	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009


Title : Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)

Status : *Revision of original policy on the Acceptance of Advantage by Employees*

Approval Date : 9 June, 2009

Date for Next Review : June, 2010

Originator : Keith Tucker, Director, Human Resources

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

CONTENTS


1. Purpose
2. Scope
3. Definitions/ Abbreviations
4. Responsibilities
5. Principles
6. Compliance

Appendix I: An extract copy of the Section 9 of the Prevention of Bribery Ordinance

Appendix II: Request for Permission to Accept an Advantage Form

Originator: *Human Resources, ESF Centre*

Originator:	Reviewed by:	Approved by :
Keith Tucker Director, Human Resources	SMT	Functional Director/ Chief Executive
Date:	Date:	Date:


	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
			By	Date	By	Date
A		For review by SMT	Keith Tucker	25May 2009	SMT	

POLICY DOCUMENT ANNUAL REVIEW

This Policy document is subject to an Annual Review by ESF that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. ESF reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

1. PURPOSE

The English Schools Foundation (ESF) believes that honesty, integrity and fairplay are important principles in conducting its affairs. Therefore, all Staff Members should ensure that ESF's reputation is not tarnished by dishonesty, disloyalty or corruption.

In official dealings, Staff Members may be offered advantages and this Policy outlines how they should respond. The Policy reflects advice given to ESF by the Independent Commission Against Corruption (Corruption Prevention Department) and complies with the Prevention of Bribery Ordinance. The Policy includes advice on Staff Members accepting copies of books, stationery and equipment for inspection or evaluation.


2. SCOPE

This Policy applies to all Staff Members in all ESF and ESL entities, namely: -

1. Primary Schools;
2. Secondary Schools;
3. Private Independent Schools;
4. Kindergartens;
5. ESL Head Office;
6. ESF Centre.

3. DEFINITIONS / ABBREVIATIONS

ESF	-	the English Schools Foundation
ESL	-	ESF Educational Services Limited
Senior Managers	-	Members of the Senior Management Team of ESF or the management team of ESL
Staff Member	-	Any employee of ESF and/or ESL
Principal	-	Principal of an ESF School or ESL School or kindergarten.
Chief Executive	-	Chief Executive Officer of ESF
Director HR	-	Director Human Resources of ESF

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

4. RESPONSIBILITIES

4.1 Principals and Senior Managers

Principals and Senior Managers are responsible for considering any applications for permission to accept an advantage carefully, and review the potential impact on the Staff Member's objectivity prior to granting such permission.

4.2 Chief Executive

The Chief Executive is responsible for considering any applications from Principals or Senior Managers for permission to accept an advantage, and review the potential impact on the Staff Member's objectivity prior to granting such permission.

4.3 Staff Members

Staff Members must consider the potential impact of accepting the advantage on their objectivity before making an application for permission to accept the advantage. Staff Members must familiarise themselves with this Policy as well as the Conflict of Interest Policy.

5. PRINCIPLES

5.1 The Prevention of Bribery Ordinance

Any Staff Member soliciting or accepting an advantage in connection with his/her work without the permission of ESF commits an offence under Section 9 of the Prevention of Bribery Ordinance. The term "advantage" as defined in the Ordinance includes gift, loan, fee, reward, office, employment, contract, service and favour (An extract copy of the Section 9 of the Prevention of Bribery Ordinance is attached as Appendix 1).

5.2 Soliciting Advantages


ESF strictly prohibits Staff Members from seeking any advantage from publishers, suppliers, contractors, pupils, parents, or any person in connection with ESF's affairs.

5.3 Accepting Advantages

If the acceptance of an advantage could affect a Staff Member's objectivity or induce them to act against ESF's interests, the Staff Member must decline to accept an advantage. Similarly, if acceptance could lead to questions or complaints of bias or impropriety, the offer should be declined.

5.3.1 Where any of the following advantages are voluntarily given, without any corrupt motive, general permission is given for the Staff Member to accept:

- (a) small gifts by an individual pupil or parent, provided the value of the gift does not generally exceed HK\$300;
- (b) larger gifts given collectively by pupils or parents provided the value of the gift does not generally exceed HK\$3000;
- (c) copies of books and other curricular materials, stationery and equipment for inspection or evaluation, provided the value of the gift does not generally exceed HK\$500. In this case, a report should be filed by the recipient, via the Principal, to the Director, Education for record;

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

- (d) discounts on goods including books, stationery and equipment, and services by shops, bookstores, educational and other suppliers on account of being a Staff Member, provided the discount does not generally exceed 30%; and
- (e) small gifts or souvenir items of a nominal value below HK\$100 by suppliers or contractors.

