



Te Kawa Mataaho

Public Service Commission

8 April 2021

9(2)(a) privacy

Dear 9(2)(a) privacy

Official Information Request Our Ref: OIA 2021-0019

I refer to your Official Information Act 1982 (OIA) request received by the Te Kawa Mataaho Public Service Commission (the Commission) on 10 March 2021 where you have asked for:

“Electronic copies of:

- *any policies or guidance the Commission has provided to chief executives of government departments regarding the acceptance (or otherwise) of gifts or hospitality,*
- *the policies on these issues that the Commission applies to its own senior management”*

Information publicly available

Chief Executives (CEs) of Public Service departments and statutory Crown entities regularly disclose their expenses, these disclosures provide transparency, accountability and strengthen public trust and confidence. CEs make their expenditure publicly available on their agency's website annually and on www.data.govt.nz under the dataset group ‘Chief Executive Expenses’ [found here](#).

The Commission has also issued model standards for CEs. While each chief executive must follow their own agency policies in deciding whether to incur expenses or accept gifts and benefits, these standards set out a higher expectation of Public Service CEs.

The following information listed in the table below is also covered by your request and is publicly available on the Commission’s website:

Item	Date	Document Description	Website Address
1	July 2018	Chief Executive Gifts, Benefits and Expenses Model Standards.	Chief Executive Gifts, Benefits and Expenses Te Kawa Mataaho Public Service Commission
2	2020	Chief Executive Gifts, Benefits and Expenses Disclosure – a guide for agency staff.	Chief-Executive-Expense-Disclosure-Guide.pdf (publicservice.govt.nz)

Accordingly, I have refused the first part of your request for policies or guidance the Commission has provided to chief executives of government departments regarding the acceptance (or otherwise) of gifts or hospitality under section 18(d) of the OIA – on the grounds the information requested is publicly available.

Information being released

Please find enclosed the document listed in the table below:

Item	Date	Document Description	Decision
1	July 2013	SSC Policy - Gifts, Benefits and Hospitality.	Release in full

In relation to the second part of your request, I have decided to release this document to you. The attached policy sets out how all employees of the Commission (including Leadership Team members) manage gifts and benefits, including hospitality and airpoints.

The Commission is in the process of refreshing its gifts, benefits, and hospitality policy to ensure it is fit for purpose and sufficiently aligned with the Controlling Sensitive Expenditure guidance released by the Office of the Auditor General in October 2020.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

Managing Principal – Ministerial Services
Te Kawa Mataaho Public Service Commission



SSC Policy

Gifts, Benefits, and Hospitality

Effective July 2013

Purpose

Gifts and benefits

This purpose of this policy is to set out how employees of the State Services Commission (SSC) deal with offers of gifts or benefits, including hospitality and airpoints.

Scope of this policy

This policy is a guide to help SSC staff and managers decide whether, and on what basis, to accept or decline a gift, benefit, or hospitality. Specifically, this policy covers:

- the disclosure and disposal process
- when this policy applies to families, and
- customer loyalty benefits for example Flybuys.

This policy does not cover staff functions or staff farewells, which are covered in the separate SSC Policy: Staff Functions and Staff Farewells.

Context

Standards of Integrity and Conduct

The State Services Commissioner (the Commissioner) is responsible for prescribing the [Standards of Integrity & Conduct for the State Services](#).

When advising others on their conduct and the conduct of their agencies, the Commissioner must be secure in the knowledge that SSC behaviour will not undermine the standards he sets.

Investigations of complaints

The SSC investigates all formal complaints of inappropriate use of gifts, benefits or hospitality, in a manner appropriate to the seriousness of the complaint, and may initiate a disciplinary process if the investigation indicates the complaint is substantiated. See [Disciplinary Process](#).

The SSC will keep the complainant reasonably informed of the outcome of an investigation.

Background

Setting an example for the State Services

SSC employees are required to be fair, impartial, responsible and trustworthy in everything we do. This involves behaving with integrity, and being free from bias.

The SSC must be beyond reproach in its conduct. SSC employees have a responsibility to act in a way that maintains public confidence in the SSC, strengthens trust in the State services, and is a good example to all State servants.

Gifts, benefits, and hospitality

These obligations and the [Standards of Integrity & Conduct for the State Services](#) are likely to be compromised if SSC employees are seen to receive gifts, acquire benefits, or accept inappropriate hospitality in the course of exercising official duties.

Principles

Expectations of SSC employees

The [Standards of Integrity & Conduct for the State Services](#) are clear about how public servants are expected to behave with respect to offers of gifts, benefits, or hospitality. SSC employees must decline gifts, benefits, or hospitality that impose any obligation or perceived influence.

Public perception

We must be very careful about accepting any form of gift, benefit, or hospitality that is not provided by our organisation, and be aware always of the public perception that can result from accepting favours.

There will usually be perceptions of influence or personal benefit if we accept gifts, benefits, hospitality, or 'quid pro quo' exchanges of favours.

Persons seeking influence

We must not seek or accept gifts, benefits, hospitality, or favours from anyone, or on behalf of anyone, who could benefit from influencing us or our organisation. (See [Understanding the code of conduct – Guidance for State servants](#), page 28).

Personal gain in connection with work

Using an official position for personal gain is a form of dishonesty that is likely to impact on public confidence in government and, particularly, in the State services. Expectations in this area, therefore, are more demanding than is the case in the private sector and for the public generally.

We understand that anything that is proffered to us in connection with our work can only be accepted if specifically permitted by the policies of our organisation.

Offers to SSC as a whole

These obligations apply equally when gifts and opportunities are offered to the SSC as a whole – for instance, as a donation to a social club and a staff discount arrangement.

