



**URhulumente
weNtshona Koloni**

EzeMfundo

**UMGAQO-NKQUBO ONGOKWAMKELWA KWEZIPHO NGAMAGOSA ASEZI-OFISINI
NANGOOTITSHALA ABASEZI-OFISINI BESEBE LEMFUNDO LENTSHONA KOLONI, 2020**

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1. **lingcaciso-magama**

Kulo mgaqo-nkqubo, naliphi na igama okanye intetho ekunikwe intsingiselo kuyo inentsingiselo efanayo enikiweyo kuyo, yaye ngaphandle kokuba umxholo walatha okunye:

“isipho” sithetha nantoni na enexabiso enikwa igosa, oko kukuthi, nayiphi na into okanye inkonzo enjengesetyenziswe kolu xwebhu, sithetha nantoni na enexabiso enikwa igosa, oko kukuthi, nayiphi na into okanye inkonzo eyongezwa kumvuzo okanye kwiimfanelo ezihamba nomvuzo wegosa elo. Isipho singayinto **ephathekayo** okanye **engaphathekiyo**, kunye **nezinto ezisetyenziswa ziphele** okanye **nezingasetyenziswa ziphele**.

“amaqithi-qithi” athetha ibhaso lokuwonga (*reward*) okanye intsusa yolwaneliseko okanye isiyunguma. Ibhaso lokuwonga ngamaqithi-qithi ngomsebenzi owenziwe kakuhle yaye linokuquka okulandelayo: isipho, imali, umnikelo, iimali-mboleko, intlawulo (*fee*), ukuthintelwa kwelahleko, iwonga (*status*), ingqesho, ukuhlawulwa kwemali-mboleko, amabhaso okuwonga (*rewards*) okanye ilungelo elithile (*privilege*), ukhuseleko oluxabisekileyo, ipropathi yayo nayiphi na inkcazo nokuba yenokushenxiswa okanye yengenakushenxiswa okanye nayiphi na inzuzo (*advantage*) efanayo. Konke okudweliswe ngaphambili kuthathwa njengobuqhophololo (*corruption*) ngokuhambelana nomthetho *i-Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004)*, xa asetyenziswa okanye enikwe umntu othile ukuwonga umqeshwa kwinkonzo karhulumente;

“isipho esingaphathekiyo sithetha into ethile oyinikwayo engenaxabiso lethuba elide ukulungiselela iinjongo zezemali (*accounting purposes*), esinjengenkono eyenzelwa umntu buqu, ukukhethwa kuqala kunabanye, ukuvunyelwa ufikelele kwizinto abangazifumaniyo abanye (*privileged access*) okanye isithembiso sokwenzelelelwa (*special favour*) okanye sokwenzelwa idolo (*an advantage*).

“izinto ezingasetyenziswa ziphele” kuthetha izinto ezihlala ithuba elide eshelufini ezingafuni kufakwa kwisikhenkcezisi. Oku kuquka ukutya okunkonkxiweyo, okomisiweyo kwanokukhanywe amanzi;

“izinto ezinokusetyenziswa ziphele” kuthetha izinto ezinethuba eliphelayo okanye elincinane lokuba seshelufini. Ezi zinto ziquka inyama, imifuno, iimveliso zobisi nkqu namayeza akhutshwa ngokomyalelo kagqirha;

“isipho esiphathekayo sithetha into ephathekayo, equka, phakathi kwezinye izinto, iimpahla ezithengiweyo, ukonwatyiswa, ukuhlinzekwa (ukusiwa kwisidlo, ukunikwa indawo yokulala kunye nezimemo zokuya emathekweni, kwimigcobo okanye ukuthatha iihambo), ukuthatha uhambo, izinto zokwazisa ngentengiso yokuthile (*promotional material*) (enjengedayari yamahala), iisampula, iivawutsha, izinto ezinikwa umntu, iimali zokufunda (*scholarships*), izaphulelo kwiimpahla okanye kwiinkonzo, ukuxhaswa ngemali (*sponsorships*), izipho-mali (*donations*) kunye nemali.