5.3.2 Where a Staff Member wishes to accept any advantage not listed above he/she must, before or as soon as possible after acceptance, seek the written permission of the Principal or in the case of ESF Centre Staff Members, the Chief Executive. The Staff Member should provide details of the advantage including the background of the offer or, the occasion of the offer, the nature and the estimated value of the advantage. Permission for a Principal to accept an advantage must be given by the Chief Executive. A copy of the request form is available in Appendix II.

5.3.3 Each school should keep a register of such gifts and all records of permission to receive gifts.

5.4 Advantages Unrelated to ESF Duties

There is no restriction on the acceptance of advantages in the Staff Members' private capacity, unconnected with their school duties, i.e. from a person who has no connection with the school. In case of doubt, the Staff Member should seek advice from the Principal or Chief Executive.


5.5 Prohibited Advantages

Advantages offered in connection with the following activities must not be accepted as permission will not be given:

- (a) the appointment or promotion of school Staff Members;
- (b) the admission or promotion of pupils (other than fees approved by the Board of Governors);
- (c) the conduct of any test or examination (except for approved official payments);
- (d) nominations for courses of training, study-trips, scholarships or other academic awards involving either teachers or pupils;
- (e) donations to Staff Member rather than to the school;
- (f) rebates or commissions by a supplier or contractor to Staff Member rather than to the school;
- (g) payments for the use of school premises or facilities to an Staff Member rather than to the school;
- (h) holidays for school Staff Members sponsored by vendors and suppliers to the school, including textbook publishers or booksellers;
- (i) fees for private tuition of pupils of the same school; and
- (j) payments by teachers on sick leave to other teachers to attend to their classes.

5.6 Entertainment

Entertainment is not an advantage under the Prevention of Bribery Ordinance. However, Staff Members are asked to avoid excessively lavish or frequent entertainment from persons with whom ESF has official dealings (e.g. suppliers or contractors) which could bring disrepute to the school or lead to embarrassment or a sense of obligation in the discharge of their duties and responsibilities. Food and

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

drink offered as part of entertainment, other than that consumed, must not be accepted and taken away from the function.

The Entertainment Policy outlines the limits and procedures to be undertaken when claiming for expenses.

5.7 Conflict of Interest

Any Staff Member who has an interest in an activity, enterprise or business with a purpose related to the objects and powers of ESF, or who has a spouse, personal partner or a close family member in such a situation is open to accusations of conflict of interest or professional misconduct if they are perceived to have used their professional position for direct or indirect financial gain and must declare details of their interest to the Chief Executive. Further details are outlined in the Conflict of Interest Policy and Outside Activities Policy.

5.8 Outside Employment


Staff Members who wish to take on paid outside work outside official hours, including those on a part-time basis, must seek permission to do so. Further details are outlined in the Outside Activities Policy.

5.9 Contravention of These Rules

Any breach of ESF's Policy will result in internal disciplinary action (see Disciplinary Policy) and may, in some circumstances, lead to prosecution under the Prevention of Bribery Ordinance.

6. COMPLIANCE

Any matters concerning the implementation of this Policy in a particular school/organisation should be raised with the Principal or Senior Managers with a view to reaching a mutually workable solution. Any matters of non compliance should be raised with the Director, Human Resources, ESF Centre.

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

Appendix I

An extract copy of the Section 9 of the Prevention of Bribery Ordinance

Chapter: 201	Title: PREVENTION OF BRIBERY ORDINANCE	Gazette Number:
Section: 9	Heading: Corrupt transactions with agents	Version Date: 30/06/1997

(1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his-

- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,

shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's-

- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,

shall be guilty of an offence.

(3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document-

- (a) in respect of which the principal is interested; and
- (b) which contains any statement which is false or erroneous or defective in any material particular; and
- (c) which to his knowledge is intended to mislead the principal


shall be guilty of an offence.

(4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2). (Replaced 28 of 1980 s. 4)

(5) For the purposes of subsection (4) permission shall-

- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

and for such permission to be effective for the purposes of subsection (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought. (Added 28 of 1980 s. 4)

	Human Resources Policy Document	
		Effective Date:
	Acceptance of Advantage by Staff Members Policy (Prevention of Bribery Policy)	10 June, 2009

Appendix II



Request for Permission to Accept an Advantage 徵求收受利益申請

(in accordance with ESF Schools Circular Primary No. 8/Secondary No.8, revised September 2004)

根據英基學校協會學校通告第 8 項，二零零四年九月修定版

Name of Applicant: _____ Capacity: _____
 申請人: _____ 職位

School: _____ Date of Application: _____
 學校: _____ 申請日期

Details of the Advantage 利益收受細節

Details of offeror (name, address, contact No.) 利益提供人之資料 (人名或機構名, 地址, 聯絡電話)	Occasion of the offer 利益於何種情況下收受	Nature and estimated value of the gift/advantage 獲贈利益的性質及估計價值

Approved by: _____
 批准人簽名: _____ (signature)

 批准人姓名 (Name in Print)

Title: _____
 職銜: