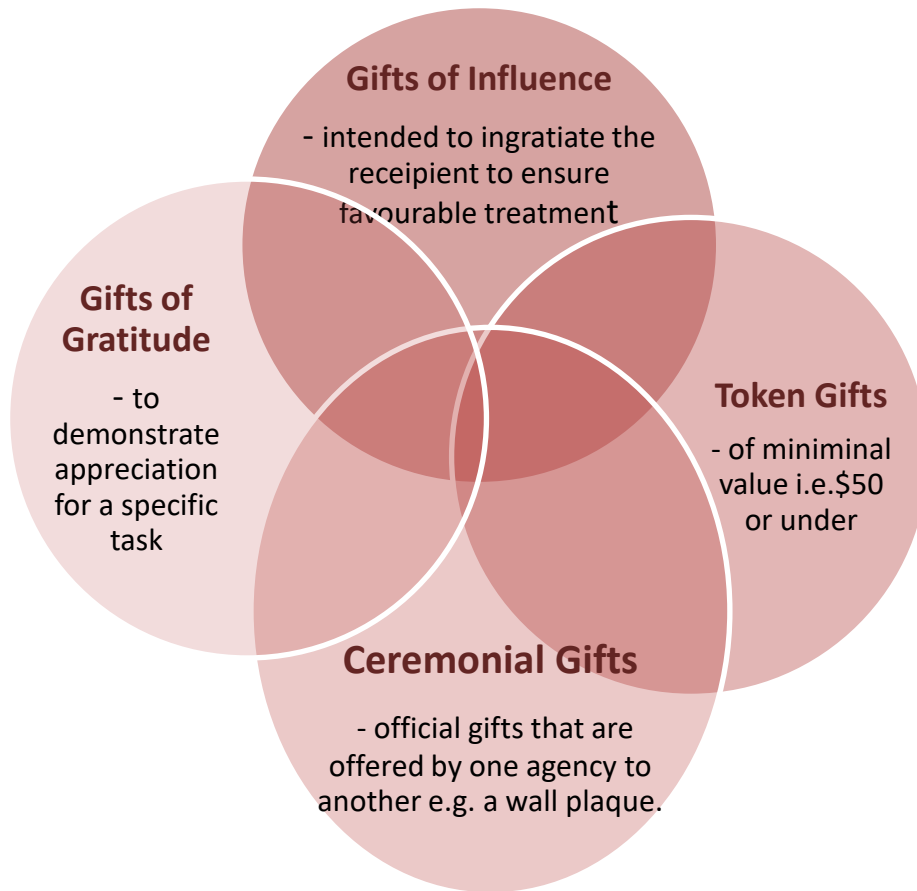
- A public official being influenced by gifts or benefits and either providing favourable treatment, or disregarding regulatory functions
- A perception that official decisions are open to influence and bribery
- A public official who accepts a gift or benefit - even if they had no influence in the decision-making process - being accused of accepting bribes
- A perception that contracts or work will only be offered if a gift or benefit is supplied.

A gift or benefit that provides, or may be perceived to provide, an incentive for employees to seek the services of a particular company over others may either result in a conflict of interest, or be in contravention of other FRNSW's policies. **It may also be considered a bribe.**

**Employees who are involved in procurement decisions (i.e. member of procurement team, tender evaluation panel or those involved in purchasing decisions) must not accept any gifts, benefits or hospitality from any supplier or prospective supplier of goods, works or services.**

**Any offer of a gift or benefit in these circumstances must be reported to a Manager and a declaration form submitted to Professional Standards.**

## 9 Categories of gifts and benefits



### 9.1 Gifts and benefits of influence

These gifts are generally intended to ingratiate the giver with the recipient to ensure favourable treatment in the future. In no circumstances should this type of gift or benefit be accepted. Any offers of these gifts, benefits and hospitality of influence must immediately be declined and reported to your supervisor and Professional Standards.

### 9.2 Gifts and benefits of gratitude

These are gifts offered to an individual employee or agency in appreciation of a specific task, or for exemplary performance of duties. Gifts offered to employees who speak at official functions as part of their duties would also be considered gifts of gratitude. Generally, these gifts should not be accepted and instead politely declined. In circumstances where it is not possible to decline (for example where they are presented at a public function), the gift can be accepted and declared to Professional Standards who will assess and advise any further action.