2. Imithetho esetyenzisiweyo

Imithetho namaxwebhu asetyenzisiweyo:

- a) Uxwebhu i-Code of Conduct for Public Servants;
- b) UMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996;
- c) Uxwebhu i-Directive on the Acceptance and Declaration of Gifts in the Western Cape Government, lomhla we-26 Novemba 2011;
- d) UMthetho weNgqesho yooTitshala, 1998 (uMthetho 76 ka-1998);
- e) IMimiselo i-National Treasury Regulations for departments, trading entities, constitutional institutions and public entities, 2005, ekhutshwe ngokwe-Public Finance Management Amendment Act, 1999 (Act 29 of 1999);
- f) I-Prevention and Combating of Corrupt Activities, 2004 (Act 12 of 2004);
- g) UMthetho i-Public Finance Management Act, 1999 (Act 1 of 1999);
- h) UMthetho i-Public Service Act, 1994 (Act 103 of 1994);
- i) I-Public Service Handbook for Senior Management Service, 2003
- j) IMimiselo i-Public Service Regulations, 2016, epapashwe kwi-Government Gazette No. 40167 ye-29 Julayi 2016;
- k) INgcaciso eMfutshane yeCandelo loLawulo lwaBasebenzi ngoBuchule 0006/2017, yomhla we-09 Septemba 2017.

3. Injongo

3.1 Injongo yalo mgaqo-nkqubo —

- a) kukunika isikhokelo esicacileyo sokwamkelwa nokwaziswa kwezipho; kunye
- b) nokwandisa uxwebhu olusetyenziswa ngamasebe ngamasebe i-Directive on the Acceptance and Declaration of Gifts in the Western Cape Government, lowe-26 Novemba 2011, ngokunika inkqubo yokulawula indlela yokukubeka esweni ukwamkelwa kwezipho kwiSebe leMfundo leNtshona Koloni (iSebe iWCED).

3.2 Uxwebhu i-Directive on the Acceptance and Declaration of Gifts in the Western Cape Government, lowe-26 Novemba 2011, maluthotyelwe ngokupheleleyo ngawo onke amaxesha.

4. Umhlaba oza kufikelelwa

Lo mgaqo-nkqubo usebenza kuwo onke amagosa nakootitshala abasebenza ezi-ofisini beSebe iWCED.

5. Inkcazelo emalunga nemigaqo

- 5.1 ICandelo 195(1)(a–g) loMgaqo-siseko weRiphabliki yaseMzantsi Afrika, 1996, lichaza ukuba:
- (1) *Imisebenzi yolawulo karhulumente mayilawulwe yimigaqo yentando yesininzi ekuMgaqo-siseko, kuquka nemigaqo elandelayo:*
- (a) *makukhuthazwe kuze kulondolozwe umgangatho oxhomileyo wokwenza izinto ngendlela eyiyo.*
 - (b) *makukhuthazwe ukusetyenziswa kobuncwane ngendlela etyibilikayo, eyongayo nephumelelayo;*
 - (c) *Imisebenzi yolawulo karhulumente mayijolise kuphuhliso.*
 - (d) *iinkonzo mazinikwe ngokungenamkhethe nangokungakhazisiyo.*
 - (e) *makusatyelwe kwiintswelo zabantu, uluntu lukhuthazwe ukuba luthabath' inxaxheba ekuqulunqweni kwenkqubo.*
 - (f) *imisebenzi yolawulo karhulumente makuphendulwe ngayo.*
 - (g) *makukhuthazwe ukusebenzela elubala ngokunika uluntu ingcombolo esexesheni, efikelelekayo nechanekileyo.*
- 5.2 Ukwamkelwa kwesipho ngamagosa karhulumente kunokwakha ingqiqo engakhiyo yokuziphatha okunokuba nobuqhophololo yaye kuyalutyhafisa uluntu ekuthembeni urhulumente. Kutshabalalisa isiseko sentembeko nolawulo olululo kwinkonzo karhulumente.
- 5.3 Indlela yokuziphatha kwabasebenzi bakarhulumente kufuneka isoloko ingqinelana ne-Code of Conduct for Public Servants yaye oko kulungiselela inkonzo karhulumente noluntu ngeyona ndlela ibhetele.
- 5.4 Umgaqo ngokubanzi kukuba igosa akufunekanga lamkele sipho (nokuba sesaluphi na uhlobo okanye ixabiso) ukuba oko kunokubonwa ngabanye njengesicengo okanye njengebhaso lokuwonga (reward), elinokulibeka igosa phantsi kokunyanzeleka ekwenzeni oko kunqwenelwa ngomnye ochaphazelekayo (third party).

6. Ukwamkelwa kwezipho

- 6.1 Amagosa makasoloko ecinga ngendlela ethathwa ngayo into yokwamkelwa kwesipho, kwakunye nendlela oku okunokutolikeka ngayo xa kujongiswa yaye kuqwalaselwa luluntu. Kumele ke ngoko igosa lisoloko livundlile ligade ukungqubana kweemfuno ezichaphazela lona buqu (conflict of interest) yaye liqinisekise ukuba alinikwa zipho ngohlobo oluthi lubangele impembelelo engafanelekanga.
- 6.2 Xa kuthathelwa ingqalelo ukwamkelwa kwesipho, amagosa kufuneka akhumbule oku kulandelayo:

- a) Indlela isipho eso sinikwa ngayo (ezinye izipho zizipho nje ezibonisa umbulelo.)
- b) Uhlobo nexabiso lesipho eso (ingaba kulungile ngokwendlela yokuziphatha eyamkelekileyo ukwamkela eso siphopho?)
- c) Ukuba ingaba ukwamkelwa kwesipho kungakhokelela kwisiqhelo na (ukuba kunjalo, ukuphinda-phindeka kokunikwa ezo zipho kufuneka kuqatshelwe.)

