



GUIDE ON MANAGING GIFTS IN THE PUBLIC SERVICE

FEB 2019

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LIST OF ABBREVIATIONS

| | |
|--------|--|
| DPSA | Department for Public Service and Administration |
| EA | Executive Authority |
| EO | Ethics Officer |
| HoD | Head of Department |
| PRECCA | Prevention and Combating of Corrupt Activities Act, 2004 |
| PSR | Public Service Regulations, 2016 |

1. INTRODUCTION

In the course of their work, suppliers, individuals and other organizations may offer employees in the public service gifts. Most gifts are intended simply as a memento or a small token of appreciation – for example, a book or coffee mug presented to a speaker at a conference. However, sometimes a gift may be offered to influence an employee in the public service in making a decision, or to provide a favour, which will advance the interests of the giver, now or in the future. Even gifts of modest value can be used to cultivate, over time, a relationship where an employee in the public service feels an obligation or loyalty to the giver.

There can be serious consequences for the department and the employee where the management of gifts is mishandled. Departments risk the loss of public trust, corruption and erosion of ethical culture. Employees risk embarrassment and action relating to their alleged misconduct, which may affect their employment and even lead to prosecution. Management of gifts is therefore a crucial matter in pursuit and promotion of professional ethics in the public service.

Regulation 13(h) of the Public Service Regulations, 2016 (PSR, 2016) is meant to regulate the management of gifts in the public service. It states, “An employee shall not receive or accept any gift from any person in the course and scope of his or her employment, other than from a family member, to the cumulative value of R350 per year, unless prior approval is obtained from the relevant executive authority”.

However, this regulation does not provide enough details that enable departments in the public service to manage gifts optimally. Various officials have interpreted the regulation differently and thus implementation differs from one department to the other. While this is understandable, uneven implementation and application of the law in this case may compromise the effectiveness of the intended objective, which is to manage receiving and accepting of gifts by public servants in order to prevent conflict of interests.

The implementation of this regulation is further hampered by an observed misunderstanding among employees in the public service on what constitutes a gift. There is a fine line between a gift and a gratification. The former is acceptable under regulation 13(h), while the latter is prohibited under regulation 13(a). Regulation 13(a) states, “An employee shall not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), from any employee or any person in return for performing or not performing his or her

official duties”. It is therefore necessary to provide guidance to employees in the public service to be able to distinguish between a ‘gift’ and a “gratification”.

The focus of the *Guide to Manage Gifts in the Public Service* (the “Guide”) is to assist departments to manage gifts as guided by regulation 13(h) of the PSR, 2016. Although the Guide explains the concept “gratification” to clarify the gift management process, it is **not intended** to address the issue of gratification. That it is a matter for both internal disciplinary procedures and referral for criminal investigation when detected.

2. PURPOSE

The purpose of the Guide is to:

- Promote ethical behaviour, with employees in the public service demonstrating good judgement and avoiding conflict of interests when accepting a gift.
- Standardise the interpretation of regulation 13(h) of the PSR, 2016.
- Provide guidance to departments to manage gifts received and accepted by employees in the public service.
- Standardise the management of gifts by providing guidance on measures to be adopted to manage the receiving and accepting of gifts as per the PSR, 2016.

The Guide provides clarity on the concepts “gift” and “gratification”, explains the context under which a gift can be received and accepted; and suggests a process to manage the declaration of gifts, the approval thereof, how to dispose of it if needed and how to record it onto a departmental gift register.

The Guide **does not address** the receiving and accepting of gifts from family or friends **outside the work environment** (meaning gifts received in a personal capacity).

The Guide **does not address** the issue of gifts, donations and sponsorships presented to a **Department/the State** as these have to be managed in accordance with National Treasury Regulations.¹

The Guide should be read in conjunction with the relevant legislation and other prescripts that govern the receiving, soliciting and accepting of gifts and other benefits in the public service.

¹ See *Treasury Regulations for departments, trading entities, constitutional institutions and public entities issued in terms of the Public Finance Management Act, 1999*, March 2005 (Section 21: Gifts, donations and sponsorships).

3. LEGISLATIVE FRAMEWORK

The following legislative framework governs the management of gifts in the public service.

| Legislative framework | Provision/stipulation |
|--|---|
| <p>Public Service Regulations, 2016</p> | <p>Chapter 2, Part 1: Code of Conduct</p> <p>Ethical Conduct</p> <p>Regulation 13 (h) An employee shall - not receive or accept any gift from any person in the course and scope of his or her employment, (other than from a family member), to the cumulative value of R 350 per year, unless prior approval is obtained from the relevant executive authority;</p> <p>Part 2: Financial Disclosure</p> <p>Details of interests to be disclosed</p> <p>19. The following details of interests shall be disclosed:</p> <p>(h) Gifts and hospitality from a source, other than a family member: (i) a description, value and source of a gift; (ii) the relationship between the giver and the employee; (iii) the relationship between the giver and the department; and (iv) a description and the value of any hospitality intended as a gift in kind.</p> |
| <p>Prevention and Combating of Corrupt Activities Act, Act no. 12 of 2004</p> | <p>Section 3 of the Act contains the formulation of the general crime of corruption. The section reads as follows:</p> <p>Any person who, directly or indirectly –</p> <p>1. Accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner –</p> <p>(i) that amounts to the</p> <p>a. illegal, dishonest, unauthorised, incomplete, or biased; or</p> <p>b. misuse or selling of information or material</p> |

| | |
|--|---|
| | <p>acquired in the course of the exercise, carrying out of performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;</p> <p>(ii) that amounts to –</p> <p>a. the abuse of a position of authority;</p> <p>b. a breach of trust; or</p> <p>c. the violation of a legal duty or a set of rules, designed to achieve an unjustified result; or</p> <p>(iii) that amounts to any other unauthorised or improper inducement to do or not to do anything,</p> <p>– is guilty of corruption.</p> <p>In terms of this Act, “gratification” includes:</p> <p>“(a) money, whether in cash or otherwise;</p> <p>(b) any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable, or any other similar advantage;</p> <p>(c) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;</p> <p>(d) any office, status, honour, employment, contract of employment or services, any agreement to give employment or render services in any capacity and residential or holiday accommodation;</p> <p>(e) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;</p> <p>(f) any forbearance to demand any money or money’s worth or valuable thing;</p> <p>(g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty;</p> <p>(h) any right or privilege;</p> <p>(i) any real or pretended aid, vote, consent, influence or abstention from voting; or</p> <p>(j) any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage.”</p> <p>Part 3 section 10 outlines the offences in respect of corrupt activities relating to receiving or offering of unauthorised gratification.</p> |
| <p>Service Charter - Public Service Co-ordinating</p> | <p>Article 7: Commitment by employees in the public service:</p> <p>“7.30. Not use official position to obtain private gifts or benefits during</p> |

Bargaining Council Resolution 1 of 2013

the performance of official duties nor accept any gifts, donations, rewards in kind or cash, or benefits when offered as these may be construed as bribes;”

4. USE OF THE GUIDE

This Guide is intended for use by departments (especially Ethics Officers responsible to manage the departmental policy on gifts) and its employees employed in the public service, as well as members of the services, educators or members of the Intelligence Services only in so far as the provisions of this Guide are not contrary to the laws governing their employment.

