REPUBLIC OF ZAMBIA

Ministry of Youth, Sport and Arts

Gifts and Benefits Policy

11th Floor, New Government Complex,
Independence Avenue, Kamwala,
P. O. Box 50195, Lusaka, Zambia
Phone No.: +260211224011

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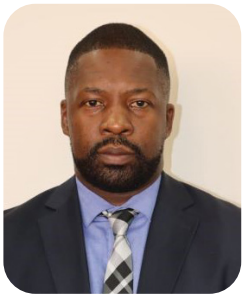
FOREWORD



It is our honour and privilege to present the Gifts and Benefits Policy for the Ministry of Youth, Sport and Arts. The policy provides guidance to members of staff on the handling of gifts and benefits in the efforts to curb corruption. Corruption is a serious issue that impacts many industries and sectors which can lead to mistrust, economic downturn and instability.

This policy intends to promote accountability, transparency and ethical conduct in delivery of services in the Ministry.

It is in this light that, the Ministry deemed it necessary to develop the Gifts and Benefits Policy and it is therefore, our sincere hope that members of staff will adhere to the provisions of this Policy in the discharge of their duties.

Kangwa Chileshe
Permanent Secretary
(Youth and Sport)

Fumba Chama
Permanent Secretary
(Arts)

ACKNOWLEDGMENTS

On behalf of the Ministry of Youth, Sport and Arts, I am pleased to present the Gifts and Benefits Policy for the Ministry of Youth, Sport and Arts. I wish to express my gratitude to all members of the Integrity Committee for their hard work and dedication in the development of this policy.

My sincere gratitude also goes to other key stakeholders for their active participation in developing these guidelines. We are optimistic that the implementation of this policy will enhance service delivery at all levels within the Ministry.

Chairperson- Integrity Committee
Lemmy Kafwamfwa
MINISTRY OF YOUTH, SPORT AND ARTS

ACRONYMS

ACC	Anti-Corruption Commission
IC	Integrity Committee
M&E	Monitoring and Evaluation
MYSA	Ministry of Youth, Sport and Arts
MIC	Ministerial Integrity Committee

INTERPRETATIONS

Benefit	This may include preferential treatment, privileged access, favors or other advantage offered to an employee.
Bribe	Anything of value such as money, solicited, given or offered with intent to influence or sway the actions of another person or that can raise actual, potential or a perceived conflict of interest."
Conflict of Interest	A conflict of interest will arise where direct or indirect personal interests of an employee have the potential to influence or interfere with the employee's impartiality in performance of that employee's public duty.
Declare	Official notification and surrender following receipt or accessing of any tangible or intangible item of value exceeding the prescribed limit as contained herein.
Disposal	The act or process of getting rid or clearance of a declared gift or benefit.
Donation	A gift or any grant or transfer of money or property to the Ministry where the transfer is made voluntarily or arises by way of support to the Ministry.
Employee	Employee refers to salaried staff working under the Ministry of Youth, Sport and Arts, interns, students on attachment, consultants, temporal workers and any other personnel assigned to undertake work for and on behalf of the Ministry.
Gift	Refers to anything of value given to an employee without the expectation of payment and is given as a reward or appreciation for doing an act without being solicited for."

Gifts and Benefits Register	Refers to the record of all declared gifts and benefits by employees which record will be maintained by the IC at the Ministry.
Hospitality	Refers to a friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
Integrity	The act of conducting oneself in a manner that is beyond reproach and putting the obligations of the public service above one's personal interest.
Member of staff	An individual who works as a permanent and pensionable officer or under a contract of employment in the Ministry
Ministry	Ministry of Youth, Sport and Arts.
Non-perishable gift	Any item that has a long shelf life.
Perishable gift	Any item that has a short shelf life.
Token offer	An offer of a gift, benefit or hospitality that is offered as a courtesy and is of negligible value both to the person making the offer and the person receiving.

Introduction

The Ministry is mandated to develop and implement Youth, Sport and Arts development programmes in order to facilitate realisation of the full potential of the youth, sportpersons and artists and contribute to their physical and mental well-being.

The Ministerial Gifts and Benefits Policy is an important document that will guide members of staff in handling of gifts and promoting good ethical conduct which is cardinal in upholding the image of the Ministry.

