



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

DEPARTMENTAL POLICY ON GIFTS AND DONATIONS

Version 2
(April 2021)

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1. DEFINITIONS AND ACRONYMS

"Benefit"	Means any tangible or intangible advantages or profits gained, such as tickets to sporting or other events, invitations to lunches, dinners, promotions or travel, etc.
"HOD"	Means the Head of Department
"Corruption"	Means the abuse of a position of employment by offering or accepting of a benefit that is not legally due, for the commission of an act in connection with that position of employment, as defined in the Prevention and Combating of Corruption Activities Act, No 12 of 2014.
"Customer or clients"	Means existing and potential future customers or clients external to DRPW.
"PSC"	Means the Public Service Commission.
"Employer"	Means a person who; <ul style="list-style-type: none"> • Employs or works for any other person and undertakes to remunerate such person; • Permits any person to assist in the carrying out of the department's mandate.
"Employee"	Means a person who; <ul style="list-style-type: none"> • Has been appointed permanently, notwithstanding that such appointment may be on probation, to a post contemplated in Section 8 (1) (a) of the Public Service Act, and includes a person contemplated in Section 8 (1) (c) (ii) of the Public Service Act.
"Department" / "DR&PW"	Means the Department of Roads and Public Works, Northern Cape Province.
"Gift"	Means receipts of loans; payments; information or money; services; personal travel; entertainment; gifts or favours from customers or suppliers, or from a person doing or seeking to do business with the department; any discount; hospitality; tangible or intangible items having monetary value, including but not limited to cash, food and drinks and Honoria for speaking engagement related to or attributed to the DRPW and employment or the official position of an employee.
"Gratification"	Means as defined in section 1 of the Prevention and

	Combating of Corrupt Activities Act 12 of 2004 (as amended).
“Supplier”	Means existing and potential vendors, contractors, sourcing partners, service providers, distributors and consultants who supply goods and services to the department, as well as any other third parties who may in future become suppliers or vendors of goods and services to the department.

2. PREAMBLE

- 2.1 The DRPW recognizes that in serving the public interest, executing its business and in applying standard norms, employees may be required to accept or receive gifts as a means of gratitude or cultural diplomacy. It is the objective of the department to engage with stakeholders on the principles of quality, service excellence and technical ability to avoid any impropriety in the acceptance, receiving and giving of gifts.

3. PURPOSE

- i. The purpose of this policy is to:
- To give direction and directive to all employees of the Department on matters relating to the acceptance and granting of gifts, donations and sponsorships to and by the state.
 - To provide guidance on the behaviour expected in accordance with the Public Service Commission values.
 - Promote transparency and avoid conflict of interest;
 - Ensure fairness in the interest of employees and the Department;
 - Comply with the requirements of the law relating to the prohibition of corruption;
 - To ensure proper disclosure of all gifts, donation and sponsorships granted and accepted by

the Department.

The improper acceptance of gifts and hospitality can lead to accusations of bias and even corruption, potentially leading to investigations and possible corrective actions and charges.

- II. It is not feasible that a comprehensive set of rules be drawn up to cover every situation. The situation context must be borne in mind, specifically the relationship between the DRPW, the organization concerned and the role of the individual in that relationship. However, improper acceptance of gifts or hospitality will be viewed in a serious light and may, apart from any consequence, lead to internal disciplinary action.
- III. By ensuring that the above is implemented, the Department will be able to:
 - a. Allow employees, where appropriate, to accept and receive gifts provided that these gifts do not interfere with or have potential to interfere with their responsibilities to the Department, improperly influence the judgements expected of them when acting on behalf of the Department, or amount to corruption in anyway.
 - b. Protect employees from misplaced charges of conflict of interest or corruption by the providing a mechanism for the acceptance and of gifts by employee

4. REGULATORY FRAMEWORK

- 4.1 Constitution of the Republic of South Africa Act, No. 108 of 1996.
- 4.2 Public Service Act, No. 103 of 1994, as amended.
- 4.3 Public Finance Management Act 1 of 1999 (as amended).
- 4.5 Disciplinary Code and Procedure .
- 4.6 The DR&PW Compilation of Policies on Fraud, Corruption and Ethics Management, called "*The Plan*".



4.7 Prevention and Combating of Corrupt Activities Act 12 of 2004.

4.8 Treasury Regulations promulgated in terms of section 78 of the PFMA 1 of 1999.

5. SCOPE OF APPLICATION

This policy applies to all employees of the Department, including interns and learners. The policy regulates processes and procedures in accordance with existing legal duties and obligations that an employee owes and employer in terms of the law, and should therefore not be construed or applied in a manner contrary to such duties and obligations, nor is it designed to replace such duties and obligations.