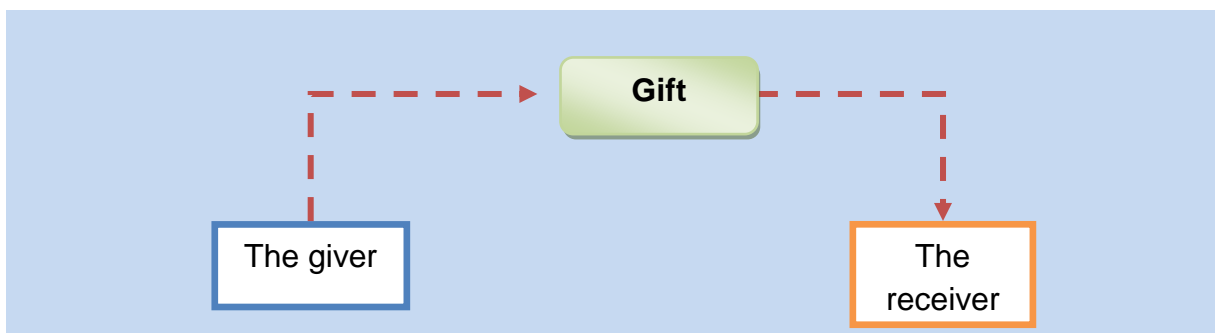
5. CLARIFICATION OF CONCEPTS

As employees in the public service may accept and receive gifts in the course and scope of their employment (as per regulation 13(h) of the PSR, 2016), but are not allowed to receive, solicit or accept any gratification (as per regulation 13(a)), it is important that employees are able to distinguish between a gift and a gratification. This will be clarified hereunder.

5.1. What is meant by the concept “gift”?

- ❖ A *gift* is a token which is bestowed voluntarily without any expectation of tangible or non-tangible in-turn-reward, and for which no direct or indirect contractual obligations are imposed. Most gifts are intended simply as a memento or a small token of appreciation, for example, stress balls handed out by GEMS to all employees in the public service attending a GEMS workshop.

When it comes to gifts, there are always three elements involved: a giver, a gift and a receiver.



When a gift is offered, the following factors are often involved:

- The giver is offering the gift from own free will and no amount of influence is involved. Thus, if one asks for a gift or solicits it, then it is no longer a gift.
- A gift has an element of surprise. In most cases, the receiver does not have any knowledge or expectation that a gift would be offered.

- Thus, the receiver is not expected to compensate for the gift or reciprocate the giver for the gesture. It will also never be offered in return for performing work or not to perform work.

- ❖ In the past, a distinction was drawn between a “gift” and “other benefit”. The latter was regarded as gifts that would benefit a person, such as a lift home and meals, and these benefits would be of immaterial value. In this Guide, no distinction is made between a gift and other benefit. Both is a reward or alike, whether of material or immaterial nature.

- ❖ Although it is almost impossible to present a typology of gifts, the following serve as *examples of types of gifts* an employee in the public service may encounter.

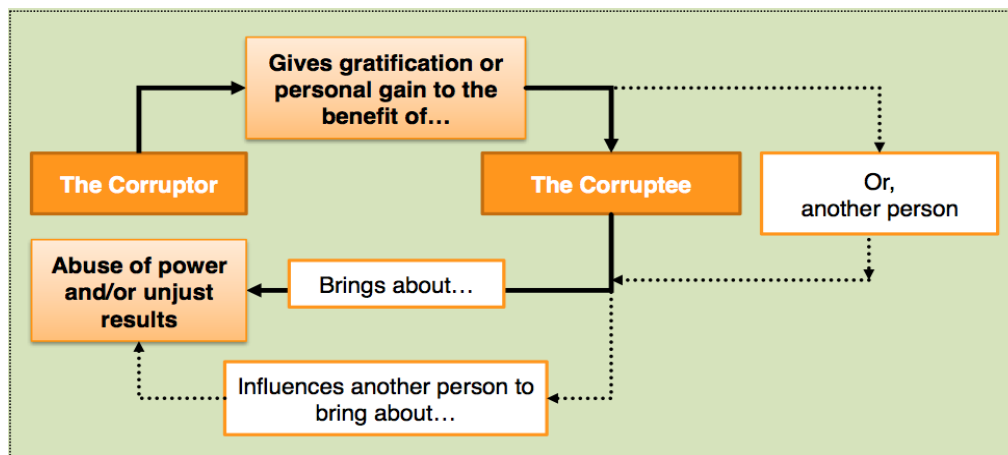
| Examples of types of gifts | Description |
|----------------------------|--|
| Civility/courtesy | This is a gift that constitutes of refreshments and food offered to employees in the public service as it is considered to be polite and appropriate. |
| Corporate gift | Refers to gifts (which may or may not bear a logo) offered by a Government department or entity to their employees at official events (It includes gifts presented to foreign delegations or other departments). |
| Hospitality | This is similar to the gifts described under the category of civility/courtesy, but with the benefit of any form of entertainment added. |
| Promotional gift | This refers to items, such as caps, pens and diaries, provided by external companies/entities/organisations to employees in the public service during functions or events. These gifts may or may not have any logos displayed on it, but is in essence advertising material aimed at promoting a product or a specific brand. |
| Honorarium | A payment given for professional services that are rendered nominally without charge. |
| Sponsorship | Refers to either cash and/or in-kind fee paid on behalf of an employee. |

5.2. What is meant by the concept “gratification”?

- ❖ The Merriam-Webster Dictionary defines “gratification” as a reward or source of satisfaction or pleasure:
 - “1 : Reward, Recompense
//monetary gratification for a job well done
especially : gratuity
 - 2 : The act of gratifying : the state of being gratified
//the gratification of physical appetites
 - 3 : A source of satisfaction or pleasure

//found gratification in getting his novel published.”

- ❖ In terms of the Prevention and Combating of Corrupt Activities Act, 2004 (PRECCA) “*gratification*”² (or a reward or source of satisfaction or pleasure) includes the following: a gift, money, a donation, loans, a fee, avoidance of a loss, status, employment, payment of a loan, a reward or a privilege, valuable security, property or interest in property of any description, whether movable or immovable, or any other similar advantage.
- ❖ These afore listed items, in terms of PRECCA, will be considered a gratification, when used (given or offered) by an individual(s) to reward an employee in the public service who is in a position of power, to use that power, illegally and unfairly, to the advantage of the person giving the gift or any other person. This is called “Corruption”.
- ❖ The PRECCA describes corruption as follows: Corruption is where one person (The Corruptor) gives (or offers to give) someone in a position of power (The Corruptee) something (called ‘gratification’ in the referred Act) to use that power, illegally and unfairly, to the advantage of the Corruptor (or another person).



5.3. How to distinguish between a gift and a gratification

To distinguish between a gift and gratification, one has to look at Regulation 13(a) of the PSR, 2016:

“An employee shall not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), from any employee or any person in return for performing or not performing his or her official duties.”

² See p. 6 of the Guide for the full definition of gratification.

This regulation aims to make it very clear that employees in the public service cannot accept bribes and pretend for it to be a gift. Accepting a gratification is an act of corruption and the gratification received is a bribe.