The following are specific functions of the Ministry as contained in the Government Gazette Notice Number 1123 of September 2021 as follows:

i Arts Policy;
ii Arts Centres;
iii Cinematography Policy;
iv Coordination of Sports organisations;
v Coordination of Youth Organisations;
vi Film censorship;
vii Sports development;
viii Sports Policy;
ix Theatres and Cinemas Policy;
x Visual and performing Arts;
xi Research and Arts;
xii Youth entrepreneurship;
xiii Youth Policy; and
xiv Youth skills development.

The Ministry is responsible for the following Statutory Bodies/Institutions:

i. Film Censorship Board;
ii. National Arts Council;
iii. National Olympic Committee of Zambia;
iv. National Sports Council of Zambia;

v. National Youth Development Council;
vi. Zambia Professional Boxing and Wrestling Control Board; and
vii. Youth Development Resource Centres.

The Ministry in efforts to execute its mandate has adopted the following Vision, Mission Statement and Shared Values as follows:

Vision: ***"A creative and innovative Ministry promoting Youth productivity and excellence in Sport and Arts."***

Mission Statement: ***"To facilitate Youth, Sport and Arts empowerment in order to contribute to job creation and improved livelihoods".***

Core Values

Our core values as Ministry of Youth, Sport and Arts are as follows:

Transparency
We promote open communication between the Ministry and its clients/stakeholders.

Integrity
We promote honesty and adhere to strong ethical morals and principals.

Teamwork
We are building a common goal by promoting and embracing collaborative efforts of key players with a view of attaining ministerial targets effectively and efficiently.

Accountability
We take responsibility of our actions in the execution of our duties and act in the interest of the people that we serve.

Impartiality
We are objective and fair in the delivery of our services.

Responsiveness
We respond timely and appropriately to the needs of our clients.

1.0 **Policy Statement**

Gifts and Benefits are often genuine tokens of appreciation, however, any gifts or benefits regardless of their value, which is accepted by an employee could imply that a relationship exists where integrity and objectivity is being compromised.

This policy is designed to educate employees on the potential risks that Gifts and Benefits can create which can have a detrimental effect on service delivery by the Ministry.

Prior to 2023, the Ministry relied solely on the Code of Ethics for the Public Service to guide on matters that anchor on integrity in its pursuit to promote a corrupt free environment which provides broad guidance for handling gifts and benefits. Therefore, to complement the instruction in the Code of Ethics, the Ministry has developed a Gifts and Benefits Policy which will provide specific guidance on the handling of gifts and benefits.

In the development of this Policy, several documents were consulted such as the Anti-Corruption Act No. 3 of 2012, Public Procurement Act No. 8 of 2020, Terms and Conditions of Service for the Public Service (2023), Disciplinary Code and Procedures for Handling Grievances in the Public Service (2003), Code of Ethics for the Public Service and the Ministerial Strategic Plan.

The Integrity Committee (IC) will utilise available and authorised platforms to sensitise stakeholders on the existence of the Policy. It is expected that all members of staff abide by the provisions of this Policy.

2.0 **Purpose of the Policy**

The purpose of this Policy is to provide guidance on how to recognize and deal with the different forms of gifts and benefits in the Ministry. It aims to protect employees by clarifying what forms of gifting is permissible and what is not, to avoid any conflict of interest.

3.0 **Applicability and Scope**

This Policy applies to all members of staff in the Ministry regardless of their designation and department and shall cover all gifts and benefits received by virtue of being an employee of the Ministry and the Public Service.

4.0 **Policy Guidelines**

This Policy provides guidance to members of staff and clients on the rules governing the handling of gifts and benefits from stakeholders and clients that may have business transactions with the Ministry.

In circumstances where doubts exist regarding the handling of gifts received, advice should be sought from the Ministerial Integrity Committee (MIC).

The Ministry has provided the Guidelines in an attempt to regulate the exchange of gifts between/amongst employees and clients and employees of the Ministry with the view to prevent any allegations or incidences of bribery.