6. AUTHORITY AND APPROACH

6.1 The HOD will ensure that the requirements of the Gifts Policy are met.

6.2 If circumstances warrant it, the HOD may authorize any amendments in the procedures to be followed in a particular case.

7. CORE POLICY PRINCIPLES

- 7.1 It is often standard business practice within the private sector to offer gifts and hospitality to current and potential future clients. The acceptance of such gifts and hospitality may be accepted under certain conditions.
- 7.2 Any acceptance of an offer of a bribe or a commission must however be viewed as illegal and may result in criminal action.
- 7.3 Employees must take great care not to placed in a situation where their actions might be construed to be improper, may indicate bias towards an organization or a person, or indicate favouritism towards any organization or person.
- 7.4 The acceptance of gifts or hospitality by employees should be the exception and not the rule. If doubt exists about the propriety of the gift or hospitality then it must be refused.
- 7.5 The bias for remuneration of employees is their pay and any allowances to which the might be entitled. This must not be supplemented by the acceptance of gifts or hospitality for the work that they perform.



- 7.6 Under no circumstances should an employee attempt to solicit a gift from a contractor, supplier, consultants or a person to whom services are rendered by the DRPW.

8. PROHIBITION ON THE ACCEPTANCE AND RECEIPT OF GIFTS

DRPW employees are required to use their best judgement to avoid situations of real or perceived conflict, DRPW employees shall not accept, solicit or give gifts, hospitality or any other benefits that may have an influence on their objectivity in carrying out their official duties or that may place them under obligations to the donor.

8.1 General Prohibition

- 8.1.1 In accordance with an employee's obligation to act in the best interest of his/her employer, all employees are prohibited from soliciting, accepting or receiving, or from agreeing to solicit, accept or receive, any gifts directly or indirectly, other than in terms of the procedures prescribed in this policy.
- 8.1.2 An employee's family is prohibited from soliciting, accepting or receiving any gifts directly or indirectly on behalf of the employee, where such gifts are obtained from suppliers, clients or third parties, and where the employee has a professional relationship with those suppliers. Clients or third parties in behalf of DRPW.
- 8.1.3 In the event of uncertainty as to whether a disclosure should be made in terms of this policy, it is the duty of an employee to seek advice and to make a disclosure as per the appropriate procedures described below.

8.2 Specifically prohibited gifts

- 9.1 All travel at the expense of suppliers, vendors, clients or third parties by employees or employees' family is specifically prohibited.
- 9.2 The acceptance or receipt of cash (bank notes or equivalents) is specifically prohibited.



9. PROCEDURE FOR THE ACCEPTANCE AND RECEIPT OF GIFTS

An employee must disclose the acceptance or receipt of any gift as soon as practicably as possible but within 30 working days, disclose and report to the supervisor/manager and/or seek approval from the HOD (if the gift exceeds R350.00) any offer made by an external person, company, supplier, or contractor which, if accepted by the member of staff, would result in a conflict of interest.

10.1 Permissible gifts involving a monetary value less than R350.00 may be received or accepted by an employee whilst acting in his/her capacity as an employee of the DRPW, from suppliers, clients, contractors or third parties.

10.2 It shall be compulsory to disclose all gifts/donations above R350.00 and shall be conditions as hereunder.

10.3 When receiving or accepting such gifts, the following conditions apply:

- The employee must disclose the acceptance or receipt of any gift in writing as soon as practicably possible, but preferably within 30 working days, to his/her manager who should forward such written record for recording in a Gift Register established by the HOD/CFO and maintained in the HOD/CFO's office.
- Disclosure in a Gift Register must take place in accordance with the prescribed form attached as **Annexure A** to the policy.
- The acceptance or receipt of the gift may not take place in circumstances that amount to a conflict of interest on the part of the employee.
- The acceptance or receipt of the gift may not take place in circumstances that amount to corruption.



10. RECORDING OF GIFTS, AWARDS, REWARDS, HOSPITALITY OT OTHER REMUNERATION IN THE GIFT REGISTER

10.1 In order to ensure proper procedure and propriety in the receiving of gifts, rewards, hospitality, donations or other remuneration, it is in the interest if the employee and the organization that such interaction be recorded, inclusive of gifts refused together with the reason for the refusal this is especially necessary to counter suspicious of improper conduct, corruption and bias. All offers of the above must be presented to the national and/or provincial gifts register(s), kept in the relevant Human Resources division(s).