In terms of regulation 13(a), an employee may not take a gratification (“receive”), hint or beg for it (“solicit”) or claim ownership thereof (“accept”). The regulation identifies who gratifications should not be taken from: it should not be received, solicited or accepted from any colleague (employee) or any other person (thus, including but not limited to a member of the public). But, the crucial part of the regulation is the part that refers to the **context/intention** under which the acceptance of a gratification is forbidden: **in return for performing or not performing one’s official duties**. Thus, a gratification is something gained by performing or not performing a duty (see the note box hereunder).

Important note

In terms of PRECCA, section 10, if a public servant receives a gratification in the course of duty intended to influence him/her to act in a way that will benefit the giver (or another party), the gratification will be construed a bribe. Both the giver and receiver will be guilty of the offence of corruption.

For example, a Service Provider offers to give the Finance Clerk a bottle of whiskey because their payment was processed quickly or a traffic officer takes money from a motorist to avoid a traffic penalty. In these two scenarios, the offers of gifts are being made in connection with performance and non-performance of duties. If the officials accept the offers, the whiskey and money would not be considered gifts, but as a gratification, as they were offered to influence the officials’ performance or non-performance of a rightful duty.

From the above it is clear that an employee in the public service has to understand the **difference between a gift and a gratification**.

In summary:

- ❖ If something (any gift, money, donation, fee, etc.) is received (it may be over a long period) in the context of a corrupt relationship (in return for performing or not performing ones official duties), offered with the intention to influence the person receiving it (even if it is very subtle and innocent in the beginning), to make a decision he/she otherwise would not have made or to act in a way

different from what the person would have, that something would be regarded as a gratification, or a bribe and **not a gift**.³

❖ Difference between a gift and gratification:

| Gift | Gratification |
|--|---|
| Offered in Scope and Course of duty | Offered to influence performance and non-performance of duties |
| It is overt - presented in a transparent and open manner | It is covert - it is presented privately and exclusively to an employee or group of employees |
| It is legal and in line with regulation 13 (h) | It is illegal and not in line with regulation 13 (a) |

6. MANAGING GIFTS IN THE PUBLIC SERVICE

The management of gifts in the public service is regulated in terms of PSR, 2016, regulation 13(h).

6.1. What does regulation 13(h) of the PSR, 2016 mean?

As indicated in the introduction to the Guide, employees in the public service are allowed to receive and accept gifts if it is presented in the course and scope of their employment.

Regulation 13 (h) “An employee shall — not **receive** or **accept** any gift from any person **in the course and scope of his or her employment, (other than from a family member)**, to the **cumulative value of R 350** per year, unless **prior approval** is obtained from the relevant executive authority;”

This means the following:-

An **employee** – Refers to any person employed in terms of section 8 of the Public Service Act, Act 103 of 1994.

To **receive** a gift does not mean an employee is accepting it. Receive means the employee acknowledge the appreciation of the one presenting the gift, by taking it.

³ See Case Study on page 29.

Accept means to claim the gift as property by taking ownership of it. For example, taking a gift home.

Course and scope means an activity that has to do with, and originates in: the work, business, trade, or profession of the employer, or at least, is directly connected to it. For example, attending a session, course, a seminar, a work shop, a lecture or a function related to the department of employment.

Other than from a family member reiterates that in terms of this regulation, the context of receiving a gift is restricted to the course and scope of employment of the employee. As such, private gifts received from family or friends in a private capacity (such as Christmas gifts, birthday gifts, etc.) does not have to be declared or entered onto a register. An employee in the public service is prohibited from accepting a “gift” from a family member who is also an employee in the public service, in return for performing or not performing an official duty, such not filing a leave application, or issuing a grant for a child, etc. This is a gratification and not a gift.

To the cumulative value of R350 per year means to the total value of R350 in a given financial year. This means that the total value of ALL gifts (cumulative) in a given financial year should not exceed R350, whether it is from a single source or multiple sources.

Prior approval is required from the executive authority or delegated authority when an employee in the public service is to **receive and accept** a gift which is valued more than R350. This means approval must be **obtained before attending** a function, conference, etc. where a gift may be presented. For gifts with a value of less than R350, no prior approval is needed.

6.2. In terms of regulation 13(h), what types of gifts can or cannot be received, accepted and/or recorded onto a gift register?

6.2.1. Types of gifts that may be received and accepted in the course and scope of one’s employment

Gifts that may be considered acceptable are those that typically would not influence any decision to be taken by an employee in the public service, and would not influence the conduct of that employee, because they are not offered in return for performing or not performing one’s duty, but merely as an innocent token of appreciation.

The common characteristics of these types of gifts are that they are offered to everyone playing the same role, are not targeting a specific individual and are offered openly in the public, are presented

without expectation of reciprocity⁴, and are merely to **express appreciation**, or to **honour a recipient** or to **be civil**.

Examples of these gifts are as follows:

- a) Where an employee attend an official function in own capacity or as a representative of the employer, where they are provided with gifts (including civilities).
- b) Where an employee attends a public service related function and a promotional item is handed to all attending (such as pens, water bottles, memory sticks, etc.).
- c) Where an employee forms part of a study tour and receives a scarf from one of the attendees/hosts as a token of appreciation.
- d) Where an employee attends an official conference and receives a bag, a T-shirt, a calendar, a notebook and pen set as part of the conference pack.
- e) Where an employee attends a gala function specific to their field of expertise hosted by civil society and receives a gift.
- f) Where an employee attends meetings with private sector organisations at their offices and are offered tea, coffee, lunch, etc. as a normal gesture of courtesy.
- g) Where an employee acts as a guest speaker at an official function and receives a gift.

6.2.2. Types of gifts that may not be received and accepted in the course and scope of employment

If the context and intention of a gift cannot be established, the receiving and accepting of it should not be approved. For example, a flower arrangement, movie tickets, bottle of perfume, etc. left on an employee's desk, without any indication by whom it was sent.

6.2.3. Types of gifts received and accepted in the course and scope of one's employment that may be excluded from being entered onto the departmental gift register

The aim of a departmental gift register is to identify the entities and individuals who are providing gifts to employees, in order to determine trends and to identify possible conflict of interests. For this reason, gifts presented by a department to its employees (a corporate gift) can be excluded from being entered onto a departmental gift register, as there would be no need to assess for conflict of interests. Examples of these gifts are those offered by a department to employees to celebrate Women's Days,

⁴ The practice of exchanging things with others for mutual benefit.

Secretary Days, Employee Wellness Days, Men's Days, etc. Travel miles earned due to official trips may also fall within this category.

6.3. When should approval be requested to receive and accept a gift, and when is it not necessary?

Regulation 13(h) creates the following two scenarios:

- 1) Scenario 1: An employee must obtain **prior approval** from his or her relevant executive authority (or the delegated authority), when receiving or accepting any gift from any person in the course and scope of his or her employment, **if a gift is valued at R350 or more**, or when the value of a number of gifts received from a single source or multiple sources over the period of a year (01 April to 31 March the next year), **exceeds the R350 threshold**.
- 2) Scenario 2: When the gift(s) has a value of **less than R350** in total per annum and is presented in the course and scope of an employee's employment, **authorisation** from the relevant executive authority **is not required**.