### 9.3 Token gifts and benefits

Generally, gifts with a nominal value of **\$50.00** or less are considered token and may be accepted **providing that it is offered as a gesture of appreciation and not to secure favour or affect the employee's integrity**. Token gifts could include a cake or chocolates given by

a grateful member of the public, or a pen or coffee mug provided at a conference. Acceptance of the gift must be declared, managed and documented in accordance with this policy.

In circumstances where a token gift displays a corporate logo, however, employees should be mindful that this could be a real or perceived conflict of interest. For example, any items which display a supplier or prospective supplier logo could create the impression of a preference towards that supplier.

It should also be noted that regular offers of token gifts or benefits by a particular individual or organisation is considered a cumulative gift. Alone these gifts may be considered token, however when the cumulative value and frequency by which they are being offered, the gifts would not be considered token and FRNSW may be compromised.

#### 9.4 Ceremonial gifts and benefits

These gifts are official gifts that are offered by one agency to another e.g. a wall plaque. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency and not a particular individual. These gifts can be accepted and declared and usually become the property of FRNSW.

## 10 Other gifts and benefits

### 10.1 Alcohol

- Gifts of alcohol must **not** be accepted under any circumstances and must be returned to the provider or gift giver.
- Any offer of alcohol must be declared to a supervisor/manager and Professional Standards.
- In circumstances where the gift is offered as a ceremonial gift and/or cannot be returned, it must be declared and registered with Professional Standards which will determine how the gift is to be managed.
- The gift must be stored securely while Professional Standards appraises the situation and determines how the gift is to be managed and advises the station or department accordingly.

### 10.2 Bribes

- **Accepting a bribe as a public sector agency employee is considered a serious matter and could be considered corrupt conduct. This could result in disciplinary action including termination of employment.**
- Any offer of a bribe must be declined and be immediately reported to a supervisor/manager, to Professional Standards or to ICAC.



### 10.3 Donations, bequeathments or offers of charity

- Employees must never solicit donations of money, property, or charity, individually or on behalf of FRNSW.
- Gifts, donations or offers of charity, such as property, vehicles, equipment or money, should, where possible, be politely refused.
- If this is not possible (e.g. the gift or donation was a bequest to a station), it should be immediately reported to a supervisor/manager and Professional Standards and must be registered.
- Professional Standards will undertake a risk assessment and determine how the gift, donation or offer of charity should be managed.
- If FRNSW will be retaining the donated money or goods, Professional Standards will liaise with Finance to ensure appropriate receipt and allocation of the donation/bequeathment.
- As a general principle, in the case of a donation or bequest to an individual in their capacity as an employee of FRNSW, the bequest will be treated as the property of FRNSW.

### 10.4 Money, gift certificates and vouchers

It is inappropriate to accept an offer of money, either in the form of cash or negotiable instruments (such as cash vouchers, shares, cheques or money orders). This includes any acceptance of money or benefit by way of loan, or similar funding, including for any function performed, or not performed. Personal loans (regardless of whether interest is applied or not) exchanged between employees and/or potential or actual providers of services to FRNSW, may be considered a gift or benefit, and may result in an actual, potential or perceived conflict of interest.

**Any offer of money must be declined, immediately reported to a supervisor/manager, and the details of the offer registered with Professional Standards.**

### 10.5 Prizes and competitions

If an employee receives a gift or benefit in the form of a prize while engaging in their official duties, it should be politely refused and returned. However, if this is neither appropriate nor possible the gift should be registered and managed in accordance with this policy.

As best practice, employees should not enter competitions or lucky door prizes in their capacity as an employee with FRNSW. This reduces any risk of a gift or benefit being offered in the form of a prize.

## 11 Gifts accepted on behalf of FRNSW

Gifts to FRNSW are usually made as part of a formal presentation, and accepted by the Commissioner or another member of the Senior Executive. Generally, gifts must not be accepted by any other employees on behalf of FRNSW unless the Commissioner or another member of the Senior Executive has agreed in advance to the acceptance.

In circumstances where it is considered that the gift offered cannot reasonably be refused, for example if it might cause cultural offence, it may be accepted on behalf of FRNSW. This may occur, for example, where you are hosting an official international fire service guest.

