

Best Practice Checklist



Governance and Internal Control in Schools



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Corruption Prevention Department

FOREWORD

The running of a school does not only involve the Principal and a team of general support staff, but also the teachers who are assigned administrative duties. Like any organization receiving Government financial assistance, schools are facing rising public expectation of good governance in their operations. It is therefore imperative for those responsible for the management of schools to ensure that there is good governance and adequate internal control in the school operation.





This checklist aims at providing a user-friendly guide to help schools set up a good governance structure and adopt internal control measures in their operations. Schools are advised to adapt the recommended measures to suit their respective organizational structure, resource capability and operational needs.

The Corruption Prevention Department (CPD) of the Independent Commission Against Corruption (ICAC) provides free, confidential and tailor-made advice to both public and private organizations on the ways to enhance governance and implement corruption prevention measures. For further information, please contact the CPD by telephone at 2826 3215, by fax at 2521 8479, or by email at cpd@icac.org.hk.

For any enquiry about the guidelines and instructions issued by the Education Bureau (EDB), please refer to the EDB website at www.edb.gov.hk.

HOW TO USE THIS BEST PRACTICE CHECKLIST

For quick and easy reference, you will find the following icons throughout this Best Practice Checklist. They serve to lead you to the information you want:

	Guideline – standard code of conduct, procedural guideline or work manual for reference
	Sample Form – sample forms for use where applicable
	Legislation – extracts from relevant ordinances, such as the Prevention of Bribery Ordinance
	Pointer – cross reference with other sections of the Best Practice Checklist

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1.1 Good Governance

Good governance is the key to preventing corruption. Being a nurturing ground for the young generation, it is essential for the school management to set a model of good governance and uphold an ethical culture in school.

1.2 School Management Committees

Under the Education Ordinance (Cap. 279), each aided school is required to establish an Incorporated Management Committee to manage the school. Schools under the Direct Subsidy Scheme and other types of schools are also encouraged to set up a School Management Committee for the same purpose. The following safeguards help ensure accountability of these management committees.

1.2.1 Roles and Composition

- Specify the terms of reference of the management committee, including accountability to the Government and the public, for the proper running of the school.
- Define clearly the roles and responsibilities of the Chairman of the management committee, the School Supervisor and the Principal.
- Include in the management committee members representing different stakeholders (e.g. school sponsoring bodies, parents, teachers, alumni, etc.) to enhance checks and balances.

1.2.2 Conduct of Meetings

- Lay down the quorum for meetings.
- Lay down the meeting frequencies, attendance requirements, and voting arrangements, etc.

- Draw up meeting schedules and notify members in advance.
- Provide adequate time for members to go through the agenda and discussion papers before a meeting.
- Resolve matters by circulation of documents only in case of emergency.
- Ensure all key and appropriate issues are deliberated by members in a timely manner.
- Prepare minutes of meetings promptly after each meeting.
- Record accurately the committee's decisions, including members' views, in particular any dissenting comments.
- Require the minutes to be endorsed by the management committee and signed by the Chairman.

1.3 Policy on Transparency and Disclosure

- Make transparent the school's operations (e.g. governance of the school, donations received, etc.), through disclosure in the school prospectus, website, or annual report.
- Publicise the objectives of the school, and its achievements towards the objectives.
- Establish communication channels (e.g. school newsletter or website) through which persons concerned could obtain information about the school.

1.4 Parent-Teacher Association

- Set up a Parent-Teacher Association (PTA), where practicable, to enhance home-school cooperation and transparency in school management.

- Require the PTA members to declare any conflict of interest when handling school matters, such as selection of suppliers, contractors or trading operators.

1.5 Integrity Management

- Issue a Code of Conduct for compliance by the school staff, and members of the school management committee (i.e. school managers) and the PTA (➔ **Section 2.1**).
- Organise capacity building workshops on probity for the school managers and PTA members, especially those who are involved in school administration (➔ **Section 2.3**).

2.1 Code of Conduct

A key factor of good governance is to demonstrate that the school is committed to ethical practices. Schools should issue a Code of Conduct for compliance by the school staff, school managers, and PTA members (📄 **Appendices 1 to 3**). The respective Codes should set out the standard of integrity expected of them.

2.2 Key Provisions of the Code of Conduct

2.2.1 Commitment to Ethical Practices

- Include in the Code a statement that the school is committed to good governance and ethical practices.
- State the school's "zero tolerance" policy towards corruption and fraud.

2.2.2 Acceptance of Advantages


- Ensure the school managers and staff are aware of the provisions and sanctions under the Prevention of Bribery Ordinance (POBO) (Cap. 201) in relation to acceptance of advantage (⚖️ *Section 9 of the POBO*¹ at **Annex 1 of Appendix 2**).
- Prohibit school managers and staff from accepting advantages from persons with whom they have official dealings, including their colleagues and subordinates, unless with the school's permission.
- State the permissible value of token gifts they are allowed to accept in their official capacity.
- Lay down the procedures and authority for approval of acceptance of advantage, other than token gifts.

¹ The staff of government schools are civil servants subject to Sections 3 and 4 of the POBO and the relevant civil service regulations, in addition to those stated in this checklist.

2.2.3 Acceptance of Entertainment

- Remind school managers and staff to avoid accepting unduly lavish or frequent entertainment from persons with whom they have official dealings.

2.2.4 Conflict of Interest

- Require school managers and staff to avoid and declare any actual or perceived conflict of interest.
- Provide examples of conflict of interest in work situations (e.g. relationship with a supplier when making procurement, or with a candidate when handling staff recruitment).
- Provide different standard forms for declaration of conflict of interest by school managers and staff respectively ( **Appendices 4 and 5**).
- Establish a system to record and manage the declared conflicts, including the actions to be taken to mitigate the conflicts.

2.2.5 Abuse of Official Position

- Remind school managers and staff to avoid using their official position or power to benefit themselves, their relatives or personal friends.

2.2.6 Protection of Classified Information

- Prohibit unauthorised disclosure of any classified information by school managers and staff.
- Establish a system for protection of classified information (e.g. restricting access to authorised staff only, keeping records of recipients of confidential documents, and using passwords to protect computer data).

2.2.7 Permission to Take up Outside Work

- Require staff to seek approval from the school before taking up any outside work.
- Grant permission, if outside work is allowed as a policy, only if it would not give rise to any conflict of interest.
- Require the staff concerned to seek fresh approval on an annual basis.

2.2.8 Compliance with the Code

- Specify the disciplinary sanctions against breaches of the Code, such as warnings, dismissals, etc.
- Designate a staff member of the appropriate level to handle enquiries about the Code.

2.3 Promulgation of the Code

- Issue the Code to each school manager or staff member upon appointment, and periodically remind them to abide by the Code through circulation.
- Arrange capacity building sessions for both new and serving school managers and staff, with the assistance of ICAC.

3.1 Introduction

Effective internal control is essential to good governance, and is the key to preventing corruption through reducing risks of malpractice and fraud. This chapter highlights the framework of a sound internal control system.

3.2 Key Elements of an Internal Control System

3.2.1 Clear Policies and Procedures

- Lay down clear policies and procedures for the school's major operations, such as staff administration and procurement.
- Define clearly the respective roles, responsibilities and powers of the staff members involved in the processes.
- Ensure the guidelines are understood by the staff concerned through briefing or training.
- Review the policies and procedures regularly and update them as necessary to suit operational needs.