6.3 Amabhaso okuwongwa (*awards*) okanye amabhaso (*prizes*), imali okanye alolunye uhlobo, anikwa amagosa ngenxa yeenzame zawo kwinkalo abasebenza kuyo kufuneka achazwe ligosa okanye yisuphavayiza eya kuthi imisele indlela efanelekileyo.

6.4 Asinto ifunekayo ukuba usapho okanye abantu bosapho okanye abahlobo begosa bamkele nasiphi na isipho egameni legosa.

6.5 Amagosa kufuneka akuqaphele ngenyameko oku kulandelayo ngokumalunga nokwamkelwa kwezipho:

6.5.1 Akufuneki naphantsi kwazo naziphi na iimeko, ukuba igosa lamkele isipho ukuba oko kungasingela phantsi intembeko yalo okanye intembeko yeSebe iWCED, okanye imbopheleleko emsebenzini walo, okanye kungathi kube nempembelelo ekwenzeni kwalo izigqibo kwiinkqubo zokugaya nokukhetha.

6.5.2 Amagosa anokuzamkela¹ izipho ezingadlulanga kwi-R350.00 ngexabiso ngonyaka ngamnye, kodwa makaqinisekise ukuba ezo zipho ziyarekhodwa kwirejista yezipho.

6.5.3 Ukuba igosa lifumana isipho sexabiso elingaphezu kwe-R350.00, eso siphoh masirekhodwe kwirejista yezipho, nokuba eso siphoh samkelwe okanye asamkelwanga. INTloko yeSebe leMfundo okanye lowo kudluliselwe kuye amagunya kufuneka acelwe zingadlulanga iintsuku zokusebenza eziyi-14 ukuba avume ukwamkelwa kweso siphoh. Loo mvume mayenziwe kusetyenziswa iikhrayitheriya ezidweliswe kumhlathi 6.2. Ukuba ukwamkelwa kwesipho akuvunywanga, iNTloko yeSebe leMfundo mayenze isigqibo sokuba ngaba isipho eso sinako na ukugcinwa liSebe iWCED.

¹ Izipho zinokwamkelwa, kodwa mazivunywe kuphela kwakuba kuxolelekile ukuvunywa kwazo.