Such gifts should only be accepted where it is also clear that the gift:

- would not be seen as a bribe or corrupt conduct;
- would not create a sense of obligation; and
- is not likely to have been offered to influence a decision or the conduct of a FRNSW employee.

**Where a gift is accepted on behalf of FRNSW the giver of the gift should be informed that the gift is being accepted on behalf of FRNSW, not an individual.**

Detailed information about gifts accepted on behalf of FRNSW must be sent to Professional Standards for entry in the Gifts and Benefits register. Items in the Gifts and Benefits register are not to be kept at the homes of employees or managers. Items suitable for display at a FRNSW office, station or other work location may be kept by the workplace which received them. In these cases the display location will be noted in the Gifts and Benefits register. These gifts remain FRNSW corporate property.

If suitable, all other items should be donated to an appropriate charity. A receipt should be obtained from the charity and sent for filing in the Gifts and Benefits register.

## 12 Types of Benefits

*Note: This is an indicative, rather than an exhaustive list.*

As outlined in the 'definitions' section of this document, a benefit is similar to a gift in that it is of value to the recipient, but less tangible e.g. meals, discounts, seats or access to corporate boxes at sporting venues, upgrades on flights, new jobs or promotions, preferential treatment, or access to confidential information.

### 12.1 Corporate discounts

Generally, offers of a corporate discount should not be accepted. This includes, but is not limited to:

- Free entry into, or free marketing and promotional material from, events and shows (e.g. The Royal Easter Show) for employees and/or their families.
- Hotel discounts or special accommodation rates not connected with official duties.
- Discounted meals at restaurants, cafes or fast food outlets (including coffee loyalty cards).
- Discounts or free offers of clothing or sports gear.
- Memberships to clubs (such as sporting clubs/social clubs).

However, in some circumstances there may be instances where this is acceptable (for example as a gift of gratitude to FRNSW in their efforts during major incidents etc). Prior to accepting these types of gifts or benefits, employees must contact Professional Standards for advice.

In some circumstances corporate discounts to health/fitness clubs may be acceptable. Employees should declare any arrangements and discuss them with Professional Standards prior to accepting any offer.

## 12.2 Frequent flyers, rewards or points

Employees should not accept any offer of frequent flyer points, shopping points, or any other points/rewards in their role as an FRNSW employee. This includes, but is not limited to:

- Booking corporate travel and receiving personal frequent flyer points
- Making purchases on a corporate credit card and receiving shopping points, rewards, docketts, discount petrol or school vouchers

## 12.3 Grants, subsidies and program funding

- Employees must not accept any offer of a bribe, gift or secret commission in return for the award of a grant, subsidy or program funding.
- Employees involved in allocating grants, subsidies or program funding should be aware of the corruption risks associated with this function and ensure that funding is not allocated outside of the proper process.

## 12.4 Sponsorships

- Seeking and entering into sponsorship or partnership arrangements are acceptable government agency activities.
- However, sponsorships or partnerships where the sponsor or potential sponsor offers gifts or benefits to an individual employee in order to influence future sponsorships, official decisions or changes in regulations are inappropriate.

Please consult the FRNSW *Sponsorship Policy* for further information. Employees involved in sponsorships or partnerships should also be aware of the corruption risks involved in this function and must not accept any offer of a bribe, gift or secret commission in return for the award of a sponsorship/partnership with FRNSW.

## 13 Conflicts of interest

A conflict of interest involves a conflict between an employee's official duties with FRNSW and responsibilities of serving the community and that of their private interests. To protect the integrity and reputation of both FRNSW and its employees, it is the responsibility of all employees to take reasonable steps to:

- identify and avoid actual, potential or perceived conflicts of interests;
- report those conflicts of interest which cannot be avoided; and
- monitor, reassess and manage any conflict of interest.

If an actual or perceived conflict of interest exists in relation to an offer or acceptance of a gift/benefit, the offer of the gift or benefit should always be declined and registered.

