



kzn education

Department:
Education
KWAZULU-NATAL

Attention: Senior General Managers
General Managers
Head Office Managers and Staff
Service Centre Managers and Staff
District Managers and Staff
Head of Institutions

FINANCE CIRCULAR NO. 11 of 2012

RE: CONFLICT OF INTERESTS POLICY

Please find attached the Policy regarding Conflict of Interests Policy signed by Dr. S.N.P. Sishi, Head of Department: Education.

The Policy Implementation date is as at 01 May 2012.

The content of this Circular must be brought to the attention of all employees.

Yours sincerely

Ms. R.H. Mcuma
Chief Financial Officer

Page 1 of 1

...dedicated to service and performance
beyond the call of duty.

KWAZULU-NATAL DEPARTMENT OF EDUCATION

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KWAZULU NATAL DEPARTMENT OF EDUCATION



DECLARATION OF INTEREST POLICY

Approving Authority

Head of Department: KwaZulu Natal Department of Education

POLICY IMPLEMENTATION DATE: 01 MAY 2012


DR S.N.P SISHI
HEAD OF DEPARTMENT, KZN-EDUCATION

Approval date: 2012-05-01



KWAZULU NATAL DEPARTMENT OF EDUCATION



DECLARATION OF INTEREST POLICY

Preamble

The KwaZulu Natal Department of Education (The Department) strives to adhere to good governance principles and practices based on due diligence, openness, integrity, objectivity, honesty and fair decision making.

Heads of department, by virtue of their responsibility in terms of section 7 (3) (b) of the Public Service Act of the efficient management and administration of their departments and the maintenance of discipline, are, inter alia, under a duty to ensure that the conduct of their employees conform to the basic values and principles governing public administration and the norms and standards prescribed by the Act.

The Department, through the Declaration of Interests Policy, requires all employees declare their registrable interests.

This Policy must be read in conjunction with the Public Service Act, Public Service Regulations and the Code of Conduct. The Explanatory Manual for the Code of Conduct for the Public Service sets standards of integrity and professional conduct for public servants and provides guidance in terms of employees not using public office for private gain and not undertaking any remunerative work outside their employment in the public service without prior approval.

1. Definitions

For the purposes of this policy, the following definitions have been used:

Children: mean the sons and daughters, whether adoptive or biological, as well as those children in the legal guardianship of the employee.





DECLARATION OF INTEREST POLICY

Code of Conduct: refers to the Code of Conduct for Public Service.

Conflict of Interest: means a conflict between the public duties and private interests of an employee which could directly or indirectly influence the performance of an employee's official duties and responsibilities or the reputation of an employee's department in its relationship with its stakeholders. It arises when the private interests of an employee interfere with or has the potential to interfere with their ability to conduct their public duties. Conflicts of interest have been categorized as:

- Perceived Conflict of Interest: where it appears that an employee's private interests could improperly influence the performance of their duties
- Potential Conflict of Interest: where an employee has private interests that could conflict with their official duties..
- Actual Conflict of Interest: where an employee's interest actually interferes with the ability to conduct his public duties in a proper manner because of their private interests.

Declaration of Interest : means the process whereby an employee declares all registrable interests and those registrable interest of his/her spouse/partner, parents and children only as far as those spouse's/partner's, parents' and children's interests relate to the Department of Education.

Employee: means a person contemplated in section 8 of the Public Service Act, but excludes a person appointed in terms of section 12A of the Public Service Act.

Outside Remunerative Work: means any work performed by an employee outside his/her government department for which reward or payment for services is received by the employee/spouse/partner, parents and children.

Parent: means father, mother, whether adoptive or biological, a person who plays or played the role of guardian to the employee.





DECLARATION OF INTEREST POLICY

Partner: means a person (not necessarily a spouse) with whom the employee cohabits and/or shares a long-term hetero-sexual or homosexual relationship.