- 6.5.4 Amagosa angazamkela izipho eziluhlobo lwezinto zentengiso okanye zokwazisa iimveliso ezithile (*marketing or promotional materials*), ezinjengeedayari, izinto zokubhala okanye ii-T-shirts, ukuba ezo nto zinikwa bonke abaqeshwa okanye uluntu ngokubanzi. Ukuba loo mathiriyeli yezinto eziluhlobo lweemveliso okanye zokuxhasa okuthile okuthengiswayo zinikwa bonke abaqeshwa okanye iqela labaqeshwa okanye uluntu ngokubanzi, xa kunjalo ke **akukho mfuneko** yokubhalisa izipho ezilolo hlobo kwirejista yezipho.
- 6.5.5 Igosa malingaze lamkele izipho ezivela kulo naliphi na iqela elibandakanyeka kwiinkqubo zethenda. Esi sithintelo sisebenza phambi kwethuba lokusayinwa kwemvumelwano, ngethuba lokusebenza kwemvumelwano nasemva kokuphela kokusebenza kwemvumelwano leyo. Ngethuba lokuba kusaqwalaselwa, kusathetha-thethwana okanye lokusebenza kwemvumelwano, eli thuba lithathwa njengelona lingumngcipheko omkhulu, njengoko kudla ngokuba kuthi ngethuba elilolu hlobo amagosa abe semngciphekweni wokubandakanyeka kwizicwangciso neenkqubo zobuqhophololo.
- 6.5.6 Akuvumelekile phantsi kwazo naziphi na iimeko ukuba igosa lizame ukufumana isipho esisuka kwikontrakhi, kumthengisi, okanye kumntu ekubonelelwa ngeenkongo kuye liSebe iWCED.
- 6.6 Apho ukwaliwa kwesipho kungacaphukisa okanye kubeke engxakini iimfuno ezilungiselela iSebe iWCED, umz. isipho esivela kurhulumente wangaphandle okanye isipho sokubonakalisa umbulelo ngokuza kuthetha noluntu, iNtloko yeSebe okanye uMphathiswa wezeMfundo wePhondo okanye lowo kudluliselwe kuye amagunya (ngokuxhomekeka kwisikhundla somntu lowo obenikwe isipho) makenze isigqibo sokuba ngaba eso siphosinokugcinwa ligosa okanye liSebe iWCED.
- 6.7 Ukwamkelwa kwezipho okusekelwe kumasiko nezithethe kumele ukulawulwa ngendlela ehlonipha iinkcubeko zabanye abantu, ngaphandle kokusingela phantsi imigangatho yokuphendula ngokwenzayo nokwenzela izinto ekuhlени. Zonke ezo ntlobo zezipho mazingeniswe kwiSebe iWCED. Ukuba igosa elo lenza isigqibo sokuba lingasamkeli eso siphosinokucela loo mntu okanye abo bahlali bebelinika isipho eso ukuba babonise umbulelo wabo ngokubhala ileta yokubulela kwiNtloko yeSebe leMfundo. INtloko yeSebe leMfundo okanye uMphathiswa wezeMfundo wePhondo (ngokuxhomekeka kwinqanaba elikulo igosa elo belinikwa isipho) malenze isigqibo emva koko sokuba ngaba eso siphosinokugcinwa ligosa elo okanye liSebe iWCED.
- 6.8 Izimemo ezimana ukwenziwa qho ezivela kwindawo enye mazithathwe njengezingafanelekanga yaye mazaliwe ngendlela ephucukileyo.
- 6.9 Nasiphi na isipho sezaphulelo ezizodwa esifunyanwa ngothile okanye seendleko ezithotyweyo zeempahla okanye zeenkongo, esivela kwikontrakhi (*contractor*) kumthengisi okanye kumcebisi (*consultant*) masingamkelwa. Ngokufanayo, izicelo

zokufikelela kwiindawo zokushishina ezingavulelekanga kuluntu ngokubanzi mazaliwe.

- 6.10 Ngenxa yohlobo lwabantu abenzelwa iinkonzo liSebe iWCED, amagosa anika iinkonzo abo benzelwa iinkonzo anganikwa izipho kumaxesha ngamaxesha njengophawu lokubulela uncedo olufunyenweyo. Kufuneka ke ngoko, amagosa akulumkele kakhulu ukuba angabekwa kwimeko apho izenzo zawo zinokuthathwa njengezingafanelekanga, okanye zinokubonisa ukwenzelelela okanye umkhethe (*bias or favouritism*) ngakwiziko okanye ngakuloo mntu. Zonke izipho ezilolu hlobo mazirekhodwe kwirejista yezipho.
- 6.11 Mazingamkelwa izimemo ezisisigxina zamatikiti okuhlala kwiibhokisi ezikhuselekileyo kumabala ezemidlalo (boxes) okanye amatikiti emidlalo eliqela.
- 6.12 Naziphi na izimemo zelantshi, zesidlo sangokuhlwa, zokuya kwiziyunguma zasemidlalweni okanye kwiindawo zokuzonwabisa okanye zeziyunguma zenkcubeko ezenzeka kube kanye qwaba zinokwamkelwa, ngaphandle kokuba ukuya kwezo ndawo kunokuphazamisana nokwenziwa kwenkonzo yeSebe iWCED okanye kunokuthathwa okanye kunokudlelela iimfuno zeSebe iWCED. Izimemo ezilolu hlobo mazirekhodwe kwirejista yezipho.
- 6.13 Nasiphi na isipho, ibhaso lokuwonga, okanye isimemo (esiyimali okanye okanye into elolunye uhlobo) esingaphaya kwezo zichazwe apha ngentla masirekhodwe kwirejista yezipho.
- 6.14 Izipho ezibandakanya amasebe ngamasebe kufuneka zaziswe kwirejista yezipho yaye kufuneka zifumane imvume kwangaphambili kwigosa ekudluliselwe kulo amagunya.

7. Ukurekhodwa kwezipho kwirejista

- 7.1 Ukwamkelwa kwaso nasiphi na isipho (naziphi na izipho) njengoko kuchatshazelweyo kulo mgaqo-nkqubo, ekungesiso eso senzelwa intengiso okanye sokwazisa izinto ezithengiswayo esichazwe kumhlathi 6.5.4, makurekhodwe kwirejista yezipho (eqhotyoshelweyo apha **njengesihlomelo B**).
- 7.2 Makuqaliswe yaye kulondolozwe irejista yezipho kumanqanaba omlawuli, omlawuli oyintloko nawamasekela balawuli-jikelele.
- 7.3 Irejista yezipho kwinqanaba lomlawuli mayilondolozwe ngawo onke amaxesha kubo bonke abasebenzi bakhe, kuqukwa naye, ukwazisa isipho (izipho) ezamkelweyo.
- 7.4 Umlawuli ngamnye makanike imvume yaso nasiphi na isipho (yazo naziphi na izipho) phambi kokuba abasebenzi basamkele.