10.2 The Provincial Office as well as each district shall maintain a Gift Register for recording all offers of gifts and hospitality to employees of the DRPW that are under their control, as set out in **Annexure A** to be captured, recorded, stored and retrieved for a minimum period of 5 years. The following information must be reflected:

- (a) The source of the hospitality/donor of the gift.
- (b) The venue and type of hospitality/description of the gift.
- (c) The names of the persons receiving the hospitality/gift.
- (d) The names of the persons or company giving the hospitality/gift.
- (e) Whether the hospitality/gift was accepted/retained or not.
- (f) A valuation of the gift must be provided.
- (g) The estimated maintenance cost for a gift received (if applicable) should be recorded.

11. NON-COMPLIANCE AND SANCTION

11.1 It is the responsibility of management to ensure that employees know the policy on gifts and gratitudes and that it is properly enforced. Employees who have questions regarding the policy or who are uncertain as to whether a conflict of interest exists should confer with their managers or senior managers.

11.2 In the event where an employee needs to be advice or seek permission from the HOD, such request or information will be in writing and will be forwarded to the HOD.

11.3 Non-compliance with this policy and the procedures described in it may be considered to be gross misconduct and employees may be subject to disciplinary action that could lead to dismissal.

11.4 All suspected incidents of corruption and contraventions of this policy should be reported to the HOD for investigation in terms of this policy.

12. DISPUTE RESOLUTION

12.1. The success of this policy will depend on the consideration and cooperation of all employees. Any conflicts should be brought to the attention of the appropriate supervisor and if necessary, the Director of Labour Relations

12.2. The normal disciplinary and grievance policies and procedures of the Department should be followed.

13. POLICY CONTROLS

13.1 Policy Audit

The Units involved in the execution of the policy may report on the policy and specific problems experienced in the implementation of the policy when deemed necessary.

13.2 Policy Amendment

13.2.1 The assessment to determine the effectiveness and appropriateness of this policy will be done five (5) years after its effective date. The assessment could be performed earlier than five (5) years to accommodate any substantial structural or other organizational changes at the Department or any change required by law or as required by the champion unit (implementing agent), to ensure that it is aligned to prevailing resolutions, regulations and conditions.

13.2.2 No amendment(s) may be made to any section of this policy without the prior written approval of the Accounting Officer.



14. APPROVAL OF THE POLICY AND DATE OF EFFECT

This Policy is Approved / ~~Not Approved~~


Comments:

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HEAD OF DEPARTMENT

20/04/21

DATE

Annexure A

Disclosure Forms for Acceptance or Receipt of Gifts

Purpose

The purpose of this disclosure form is to provide a record of any gifts accepted or received by an employee as stipulated in the DPWR Gifts Policy.

Disclosure

Please provide details of any gifts accepted or received, including the name of the supplier, client or third party, the nature of the gift, the estimated value of the gift, the date of acceptance or receipt of the gift, and any other relevant information. Please attach any relevant documents to this disclosure form.

Certification

I have read and understood the Departmental Policy on Gifts and have disclosed all material facts and circumstances relating to the receipt and acceptance of the specified gifts (including benefits or gratuities as defined in the policy).

I understand that if I have misrepresented the material nature of any gift accepted or received, that such action could constitute misconduct that may result in disciplinary action being taken against me, which may result in dismissal.

Employee Signature: _____ Date: _____

Employee Name: _____ Employee No: _____

Manager Name: _____ Business Unit: _____

Manager Signature: _____

Head of Department Name: _____ Date: _____

Head of Department Signature: _____



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Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

INTERNAL MEMO

DATE:	08 APRIL 2021	REF. NO.	
TO:	THE DIRECTOR: STRATEGIC PLANNING MANAGEMENT		
FROM:	THE DEPUTY DIRECTOR: POLICY AND RESEARCH MANAGEMENT SERVICES		
SUBJECT:	SUBMISSION FOR APPROVAL OF REVIEWED DEPARTMENTAL POLICY DOCUMENTS		

Dear Ms. Bekebeke

Please find attached the final drafts of the reviewed departmental policy documents on Banking and Cash Management; Revenue Management; Gifts and Donations; Security Breaches; and Sport and Recreation, for your perusal and consideration. The above mentioned policy documents has been circulated departmentally for consultation and inputs for review, and it is hereby submitted for approval by the Acting Head of Department (HOD).