Practice

Overview

The SSC practice for dealing with gifts, benefits, and hospitality requires adherence to the *Standards of Integrity & Conduct for the State Services*, objectivity, sound judgment, and recognition of the need for the reputation of the SSC to be preserved.

Gifts as tokens of thanks or marketing devices

Offers of gifts, benefits, or hospitality can come from a variety of sources, including service providers, members of the public, and visiting dignitaries.

Gifts are common in promotion campaigns and around Christmas time, and are intentionally given as a token of thanks or to encourage awareness, or purchase, of a product or service.

Benefits may arise without intent

Benefits may arise from purchasing or ordering products or services for the SSC. Sometimes these occur without intent and can be an automatic entitlement, such as a customer loyalty programme (e.g., airpoints).

Entertainment and hospitality

Benefits may also take the form of entertainment or hospitality. For example, invitations to take advantage of corporate hospitality at sporting or cultural events, and all-expenses-paid travel for study, conference or product awareness purposes. Travel and IT companies are renowned for using attractive inducements to develop relationships with agency decision makers.

When gifts, benefits, and hospitality can be accepted

Token or approved gifts, benefits, and hospitality

Gifts, benefits, and hospitality may be accepted where:

- the gift or benefit lacks significant commercial value and could not be reasonably perceived as promoting a relationship of influence, or
 - the beneficiary's Deputy Commissioner, or in the case of a Deputy Commissioner the State Services Commissioner or the Deputy Chief Executive, has approved acceptance consistent with the principles set out in this policy, and
 - there is openness and transparency about the source of the gift,
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benefit, or hospitality and the beneficiary.

Hosting overseas delegations

Gifts or benefits to staff hosting overseas delegations should be accepted on behalf of the SSC, with a decision made subsequently as to their handling.

Assessing a gift, benefit, or hospitality

The exact monetary value of the gift, benefit, or hospitality is not the only factor in deciding whether or not the gift, benefit, or hospitality should be accepted. The degree of influence, actual or perceived, that the item may represent is also important.

Business development purpose and other considerations

Staff must be bear in mind that gifts, benefits, or hospitalities provided by a company will be a taxable expense on the basis that the spending is for business development. Any acceptance must be consistent with this policy, and before acceptance the business development purpose in offering the gift, benefit, or hospitality must always be considered. Other relevant considerations are:

- how it would look to someone who has a less developed relationship with the SSC than the donor
 - the reasons for the gift, benefit, or hospitality being offered
 - whether the gift, benefit, or hospitality is randomly distributed or reflects a potential relationship between the donor and the SSC
 - the frequency of the gift, benefit, hospitality – even a small item given repeatedly may be of concern
 - the impact of the gift, benefit, or hospitality on the employee, and
 - whether the gift, benefit, or hospitality is to an unconnected SSC representative or to someone who makes recommendations or decisions relating to the donor.
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Remuneration under employment agreements is full compensation

Employment agreements for SSC employees generally specify that the remuneration paid under the agreement represents full and complete compensation for services provided to the employer by the employee. Employees need therefore to be particularly careful about not deriving undue personal benefit from their employment – either by reason of their access to information or, more directly, through fees, royalties or gratuities paid to them for work done in their official capacity.

For example, payments for speaking engagements or carrying out official duties should be declined. This also includes official duties undertaken after hours.

Procurement processes

Before, during, and after a procurement process, any offer of a gift, benefit, or hospitality made to an SSC employee by a prospective supplier, regardless of value, must be declined.

Disclosure and disposal

Gifts and benefits register

Any SSC employee who is offered or proposes to receive a gift, benefit, or hospitality must, within five working days, enter the details in the [Gifts and Benefits Register](#). Unless the proposed gift, benefit, or hospitality has a nominal value (less than \$50), the employee must advise his or her manager immediately and before accepting the gift, benefit, or hospitality. The manager will decide whether the offer of a benefit (usually hospitality) may be accepted, consistent with this policy.

Disposal

Where a gift, benefit, or hospitality has been accepted, the manager is responsible for deciding (in consultation with the relevant Deputy Commissioner if necessary) whether the individual may keep it, or whether it should be used some other way.

Application to families

Extension to families of SSC staff

This policy applies to gifts, benefits, or hospitality given to the immediate family of SSC staff, when there is a clear link with the duties of the SSC staff member.

Customer loyalty benefits (including Airpoints and Flybuys)

Customer loyalty programmes

Frequent flyer programmes or other customer loyalty benefits may motivate, or appear to motivate, an individual to travel or purchase a particular service or product in order to gain a personal benefit.

The SSC must avoid any suspicion or appearance that any business decision has been influenced by personal considerations. (See the SSC's Travel Policy for more detail.)

Airpoints / Flybuys

Customer loyalty points such as Flybuys and Airpoints must not be accepted or accrued as a result of official expenditure on Government business. Under the All-of-Government travel contract all travel booked by SSC will not accrue Airpoints.

Further information

Related guidance

- [Standards of Integrity & Conduct for the State Services](#)
 - [Understanding the code of conduct – Guidance for State servants](#)
 - [Travel Policy](#)
 - [Staff Functions and Staff Farewells Policy](#)
 - [Conflicts of Interest Policy](#)
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Contacts

Staff should discuss issues around gifts and gratuities with their manager in the first instance. The Deputy Chief Executive may provide additional guidance.

Any questions, concerns, or suggestions regarding this policy may be directed to the Deputy Chief Executive or the Chief Legal Advisor.

RELEASED UNDER THE OFFICIAL INFORMATION ACT