6.3.1. Scenario 1: Gift(s) valued R350 and above, received during the course and scope of employment (as a single gift or cumulatively)

Regulation 13(h) is clear that an employee in the public service cannot receive or accept a gift **above** the threshold of **R 350** (or when another gift is added and the cumulative value exceeds R350) unless **prior approval** was obtained from the relevant executive authority (or delegated authority). **The threshold of R350 is for all gifts received, not only from one source.**

Thus, in the event an employee does not obtain prior approval (meaning before attending) and attend a function where he/she is presented with a gift in the course and scope of his/her duty that exceeds R350, the gift **can neither be received nor be accepted** (Even if the employee was not aware that gifts with a value of R350 or more would be presented at the function). If prior approval was obtained (by means of a submission requesting permission from the executive authority) to accept gifts, the employee may receive the gift. But, acceptance of the gift is not automatic. Although the executive authority gave permission for the employee to receive the gift(s), the executive authority cannot be expected to provide approval for acceptance of a gift without knowing what that would entail.

To deal with this, after accepting a gift at an event, and prior approval was obtained, the employee should, when back at the office, inform his/her supervisor, declare the gift by completing a Gift Declaration Form (see Annexure A) and leave the gift with the Ethics Office for safe keeping. The

Ethics Officer (if not the delegated authorising authority) will forward the Gift Declaration Form to the relevant executive authority (with a copy of proof to receive the gift) to request formal authorisation and if approved will notify the employee per Authorisation Letter (see Annexure B). The gift will only then be handed back to the employee and the Ethics Officer will record the gift onto the departmental gift register. If the employee is a designated employee (in terms of regulation 18 of the PSR, 2016), he or she will disclose the gift(s) on the eDisclosure system and will upload the Authorisation Letter (see point 7) and Gift Declaration Forms.

What does an employee need to do if he/she receives one more gift that pushes the cumulative value of all the gifts he/she received during the year over the R350 threshold? Regulation 13(h) states that an employee in the public service must require prior permission to accept and receive a gift that goes over the cumulative threshold of R350. So, in practise this means that an employee should keep track of the value of all the gifts received and accepted in the course and scope of his or her work (which should be at hand as copies of the Gift Declaration Forms should be kept). As soon as the value of all gifts received and accepted cumulatively approaches R350, an employee must seek approval from the relevant executive authority to receive and accept more gifts, irrespective of their value (even if it is a pen). The threshold of R350 is deliberately low, so as to discourage a situation where the value of a gift (or gifts) starts to influence an employee's conduct and decisions. It is also to discourage public servants from being perceived to be beggars.

6.3.2. Scenario 2: Gifts valued less than R350, received in the course and scope of employment

Regulation 13(h) states that if the value of a gift(s) is less than R350, the employee does not need to obtain permission from the relevant executive authority to receive or accept the gift. This is because the value of the gift is regarded not significant enough to influence one's conduct and/or decision-making, or to cause any reputational damage to the department. Employees should **still declare** these gifts (using the Gift Declaration Form) and the information needs to be entered onto the departmental gift register. All designated employees should declare these gifts using the eDisclosure system (see regulation 19 (h) of the PSR, 2016). Non-disclosure of gifts is a disciplinary offence.

6.3.3. Some practical examples

Examples of how this may work in practise are:

- I do not usually attend functions and I hardly receive gifts, so I do not inform my executive authority of any planned meetings where gifts may be offered. In December I receive a

scarf after attending a study tour, worth R130. On 12 January, I receive lunch from Exxon not for profit company valued at R87.10. On 8 February I receive a bag, T shirt and pen set at a conference for employees in the public service from Nathi Conference Planners to the value of R120. All of these gifts I have disclosed using the Gift Declaration Form (as I am a designated employee, I also declared it at the end of April on the eDisclosure system). The gifts were also recorded by the Ethics Officer in the departmental gift register. At the end of February I observe that I already received gifts to the value of R337.10. This means that in the event I should be offered another gift with a value of more than R12.90, I will need to obtain prior authorisation from my relevant executive authority before I can receive and accept it. I now have to write a submission to the executive authority to accept more gifts, or I should refrain from accepting any more gifts.

- As I attend a number of functions during the financial year in the course and scope of my work, I write a submission to the relevant executive authority at the beginning of the year, explaining the nature of functions I am going to attend and the possibility that gifts may be offered during those functions. During the year I attend the indicated functions and when I return to the office I declare the gift using the Gift Declaration Form (with my approval to receive the gift attached) and I leave the gift with the Ethics Officer for safe keeping. To obtain authorisation to keep the gifts, the Ethics Officer forwards the Gift Declaration Form to the executive authority for approval. When approved, the Ethics Officer provides me with a copy of the Authorisation Letter. As I am a designated official (in terms of regulation 18 of the PSR, 2016), I disclose the gifts on the eDisclosure system and attach proof of permission to accept the gifts and the Gift Declaration Forms. The Ethics Officer enters the gift onto the departmental gift register.
- In December I received a calendar from the Chinese embassy worth R349. This means that I have reached the threshold and therefore I request approval from the relevant executive authority to receive more gifts.

Important note

An employee must know that in terms of section 10 of PRECCA it is illegal to accept an unauthorised gift. That is when a gift is accepted without following proper procedures to have the acceptance thereof authorised.

6.4. What should guide decision-making when contemplating the receiving, accepting or approval of a gift?

Regulation 13(h) should guide all employees in the public service when making a decision to receive or accept a gift as well as authorising authorities when considering the approval of requests to accept and receive a gift.

First of all, an employee must be clear that the gift is not a gratification, offered in return for the employee to perform or not to perform his/her official duties. As indicated in the Guide, that is illegal under South African law.

Before an employee receives and accepts a gift, the following intertwined elements should be considered to guide decision-making:

- 1) One has to be clear about the **intention** of the giver. Why did the person present a gift? Is it in any way influencing performance or a pending decision (now and in future)?
- 2) One has to understand the **context** in which the gift is offered. This is the circumstances in which the gift was presented:
 - First of all, the gift should be given in the course and scope of an employee's employment and not in return for performing or not performing a duty,
 - Secondly, it should not be in response to any service delivered by the employee,
 - Thirdly, it should not be presented in relation to a transaction made between government and the private sector, and
 - Lastly, it should be presented in a transparent and open manner.

Both the intention and context need to be taken into consideration. Although the intention of the person offering a gift may not always be clear, as employees in the public service, it is expected that good judgement will be used to reflect on the givers' intention for giving the gift.

When considering approval for an employee to accept a gift, the executive authority should consider the intention and context.



Examples

A big company invites you to their office and presents you with an expensive pen set displaying their company logo (promotional gift) (**intention**). This happens the same month your department is expected to issue a tender (**context**). Can I accept this gift? Use the test to verify your answer.

| TEST FOR ACCEPTING A GIFT (Circumstances under which you should not accept a gift) | | |
|---|---|---|
| | X = Do not accept | |
| INTENTION | Unclear/ To influence my conduct | X |
| CONTEXT | In response to my service delivery (provided by a person I rendered a service to) | X |
| | In relation to a transaction made between government and the private sector | X |
| | Manner in which it was presented was not transparent and open | X |
| | If the giver is a service provider, or contractor, or potential service provider to my Department | X |
| | If the gift is from someone tendering for business with my Department | X |

7. RECOMMENDED MEASURES TO MANAGE GIFTS IN THE PUBLIC SERVICE?

To promote ethical conduct, departments must have resilient measures in place to manage the receiving and accepting of gifts. Departments are therefore encouraged to raise awareness on the issue of gifts and consider adopting the following measures:

- Adopt a gift policy
- Establish custodianship
- Manage gifts

7.1. Adopt a gift policy

A gift policy will be the basis for legal enforcement of gift management in the workplace (see Annexure D: Example of a typical Gift Policy). Every department need to adopt a gift policy or at least incorporate gift issues with a similar policy such as a Conflict of Interest Policy.