3.2.2 Segregation of Duties

- Segregate major duties as far as practicable to enhance checks and balances.

3.2.3 Keeping of Records

- Require the staff to keep proper records of the activities carried out and the decisions made to ensure accountability.

3.2.4 Information Security – Please refer to Section 2.2.6

3.2.5 Supervision

- Require designated staff of the school to conduct spot checks on the activities to ensure compliance with the laid down rules and guidelines.
- Report any irregularities identified to the management of the school for consideration of the action to take.

3.2.6 Feedback Channels

- Establish a user-friendly channel for feedback or complaints from staff, students, parents and parties having business dealings with the school.
- Designate an independent staff member to investigate into any irregularities reported.

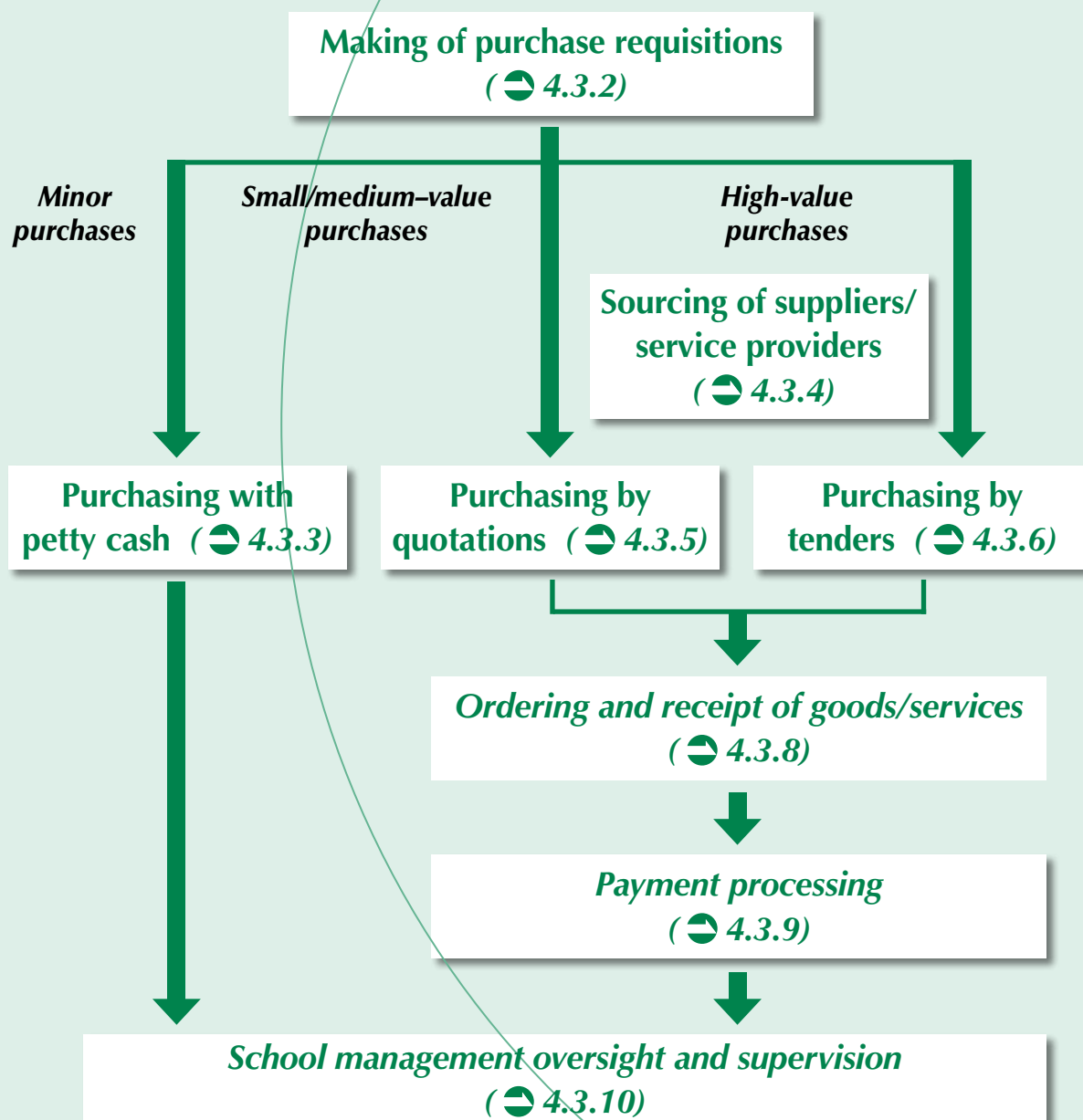
3.3 Audit

- Appoint an independent auditor to audit the activities of the school periodically, including checking compliance with the relevant statutory and regulatory requirements, the administrative requirements laid down by the Education Bureau (EDB), and the school's policies and procedures.
- Where practicable, establish an audit committee under the school management committee (🔄 **Section 1.2**) to consider the audit reports.

4.1 Introduction

School operations entail frequent procurement of goods and services. To achieve value for money and ensure the goods and services are purchased in a transparent and competitive manner, it is essential for schools to have an effective and properly controlled procurement system in place.



4.2 Key Processes²




² The key processes are listed from the control point of view and are by no means prescriptive.

4.3 Recommended Practices

4.3.1 Basic Controls

- Specify the procurement methods, procedures and approving authorities for purchases of different financial limits, making reference to the procurement guidelines issued by the EDB ( *EDB Circular No. 15/2007*).
- Specify the authority for approving exemptions to the procurement guidelines (e.g. not obtaining the required number of quotations due to urgency or a sole supplier situation).
- Where resources allow, designate a team of staff to coordinate and oversee procurement activities in the school.
- Segregate the procurement duties, such as sourcing of suppliers, evaluation of bids, approval of purchases, receipt of goods, etc. where practicable.
- Require all staff involved in the procurement process to declare any actual or potential conflict of interest ( **Appendix 6**), and where necessary reassign the duties to other staff members if a conflict has been declared.
- Maintain proper documentation of the procurement process, including decisions and justifications.
- Designate supervisory staff to check compliance with the laid down procedures and to ensure decisions are properly made.

4.3.2 Making of Purchase Requisitions

- Make purchase request on a standard form ( **Appendix 7**), stating the goods or services required, for approval by the designated authority.
- Ensure the goods or service specifications are not overly restrictive to favour any particular supplier or put off competitive bids (e.g. to avoid specifying brand names).

- Require a more senior staff member of the school to vet and endorse the specifications and to approve any brand name specification based on justifiable grounds.
- Consider engaging term contractors for frequently required purchases, in particular low-value goods or services (e.g. office supplies and minor maintenance services).

4.3.3 Petty Cash Purchases

- Assign a designated staff member to keep the petty cash account of a preset limit, and lay down the procedures and authorities for replenishment.
- Arrange payment or reimbursement only upon submission of a valid receipt or an original invoice, or a claim form duly signed by the staff concerned and certified by an authorised staff if no receipt/invoice is produced.
- Require the staff concerned to acknowledge receipt of the petty cash payment or reimbursement.
- Request replenishment from the accounting unit or staff, using a petty cash replenishment form (📄 **Appendix 8**), attaching all the vouchers and receipts for the claims made.