- 7.5 Ukuvunywa kwezipho ngamagosa akwizikhundla ezilinganayo akuvumelekanga.
- 7.6 Umlawuli ngamnye makanxibelelane nabo bonke abasebenzi **kabini ngonyaka (biannually)**, ecela ukwaziswa kwaso nasiphi na isipho (izipho) ezamkelweyo.
- 7.7 Iirejista neefom zokwazisa izipho mazifumaneka lula ukwenzela ukuhlola, ukunika ingxelo neenjongo zophicotho-zincwadi.
- 7.8 Irejista yezipho kufuneka iqulethe le ngcaciso ilandelayo:
- Inani lokuchaza lefom yezipho, njengoko kubhekiselwe kumhlathana 8.5, owawuzaliswe ngumamkeli (*receiver*).
 - Umhla esamkelweyo ngawo isipho.
 - Igama, ifani, inombolo yesazisi kwanenombolo yePESALI yomamkeli.
 - Ubudlelane phakathi kophayo/umniki-sipho (*donor*) nomqeshwa/neSebe iWCED.
 - Uhlobo nenkcazo yesipho okanye yesimemo.
 - Ixabiso eliqikelelwayo laso.
 - Igama, idilesi nenombolo yefoni yomniki-sipho (*donor*) (okanye umntu ekuqhagamshelwana naye kwimeko yenkampani).
 - Isizathu/ukuvunywa kokwamkelwa kwesipho (apho kusebenzayo oku – esingaphezu kwe-R350,00).
- 7.9 Iifom zokwazisa ziqhotyoshelwe apha **njengeziHlomelo C1 no-C2**.

8. Inkqubo yokuzaliswa kweefom zokwaziswa nokurekhodwa kwezipho kwirejista

- 8.1 Ekuqaleni, igosa lithathwa “njengelalini” isipho.
- 8.2 Isigqibo sokwamkela isipho masivavanywe ligosa ngokuqwalasela iikhrayitheriya ezikumhlathi 6 walo mgaqo-nkqubo.
- 8.3 Igosa elo liyasamkela okanye alisamkeli isipho eso.
- 8.4 Ukuba lisamkele isipho, igosa malicele ifom yokwazisa isipho (nokuba **sisiHlomelo C1 okanye u-C2**) kwisuphavayiza yalo.
- 8.5 Zonke iifom zokwaziswa kwezipho mazibhalwe iinombolo ngokulandelelanayo licandelo, licandelo eliyintloko nalisebe elikhulu (*directorate, chief directorate and branch*). Makubhalwe unyaka-mali lowo ekwamkelwa ngawo isipho. Indlela yokubhala iinombolo zokwazisa ngezipho mayifane kuwo onke amacandelo, o.k.t. “*Financial Year e.g. 20/21(1)*” kwisiHlomelo C1, “*Financial Year e.g. 20/21(2)*” kwisiHlomelo C2.
- 8.6 Makukhutshwe ifom yokwazisa ngesipho ebhalwe iinombolo ngokulandelelanayo inikwe igosa ebelinikwe isipho. Elo gosa malizalise loo fom lize liyibusele

kwisuphavayiza.

- 8.7 Icandelo, icandelo lolawulo eliyintloko kunye nesebe elikhulu elo maligcine irekhodi yazo zonke iifom zokwazisa ngeziph o ezikhutshiweyo (ziquhotyoshelwe apha **njengesihlomelo D**). Le rekhodi iya kwenza ukuba icandelo, icandelo eliyintloko kunye nesebe elikhulu libe nako ukulandelela iifom ezikhutshiweyo ezingazange zizaliswe zibuyiswe.
- 8.8 Ingcaciso ekwifom ezalisiweyo yokwazisa ngeziph o **ekwisiHlomelo C1**, yeziph o ezingadlulanga kwi-R350.00, mayirekhodwe kwirejista yeziph o.
- 8.9 Ingcaciso ekwifom ezalisiweyo yokwazisa ngeziph o **ekwisiHlomelo C2**, yeziph o ezingaphezu kwe-R350.00, mayirekhodwe kwirejista yeziph o ize ingeniswe kwisuphavayiza ukwenzela ukufumana imvume njengoko kuchaziweyo kumhlathana 7.8(h). Ukuvunywa okanye ukungavunywa kokwamkelwa kwesiph o kufuneka kwakhona kurekhodwe kwirejista yeziph o.
- 8.10 Ukuba ukwamkelwa kwesiph o akuvunywanga, umba lowo mawudluliselwe kwiNtloko yeSebe leMfundo ukwenzela ukuba inike isigqibo sokuba ngaba isiph o eso sinokugcinwa ligosa okanye liSebe iWCED kusini na.
- 8.11 Esebenzisa **isiHlomelo D**, umntu ojongene nokugcina irejista yeziph o makalandelele qho ngenyanga iifom zokwazisa ngeziph o ezazikhutshwe ngaloo nyanga.

