



social development

Department:  
Social Development  
PROVINCE OF KWAZULU-NATAL

## INTERNAL MEMORANDUM

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TO : Mr. M.T Mazibuko.  
The Senior Manager: HRA  
Department: Social Development, KZN.

DATE : Friday, 13 December 2013

### CERTIFICATE OF LEGAL COMPLIANCE: POLICY ON ACCEPTANCE OF GIFTS, HOSPITALITY AND FAVOURS.

We attach hereto a copy of the Policy on Acceptance of Gifts, Hospitality and Favours.

We confirm that the attached policy has been legally edited and is in accordance with the applicable laws.

We trust the above is in order.

Mr. Z.B Simelane  
(Acting) Deputy Manager: Legal Compliance.

Date: 2013/12/13



**social development**

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**PROVINCE OF KWAZULU-NATAL**

## **POLICY ON ACCEPTENCE OF GIFTS, HOSPITALITY AND FAVOURS**

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## 1. INTRODUCTION

The Department of Social Development fully subscribes to the Code of Conduct for the Public Service and it is the intention of the Department to ensure that the spirit of the Code of Conduct is promoted and enforced among all its employees. The policy on acceptance of gifts, Hospitality and Favours is aimed at ensuring that the high standards of ethics are maintained.

## 2. PURPOSE

The purpose of this Policy is to make employees aware of acceptable and unacceptable practices concerning Gifts, Hospitality and Favours offered to them.

## 3. OBJECTIVE

The objective of this Policy is to outline the conditions and procedures to be complied with when accepting Gifts, Hospitality and Favours.

## 4. SCOPE OF APPLICABILITY

This Policy applies to all employees in the Department of Social Development.

## 5. LEGISLATIVE FRAMEWORK

- 5.1 White Paper on Transformation Public Service Delivery (Batho Pele White Paper)
- 5.2 Public Service Regulations 2001 as amended
- 5.3 Public Service Act 1994(Act no 103 of 1994); as amended
- 5.4 PSCBC Resolution No. 2 of 1999 as amended
- 5.5 Constitution of the Republic of South Africa No 108 of 1996
- 5.6 Code of Conduct for the Public service, 2002
- 5.7 Prevention and Combating of Corrupt Activities Act 2004(Act no 12 of 2004) as amended
- 5.8 Public service Commission Act 1997(Act no 46 of 1997); as amended
- 5.9 Public service Commission Report on the management of Gifts in the public service, March 2008

## 6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

- 6.1 **“Award”** means a thing or things given to a person or a group of people to recognize excellence in a certain field; a certificate of excellent, awards are often signified by trophies, titles, medals, badges, pins or ribbons;
- 6.2 **“Employee”** means any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive, any remuneration; and any other person in any manner assisting in carrying on or conducting the business of an employer, and “employee” and “employed” have meanings corresponding to that of “employee”;
- 6.3 **“Employer”** means the KwaZulu-Natal Department of Social Development;
- 6.4 **“Family”** means a group of two people or more related by marriage, blood relation, or adoption and constitute a social union,



**6.5 “Favour”** means something given as a token of love affection of remembrance or a gracious, friendly, or obliging act that is freely granted;

**6.6 “Gift”** means receipt of physical presents, awards, rewards, hospitality, donations, money, sponsorships, commissions or any other benefit or gratification that is received by an employee in his or her official capacity;

**6.7 “Hospitality”** means food, drink, accommodation, or entertainment provided free of charge or heavily discounted; and

**6.8. “Prize”** means an award given to a person or group of people to recognise and reward actions or achievements, something given for victory or superiority in a contest or competition.

## **7. POLICY PRINCIPLES**

7.1 Employees shall at all times maintain and promote a high standard of professional ethics.

7.2 No employee shall use his / her official position to neither obtain gifts or benefits for him / herself during the performance of his / her duties nor accept any gift or benefit.

7.3 No employee shall attempt to solicit gifts from a service provider or a person to whom services are rendered by the department.

7.4 Gifts and Hospitality with a value in excess of R350- 00 (three hundred and fifty rand) shall not be accepted unless approved by the Head of Department.

7.5 Gifts and Hospitality with a value in excess of R350- 00 (three hundred and fifty rand) from a source other than a family member shall be disclosed and recorded in the gift register

7.6 The value of the gift will be determined by the price of the similar gift in store or company

7.6 An employee who fails to disclose the gift or wilfully provides incorrect or misleading details shall be guilty of the misconduct.

## **8. CIRCUMSTANCES FOR THE ACCEPTANCE OF GIFTS, HOSPITALITY AND FAVOURS**

8.1 Employees should not accept gifts, nor should relatives or friends of the employee accept gifts, where the gift is being given because of the giver's official relationship with the employee or with the Department itself. This is based on the opinion that the receipt of gifts could create a situation for a potential conflict of interest and could open employees to possible corrupt practices. If gifts are accepted, these should be done under the following circumstances:

8.1.1 Seasonal gifts such as diaries or calendars and inexpensive promotional items such as pens or key holders may be accepted.

8.1.2 Gifts with a retail value of less than R350 – 00 (three hundred and fifty rand) may be accepted.

8.1.3 Gifts that may amount to the commission of a statutory or common law offence or may prejudice the business interest of the Department. An example may be a gift intended as a gesture of goodwill or a token of appreciation from a foreign government / organisation for the employee's public appearance. In such circumstances, pending the approval, the gift may be accepted.

8.1.4 Personal gifts from colleagues within the department or other government departments as a token of friendship or appreciation. These may be accepted when they are gifts of a purely personal nature and where the receipt thereof does not breach the principles set out in this policy.

8.1.5 Employees may be considered for an award or prize, on merit, as a result of endeavours in their field. The individual may accept such an award or prize on condition that it is recorded.