A gift policy should cover the following areas:

- Clarification of regulation 13(h) of Public Service Regulations, 2016.
- A process to declare and register gifts.
- An approval process to receive and accept gifts above R350.
- Promulgate the Gift Declaration Form (Annexure A), the Authorisation Letter (Annexure B) and a Gift Register (Annexure B).
- A process to hand over the received gift (above R350) to assets, when authorization to receive the gift was declined.
- A process to dispose of received gifts.
- A verification process.
- A reporting process to report incidents where unauthorised gifts were accepted.
- Disciplinary measures in case of non-compliance and outright violation.

7.1.1. Clarification of regulation 13(h)

To address the issue of gifts in a policy, departments should keep the following in mind:

- The policy on gifts is based on Regulation 13(h).
- Regulation 13(h) applies when an employee in the public service receive a gift within the course and scope of his or her work. This is what it means:
 - An employee may receive and accept a gift to the value of less than R350 per annum, without seeking authorisation. The gift must still be declared, indicating its value and must be entered into the departmental gift register.
 - An employee may receive and accept a gift valued more than R350, if authorisation is obtained from the relevant executive authority prior to receiving and accepting it. This means the employee receives the gift, comes back to the department, hands the gift to the Ethics Officer for safe keeping and declares the gift in the Gift Declaration Form. The Ethics Officer forwards the Gift Declaration Form to the relevant executive authority to seek permission to accept the gift, and if permission is granted, the Ethics Officer issues an Authorisation Letter, allowing the employee to accept the gift. The gift is then entered onto the departmental gift register. The employee declares this gift on the eDisclosure system, if he/she is a designated employee and attach the Gift Declaration Form and Authorising Letter.
 - If an employee receives more than one gift over a period of time, and the combined value is more than R350, the employee must seek prior permission

from the executive authority to receive the second gift. If permission is granted, the employee should still request permission to accept the gift (by following the same process than outlined in the paragraph above).

- The threshold of R350 refers to gifts received in total, not gifts from a single source.
- A departmental policy should, among other things, address the following issues:
 - Define the course and scope of employee's work (in relation to the business of your Department),
 - Indicate any kinds of gifts that are prohibited or people/organisations from whom/which employees are not allowed to receive gifts (as it may present a conflict of interest),
 - Indicate which gifts are exempted (e.g. Gifts such as loyalty points, conference packages, some promotional gifts and civilities) from being declared and recorded in the departmental gift register,
 - Indicate how to deal with perishable gifts,
 - Indicate how to dispose of gifts for which permission to accept was not granted, and
 - Outline the procedure for requesting approval, the procedure for declaring gifts, and identify the employee responsible for the gift register.
- Sometimes employees receive gifts on behalf of the department or attend courses where laptops, tablets, cell phones or other valuable things are offered to the employee. These gifts belong to the Department and policy must address that.
- Most importantly, the departmental policy must address the risks that the department is facing.⁵ It may include a policy that even discourages the acceptance of gifts in the course and scope of one's employment, even if it is allowed under regulation 13(h).

Departments should create constant awareness around the issue of gifts. It includes the distribution of posters discouraging the public to offer gifts to employees in the public service, placing of commendation boxes to encourage the public to commend good service, informing service providers of the departmental gift policy (in Service Level Agreements) and awareness sessions aimed at informing employees in the public service on a department's gift policy.

⁵ The National School of Government presents courses on ethics management that will assist Ethics Officers to perform an ethics risk assessment. Ethics Surveys for 2015 and 2018 were also made available to Ethics Officers to assist with assessing ethics risks.

7.1.2. Process to declare and register gifts

All gifts have to be declared, be it less than R350 or more, except for those gifts excluded in the departmental policy as it does not pose a conflict of interest or a risk to the department based on its ethics risk assessment (mostly gifts received by employees from the department they are employed at).

The following declaration and recording processes are considered good practise:

- Upon receiving a gift, an employee must fully complete a Gift Declaration Form (see Annexure A: Gift Declaration Form) and submit the form to the Ethics Officer.
- In cases where the gift exceeds R350 in value, the employee must complete the relevant section on the form and submit the gift to the Ethics Officer for safe keeping. Where the Ethics Officer is not the authorising authority, he/she has to forward the request to the relevant executive authority for approval. The outcome of the request has to be recorded by the Ethics Officer on the Gift Declaration Form.
- The Ethics Officer uses the Authorisation Letter (see Annexure B) to inform the employee of the decision. The employee should keep a copy of the form.
- The Ethics Officer must include the gift on the departmental gift register, whether the gift is approved to be accepted or not.
- All Gift Declaration Forms must be filed by the Ethics Officer.
- The departmental gift register and Gift Declaration Forms should be audited by internal audit.
- All designated employees should disclose all gifts (less than or more than R350) when completing their financial disclosures online, as and when required in terms of the applicable regulatory framework. If the gift(s) is valued R350 or more, the authorisation of the relevant authority and Gift Declaration Forms must be attached. If the gift is less than R350, only the Gift Declaration Form has to be attached when submitting to the eDisclosure system.

Recording gifts onto the departmental gift register will assist the Ethics Officer to assess the risks associated with the receiving of gifts. The Ethics Officer would therefore be in a position to monitor for conflict of interests and to draft a monitoring report for the HoD (for example indicating what gifts were received, by whom, the value thereof, etc.). Such a report should be done at least once a year. In line with good governance principles, this information can be published in a departments' annual report. This includes reporting on the disposal of gifts which were not approved.

It must be noted that a gift register is valuable to indicate what entities are providing gifts to a departments' employees and to assess the reason for it. A register will not assist to identify dishonest employees.

7.1.3. Approval process to receive and accept gifts above R350

The name of the relevant authority or delegate responsible for authorising the receiving and accepting of gifts should be communicated to all personnel. This may be the Ethics Officer, as delegated by the relevant executive authority.

The process to obtain approval to receive or accept the gift(s) offered during the course and scope of employment, valued R350 and above (as a single gift or cumulatively) should include the following:

- Employees to receive gifts to the value of R350 and more should write a submission to the relevant authority to obtain permission prior to receiving and accepting a gift. The submission may include a list of all events still to be attended during the financial year.
- As the relevant executive authority cannot provide permission for acceptance of a gift valued R350 and more without knowing what it is, the employee has to hand the gift to the Ethics Officer for safe keeping, then request authorization to accept the gift by completing the Gift Declaration Form (see Annexure A) and submitting it to the Ethics Officer (with proof of permission to receive a gift attached). The Ethics Officer will forward the request to the executive authority for authorisation, after providing advice/recommendations. If the Ethics Officer is the delegated official, he/she will consider approval of the gift. The relevant authority either approves acceptance or declines it, and uses the Authorisation Letter (see Annexure B) to inform the employee on the decision. This must be done within a reasonable time. The gift is then captured by the Ethics Officer in the departmental gift register.
- If an employee attends a function, did not know a gift with a value of R350 and more would be offered, the employee can neither receive nor accept the gift when offered.
- The relevant executive authority or delegated official is the only authority who may approve the receiving and accepting of a gift with a value of R350 and more.