4.3.4 Sourcing of Suppliers or Service Providers

- Check whether the school has maintained lists of suppliers/service providers for different goods and services (➡ *please refer to **Section 4.3.11.1** on best practices in relation to list maintenance*).
 - If yes, invite the required number of suppliers or service providers from the list to bid on a fair share basis (e.g. by rotation), in addition to any nominations from the users.
 - If no, source suppliers or service providers according to pre-determined criteria and avoid including only suppliers nominated by the users.

4.3.5 Procurement by Quotations (for low-value purchases)

- Provide bidders with detailed descriptions of the goods or services required, and set a deadline for the submission of bids.
- Require written quotations from bidders where practicable.
- If verbal quotations are accepted, record in writing the dates of receiving the quotations, the names of bidders, the price offers, and the name of the responsible staff.
- Take measures to prevent leakage of the quotation information or tampering with the submitted quotations before the submission deadline (e.g. assign a staff member to keep all quotations in a secure place before opening, or receive electronic quotations through a designated mailbox with restricted access and only to be opened after the closing time).
- Keep proper records of all quotations received, and conduct spot checks to prevent and deter bogus quotations (e.g. verifying with the suppliers) where practicable.
- Evaluate the quotations received based on pre-determined selection criteria (e.g. price and quality factors).
- Seek approval from a higher level of authority, with justification, for not selecting the lowest bid, and keep record of such decisions.

4.3.6 Purchasing by Tenders (for high-value purchases)

- Decide the tendering approach (e.g. open tender by inviting bids through the website or newspaper advertisement, or restrictive tender by inviting bids from a shortlist of suppliers (e.g. from the approved suppliers list), or sourcing from the market based on a set of pre-qualification criteria).
- Include in the tender invitation documents:
 - clear product/service specifications (i.e. the mandatory requirements);


- tender assessment criteria in broad terms and their weightings in assessment, if price is not the only consideration;
 - contract terms and conditions (e.g. any after-sale service);
 - deadline for submission of tender or proposals;
 - submission method (e.g. proposals in duplicate to be put in a sealed envelope);
 - a warning against bribery (📖 *sample clause at Appendix 9*); and
 - an anti-collusion clause prohibiting tender rigging (📖 *sample clause at Appendix 10*).
- Ensure all bidders are given the same information and consider giving a briefing to all interested bidders shortly after the issue of tender invitation, if applicable.
 - Designate a staff member to keep the tenders submitted in a secure place before the closing time or deposit them in a double-locked tender box with the two keys held by separate staff members.
 - Accept late tenders only with the approval of the designated authority and with justification.
 - Assign a tender opening team (comprising at least two members) to open the tenders immediately after the closing time.
 - Designate a staff member not involved in the tender evaluation to keep duplicate copies of the tenders for future checking if necessary.

4.3.7 Evaluation of Tender Proposals

- Appoint a tender evaluation panel (comprising the user and the procurement staff and other specialists, e.g. IT experts, as appropriate) to evaluate the tenders, if price is not the only consideration.
- Remind the panel members to declare any conflict of interest.
- Require individual panel members to record their own assessment and scores on a standard evaluation form to enhance fairness and objectivity.

- Give bidders an equal chance to make a presentation, if required, before the assessment panel.
- Select the bidder with the highest total score (i.e. the best offer), if not, give reasons for not doing so.
- Submit the recommended tender together with an evaluation report to the approving authority.
- If post-tender negotiation is necessary:
 - determine the baseline for negotiation;
 - assign a team of staff (at least two) of the appropriate level to conduct the negotiation for purchases of a high value;
 - document the salient points of the negotiation process; and
 - avoid changes to any mandatory tender requirements during negotiation to prevent any allegation of unfairness, and consider re-tendering if there are any substantial changes to the mandatory requirements.

4.3.8 Receipt of Goods

- Assign a staff member or the user to inspect the goods delivered against the purchase order before acceptance.
- Arrange testing of the goods received (e.g. specialist equipment) by qualified staff if appropriate.
- Require the staff concerned or users to certify acceptance of goods or completion of service within a specified time limit.
- Ensure that any defective goods, short delivery or substandard service are handled promptly (e.g. by asking the supplier to make good the shortfall) and recorded.
- For recommended practices on the control of school property, please refer to  **Section 4.3.11.3.**

4.3.9 Payment Processing

- Arrange payment by cheques or direct transfer from the school account.
- Establish authorisation levels for approving payments and signing cheques.
- Verify the description and quantity of goods on the invoices against purchase orders.
- Ensure invoices are certified by the user or recipient and endorsed by the approving authority before effecting payment.

4.3.10 School Management Oversight and Supervision

- Conduct spot checks on procurement activities to ensure the laid down procedures are followed and to detect/deter malpractice.
- Where resources permit, require the staff responsible to compile regular management reports on purchases (e.g. purchases from sole supplier and purchases of substantial value) for review by the school management.
- Establish a system to detect and deter split orders to circumvent the approving authority (e.g. supervisory checks on the pattern of purchases).


4.3.11 Others

4.3.11.1 *Maintenance of Approved Suppliers Lists*

- Maintain different lists of suppliers or service providers for frequently purchased goods or services.
- Lay down the criteria for inclusion and deletion of suppliers/service providers on the respective lists (e.g. poor performance) and specify the authority for inclusion or deletion.

- Establish a channel for interested potential suppliers/service providers to apply for inclusion in the lists.
- Collect feedback from users about the suppliers' performance after purchase, and take appropriate action in case of poor performance (e.g. suspension from invitation to bid for a specified number of times, or deletion from the list).

4.3.11.2 Administration of Service Contracts (e.g. cleaning and security contracts)

- Specify in the contract agreement, among other terms and conditions, the service standards (e.g. standard and frequency of service, minimum manpower, etc.), and the remedies for non-compliance or default service (e.g. rectification within a specified period, payment deduction, liquidated damages, etc).
- Specify the rates for additional service (e.g. emergency cleaning service or additional security guards on special occasions) and the response time.
- Include in the contract conditions a probity clause prohibiting the contractor and its staff from offering or soliciting bribes when performing duties under the contract ( **Appendix 11**).
- Establish a disciplinary system to deal with non-compliance or unsatisfactory performance of the contractor (e.g. issue of warnings or payment deduction).
- Assign staff to monitor the standard of service and report on any deficient or default service.
- Collect user feedback on the services provided.
- Hold regular meetings with the contractor's management to discuss problems and review performance as necessary.

- Ensure contract renewal is based on good performance, and conduct tender exercise periodically with a view to exploring competitive alternatives in the market.