## **9. OFFERS OF HOSPITALITY**

9.1 It is common for suppliers, service providers or persons to whom services are provided by the Department to offer employees one form or another of hospitality. This may range from working breakfast, lunches or dinners and invitations to sporting or cultural events. Employees should, when deciding on whether or not to accept such offers, deliberate on the appropriateness of such offers. The principles as set out above should be carefully considered when making a decision in this regard. A number of guidelines are set out below:

9.1.1 If the Department is invited and an individual is formally nominated to attend, the invitation may be accepted.

9.1.2 Hospitality that includes overnight accommodation paid for by the organisation making the offer, should, as a general rule not be accepted.

9.1.3 Invitation to a breakfast, lunch or dinner with an organisation should only be considered if the purpose is to discuss business and it can be justified that the acceptance thereof is in the interest of the Department.

9.1.4 Acceptance of a social invitation, such as sporting event, may be accepted, except if attendance thereof would not interfere with the service delivery of the Department, or could be misconstrued or would prejudice the interest of the Department.

9.1.5 Repeated invitations from one source is considered inappropriate and should be declined; and

9.1.6 Invitations and offers such as holidays, as well as the use of vehicles and equipment must be refused and reported.



## **10. DISCLOSURE OF GIFTS**

- 10.1 Employees seeking approval to accept and retain gifts or other benefits shall complete a prescribed form and submit it through the supervisor to a person designated by the Head of Department. All offers of gifts / hospitality must be disclosed within 7 (seven) working days from the date of receipt. The application form shall contain the information attached as annexure A.
- 10.2 All Gifts, Hospitality, Favours, granted during the course of a financial year must be disclosed as a separate note to the annual financial statements and be reported in the annual report.
- 10.3 The Head of Department must appoint a responsible official to provide, on a quarterly basis, the report on the status of accepted Gifts, Hospitality and Favours.
- 10.4 The report must include complete records for each Gift, Hospitality and Favour.

## **11. RECORDING OF GIFTS, HOSPITALITY AND FAVOURS**

- 11.1 In order to effectively monitor the receipt of gifts by employees, it is in the interest of both the department and the employee to record such gifts including gifts refused together with reasons for refusal. Each Branch and Regional office shall have a Gifts and Hospitality Register for recording all offers of gifts, hospitality and favours. The register shall have the information attached as annexure B. The advantage of such a database would be to counter suspicion of improper conduct and to identify and monitor the trends of such practices. It will also assist in future inquiries regarding the receipt of gifts and other benefits by employees.

## **12. RESPONSIBILITIES**

- 12.1 Employees must use this Policy to differentiate between the conduct that would or would not transgress the intention and spirit of Code of Ethics and Good Conduct.
- 12.2 All supervisors must ensure that this Policy is brought to the attention of all employees.
- 12.3 All employees are expected to know and abide by the contents of this Policy.
- 12.4 An Employees who fail to disclose the Gifts, Hospitality and Favours or wilfully provide incorrect or misleading details shall be guilty of the misconduct and disciplinary steps shall be taken against him or her.

## **13. MONITORING, EVALUATION AND REVIEW**

- 13.1 The Human Resource Management is responsible for communicating the provisions of this Policy to all Employees.

13.2 The Policy will be monitored, evaluated and reviewed after three years or as and when the need arises.

#### 14. POLICY VERSION

This is the 2<sup>nd</sup> version of the Policy and is available in the English version.

#### 15. EFFECTIVE DATE

This Policy is effective from the date of approval by the Head of Department.

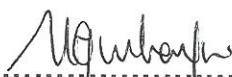
#### 16 THE TITLE OF THE POLICY

This Policy shall be called the Acceptance of Gifts, Hospitality and Favours.

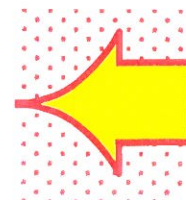
#### 17. POLICY APPROVAL

This Policy supersedes all other policies already in existence. This revised Policy is approved with effect from the

09<sup>th</sup> day of April in the year 2014



.....  
ACTING HEAD OF DEPARTMENT  
DEPARTMENT OF SOCIAL DEVELOPMENT





DATE: \_\_\_\_\_

**DETAILS OF THE OFFICIAL**

Name: \_\_\_\_\_

Surname: \_\_\_\_\_

Office: \_\_\_\_\_

Job Title: \_\_\_\_\_

Component: \_\_\_\_\_

Office Tel: \_\_\_\_\_

Email Address: \_\_\_\_\_

**DETAILS OF A GRANTER/ DONOR**

Name of the Company / Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**DESCRIPTION OF THE GIFT**

Type of the gift / hospitality: \_\_\_\_\_

Value of the gift / hospitality: \_\_\_\_\_

Purpose of the gift / hospitality: \_\_\_\_\_

Where will the gift / hospitality be stored? \_\_\_\_\_

Date which the gift / hospitality was received: \_\_\_\_\_

**APPROVAL BY HEAD OF DEPARTMENT (mark with X)**Approved ☐Not Approved ☐

If not approved please state the reasons

HEAD OF DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

**GIFT/ HOSPITALITY REGISTER**

**ANNEXURE B**

Date: \_\_\_\_\_

Donor of the gift / hospitality: \_\_\_\_\_

Description of the gift / hospitality: \_\_\_\_\_

Name of the person receiving the gift / hospitality: \_\_\_\_\_

Name of the company offering the gift / hospitality: \_\_\_\_\_

Whether the gift / hospitality was accepted or retained: \_\_\_\_\_

Value of the gift / hospitality: \_\_\_\_\_

The estimated maintenance cost of a gift / hospitality received: \_\_\_\_\_

Signature of the receiver: \_\_\_\_\_