

## **Policy on the Acceptance of Gifts by Office-based Public Service and Educator Officials of the Western Cape Education Department, 2024.**

### **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 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/or 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.