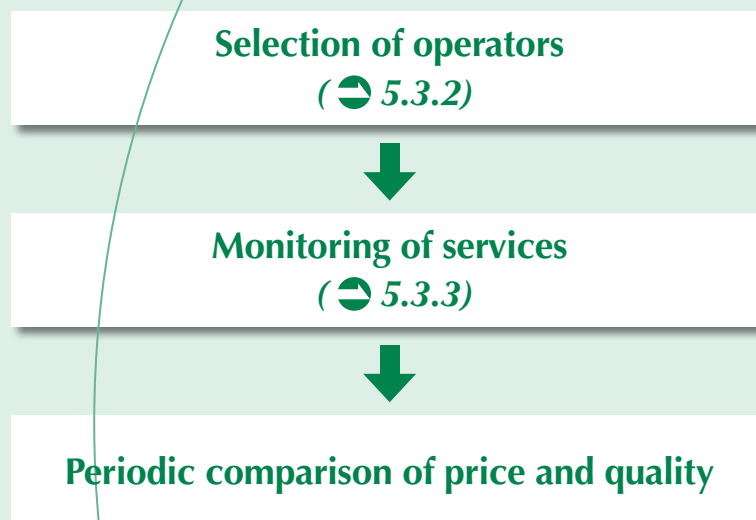
4.3.11.3 Control of School Property

- Maintain a register of property items (e.g. equipment, furniture), covering the unique identification code assigned to each item, description, quantity, date of purchase, location, name of holder if any, date and reason for disposal or writing-off, etc.
- Assign independent staff to conduct periodic stock-taking and inspection on valuable property items.
- Report any missing items or irregularities to the school management for follow-up action.
- Require disposal of property items (e.g. obsolete or beyond economical repair) and disposal methods (e.g. destruction, sale or donation) to be approved by a designated authority.

5.1 Introduction

The majority of schools are running trading operations for the provision of services to students (e.g. tuck shops and canteens, sale of lunch boxes, school uniforms and exercise books, provision of school bus service, etc.). It is important for schools to ensure that the selection of trading operators are conducted in a fair and competitive way and the services provided are up to the required standards.

5.2 Key Processes




5.3 Recommended Practices

5.3.1 Compliance with EDB's Guidelines

- Abide by EDB's guidelines on conducting trading operations in schools, including those governing solicitation or acceptance of donations from trading operators (EDB Circular No. 24/2008).

5.3.2 Selection of Trading Operators

- Select trading operators following the procurement best practices recommended in  **Chapter 4**.
- Follow the procurement guidelines as laid down by the school or EDB in selecting trading operators.
- Set up selection committees comprising parent and teacher representatives to assess the proposals received based on a pre-determined marking scheme.
- Require members of the selection committee, including parent and teacher representatives, to declare any conflict of interest arising from their relationships with the bidding operators.

5.3.3 Monitoring of Service and Renewal of Contracts

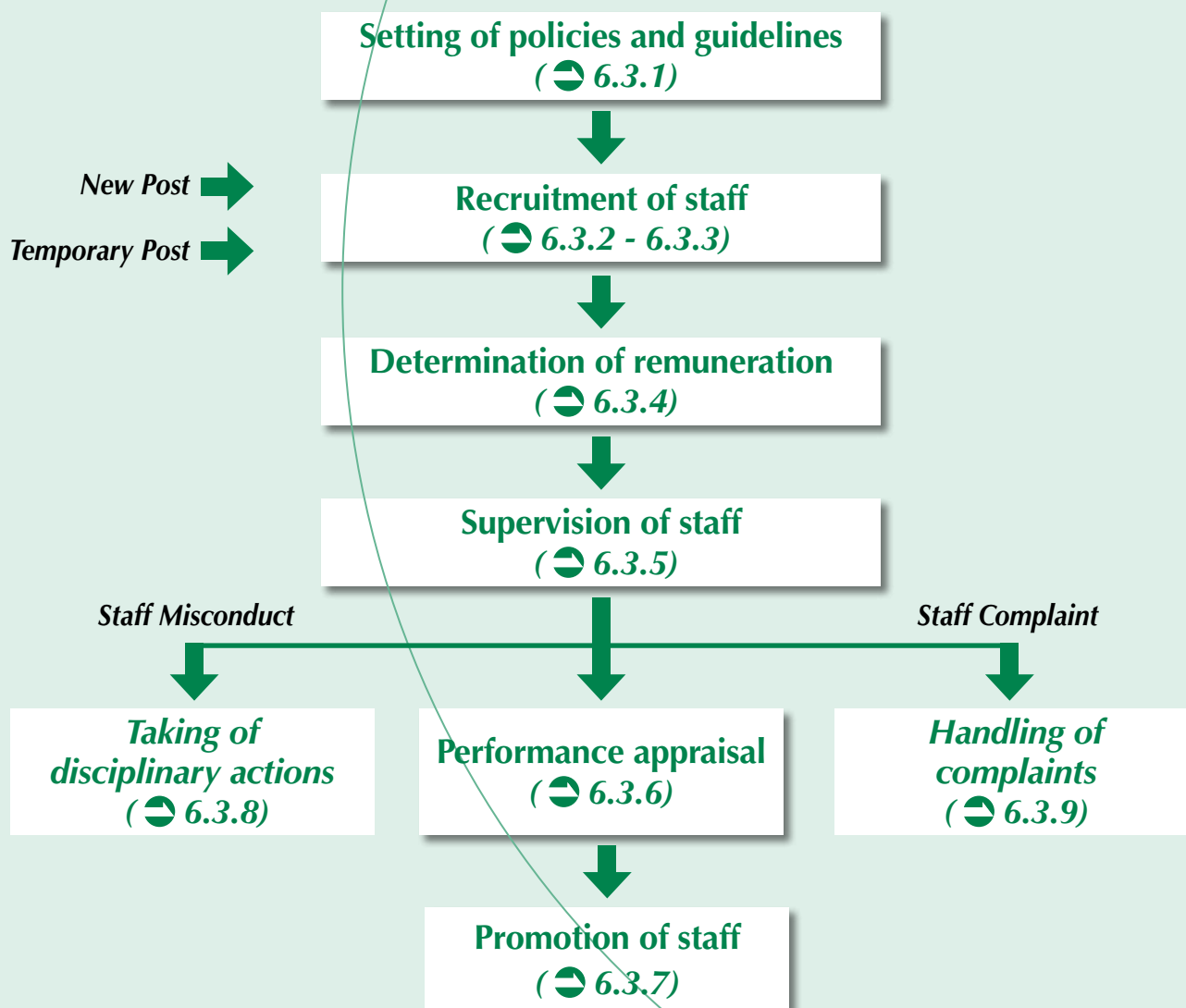
- Establish a monitoring committee, comprising parent and teacher representatives, to supervise the trading operations and report to the school management periodically.
- Collect feedback from students, teachers, and parents periodically to evaluate the standard of service provided.
- Take into account the performance of existing trading operators when they are being considered for renewal of contracts or if they bid for the school's contracts in future.

6.1 Introduction

Effective staff administration, such as staff recruitment and appraisal, is important to a school because it helps ensure that staff of the right quality are employed, enhance staff morale, and minimise opportunities for abuse or the perception of such. The basic corruption prevention principles in staff administration are openness and fairness, clear accountability and impartial enforcement of rules and regulations.

6.2 Key Processes

Listed below are the key processes of staff administration. The recommended best practices and control measures for each process are detailed in the respective sections.





6.3 Recommended Practices

6.3.1 Policies and Guidelines

- Lay down in guidelines and make known to all staff the policies for staff administration matters, including:
 - staff recruitment, promotion and posting policies;
 - staff remuneration packages, covering salary scales, fringe benefits, bonus or gratuity, as appropriate, for each rank of staff or each post;
 - job descriptions, working hours and other operational requirements such as overtime work arrangements;
 - the authority for approval of overtime work and rates payable;
 - the performance appraisal system;
 - the disciplinary system, such as the administration of sanctions and levels of authority (e.g. warnings and dismissals); and
 - the mechanism for handling staff complaints.