The relevant authority or delegate must take the intention of the giver and the context in which the gift was given (refer to point 6.4 of the guide) into account, before approving the receiving and accepting of a gift.

Where the Ethics Officer is not the delegated executive authority, the Ethics Officer should play a role to determine conflict of interests posed to a specific individual when accepting a gift, by providing advice and making some recommendations where indicated in the Gift Declaration Form. The Ethics Officer may also assist to determine the value of the gift or to verify the stated value (see point 7.1.7).

7.1.4. Promulgate the Gift Declaration Form and a Gift Register

The Gift Declaration Form (Annexure A), Authorising Letter (Annexure B) and Gift Register (Annexure C) should form part of the departmental gift policy.

7.1.5. Process to hand over received gift (above R350) to assets, when authorization to receive the gift was declined

In certain circumstances (still within the scope and course of one's employment), an employee may receive a gift that the relevant executive authority considers to be inappropriate or which presents a possible conflict of interest. The relevant executive authority as such may refuse authorisation for the gift to be accepted. Refusal may be informed by the risks facing the particular department or on considering the context and intention of the gift. The relevant authorising authority can request for the gift to be returned to the giver, handed over to assets or, in some cases, for it to be disposed of.

7.1.6. Process to dispose of received gift

Examples of disposable gifts are:

- Gifts that would pose a potential conflict of interest.
- Gifts that may offend - such as ornaments made from rhino horn, etc.

These types of gifts should be disposed of, using the following process:

- The relevant authorising authority, with the assistance of the Ethics Officer if not the relevant authority, shall examine each gift and the circumstances surrounding it, and assess whether any adverse effect may result from a return of the gift. This must be the first option, as the gift would be deemed accepted if not returned.
- If the returning of the gift is not deemed feasible, the Ethics Officer may be required to dispose of the gift. If the gift is not of an offensive nature, this may include:
 - The gift be donated to a school, charitable organisation, old age home, etc.
 - The gift be auctioned once a year to employees or the public. All proceeds need to be donated to a school, charitable organisation, old age home, etc.

In the process of disposing gifts, the Ethics Officer should be responsible, accountable, fair and transparent. The disposal of these gifts have to be reflected in the departmental gift register.

7.1.7. Verification Process

To verify the value of a gift indicated by employees on the Gift Declaration Form, the Ethics Officer can consult Google, or phone outlets/stores/companies to compare prices. They can and should also consult with the employee and other colleagues when experiencing difficulty to verify the value of an item. For more information, consult the *Guide on Verification of Financial Interests disclosed by Designated Employees*.

7.1.8. Reporting Process

Any non-compliance to PSR, 2016, regulation 13(h) should be reported in accordance with the reporting policy of the department (see *Guide on the reporting of unethical conduct, corruption and non-compliance to the Public Service Act, 1994 and the Public Service Regulations, 2016 in the Public Service*).

7.1.9. Disciplinary Measures

A contravention of regulation 13(h) is deemed misconduct and should be dealt with in accordance to the Disciplinary Code.

7.2. Establish custodianship

Gift management is an important function to address conflict of interests and corruption. For this reason, and in line with regulation 23(1)(a) of PSR, 2016, which expects an Ethics Officer to promote integrity and ethical behaviour in a department, an Ethics Officer should be designated to manage gifts and to maintain the departmental gift register. It is up to the department to place this responsibility in a relevant section or unit. The functions of the designation will be informed by the content of the Gift Policy. Typically, these functions should include, but are not limited to:

- Establish and manage the gift policy
- Raise awareness about the gift policy
- Manage the process of declaring, authorising and recording gifts onto the departmental gift register
- Disposal of gifts

7.3. Manage gifts




There should be a clear process of what employees should do once a gift is received.

Employees can only receive gifts under the following conditions:



- When the gift or gifts received in the given year is less than R350 in total value.
- When an employee has authorisation to receive gifts over the value of R350 per year.

Once a gift is received, and prior authorisation was obtained were appropriate, the following steps should be taken:


7.3.1. When the gift or gifts received in the given year is less than R350 in total value


| | Image | Controls |
|---------------|---|--|
| Step 1 |  | a) An employee informs the supervisor about the gift(s) b) An employee completes a Gift Declaration Form (Annexure A) and attach a copy of the approval letter received from the relevant executive authority |
| Step 2 |  | a) An employee submits the Gift Declaration Form with attachment to the Ethics Officer b) The Ethics Officer verifies the gift and estimates the market value c) Employee accepts the gift d) An employee keeps a copy of the Gift Declaration Form after signoff by the Ethics Officer e) The Ethics Officer registers the gift |
| Step 3 |  | a) All designated employees should disclose all gifts received when completing their financial disclosures online and attach a copy of the Gift Declaration Form |

7.3.2. When an employee has permission to receive gifts over the value of R350 per year

| | Image | Controls |
|--------|---|---|
| Step 2 |  | <ul style="list-style-type: none"> a) An employee informs the supervisor about the gift(s) b) An employee submits the Gift Declaration Form to the Ethics Officer and attach a copy of approval received by the relevant executive authority c) The Ethics Officer verifies the gift and estimates the market value d) The Ethics Officer forwards the Gift Declaration Form to the executive authority to request authorisation to accept the gift and provides advice/recommendation. If the Ethics Officer is delegated to authorise, then the Gift Declaration Form is not forwarded, but approved or declined by the Ethics Officer e) The Ethics Officers stores the gift in a safe place until feedback from EA is received f) If permission is granted to accept the gift, an Authorisation Letter is issued to the employee g) The Ethics Officer hands over the gift to the official h) The Ethics Officer records the gift onto the departmental gift register |
| |  | The official discloses the gift on the eDisclosure system and attaches copies of the Authorisation Letter and Gift Declaration Form(s) |

7.3.3. When an employee does not get permission to receive gifts over the value of R350 per year

| | Image | Controls |
|--------|---|---|
| Step 3 |  | <ul style="list-style-type: none"> a) The request to accept the gift is disapproved and an Authorisation Letter is issued indicating such b) The Ethics Officer returns the gift to the giver, hands the gift over to Assets Unit or disposes of it |

| | | |
|--|---|---|
| | | c) The Ethics Officer records the gift onto the departmental gift register and indicates the method used to dispose thereof (return, handed to Assets Unit or disposal) |
| |  | |

8. SOME SCENARIOS

For further guidance, consider the following scenarios:

Scenario 1

John Mkhize is a director for information technology in the Department of Home Affairs (DHA). The DHA receives an invitation to attend the Annual Information and Communication Technology Conference. John is nominated by the Head of Department to attend the Conference. At the registration desk for the Conference, he is presented with a conference pack. Inside the pack, the following items are included:

- USB Memory stick,
- T-shirt,
- License disc sticker, and
- Writing pad and pen.