Registrable interest: means the following financial interest—

- (a) Shares and other financial interests in private or public companies and other corporate entities recognized by law;
- (b) Directorships and partnerships;
- (c) Remunerated work outside the public service;
- (d) Consultancies and retainerships;
- (e) Sponsorships;
- (f) Gifts and hospitality from a source other than a family member; and
- (g) Ownership and other interests in land and property, whether inside or outside.

Remuneration: means any benefits received in cash or in kind.

Spouse: means a marriage partner; husband or wife of the employee.

2. Scope and Application

- 2.1 All employees of the Department of Education, KwaZulu Natal shall comply with this policy and shall be bound by the policy.
- 2.2 This policy shall be effective from **01 MAY 2012** upon approval by the Head of Department: Education, KwaZulu Natal.
- 2.3 Any employee appointed after the signature of approval by the Head of Department: Education, KwaZulu Natal shall be bound by this policy from date of their appointment.





DECLARATION OF INTEREST POLICY

3. Declaration of Registrable Interests

- 3.1 An employee must declare his/her registrable interest and those registrable interest of his/her spouse/partner, parents and children only as far as those spouse's/partner's, parents' and children's interests relate to the Department of Education.
- 3.2 Such declaration shall be made through the completion of the prescribed form, which shall then be submitted to the Head of Department: Education, KwaZulu Natal or his delegate.
- 3.3 All employees must declare their registrable interest on or before 30 April of each year. The declarations must include those of their spouse/partner, parents and children, where applicable.
- 3.4 Should there be any material changes to an employee's and/or spouse's/partner's, parents' and children's current declared registrable interest, the Department of Education, KwaZulu Natal shall require that such employee submit an updated form.

4. Procedure for application to conduct outside remunerative work

- 4.1 The *Remunerative Work outside the KwaZulu Natal Department of Education* is hereby incorporated and shall be read into this policy.

5. Minimum Conduct Requirements

- 5.1 An employee shall:





DECLARATION OF INTEREST POLICY

- (a) Recuse himself/herself from the process where a decision made that may result in or give the appearance of improper personal gain; In conducting official business make choices based on merit and in pursuance of the public interest;
- (b) Except for matters that the law requires the employee to keep confidential, conduct official affairs with the maximum feasible transparency and openness to public scrutiny.

5.2 An employee may not:

- (a) In making a decision in an official capacity, take into account a material benefit for himself/herself personally, or his/her family, friend or associates;
- (b) In his or her private capacity enter into a transaction or otherwise act in a way that conflicts with or infringes upon the execution of his or her official duties, or appears to do so;
- (c) In his or her private capacity, enter into a financial or other obligation to a private individual or organization that may influence the performance of his or her duties, or gives the appearance that it may influence that performance;
- (d) Use, conceal or disclose information received in his/her official capacity in a way that unfairly discriminates in favour of himself/herself or particular individuals;
- (e) Cause, try to cause, or help another employee of the government to do anything that would violate any provision of this policy;
- (f) Knowingly request or accept any interest, employment, or reward which would breach this policy; and
- (g) Conduct any work relating to his registrable private interests during times when he/she is required to do work for the government.



DECLARATION OF INTEREST POLICY

6. Remunerated Work outside the Public Service

- 6.1 No employee may perform or engage himself or herself to perform remunerative work outside his or her employment in the public service, without permission granted by the relevant executing authority or an officer authorised by the said authority;
- 6.2 No employee may claim any additional remuneration in respect of any official duty or work which he or she performs voluntarily or is required by a competent authority to perform;
- 6.3 An employee may not use the Department of Education, KwaZulu Natal's letterheads, personnel, equipment, supplies, or other resources for activities not related to the Department of Education nor may an employee do personal or private activities during times when he/she is required to do work for the Department of Education; and
- 6.4 An employee may not hold an employment position with anyone that conducts business with his/her department.

7. Confidentiality

The declaration forms shall be confidentially maintained by such persons as designated by the Head of Department: Education, KwaZulu Natal, for the effective implementation of this policy.