9. Inkqubo yokuchithwa kweziph o ezifunyenweyo

- 9.1 Ugunyaziwe olawulayo ochaphazelekayo, ngoncedo lwegosa elijongene nokuthotyelwa kwemigaqo yokuziphatha ngentsulungeko (*ethics officer*) okanye weyunithi, uya kuphonononga isiph o ngasinye neemeko ezijikeleze sona yaye ahlole nokuba ngaba isiph o singaba singaneziphumo ezingalunganga na ezinokukhokelela ekubuyiselweni kwesiph o. Le ingayindlela yokuqala, njengoko isiph o sinokuthathwa njengesamkelweyo ukuba asibuyiselwanga.
- 9.2 Zinokuchithwa iziph o ngenxa yezi zizathu zilandelayo:
- a) Kuba zibangela ukungqubana kweemfuno okunokubakho.
 - b) Ziyacaphukisa umz. izihombiso ezenziwe ngeempondo zomkhombe okanye izinto ezinxitywayo ezenziwe ngoboya besilwanyana, njl. njl.
- 9.3 Ukuba ukubuyiselwa kwesiph o akuthathwa njengokunokwenzeka, igosa nemigaqo yokuziphatha ngentsulungeko kunokulindeleka ukuba lisichithe isiph o. Ukuba isiph o eso asicaphukisi, oku kunokuquka okulandelayo:
- a) Iziph o kunokunikelwa ngazo esikolweni, kumbutho wesisa, kwikhaya labantu abadala, njl. njl.
 - b) Iziph o zinokuthengiswa efandesini kube kanye ngonyaka kubaqeshwa okanye kubasebenzi bakarhulumente. Zonke iimali eziyinzuzo makunikelwe ngazo

kwisikolo, kumbutho wesisa, kwikhaya labadala, njl. njl.

10. Ukungeniswa kabini ngonyaka kweefom zokwazisa nokurekhodwa kwezipho

- 10.1 Kufuneka kwenziwe izaziso ezenziwa kabini enyakeni (**qho kwiinyanga ezintandathu**) ngabalawuli, ngabalawuli abaziintloko, ngamasekela balawuli-jikelele kunye ne-Ofisi yeNtloko yeSebe leMfundo kumathuba aphela nge-**30 Septemba ne-31 Matshi** ngokulandelelanayo. Izaziso mazingeniswe **zingadlulanga iiveki ezimbini** (emva kwale mihla).
- 10.2 Bonke abalawuli, abalawuli abaziintloko, amasekela balawuli-jikelele ne-Ofisi yeNtloko yeSebe leMfundo kufuneka ngamnye kubo athumele ikopi ezalisiweyo yokwaziswa kwezipho, kungakhathaliseki nokuba izipho zazixeliwe okanye akunjalo, kwiCandelo loLawulo lwangaPhakathi (*Directorate: Internal Control*).
- 10.3 ICandelo loLawulo lwangaPhakathi liya kuqhagamshelana nawo onke amasebe yaye licele ukungeniswa kweerejista zezipho egameni leNtloko yeSebe leMfundo. Irejista yezipho yeSebe iWCED ezaliswe ngokupheleleyo iya kungeniswa kwiNtloko yeSebe leMfundo ukwenzela ukuba isayinwe/ivunywe.