6.3.2 Staff Recruitment

- Clearly define the entry requirements of each rank or post (e.g. academic and professional qualifications, years of relevant experience, aptitude and any special skills), and seek approval from the school management or the designated authority.
- Advertise job vacancies in newspapers and on the website of the school.
- State clearly in the advertisement the job description, entry requirements and other essential information, such as the application deadline, any written test, correspondence address (and email address if any), and enquiry telephone number if available.

- Require applicants to declare in the job application form whether they have any friends or relatives working in the school.
- Record all applications received in a register or date-stamp and file all applications properly upon receipt.
- Require all staff involved in the selection process to declare any potential or actual conflict of interest and reassign staff to take over the process if a conflict is declared (e.g. a candidate is a relative or personal friend) ( **Appendix 6**).
- Shortlist candidates for interview based on pre-approved criteria, such as years of relevant experience, levels of education attained, results of the written test, etc.
- Form a recruitment panel to conduct selection interviews and skill tests as necessary.
- Design an assessment form ( **Appendix 12**) showing the attributes for assessment and the corresponding marks or weightings, and require individual panel members to give marks on their own.
- Record the combined scores of each candidate after the interview and the comments of the panel members on the form.
- Prioritize the candidates according to their scores.
- Make recommendations for selection to the school management for approval, giving justification if the highest scoring candidate is not recommended for selection.
- Designate the authority to approve the panel's recommendation and document the decision properly, in particular the reason if the panel's recommendation is not accepted.
- Verify the academic qualifications and work experience of the successful candidate(s) before offer of appointment.

- Make provisions for penalties (e.g. termination of employment) in case of corruption offence, fraud, or other misconduct in the employment contract.
- Record all refusals of offer and ensure subsequent offers are made to candidates according to their priority.

6.3.3 Employment of Temporary Staff

- Estimate the number of temporary staff required, the duration of engagement, and the estimated expenditure, based on the operational need and any performance benchmark, before seeking approval from the school management or the designated authority.
- Determine or endorse the pay scale or hourly rates for temporary staff when granting approval.
- Recruit temporary staff following proper recruitment procedures.
- Maintain a pool of eligible candidates selected through proper recruitment procedures if there is an on-going demand for temporary staff.
- Require the supervising staff to complete a performance appraisal form on the temporary staff who are given jobs repeatedly or to report on any adverse performance.
- File performance appraisals or adverse records to facilitate record check on candidates before offering jobs.
- Maintain proper employment and payment records of all the temporary staff.

6.3.4 Remuneration Package


- Determine the salary scales and fringe benefits for each rank of staff or post.
- Lay down the criteria and approving authority for determining the remuneration package of individual appointees, taking into account their respective qualification, work experience and expertise as well as the market rate.

- Seek approval from the school management or the designated authority for any offer which deviates from the remuneration package.
- Specify the criteria and formula for calculating pay adjustments and non-standard payments (e.g. performance bonus).
- Require any adjustment of salaries, benefits, and non-standard payments to be approved by the school management or the designated authority.

6.3.5 Monitoring of Staff Attendance


- Put in place a system for recording staff attendance where appropriate (e.g. attendance register or electronic access control card system).
- Require supervisors to check periodically the staff attendance records.
- Produce exception reports on irregularities, such as repeated unpunctuality or absence from duty, for school management information and follow up action.

6.3.6 Performance Appraisal

- Pre-determine and make known to all staff the core competencies and performance standards of each rank or post.
- Record performance assessment using a standard appraisal form ( **Appendix 13**), covering all core competencies to be assessed.
- Define clearly the duties of the appraisee, appraising staff, and counter-signing staff, at the beginning of the appraisal period.
- Form a review panel to moderate the performance ratings of the appraisal reports if a large number of staff at the same level are being appraised and different appraising staff are involved to ensure consistent appraisal standards and fairness.
- Allow the appraisees to acknowledge and respond to the comments made in their appraisal reports.

- Establish a channel for handling requests for review lodged by the appraisees.

6.3.7 Staff Promotion

- Lay down and make known to all staff the eligibility criteria for promotion.
- Announce the timing of the promotion exercise to the staff concerned.
- Appoint a promotion board to assess all eligible candidates for promotion based on the pre-determined criteria, with reference to their appraisal reports for a specified period of time (e.g. three or four years).
- Establish the interview procedures and design an assessment form for use by the board members if a promotion interview is conducted ( **Appendix 14**).
- Require all members of the promotion board to declare any conflict of interest which should be recorded, and assign other staff to take over the process if a conflict is declared (e.g. the candidate under consideration is a relative or personal friend).
- Prepare a report on the candidates recommended for promotion, in their order of priority, for approval by the specified authority.
- Announce the promotion results as soon as possible to avoid speculation.
- Provide a review channel for unsuccessful candidates.

6.3.8 Disciplinary Actions

- Lay down and make known to all staff the circumstances warranting different disciplinary actions and the procedures to be taken in the case of misconduct or breaches of regulations.
- Ensure fairness and consistency in taking disciplinary actions.
- Maintain proper records of the disciplinary actions taken and notify the school management committee as necessary.

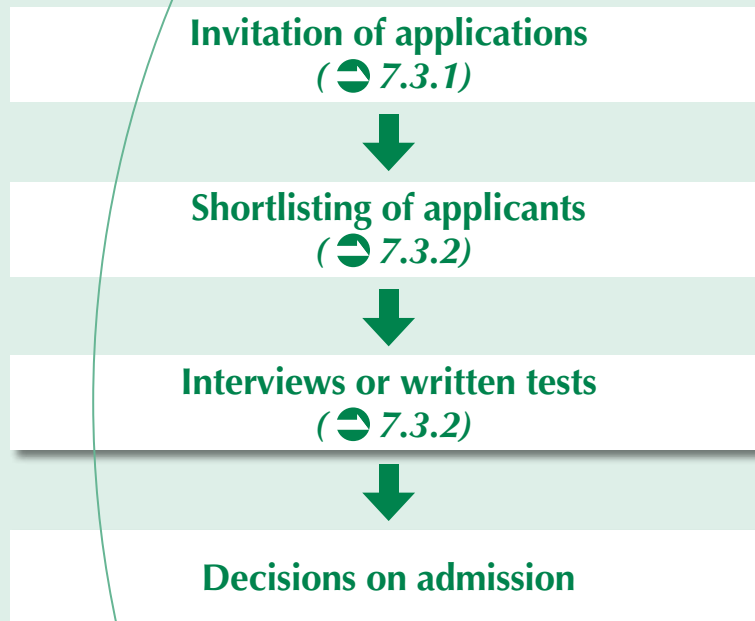
6.3.9 Handling of Staff Complaints

- Publicise the channels for complaint and make the procedures user-friendly.
- Ensure that all information given is handled in strict confidence.
- Assign an independent staff member, at the appropriate rank and not involved in the case, to investigate the complaint.
- Maintain proper records of the investigation results.
- Submit an investigation report, with recommendations for disciplinary action if applicable, to the designated authority (e.g. school principal) for consideration.
- Inform the complainant of the outcome after investigation if appropriate.