In line with government policy, it would be regarded as acceptable for Mr. Mkhize to receive and accept the gift. However, he had to obtain prior approval to receive and accept the gift, as it is worth more than R350. If the gift was less than R350, he did not need to obtain authorisation. If he received approval to accept gifts with a value of more than R350, he can receive it, but still has to request approval to accept it. If approval is granted, he can accept the gift and has to declare the gift on the eDisclosure system and attach a copy of the Gift Declaration Form and Authorisation Letter, as he is a designated employee.

Scenario 2

Ms Pule Hendricks, the head of Supply Chain Management, is called to the reception of her department. When she gets there, she is given a package that is addressed to her. She opens the package and finds 2 tickets for a soccer match. In the pack there is also a card with a message of appreciation for “good partnership” from the Accounts Manager at Khumalo Enterprise. Khumalo Enterprise is contracted to her department to do maintenance work. She is elated, as she recalls mentioning to an employee of Khumalo Enterprise her love for soccer and her wish to attend the big game in Durban.

In this scenario, Ms. Hendricks is presented with a bribe. As the head of Supply Chain Management she should not receive gifts from service providers, as it impacts on the performance of her official duties. The fact that she hinted a desire to obtain a gift from Khumalo Enterprise is problematic. If she accepts the soccer tickets after asking for it, it will be considered a bribe and will she be guilty of corruption. If her comment was misunderstood by Khumalo Enterprises, she should return the tickets and explain to them that her mentioning of a love for soccer was misunderstood as solicitation for a gift.

Scenario 3

Thompson Events Company is hired by the Department of Public Enterprises to manage and organise a Conference on behalf of the Department. The Deputy Director, Ms Hilda Smith is assigned by the Department to be the project manager for the hosting of the conference. At the end of the Conference, Thompson Events Company offers Ms Smith a hospitality package for the Annual Jazz Festival with all expenses paid by the company.

In this scenario, the events company decided on their own to offer a benefit to the employee. Again, in this case, the company is prohibited from offering a benefit because it is doing business with the Department of Public Enterprise. Ms Smith should decline the offer as she was paid to do the work and she should report the company to the departmental Ethics Officer or her manager.

Scenario 4

Mr. Themba Nkosi is a front office clerk at the Home Affairs office in Delareyville. He assists Ms Jane Moroka, an unemployed widow, to obtain a birth certificate for her disabled son. With the birth certificate, Ms Moroka will be able to apply for the disability grant at the local SASSA office. She is very pleased with the assistance she received from Mr. Nkosi. She is particularly impressed by the professional attitude that he displayed. She then decides to offer Mr Nkosi a R20 note.

In scenario 4, Ms Moroka felt obliged to show her appreciation for the good service she obtained from Mr. Nkosi. Most people will say it was only courteous of her to offer something to him and therefore there is nothing wrong about this act. The fact that needs to be explained is that Ms Moroka has a right to receive this service. By offering a “gift” to the official, she is encouraging a practice in which citizens are required to offer “gifts” for services rendered by the State. In this case, Mr. Nkosi should decline the offer, express his appreciation of the gesture shown by Ms Moroka and explain politely that his good service to her is something expected of all government officials. If he accepts the gift, he would be guilty of corruption and would be charged under the PRECCA.

CASE STUDY

'A bribe is a bribe - even if it's biscuits' (*The Mercury* - January 19 2015)

By Kamini Padayachee

Durban - Public service employees' acceptance of bribes, even a packet of biscuits, has been thrown into the spotlight by a recent Durban Labour Court judgment which found that the value of the bribe was not of paramount importance.

Acting Labour Court Judge Connie Prinsloo was dealing with the case of Home Affairs data capturer Mathato Mokhele who claimed she was fired in 2007 after taking only one packet of Marie biscuits to provide a faster, preferential service.

Mokhele had been charged with misconduct and was dismissed after she pleaded guilty during her disciplinary hearing.

She took her matter to the bargaining council for arbitration and the arbitrator ruled in 2010 that her dismissal had been substantively fair. She approached the labour court to review the decision and in a judgment last week, Judge Prinsloo dismissed the matter with costs as she ruled that the arbitrator's decision was reasonable.

Mokhele argued that she was charged with misconduct despite the department's manual stating that only gifts worth R 350 and above had to be declared. She said the department had not proved she accepted any gifts worth R 350 and she should not have been disciplined.

Judge Prinsloo said a Home Affairs official had testified that the overriding rule was that no gifts should be accepted at all and that Mokhele had been trained in the code of conduct.

"The evidence was that it was not about the value of the gift, but employees in the public service are paid and should not accept gifts for services rendered.

"This amount (R 350) is not stipulated in the code of conduct and by no stretch of the imagination could it mean that employees could accept gifts and benefits as long as the value is less than R 350," the judge said.

The court also found that even though Mokhele's version was that she was fired for taking one gift on one occasion, in a confession she had admitted to taking presents from funeral parlour workers and marriage officers to give their documents preference.




"I confess to taking presents for quicker services. I know what I have done is wrong and I am very sorry for that. I would like the department to give me a second chance and I promise that something of this nature will never happen again as I have learnt my lesson," Mokhele said in the confession.

She could not explain why she admitted taking "presents" but claimed she had written the confession because she was asked to do so and she did not want to upset her boss.

The judge found that apart from the confession, Mokhele had admitted during the arbitration that she had been wrong to accept a bribe.

She said Mokhele had not said the confession was false or that she had been forced to write it.

9. QUICK REFERENCE

| Gifts offered in course and scope of employment | Can you receive the gift? | What do you do if you want to accept the gift? | What do you do if you are not allowed to accept the gift? |
|---|---|--|---|
|  <p>Less than R350</p> | <p>A gift is valued less than R350</p> | <ol style="list-style-type: none"> 1. You are free to accept the gift without seeking authorisation. 2. You have to complete the Gift Declaration Form (see attached as Annexure A). 3. You have to submit the completed form to the Ethics Officer, who then include the gift onto the departmental gift register. 4. When it is time to disclose your financial interests, you have to attach the Gift Declaration Form on the eDisclosure system. | |
|  <p>More than R350</p> | <p>You have not obtained prior approval from the relevant executive authority or delegate to receive a gift(s) valued more than R350.</p> | <p>You must decline to receive or accept the gift.</p> | |
|  <p>More than R350</p> | <p>The gift (or number of gifts) is valued R350, and you have obtained prior approval from the relevant executive authority or delegate to receive the gift. You can receive the gift, but you have to request authorisation to accept the gift.</p> | <ol style="list-style-type: none"> 1. Back at the office, you inform your supervisor and hand the gift to the Ethics Officer for safe keeping. 2. You have to complete the Gift Declaration Form (see attached as Annexure A) and attach proof of permission to accept the gift to the form (see Annexure B). 3. You have to submit the completed form and attachment to the Ethics Officer, who will then complete it and forward it to the executive authority for authorization (or make a decision, if he/she is the delegated authority). 4. When approved by the executive authority (or delegated authority), the Ethics Officer notifies the employee per Authorization Letter (see Annexure B) and include the information on the departmental gift register. 5. When it is time to disclose your financial interests and you are a designated employee, you have to attach the Gift Disclosure Form and Authorisation Letter on the eDisclosure system. | <p>When you receive feedback from the relevant executive authority that you are not allowed to accept the gift, the Ethics Officer will inform you per Authorization Letter (Annexure B). The Ethics Officer will then either return the gift or dispose of it in line with departmental policy. The Ethics Officer must record the decision in the gift register.</p> |

GIFT DECLARATION FORM

This declaration form supports the department's Gifts Policy. In terms of policy, employees must declare all gifts received (whether accepted or declined) and seek written authorisation from the relevant authority to receive gifts to the cumulative value of **R350 and above**, before requesting authorisation to accept the offered gift.