4.1 Procedure for handling Gifts and Benefits

i. All non – monetary gifts and benefits with the value of more than K500 must be declared within five (5) working days of receipt and recorded in the Gifts and Benefits Register except for promotional materials such

as t-shirts, diaries, calendars, pens or materials associated with an employee's line of work such as mealtime meetings;

ii. No Monetary gifts shall be accepted by an employee under any circumstances.

iii. Approval should be sought from the Permanent Secretary, through the MIC, before accepting invitations of hospitality and/or which are of entertainment in nature;

iv. Gifts and approved benefits of hospitality and/or which are of entertainment in nature offered with a view to establish and strengthen business relationships shall be restricted for that purpose. However, these should not be accepted for personal gain.

v. All gifts offered by members of staff to official guests shall require an approval from the Ministerial Integrity Committee; and

vi. A member of staff shall not accept gifts or benefits from the same institution more than four (04) times in a financial year.

4.2 Ministry's Position on Gifts

Employees shall not accept, solicit or receive 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 any obligation to the other party. Employees are encouraged to decline receipt of gifts from clients. However, there may be exceptional circumstances where casual gifts or promotional materials may be received. In such exceptional circumstances, the following guidelines shall apply.

4.3 Gifts to be Declared

Any type of gift that is received which is above the value of Five Hundred Kwacha (K500.00) must be declared, and recorded in the gifts and benefits register. Other cases not listed will be determined by the Integrity Committee.

4.4 Circumstances where an employee shall not accept gifts and benefits

i. The giver of the gift or benefit has a contractual or regulatory relationship with the Ministry.
ii. Accepting the gift or benefit would likely create a feeling of an obligation.
iii. Accepting the gift or benefit would likely create actual or perceived conflict of interest.
iv. Accepting the gift or benefit would reflect poorly on the Ministry if reported in the media or raised before a Parliamentary Committee.
v. The employee has had a role in the procurement exercise with the donor or Ministry as a bidder or any party associated with the bidder.
vi. The employee has had a role in awarding grants, regulating or giving of any form of licence or permit issued by the Ministry.
vii. The employee believes they are being offered a bribe or inducement.

4.5 Declaration Procedure

4.5.1 An employee who receives a gift or benefit during the course of duty, shall in accordance with Clause 4.6 declare and complete two (2) copies of the declaration form within five (5) working days of receipt of such gift or benefit."

4.5.2 An employee who fails to declare any gift or benefit received during the course of duty or by reason of the performance of his duties, shall be in breach of the provisions of this policy"

4.6 Custody or Storage of Gifts

All gifts and benefits received and declared in the Ministry shall be kept by the IC Secretariat who shall then dispose of such declared gifts and benefits in accordance with the provisions of **Clause 4.7** of this Policy.

4.6.1 Perishable gifts

These shall not be stored for a period that may render them unusable.

4.6.2 Non-perishable gifts

These shall be stored at the place of work in a designated space and shall be under the custody of the Integrity Committee or in a safe storage facility until they are disposed off by the Committee.

4.7 Disposal of Gifts

The Integrity Committee shall convene for the purpose of determining an appropriate disposal method for the gifts received. The disposal shall be done in the interest of the Ministry and shall be properly documented for future reference to ensure transparency and accountability in the process.

The disposal may be undertaken by any or a combination of the following methods:

i. Donate to the needy in society;
ii. Share among members of staff;
iii. Return to the giver;
iv. Any other appropriate method to be determined by the committee.
v. Give to the receiver.

The IC will only approve gifts and benefits which it determines have been received by an employee not for personal gain and that such gift or benefit was received for a business purpose

5.0 **Confidentiality and Privacy**

The Integrity Committee shall uphold confidentiality in the execution of its duties and ensure the privacy of information which will only be disclosed to relevant parties on a need to know basis.

6.0 **Implementation of the Policy**

The Office of the Permanent Secretary through the IC shall be responsible for the implementation.

7.0 **Roles and Responsibilities**

7.1 The Integrity Committee shall be responsible for:

i. Creating awareness of this Policy to relevant stakeholders;
ii. Interpreting this Policy and providing advice to members of staff on a case by-case basis;
iii. Managing gifts received and maintaining a Gifts and Benefits Register for the Ministry;
iv. The Committee shall carry out surveys to monitor the effectiveness of the Policy;
v. Documenting and taking appropriate action on cases of breach with regards to this Policy;
vi. Producing quarterly and annual reports; and
vii. Reporting cases bordering on criminality to relevant authorities.