7.1 Introduction

Private schools and schools under the Direct Subsidy Scheme are given autonomy in the admission of students. These schools are free to draw up their own admission criteria and procedures (whereas aided schools are allowed to select students to fill the discretionary places). It is important to ensure that the admission process is fair and transparent to avoid allegation of favouritism or abuse.

7.2 Key Processes




7.3 Recommended Practices

7.3.1 Invitation of Applications

- Draw up fair and objective student admission criteria in accordance with the principles laid down by EDB.

- Publicise the school's admission criteria and application procedures (e.g. through the school website) and organize briefing sessions to all interested parents.
- Include a reminder in the application form that parents should not offer advantage to the school staff or school management committee members in connection with their applications.

7.3.2 Shortlisting and Assessment of Applicants

- Set up an admission committee, comprising staff members of the appropriate level, to scrutinise applications.
- Require the staff taking part in the assessment process to declare any conflict of interest (e.g. the student or parent is a relative or close personal friend).
- Shortlist applicants for written examinations or interviews based on pre-determined criteria (e.g. academic results and participation in extra-curricular activities) approved by the school management.
- If a written examination is required, take measures to ensure confidentiality of the examination questions.
- Assign two staff members to jointly interview the applicants as far as practicable to enhance checks and balances.
- Provide the interviewers with detailed guidelines (e.g. attributes to cover) and a marking scheme, and conduct a briefing to explain to them the assessment criteria if necessary.
- Require the interviewers to individually record their assessment in a standard form designed for the purpose ( **Appendix 15**).
- Notify applicants of the result as soon as possible.

7.3.3 Management Reports

- Keep proper records of the admission exercise and retain the records for a specified period to facilitate audit checks.
- Submit to the school management committee a report detailing the number of applications received, the applicants interviewed and accepted, and any cases given special consideration, etc. after each admission exercise.

7.3.4 Handling of Complaints

- Establish formal procedures for handling complaints from unsuccessful applicants, and report the outcome to the school management committee.

8.1 Introduction

Donations and sponsorships, in money or in kind, may be offered to schools. From time to time, schools may also organise fund-raising activities. As acceptance of donations, especially from parties who have business dealings with the school (e.g. suppliers), may easily give rise to perception of favouritism or bribes in disguise, it is essential for schools to put in place a transparent mechanism to ensure the donations or sponsorships received are properly accounted for and are used for the benefit of students.

8.2 Key Processes

Consideration to raise funds or accept donations/sponsorships

(☞ 8.3.1)



Approval of acceptance

(☞ 8.3.2)




Management of donations/sponsorships received

(☞ 8.3.3)

8.3 Recommended Practices

8.3.1 Basic Principles

- Lay down the principles and criteria for raising funds and accepting donations/sponsorships, with reference to the guidelines issued by the EDB ( EDB Circular No. 14/2003). Examples of the guiding principles are:
 - Donations/sponsorships/funds raised should be used for the benefit of students only.
 - The acceptance must not adversely affect the reputation of the school.
 - No conditions should be attached to the acceptance of any donations/sponsorships, in particular those which will affect the school's ability to carry out its functions impartially (e.g. giving preferential treatment to a donor's child who is applying for admission to the school).
 - The acceptance should not give rise to any perceived or actual conflict of interest, or put the school in a position of obligation to the donor/sponsor.
 - Solicitation of donations from individuals/companies with which the school has business dealings (e.g. suppliers, contractors, trading operators) should be prohibited.
 - The acceptance of donations/sponsorships from any supplier or contractor should not in any way give or be perceived to give the donor/sponsor an unfair commercial advantage over others in the same trade, industry or profession.

8.3.2 Acceptance of Donations/Sponsorships

- Where a fund-raising campaign is held, clearly explain to the parents and students the objectives of the campaign and usage of the funds raised.
- Establish a formal mechanism for the school management committee to consider and approve acceptance of donations/sponsorships.

- Take into consideration any recurrent costs that will arise before deciding to accept a donation/sponsorship (e.g. the maintenance cost of a donated equipment).

8.3.3 Management of Donations/Sponsorships

- Register in detail all funds/donations/sponsorships received, including the value and purpose, and publicise in the school annual report or website.
- Draw up formal procedures for the disbursement of the funds, donations or sponsorships received, including the approving authorities.
- Compile reports on the usage of received funds, donations or sponsorships for scrutiny by the school management committee and EDB.

9.1 Introduction

From time to time, schools may need to undertake building maintenance and repair works. These works may be managed by external consultants and carried out by contractors, under the supervision of the school staff. As such works are technical in nature and often involve substantial costs, there should be effective systems for the selection of suitable consultants and contractors, and for the administration of the contracts.

9.2 Key Processes

Preparation of project brief (for appointment of consultants) (☞ 9.3.1)



Preparation of tender documents (for appointment of contractors) (☞ 9.3.2)



Determination of tender method (☞ 9.3.3)



Tendering (☞ 9.3.4)



Monitoring of work progress (☞ 9.3.5)



Processing of interim payments (☞ 9.3.6)



Handling of work variations (☞ 9.3.7)




Monitoring of work quality (☞ 9.3.8)





Completion of works and final payment (☞ 9.3.9)

9.3 Recommended Practices

9.3.1 Project Brief (for appointment of consultants)

- Clearly define the scope of service (e.g. professional staff, frequency of work inspection, and reporting requirements).
- Specify the deliverables and payment arrangements (e.g. staged payments).
- Include in the terms and conditions of the contract the following probity clauses:
 - An anti-bribery clause prohibiting offer or acceptance of advantage by the consultant and his employees when performing duties under the contract ( *sample clause at Appendix 11*).
 - A clause requiring the consultant and his employees to declare conflict of interest, including their relationship with the contractors engaged for the works contract or with the school staff.

9.3.2 Tender Documents (for appointment of contractors)

- Draw up detailed work specifications (e.g. items of work and time schedules for work completion).
- Include in the tender documents the following probity requirements:
 - An anti-bribery clause prohibiting offer of advantage to members of the school for the purpose of tendering ( *sample clause at Appendix 9*).
 - An anti-collusion clause prohibiting tender rigging ( *sample clause at Appendix 10*).
- Invite tenderers to make price offers according to a pricing schedule for specified work items to facilitate evaluation of bids and valuation of cost for subsequent works variations.
- Require tenderers to propose an outline of works programme.

- Include the following terms and conditions in the contract:
- provisions for interim payments for works requiring a long period of time to complete (say 9 to 12 months);
 - the amount of retention money to be paid until all works have been satisfactorily completed (e.g. about 10% of the contract sum);
 - defect liability period³ ;
 - criteria and conditions for extension of time⁴ ;
 - conditions for liquidated damages, e.g. for late work completion;
 - provisions for work variations⁵ ;
 - material guarantees;
 - insurance;
 - an anti-bribery clause prohibiting offer or acceptance of advantage by the contractor and his employees in executing the contract (📄 *sample clause at Appendix 11*);
 - a clause requiring the contractor and his employees to declare any conflict of interest when performing duties under the contract; and
 - provisions for termination of contract.

³ After work completion, there should be a “defect liability period”, similar to a warranty period, during which the contractor has the responsibility to make good any defect.