Regards,

Mr. T. Ferreira
Manager: Policy and Research Management Services



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

**EVIDENCE OF CONSULTATION WITH
DEPARTMENTAL STAKEHOLDERS**

**REVIEWED DEPARTMENTAL POLICIES
ON:**

- 🚧 BANKING AND CASH MANAGEMENT;**
- 🚧 REVENUE MANAGEMENT;**
- 🚧 GIFTS AND DONATIONS;**
- 🚧 SECURITY BREACHES; AND**
- 🚧 SPORT AND RECREATION.**

**SUBMISSION FOR APPROVAL
08 APRIL 2021**

T Ferreira - POLICY REVIEW: CONTRACT MANAGEMENT POLICY & GIFTS AND DONATIONS POLICY

From: DRPW-Info

To: A AMokwadi; A Maina; A van Staden; ABrand; ACLouw; AFembers; AKula; ALesotho; ALSishi; AMasisi; AMiller; AMkhize; AMoeti; AMofokeng; AMotlagodisa; Andre Jooste; Andrew Pulen; Anne AMPotsang; APulen; ARudman; ASwanepoel; AvanHeerden; B B Damon; Baatileltumeleng; Babalwa Bekebeke; BBarends; BBoebeje; BChotelo; BCloete; B Gaonakala; B Kapanda; BMazwi; BMeruti; BMontshiwa; BonoloMakoko; BosmanP; Bradley Slingers; BSedisho; BSemau; BSlingers; BValentine; C CvanRooi; C Robertson; CAbrahams; C Adams; CBailey; CChakela; CDenysschen; CFourie; ChanelFourie; ChantelleCloete; ChristinaF; CKakora; Clive Bailey; CMrwebi; CNdebele; CRabaji; CRobertson; CValentine; D DMokoena; D DMwembo; DBingwa; DBingwane; Denice Bingwane; DGaehete; DKowa; DMAqutyana; DMAqutyana; DMokgathe; DMonyamane; DPhirisi; DRPW-Info; DRPW-Switchboard; DSolo; DTsoai; DvdMerwe; EbenSwartboo; EBeukes; EBreytenbach; Ed Simon; EduPlessis; Edward Simon; EJonkers; EKhatwane; ELECwedi; Ella Modise; EMichaels; ENodoba; EPino; EricksenA; ESimon; FDooling; FMogoje; FPetoro; FvanVuuren; GAppels; Garnett Keyser; GCloete; GJacobs; Gladwyn Stuurman; GMOabi; GMolale; GNakana; GPIetersen; GPino; GSalimana; GSeftlho; GThupe; GTopkin; Harold Roberts; Henry De Wee; HPuley; HvanderMerwe; I Bulane; IICarolus; ITIhopile; I MichaelsI; IFedericks; I Lottering; IMolore; IOliphant; IRammutla; Isaac Prins; J Esterhuuse; J JHanekom; JillianWilliams; JMarx; JMhlongo; JMhlongo; JMolale; JMoncho; JSehume; JSeptember; JSibiya; JSitler; JSpetember; JTawine; June Erasmus; K KMaarman; K KMatonkonyane; K MalgasK; KAaron; KagishoModise; KatzS; KBeuzana; KBopape; KChomi; KDennis; KERicksen; KHenyekane; KKgomo; KKross; KLawrence; KLeboko; KLeserwane; KNdaba; KPike; KPMogorosi; KRifles; KrugerS; KSegwai; L AnthonyL; L Libang; L LieBreton; L LSeobi; L MolemaL; LAtwell; LawrenceM; LBuffel(...)

Date: 3/8/2021 11:57 AM

Subject: POLICY REVIEW: CONTRACT MANAGEMENT POLICY & GIFTS AND DONATIONS POLICY

Attachments: DEPARTMENTAL POLICY ON GIFTS & DONATIONS - 1 April 2016.pdf

Dear Colleagues

Please find attached the DR&PW's Policies on Contract Management and on Gifts and Donations respectively, which has been reviewed.

THE above-mentioned Policies are for consultation purposes by all DRPW staff members. The due date for inputs/feedback from staff members is Monday, 15 March 2021 and inputs can be e-mailed to tferreira@ncpg.gov.za

For more information or clarification regarding the above, kindly consult Mr. Tom Ferreira, Manager: Policy and Research Management Services, DR&PW
Tel: 053-839 2156

Thank You