

DoE Guide for Gifts Incentives and Free Items

All Department of Education (DoE) Personnel who purchase or are involved in the decision to purchase goods or services from Suppliers are obliged to conduct themselves ethically and in the interest of the community at all times.

Suppliers may offer gifts, benefits or other “value adds” to DoE corporate, school and P&C personnel who purchase items under government and departmental Agreements. Giving gifts, incentives and free items has potential to create uncertainty regarding compliance with the Code of Conduct for the Queensland Public Service.

The following guidelines are intended to provide guidance in situations where gifts, incentives and free items are offered to schools and P&Cs by Suppliers under the department's Agreements. The guidelines should be read in conjunction with the Code of Conduct for the Queensland Public Service

<http://www.psc.qld.gov.au/includes/assets/qps-code-conduct.pdf> and with DoE's guidelines on gifts and benefits <http://ppr.det.qld.gov.au/corp/finance/management/Pages/Receipt-of-Gifts-and-Benefits-by-Employees-of-the-Department.aspx>.

Definitions

The following definitions apply to these guidelines unless context implies otherwise.

Agreement - includes a purchase order, contract, Standing Offer Arrangement or Prequalified Panel Arrangement established for the purposes of supplying goods and services to DoE.

DoE Personnel - any DoE employee, whether full-time, part-time, casual or contract; any member or office bearer of a Parents and Citizens Association associated with a Queensland State School; any person who works or volunteers at a Queensland State School in any capacity including, but not limited to, uniform shop volunteers/convenors and tuckshop volunteers/convenors.

Customer - any party purchasing goods under an Agreement.

Supplier – the entity named in an Agreement between the Supplier and DoE as the provider of goods and services, including the Supplier's employees, representatives and agents.

Guidelines

General

- DoE's conditions of supply state that a Supplier must not offer any pecuniary or material inducements or incentives to the Customer e.g. 'gift with purchase' or 'discount off a future purchase.' DoE expects Suppliers to deliver the best possible value for money for goods and services provided under Agreements. The Code of Conduct for the Queensland Public Service requires that DoE Personnel avoid accepting gifts that may be intended to influence a decision-making process - or might reasonably be seen as such.
- It is acknowledged that Suppliers may operate loyalty programs or conduct other promotional activities (such as competitions) which involve the provision of goods to Customers free of charge. Such activities could be undertaken in the context of general business, for example, where Suppliers offer a benefit for early ordering or where the value of orders over a certain period of time will qualify the Customer for additional benefit.

- Any items provided to Customers in the context of a promotional activity must be either **directed to the benefit of the students** or **become the property of the school or DoE business unit**.
 - Examples of items that would be considered to be directed to the benefit of the students include school uniforms, sporting equipment, classroom equipment or school equipment (e.g. tablet devices (iPads) for use in a library) etc.
 - Examples of items that would not be considered to be directed to the benefit of the students and should not be provided include staff uniforms, coffee machines, tablet devices for personal use, holidays, hospitality, picnic hampers and goods that breach any other departmental procedures (e.g. snack foods, soft drink, confectionary, etc.) DoE's procedure for receipt of gifts and benefits requires that employees refuse gifts that are likely to (or could be perceived to) affect the performance of their duties and/or create a conflict of interest.
- Where a school receives a gift or benefit as a result of a purchase or promotional activity, and the gift/benefit comprises any items not directed to the benefit of students, those items are not to be retained by individuals. The items are to be retained by the school for use/disposal as directed by the School Principal.
- Any items provided to a Customer as a result of an awards program must be documented and provided to the Customer for record purposes. For example, the school may receive a reward after purchasing goods to a certain value; where this is the case the reward must be listed on an invoice or other appropriate documentation that must be retained by the school.
- Money and items readily converted into cash (including the ability to 'win' money e.g. lottery tickets, scratch-its) must not be offered at any time. Offering money in any form will breach a number of departmental and whole of government policies and legislative requirements, including the Criminal Code Act 1899 (Qld). It may be seen as an attempt at bribery and result in a Supplier being terminated from an Agreement. The acceptance of such items by DoE employees is a breach of departmental and government policy and could result in disciplinary action.
- Where Suppliers wish to conduct promotional activities which result in the provision of gifts or benefits to schools, Suppliers are required to ensure that any marketing material mentioning the promotion includes the following wording: *"DoE policy requires that suppliers may not give anything to DoE employees or volunteers that could (or be seen to) influence their actions in relation to the Agreement. In compliance with this requirement, the [prize/gift/benefit] will be donated directly to the school."*

Forums and conferences

- As part of their obligations under the Agreement, Suppliers often attend forums to promote the Agreement and their products. These forums may include conferences (SBMAQ, P&Cs Qld, MasterClass), trade shows and other events where school staff, P&Cs representatives and volunteers are present.
- Suppliers often provide promotional items at such forums. Items may be single items (pens, mugs, mouse mats, free samples of goods) or pre-packed sample bags, where a number of items, brochures, information etc. are provided to attendees. Acceptance of any items, other than tokens or mementos, must be in accordance with DoE's guidelines on gifts and benefits and the reporting requirements therein.