⁴ An extension of time may be granted to the contractor if failure to complete any maintenance works by the agreed date is caused by factors outside the contractor’s control.

⁵ Variations mean changes to the specified works, or additional works not included in the contract.


9.3.3 Tender Method

- Select the tender method by taking into consideration the factors shown in Table 1 below:

Tender Method	Factors for Consideration
Open invitation for expression of interest	<ul style="list-style-type: none"> □ Usually for high-value contracts. □ Usually for sourcing eligible consultants/ contractors and exploring what is available in the market. □ The school needs to spare time and resources to conduct an open invitation.
Invitation of tenders from a shortlist	<ul style="list-style-type: none"> □ The school has a shortlist of consultants/ contractors who have been previously engaged or recommended by a trusted party. □ The school can entrust the consultant to recommend a shortlist of contractors. □ The school has in-house expertise to draw up a shortlist.
Single Tender	<ul style="list-style-type: none"> □ Only for exceptional cases, with reasons such as urgency and safety considerations which cannot afford a tendering process.

Table 1 – Tendering Method

9.3.4 Tendering

- Draw reference from the recommended procurement practices (please refer to  *Chapter 4*).
- Require the tenderers to submit the following information for evaluation of the technical or quality aspects of tender proposals:
 - work experience;

- number of qualified professionals employed;
 - track record in providing similar maintenance works; and
 - programme of works.
- Apart from the shortlist mentioned in Table 1, make reference to the lists of consultants and contractors published by the relevant government departments (e.g. Architectural Services Department and Buildings Department) or professional bodies when compiling the list of consultants/contractors for invitation to tender.
 - Approach previous clients of the consultants/contractors under consideration for testimony of their previous performance as appropriate.
 - Award contract to the best offer.

9.3.5 Monitoring of Work Progress

- Require the contractor to submit a work programme at the start to facilitate monitoring of work progress.
- Appoint a staff member with technical knowledge (as project manager) within the school, if there is one, or enlist the help of members of the school management committee if they have the technical or professional knowledge, to monitor the progress of works, reporting to the senior management regularly.
- Require the consultant, if one is engaged, to report progress of works regularly.
- Require the project manager to hold regular meetings with the contractor, together with the consultant if any, to review work progress and any rectification work required.
- Require the contractor to explain any delay and propose remedial measures.

9.3.6 Interim Payments

- Make interim payments to the contractor according to the contract terms.
- Require the consultant, if one is employed, to certify work completion for the purpose of making payments.
- For in-house managed works, require the project manager to confirm satisfactory completion of works before endorsing release of payments.
- Retain a portion of payments (e.g. 10%) as retention money in accordance with the contract terms.
- Submit regular reports on the project to the school management for monitoring.

9.3.7 Work Variations

- Minimize the need for work variations which often entail special rates to be negotiated with the contractor.
- Try to include all foreseeable maintenance works in the scope of works at the outset as far as possible.
- Put in place the following safeguards for ordering work variations:
 - require the project manager or the consultant to assess the need for and the scope of the proposed variations;
 - require the contractor to estimate the rates for the proposed variations, which should be based on the schedule of rates in the contract as far as possible;
 - specify the authority for approval of work variations of different costs;
 - consider inviting new tenders for work variations if the scope or cost is substantial or disproportionate as compared to the original scope or value of the work ordered; and
 - require the project manager or the consultant to submit regular reports on work variations to the senior management for monitoring.

9.3.8 Monitoring of Work Quality

- For prolonged work projects, require the consultant (if there is one) to draw up a site supervision plan based on the contractor's works programme, specifying the frequency of site inspections, work items for checking and the personnel involved.
- Require the consultant to check the quality of works according to the site supervision plan or require the project manager to check the work according to the contractor's work programme.
- Where appropriate, require the project manager or the consultant to take photos of the works which will be covered up after completion as evidence of compliance with the quality requirements.
- Require the project manager or the consultant to record and report any adverse observations, in particular any substandard works or default in deliverables.
- Require the contractor to rectify any substandard works or make good the pledged deliverables before release of payment.
- Require regular reporting of work progress to the school management.

9.3.9 Completion of Works and Final Payment

- Require the project manager or consultant to certify completion of works as specified in the contract.
- Require the project manager (and members of the school management committee if appropriate) or consultant to carry out a final inspection on the completed works, requiring the contractor to compile a list of defects for follow up action.
- Make final payment upon certification of work completion by the project manager or consultant, except the retention money.
- Require the contractor to make good all the defects identified within the defect liability period before releasing the retention money to the contractor.

Introduction

1. The School's Management Committee (the Committee) is fully committed to the principle of honesty, integrity and fair play in the conduct of its business. To uphold public trust and protect the interests of the school and its students, it is important for School Managers to handle the school's business in an impartial manner and to ensure that the school's reputation will not be tarnished by any acts of dishonesty, impropriety or corruption. To this end, this Code of Conduct sets out the standard of conduct expected of all School Managers.

General Principles

2. To uphold a high standard of integrity, a School Manager shall:
- (a) ensure that his conduct would not bring the Committee and the school into disrepute;
 - (b) refrain from doing anything which may compromise or impair his integrity, impartiality, or capacity to perform the Committee's duties; and
 - (c) adhere to any rules and procedures made by the Committee for the performance of its functions, and those governing School Managers' conduct in relation to the business of the Committee.

Acceptance of Advantages

Official Capacity

3. A gift/souvenir presented to a School Manager in his official capacity is regarded as a gift to the Committee (e.g. a gift/souvenir presented to a School Manager who represents the Committee to participate in an event or to officiate a ceremony). A School Manager shall seek the Committee's permission for acceptance of these gifts/souvenirs and the method of disposal.

Private Capacity

4. Where a School Manager is offered an advantage in his private capacity, he may accept it if:
- (a) the acceptance will not affect the performance of his duties as a School Manager; and

- (b) the acceptance will not affect his objectivity in conducting the Committee's business or induce him to act against the interest of the school and its students.

If a School Manager feels that he would be obliged to reciprocate an advantage by returning to the offeror a favour connected with the school's business, he should decline the offer.

Acceptance of Entertainment

5. A School Manager shall not accept overly frequent or lavish entertainment from persons or organisations having official dealings with the school (e.g. suppliers, contractors, trading operators), in order to avoid embarrassment or loss of objectivity when considering matters in relation to these persons or organisations.

Conflict of Interest

6. A School Manager shall avoid putting himself in a position that may lead to an actual or perceived conflict of interest. A conflict of interest situation arises when the private interest of a School Manager competes or conflicts with the interest of the Committee. "Private interest" includes both the financial and personal interests of the School Manager and those of his connections, including family members, relatives, friends, clubs and societies to which they belong, as well as people to whom they owe a favour or are obligated in any way.

7. In a school, conflicts of interest may arise in the following situations, which are by no means exhaustive:

- (a) A School Manager being a director, partner, employee, etc. of a company which is connected with a matter under consideration by the Committee.
- (b) A School Manager having pecuniary interests in a matter under consideration by the Committee.
- (c) A School Manager having a close friendship or relation with an individual who have interest in a matter under consideration by the Committee.

8. A School Manager shall declare in writing to the Committee if there is any actual or perceived conflict of interest in relation to his duties as a School Manager. He shall refrain from dealing with the matter in question or follow the instruction of the Committee.