11. Ukuxelwa kwenxaxheba esisabelo esiyimali ngamagosa atyunjiweyo

ISahluko 2 semimiselo i-*Public Service Regulations, 2016*, noMhlathi 4 weSahluko 9 sencwadana esetyenziswayo i-*Public Service Handbook for Senior Management Service*, simisela ukuba amagosa atyunjiweyo (*designated officials*) makaxele iinkcukacha zako konke ukuchaphazeleka kwawo kwezemali, kubandakanywa nezipho azamkeleyo ezivela komnye umthombo ongelolungu losapho) ngethuba eliqalela kowe-01 Apreli kunyaka ongaphambili ukuya kwi-31 Matshi yaloo nyaka kwigunya lezolawulo elichaphazelekayo **ungadlulanga owe-31 Meyi** waloo nyaka. Ifom ezalisiweyo eyintsusa (*original*) mayingeniswe **kwiKhomishoni yeNkonzo kaRhulumente**. Makungeniswe ifom ezalisiweyo kwiKhomishoni yeNkonzo kaRhulumente **ungadlulanga owe-31 Meyi** waloo nyaka. Makugcinwe ikopi yefom yokwazisa ngezipho ezalisiweyo ukulungiselela iinjongo zokuhlolwa nezophicotho-zincwadi.

12. Amagunya adluliselwe kwabanye

Igunya lokuvuma nokwamkelwa kwezipho lidluliselwe kwinqanaba lomlawuli. Uxwebhu lokwaziswa kwezipho ezamkelweyo ngamagosa angamalungu eeNkonzo zaBaphathi aBaphezulu (*Senior Management Services*) (kungabandakanywanga iNtloko yeSebe leMfundo) malungeniswe kwiNtloko yeSebe leMfundo. INtloko yeSebe leMfundo kufuneka yazise izipho ezichaziweyo kuMphathiswa wezeMfundo wePhondo leNtshona.

13. Ukungathotyelwa komgaqo-nkqubo

Ukuthotyelwa kwalo mgaqo-nkqubo kuya kuxhomekeka kwintsebenziswano yabo bonke abasebenzi. Bonke abaqeshwa babelana ngoxanduva lokuthobela kwanokunyanzelisa lo mgaqo-nkqubo. Naliphi na igosa elithi, ngaphandle kwesizathu esivakalayo nasemva kokunikwa isaziso esibhaliweyo, lingawuthobeli lo mgaqo-nkqubo, linokumangalelwa ngokuziphatha kakubi, yaye kunokuqaliswa amanyathelo oluleko ngakwelo gosa, njengoko kumiselwe kuMthetho weNkonzo kaRhulumente, 1994 (uMthetho 103 ka-1994).

14. Umhla wokuphunyezwa komgaqo-nkqubo

Lo mgaqo-nkqubo usebenza ukususela ngomhla wokusayinwa kwawo isignitsha yeNtloko yeSebe leMfundo.

15. Ukuqwalaselwa kwakhona komgaqo-nkqubo

Lo mgaqo-nkqubo kufuneka uqwalaselwe qho ngonyaka okanye apho kukho ukutshintsha kweemeko ezinjengokwaziswa kwemithetho kunye/okanye imimiselo.

Policy on the Acceptance of Gifts by Officials of the Western Cape Education Department

Frequently Asked Questions

The Public Service Act, (Act 103 of 1994) prescribes the conditions under which public service employees may or may not accept gifts.

Why is this matter important?

The integrity of the Western Cape Education Department is of paramount importance. The public's confidence in public sector institutions rests on the understanding that public servants are guided in their decisions by policies and not personal interest. If an official accepts a gift to influence a decision, the entire democratic process is undermined. For this reason, every official must understand clearly when a gift is acceptable and when it is not.

What are gifts?

In the realm of public sector work, a gift is understood to be anything of value you are offered that is over and above your normal salary or employment entitlements. Gifts may be tangible or intangible. Tangible gifts include consumer goods, entertainment, hospitality (dining, accommodation and invitations to attend functions, events or journeys), travel, promotional material (such as a free diary), samples, vouchers, personal items, scholarships, discounts on goods or services, sponsorships, donations and money.

Intangible gifts are those that have no lasting value for accounting purposes, such as a personal service, preferential treatment, privileged access or the promise of a special favour or advantage. Although intangible benefits cannot be seen or touched, such benefits can have the same impact as tangible ones.

What are the conditions under which an official may accept, declare and keep a gift?

There are three crucial questions you need to ask yourself when you are offered a gift:

- Should I accept it?
- Should I declare it?

- Should I keep it?

The general rule is as follows: If the giving or receiving of gifts constitutes an inducement to obtain an improper advantage over another person or organisation, that gift, in whatever form, should not be accepted. Although you, as a public servant, should not encourage offers of gifts or benefits, there are times when accepting them may be appropriate. However, there are many occasions when it is highly inappropriate to accept a gift.

When offered a gift, ask yourself the following questions:

- Is the gift being offered as a token of appreciation or as an instrument of influence?
- Who is offering the gift?
- What are his/her/their intentions in offering this gift?
- At what time am I being offered this gift?
- What is the value of this gift?
- What impression will be created if I accept this gift or benefit?

