

Tool: Gift and gratuities checklist

Purpose

- To provide procurement practitioners with guidance on the appropriateness on gifts.

Public Procurement
Principle: **Integrity**

Procurement Stage:
All phases

Audience: **Procuring Entity,
Private Sector, Civil Society**

Description

Codes of conduct in the public sector often give a lot of attention to the issue of gifts to officials – what gifts can be received, what is prohibited, and under what conditions. A gift and gratuities checklist reduces the potential for confusion to four simple tests, arranged under a mnemonic – **GIFT** – to make the tests easier to remember. Each element of the **GIFT** mnemonic recalls one of the principles of public ethics, rather than a set of complex administrative definitions and criteria or processes.

“Reportable gifts” are distinguished from those gifts which are not required to be reported by the officials who receive them. Defining which gifts are reportable is a policy decision to be made by each organisation. An organisation’s conflict-of-interest policy should outline situations which procurement practitioners should avoid, and actions to be taken if a problematic situation does arise. Prohibitions, for example, a provision that monetary gifts should not be accepted in any circumstance, should be clearly stated.

It is not the value of the gift that is the main policy issue in most cases: it is the question of how to deal appropriately with the actual or presumed relationship between giver and receiver that matters most. Gifts to procurement practitioners in their private capacity (as opposed to official gifts to the official’s organisation), should raise the question of whether there is a relationship between the giver and the receiver which could constitute a serious risk to the integrity of the individual official, or to the organisation.

In developing systems, a public organisation should consider other relevant matters, including, for example, the Criminal Code, and any law or policy about ethics, corruption, misconduct, and conflict of interest applicable in the public sector. Because of the nature of the reportable gifts, the details and circumstances of the gift should be recorded and documented to form an official record of the gift. This should discourage officials from acting unethically.

Box: Gift and gratuities checklist

Genuine: Is this gift genuine, in appreciation for something I have done in my role as a procurement practitioner, and not requested or encouraged by me?

Independent: If I accept this gift, would a reasonable person have any doubt that I could be independent in doing my job in the future, especially if the person responsible for this gift is involved or affected by a decision that I may make?

Free: If I accept this gift, would I feel free of any obligation to do something in return for the person responsible for the gift, or for his/her family or friends/associates?

Transparent: Am I prepared to declare this gift and its source, transparently, to my organisation and its clients, to my professional colleagues and to the media and the public generally?

Further Resources

OECD (2004), [*Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences*](#), OECD Publishing, Paris.

OECD (2005), [*Managing Conflict of Interest in the Public Sector: A Toolkit*](#), OECD Publishing, Paris.