## PROCEDURE

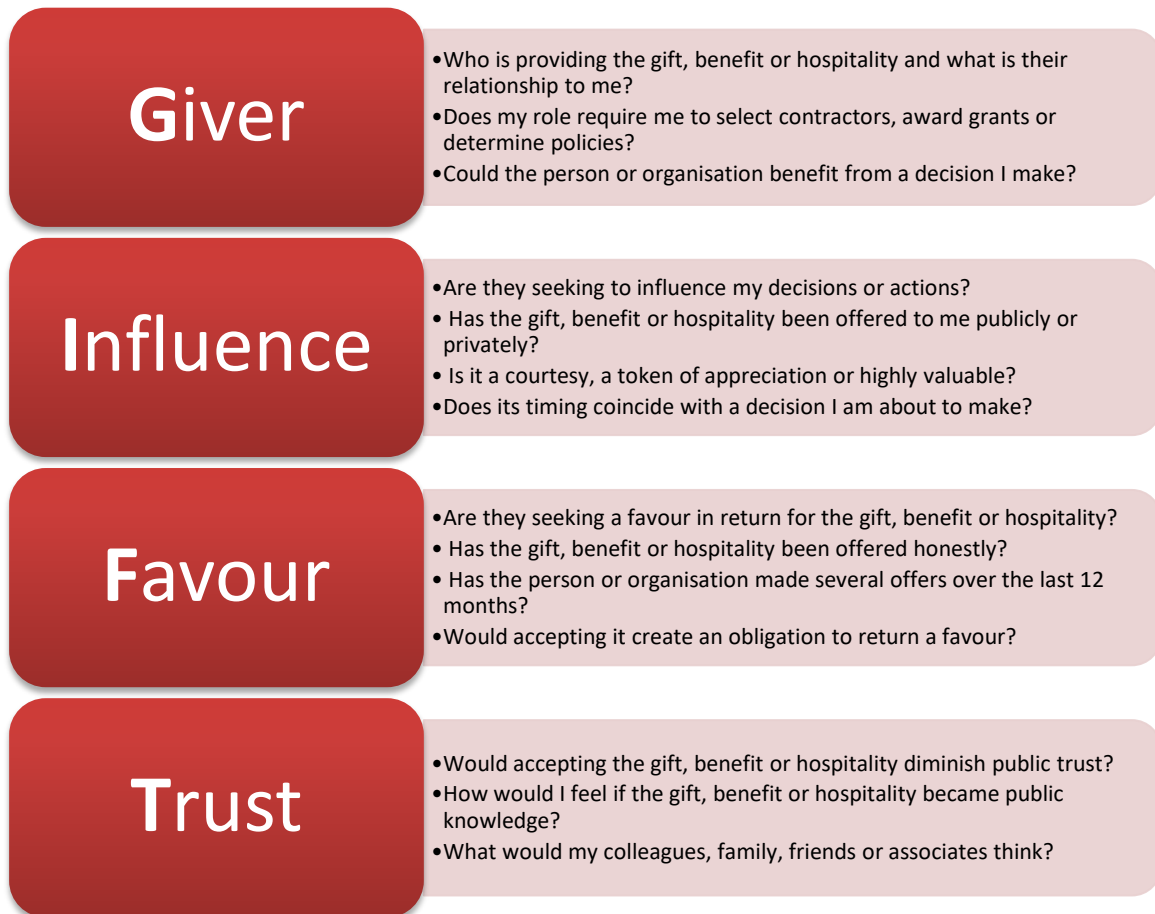
### 14 Acceptance of Gifts and Benefits

Generally the only gifts which can be accepted are token gifts and ceremonial gifts. Ceremonial gifts become the property of FRNSW.

Employees are responsible for assessing whether any offer of a gift, benefit or hospitality is acceptable and whether it is possible to refuse. If an employee is unsure they must seek advice from a manager or Professional Standards.

#### 14.1 The GIFT TEST

The GIFT test is a good reminder of what to consider when deciding whether to accept or decline a gift, benefit or hospitality. The GIFT test helps you to understand the perception and intent of the gift. Take the GIFT test and when in doubt ask your manager or Professional Standards.



## 14.2 Gifts where it is not possible to refuse

In some circumstances, it may be inappropriate or not possible to refuse a gift or benefit. For example:

- It may cause cultural offence to decline.
- The gift was given publicly (eg: to a guest speaker at a conference) and to refuse it might cause embarrassment.
- The gift has not been personally delivered (eg: it came through the mail), including gifts of money bequeathed in a will.

In these circumstances the gift or benefit may be accepted and must be declared, registered and managed according to this policy. All accepted gifts are initially the property of FRNSW.