If you work in a sensitive area or an area of particular trust (such as internal audit, supply-chain management, tenders, procurement, and recruitment and selection), you should not accept gifts as they may be aimed at influencing the process and thus regarded as bribes.

Public perception matters. Even when an offer is made in good faith and with no ulterior motive, you must always consider how others could view the offer of a gift and your acceptance of that gift.

If the purpose of the gift is not clear, the Provincial Minister responsible for Education or his or her delegated authority may decide how the situation should be handled. If in doubt, seek the advice of the Deputy Director-General: Corporate Services.

Should I keep the gift?

Upon declaration of the gift by the receiver, and approval of the acceptance of the gift by the delegated authority, an official is allowed to keep the gift.

Note. Awards to officials by the Western Cape Education Department for meritorious performance are excluded from the policy on gifts.

Should I declare the gift?

Small gifts (such as pens and caps) that are received at expositions, conferences and open days which are open to all employees or the public need not be declared.

All other gifts must be declared on a declaration of gift form, obtainable from the office of the Director, the office of the Chief Director or the office of the Deputy Director-General: Corporate Services in the case of Senior Management Services.

Can accepting a gift or benefit create a conflict of interest?

Yes, it can. Conflict of interest is a clash between your official duty and your personal interest. If such a conflict occurs, you may be tempted to put your personal interest above public interest.

It does not matter how small a gift may be, it may still create a sense of obligation towards the giver. Conflict of interest can be the catalyst for serious acts of misconduct and corruption.

If in doubt, seek the advice of the Deputy Director-General: Corporate Services.

GIFT REGISTER FOR THE PERIOD 01 APRIL to 30 SEPTEMBER

ANNEXURE B

DIRECTORATE:

Declaration number	Date received	Receiver				Gift description		Donor details		Noted/ Condoned /Not condoned & Reasons
		Initials and surname	Identity number	PERSAL number	Relationship with donor	Nature and description of gift	Estimated value	Person or Company name and address	Contact details (Name and telephone number)	

Checked by SCM Champion: Print name: 	Signature: Date:	Authorised by : Print name: 	Signature: Date:
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DECLARATION OF GIFTS VALUED AT NOT MORE THAN R350,00

Purpose

Financial Year 20.../...(1) Ref no:
--

The purpose of this disclosure form is to ensure that details of gifts received are recorded in the Gift Register, in accordance with the Policy on the Acceptance of Gifts by Office-based Officials and Office-based Educators, and that they are noted by the Provincial Minister responsible for Education or Head of Department or his or her delegated authority.

Employee's details

Name	
PERSAL number	
Identity number	
Designation	
Directorate	
Sub directorate	
Component	

Details of donor and gift

Date received	
Name of donor, or contact person in case of a company	
Contact details (address and telephone number)	
Nature of gift received	
Estimated value	

Relationship between the donor and the recipient	
--	--

I hereby declare that the requirements of the Policy on the Acceptance of Gifts by Office-based Officials and Office-based Educators have been met.

Employee's signature: _____

Name in print: _____

Date: _____

Designated official

Receipt of gift noted in accordance with the Policy on the Acceptance of Gifts by Office-based Officials and Office-based Educators.

Signature: _____

Name in print: _____

Designation: _____

Date: _____

Note: Details of the gift must be recorded in the Gift Register. Both the declaration form and the gift register must be available for inspection and auditing purposes.

DECLARATION OF GIFT VALUED AT MORE THAN R350,00

Financial Year 20.../...(2) Ref. No.:
--

Purpose

The purpose of this disclosure form is to ensure that details of gifts received are recorded in the Gift Register, in accordance with the Policy on the Acceptance of Gifts by Office-based Officials and Office-based Educators, and that they are noted by the Provincial Minister responsible for Education or Head of Department or his or her delegated authority.

Employee's details

Name	
PERSAL number	
Identity number	
Designation	
Directorate	
Subdirector	
Component	

Details of donor and gift

Date received	
Name of donor, or contact person in case of a company	
Contact details (address and telephone number)	
Nature of gift received	

Estimated value	
Relationship between the donor and the recipient	

I hereby declare that the requirements of the Policy on the Acceptance of Gifts by Officials and Office-based Educators have been met.

Employee's signature: _____

Name in print: _____

Date: _____

Designated official

I hereby confirmed that I have evaluated the declaration and found it to be in order.

Receipt of gift condoned

Yes / No

Signature: _____

Name in print: _____

Designation: _____

Date: _____

Note: Details of the gift must be recorded in the Gift Register. Both the declaration form and the gift register must be available for inspection and auditing purposes.

RECORD OF DECLARATION OF GIFT FORMS ISSUED

ANNEXURE D

DIRECTORATE:

[illegible]