7.2 Supervisors shall be responsible for:

i. Ensuring that all officers under their charge adhere to the provisions of the Policy; and
ii. Seeking consultation when need arises from the Integrity Committee.

7.3 Members of staff shall be responsible for:

i. Comprehending and adhering to the provisions of this Policy.

8.0 **Enforcement of the Policy**

This Policy shall be implemented in conjunction with other relevant existing pieces of legislation.

The Integrity Committee shall carry out its operations in collaboration with all Departments and Units in the enforcement of this Policy. Below are further actions that shall be undertaken in enforcing the Policy:

i. Where reasonable suspicion of breach of the Policy exists, the matter should be reported to the Integrity Committee for determination;

ii. Where applicable, the Integrity Committee shall facilitate expert counselling to the employees as and when need arises;
iii. Offenses committed against the Terms and Conditions of Service and the provisions of the Disciplinary Code shall be reported to the Ministerial Disciplinary Committee for further action; and
iv. Where an employee(s) display(s) exemplary conduct in adhering to the contents of this Policy, such an employee may be recognised in line with the existing conditions of service.

8.1 An employee who has received a gift or a benefit which he/she considers to have been offered as a bribe or inducement, must report the incidence to the IC within forty -eight (48) hours for the IC's further action on the matter.
8.2 Where an employee breaches or is in conflict with written law in the manner such employee obtained any gift, benefit or hospitality, the IC must refer such matter to the relevant authorities such as the Anti – Corruption Commission for their further action.

9.0 Collaborative Partnerships

This Policy shall be implemented in collaboration with the law enforcement Agencies and other relevant institutions.

10.0 Monitoring and Evaluation

Monitoring and Evaluation (M&E) is key to the effective implementation of this Policy. M & E progress reports will be compiled and submitted to the office of the Permanent Secretary on a bi-annual basis. The M&E will also involve the mid-term review of the implementation of the Policy which will be undertaken every 18 months from the commencement of implementation.

11.0 Resource Mobilisation

The funds required for the implementation of this Policy shall be budgeted for within the Ministerial budget.

12.0 Records Management

The management of information relating to the administration of this Policy shall be subject to the following.

i. Storage of general records and information shall be in accordance with the Public Service Records Management systems and procedures;
ii. The Gifts and Benefits Register shall be stored by the Chairperson for safekeeping; and
iii. The Secretariat Committee shall be responsible for maintaining records.

13.0 Review of the Policy

The Policy shall be subject to review at least every three years, or where need arises by the Permanent Secretary through the IC of the Ministry and the Anti- Corruption Commission.

14.0 Appendices

14.1 Appendix 1: Employee Acknowledgement Form

ACKNOWLEDGEMENT

Distribution:

Original copy To Employee Master File
Second copy to the Gifts and Benefits Register
Third copy to Employee.

I,.....(Print name) acknowledged receipt, read, understood and do hereby undertake to adhere to the provisions of the Ministerial Gifts and Benefits Policy. In the event of any violation of the provisions of the Policy on my part, I undertake to avail myself to the due process of the disciplinary code.

Further, should I become aware of any violations of the Policy; I undertake to notify the appropriate authorities.

Signed:.....
Designation:.....
Date:.....

I.....certify that the above-.named employee has been(Name of Head of Department) provided with a copy of the Gifts and Benefits Policy and a copy of this form on the date indicated above.

Signature:.....
Name:.....
Designation:.....
Date:.....

14.2 Appendix 2: Gift and Benefits Declaration Form

DETAILS OF RECEIVER	
First Name	
Last Name	
NRC No.	
Employee	
Number	
Position	
DETAILS OF DONOR	
Name of Donor	
Name of Organization	
DETAILS OF ITEM(S) RECEIVED	
Date received	
Description	
Circumstance(s) under which item was received	
Estimated value	
For use by the Integrity Committee only:	
Name of the Integrity Committee Member receiving the item	
NRC No.	
Employee Number	
Position	

Signature of declarant.....
Signature of IC Member.....
Signature of IC Secretariat.....
Date.....

14.3 DISPOSAL DETAILS

Decision	Return	Distribute Internally	Donate	Any other (Specify)
Tick Option			(Name of Institution)	

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SHORTHORN PRINTERS LIMITED