## 14.3 Reporting and Registering Gifts/Benefits

**Any offer of a gift or benefit in excess of \$50 or not token in nature, whether it is accepted or not, must be declared and registered** with Professional Standards (PSB) by completing the 'Gifts and Benefits Registration Form on the Professional Standards Gifts and Benefits intranet page'.

If offered a gift or benefit, employees should assess the intention of the gift giver and whether the likely perception of the gift-giving relationship could be perceived to influence an employee's official duties. Factors that should be considered include: the relationship between the gift giver and receiver; transparency and openness; the value of the gift; and the intent of the gift.

In circumstances where external organisations or companies wish to provide discounts or offers to FRNSW employees, a risk assessment must be conducted and the offer/discount assessed by Professional Standards prior to accepting the offer/discount.

Employees must not expect or request any additional rewards for performing their duties. **Soliciting personal gifts or benefits is strictly prohibited in any circumstance.**

## 14.4 Managing Gifts / Benefits

Professional Standards is responsible for determining how a gift or benefit should be managed. Once a declaration form is received, a determination will be made regarding the most appropriate action to take. Options may include, but are not limited to:

- The employee (or group of employees) retains the gift; (eg: a cake or tin of biscuits etc).
- The gift or benefit is donated to charity; (ie: the NSW Burns Unit, supported by FRNSW).
- The gift or benefit is destroyed; (eg: a bottle of wine).
- The gift or benefit is returned to the supplier; (eg: 500 caps or pens. The supplier may be contacted and politely advised that FRNSW is unable to accept them. The supplier will then be asked to arrange for collection of their items.)
- The gift or benefit remains the property of FRNSW.

## 14.5 Risk management

Risks that need to be considered if a gift or benefit is accepted include (but are not limited to) the following:

- Whether the gift or benefit could compromise (actual or perceived) the integrity of FRNSW or individual employees if it is accepted.
- Any perception of improper influence (ie: acceptance of the gift may create the perception of future obligation).
- Conflicts of interests.
- Health and safety risks (i.e. consuming unsealed food or drink received from members of the community).
- Legal risks (i.e. items that could cause injury or damage such as faulty equipment or dangerous goods).

## 15 Monitoring and review

Professional Standards will monitor compliance with this policy using the Gifts and Benefits Register to ensure a record of all associated activities.

## 16 Training and support

Information regarding the application of this policy is available from Professional Standards or by viewing the Professional Standards intranet site. Training can be requested by contacting Professional Standards or the Corporate Trainer.

## 17 Further information

For further information please contact Professional Standards.

## 18 Policy breaches

Failure to comply with the principles or the spirit of this Policy will be viewed seriously and will be investigated.

A confirmed breach of the Policy may result in:

- Management action under the *Resolving Workplace Complaints Policy*; or
- Disciplinary investigation and/or action under the *Procedural Guidelines for the Management of Conduct Fire Brigades Regulation 2014* or the *Government Sector Employment Act 2013*.

Possible disciplinary outcomes may include management action, up to and including, termination of employment or contract.

## 19 Document control

### 19.1 Document control

<b>Policy Manager</b>	Director, Professional Standards
<b>Contact Officer</b>	Director, Professional Standards
<b>Contact No</b>	02 9265 2826
<b>Document type</b>	Policy and Procedure
<b>Applies to</b>	<input checked="" type="checkbox"/> Permanent Firefighters <input checked="" type="checkbox"/> Retained Firefighters <input checked="" type="checkbox"/> Community Fire Unit Members <input checked="" type="checkbox"/> Administrative and Trades Staff <input checked="" type="checkbox"/> Contractors and Consultants
<b>Status</b>	Approved
<b>Security</b>	Unclassified
<b>File Reference</b>	FRN12/392
<b>Review Date</b>	1 November 2022
<b>Rescinds</b>	V2 Managing Gifts, Benefits and Hospitality Policy and Procedure
<b>Copyright</b>	© State of New South Wales through Fire and Rescue NSW

### 19.2 Revision history

Version	Date	Status	TRIM Ref	Details
1.0	10 2015	Final	WPS15/3223	
2.0	12 2016	Final	WPS16/3998	
3.0	11 2019	Final	WPS16/3998	