The Gift Declaration Form is therefore intended to use to:

- a) declare gifts with a value of less than R350,
- b) to declare gifts with a value of more than R350 and,
- c) to request authorisation to accept gifts with a value of more than R350 (after approval was obtained to receive gifts with a value of more than R350).

| Section A: Declaration of gift (Employee to complete) | |
|---|-------------------|
| 1. Declaration date | |
| 2. Full Names | |
| 3. Persal Number | |
| 4. Position | |
| 5. Unit (e.g. directorate) | |
| 6. Contact details | |
| Details of the gift | |
| 7. Date offered | |
| 8. Description of the gift | |
| 9. Estimated market value of the gift | |
| 10. Description of the source of the gift (name of individual/organisation making the offer) | |
| 11. Description of the relationship between the giver and employee (Is the person or entity making the offer a client/contractor/supplier/potential supplier of the department (Y/N)? If yes, describe the relationship between the giver and the Department. If no, describe the relationship between you and the person or organisation making the offer. (CONTEXT) | |
| 12. Indicate the reason for giving the gift (e.g. I attended a meeting hosted by the organisation) (INTENTION) | |
| 13. I received the gift YES / NO (If the value is more than R350, attach authorisation to receive the gift) | Signature Date |
| 14. I request permission to accept a gift with a value of more than R350, or permission to | Signature |

| | |
|--|--|
| accept another gift that would increase the value of gifts received by myself for this financial year above R350 (Proof of authorisation to receive these gifts are herewith attached) | Date |
| 15. Supervisor: Name and Surname, as well as contact details | Signature Date |
| Section B: Request for authorisation to accept a gift (Ethics Officer to complete) | |
| 1. Name | |
| 2. Position | |
| 3. Contact details | |
| Complete if individual accepted a gift with a value of less than R350 | |
| 4. I have reviewed this declaration form and submitted it for inclusion on the departmental gift register. | Signature: Date: |
| Complete if individual declined a gift with a value of less than R350 | |
| 5. I have reviewed this declaration form and submitted it for inclusion on the departmental gift register. | Signature: Date: |
| Complete if individual requests authorisation to accept gift | |
| 6. If the Ethics Officer is the relevant executive authority to approve the acceptance of a gift, indicate the decision: | Signature: Date: Approved: _____ Date: _____ Not Approved: _____ Date: _____ Reason: |
| 7. If the ethics Officer is not delegated as relevant executive authority to approve the acceptance of a gift, indicate: Date sent to relevant authority to approve acceptance of gift Advice/Recommendation: Received by relevant executive authority Decision of relevant authority: | Date: Date: Signature: Date: Approved: _____ Date: _____ Not Approved: _____ Date: _____ Reason: |

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| | |
|--|--|
| 8. Confirmation that the gift was handed over to the Ethics Officer for safe keeping | Signature of employee: Date: Signature of Ethics Officer: Date: |
| Section C: Approval granted to accept a gift (completed by employee and Ethics Officer) | |
| 9. I herewith indicate that I accept the gift and acknowledge that the gift was handed over to me by the Ethics Officer, as well as a copy of the Authorising Letter | Signature: Date: |
| Complete if individual accepted a gift with a value of more than R350 which was approved by the relevant authority | |
| 10. I have reviewed this declaration form and submitted it for inclusion on the departmental gift register. | Signature: Date: |
| Section D: Approval not granted to accept a gift (completed by Ethics officer) | |
| 11. Indicate detail decision regarding ownership of tangible offers (e.g. specify whether ownership was transferred to the department, the gift was returned to the giver; the gift was donated to charity etc.) | Indicate dates, receipt numbers, contact details, etc. |
| Complete if individual was not authorised to accept a gift with a value of more than R350 | |
| 12. I have reviewed this declaration form and submitted it for inclusion on the departmental gift register. | Signature: Date: |
| 13. I herewith indicate that an Authorisation Letter was addressed to the employee, indicating that approval was not granted for the employee to accept the gift. | Signature: Date: |

Annexure B: AUTHORISATION LETTER

Ref:

TO:

FROM:

DATE: 2014-01-01

**RE: REQUEST TO ACCEPT A GIFT WITH A VALUE OF OVER R350, OR A FURTHER GIFT WHICH
INCREASES THE THRESHOLD TO OVER R350**

You are herewith authorised to accept / not accept (give description of gift). (If not approved, provide reasons).

Please be reminded that you have to attach your Gift Declaration Form and this authorisation to the eDisclosure system, as and when required.

Kind regards,

XXXXXXX

AUTHORISING AUTHORITY

DATE: ____/____

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| Name, surname, official capacity and contact details of recipient | Description of gift | Estimated value R | Reason for making the offer and context (as per Regulation 19 of the Public Service Regulations, 2016) | Name of giver | Date received | Decision (Accepted, Authorised, Not Authorised, Disposed) |
|--|--|-------------------|--|---|-----------------|--|
| Hector Masego, Director: SCM, Limpopo Department of Health, 089 352 2887, HPMasego@Arts.gov.za | Blue vase with dragons depicted on it. | R 630 | The gift was presented to Mr. Masego by the Khoalese Embassy, in his capacity as supply chain manager, during an official visit to Khoalu (12-14/09/2028). | Khoalese Embassy, Commissioner Street 123, Polokwane. | E.g. 17/09/2028 | Gift was not authorised. Conflict of Interest as the Republic of Khoalu is engaged in tenders with the Department of Health. Gift was disposed of, donated to Miriam Makeba Old Age Home, Polokwane.. (Ms J. Marais, 012 867 3526) Receipt: 12/12/2013 |
| | | | | | | |

Annexure D: EXAMPLE OF A TYPICAL GIFT POLICY

Foreword

Definitions and abbreviations

- Accepting a gift
 - Corruption
 - Employee
 - Gift
 - Gratification
 - Receive a gift
 - Abbreviations such as HoD, PRECCA
1. Purpose of the policy
 2. Source of authority
 3. Scope of the policy/Applicability of the policy
 4. Clarification of regulation 13(h)
 5. Duty to declare all gifts received
 6. Duty to obtain authorisation to receive gifts with a value of more than R350
 7. Duty to obtain authorisation to accept gifts with a value of more than R350
 8. Process to declare and register gifts
 9. Process to obtain authorisation to accept gifts with a value of more than R350
 10. Disposal process
 11. Reporting of non-compliance
 12. Review of the policy
 13. Date of commencement

Signature of relevant authority

Date:

Where to go for help?

If you have questions after reading the Guide, there are several other sources you may contact for help.

Management

Feel free to approach your supervisor or manager with whatever concern or question you might have. Your management might refer you to another resource, but under most circumstances they should be your first point of contact.

Ethics Officers

Ethics Officers have access to management, have knowledge of the process and are well versed in the policy guiding gifts.

Hotlines

Report employees who are receiving bribes to the National Anti-Corruption Hotline: 0800 701 701.

Department

Contact the DPSA (Ethics and Integrity Management Unit) on 012 336 1000.