Use of Confidential or Privileged Information

9. A School Manager shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his capacity as a School Manager. He shall not disclose any confidential or privileged information of the Committee to any party unless he is authorised to do so and shall take necessary measures at times to prevent the leakage or misuse of the information.

Management of School Funds

10. A School Manager shall ensure the resources of the school are solely and properly used for the school's business and in the interest of the students. He shall ensure the school funds are used in a prudent and responsible manner to safeguard the interest of the schools and its students. An open, fair and competitive mechanism should be adopted for the procurement of goods/services and recruitment of staff for the school.

Misuse of Official Capacity

11. A School Manager shall not misuse their official capacity to benefit himself, his relations or any other persons with whom he has personal or social ties, or render favour to any person or organisation.

Introduction

(Name of school) is committed to the principle of integrity and fair play in the management of the School, and in dealings with students and parents. It is important that all staff should uphold a high standard of integrity in dealing with school matters in the interests of the School, parents and pupils at all times and ensure their conduct would not bring the School into disrepute.

2. This code sets out the School's policy on the acceptance of advantages by staff in connection with any business of the School and the standards of behaviour expected from staff.

The Prevention of Bribery Ordinance

3. A staff member of the School who solicits or accepts an advantage in connection with his work without the permission of the Management Committee of the School (SMC) may commit an offence under Section 9 of the Prevention of Bribery Ordinance (the Ordinance) (**Annex 1**). The term "advantage" is defined in the Ordinance and includes money, gift, loan, fee, reward, office, employment, contract, service and favour.

4. Staff should not solicit or accept any advantages from any persons having business dealings with the School (e.g. pupils, parents, colleagues, suppliers, contractors and textbook publishers or booksellers), unless otherwise provided for in this code.

Acceptance of Advantages

5. Permission is given for staff to accept, but not solicit, the following advantages: -
- (a) gifts from pupils or parents, provided that the value of the gift does not exceed (\$100);
 - (b) gifts from pupils or parents at graduation ceremonies provided that the aggregate value of the gifts does not exceed (\$500) on each occasion; and
 - (c) gifts from parents, colleagues, pupils or former pupils of the School on the occasion of retirement or resignation provided that the value of the gift from any one person does not exceed (\$1,000).

[Note: Figures in brackets are considered realistic and recommended by the Education Bureau for adoption by schools.]

6. If a staff member wishes to accept any advantage not listed above, he must, before or as soon as possible after acceptance, seek the written permission of the Supervisor/Principal of the School. Permission for the Supervisor, any School Manager or Principal to accept an advantage must be given by the SMC. There is however no restriction on the acceptance of advantages in the staff's private capacity, unconnected with their school duties, i.e. from a person who has no connection with the School. In case of doubt, the most appropriate action is to seek the advice of the SMC.

7. Advantages offered in connection with the following activities must not be accepted as the SMC is unlikely to give permission:

- (a) the appointment or promotion of school staff;
- (b) the admission or promotion of pupils (registration fees approved by the Education Bureau not regarded as advantages);
- (c) the conduct of any test or examination (approved official payments not regarded as advantages);
- (d) the provision of any tutorials for pupils of the School;
- (e) nomination for courses of training or study-trips, scholarships or other academic awards, involving either teachers or pupils;
- (f) nominations for pupils for admission to other education institutes or universities;
- (g) donations to an individual rather than to the School;
- (h) discount, commissions or gifts by a supplier or contractor to an individual rather than to the School;
- (i) payments for the use of school premises or facilities to an individual rather than to the School; and
- (j) vacation packages for school staff offered by suppliers, contractors or any persons having business dealings with the School.

Conflict of Interest

8. Staff should avoid engaging in business, investments or activities that might conflict with the School's interest. Examples of conflict of interest situations are listed in **Annex 2**.

9. A conflict of interest arises when a staff member's loyalty to the school conflicts with his/her own financial or personal interests or those of his/her:-

- family and other relations;
- personal friends; and
- any person to whom he/she owes a favour or is obligated in any way.

When called upon to deal with school matters, school staff should declare in writing to the principal delegated with such authority or SMC if there is any actual or perceived conflict of interest. They should then refrain from dealing with the matter in question or follow the instruction of the principal or SMC.

Outside Employment

10. Staff who wish to take on paid outside work including those not on a full-time basis, must have the written approval of the Supervisor/Principal. Approval will not be given if the outside employment may give rise to a conflict of interest.

Other Instances in Connection with Interest

11. Staff are not allowed at any time to disclose any confidential information (including examination questions) to anybody without proper authorisation.

12. Misappropriation of school properties by staff is strictly prohibited.

13. Falsifying documents and furnishing false accounting records are strictly prohibited. Staff may also be prosecuted for these offences under the Prevention of Bribery Ordinance.

14. Staff or their immediate family members should not obtain a loan from or through the assistance of any individual or organisation having business dealings with the School (including suppliers, contractors and parents etc). There is, however, no restriction on normal bank lending.

15. Entertainment is not an advantage under the Prevention of Bribery Ordinance. However, to avoid any perceived conflict of interest, staff should not accept lavish or frequent entertainment from persons with whom they or the School are having business dealings.

16. Staff should avoid engaging in gambling of any kind with persons having business dealings with the School.

Contraventions

17. Any breach of the above School's code will result in internal disciplinary action (including dismissal) and may, in some circumstances, lead to prosecution under the Prevention of Bribery Ordinance.

18. Any complaints on suspected breaches of this code can be made to the ICAC. They will be treated promptly, fairly and confidentially.

Extracts from the Prevention of Bribery Ordinance (Cap. 201, Laws of Hong Kong)

Section 9 - Corrupt transaction with agents

- (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).
- (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.

Section 2 - Definition of an Advantage

“Advantage” means :

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e).

Examples of Conflict of Interest Situations

- A staff member taking part in the evaluation and selection of textbooks, reference books or learning materials which are written or edited by his spouse, family, relatives, or personal friends, or published by a company in which he or any such person has a financial interest.
- A staff member taking part in the evaluation and selection of a supplier/contractor from a number of bidders one of which is operated by his spouse, family, relatives or personal friends, or in which he or any such person has a financial interest. Common examples are:
 - ◆ Selection of a textbook supplier
 - ◆ Selection of a school uniform supplier
 - ◆ Selection of an exercise book supplier
 - ◆ Selection of supplier of computer systems
 - ◆ Selection of a contractor for renovation project
 - ◆ Selection of a school bus operator
 - ◆ Selection of a tuck shop operator
- A staff member accepting frequent or lavish entertainment from a supplier/contractor who has business dealings with the school.
- A staff member selecting candidates for admission to a school interviewing or deciding on a candidate who is the son or daughter of his relative or personal friend.
- A staff member serving as a member of a Board to consider the recruitment, posting or promotion of staff, one of the candidates being his family member, relative or personal friend.
- A staff member making nominations or selecting staff for training courses or study trips, one of the nominees/candidates being his family member, relative or personal friend.
- A staff member referring his pupils to attend private tutorial schools in which he, his family, relatives or personal friends have a financial interest.

Introduction

This Code sets out the basic standard of conduct expected of all executive committee members (members) of the Parent-Teacher Association (PTA) and the policies on acceptance of advantage and conflict of interest in connection with the members' official duties.

Prevention of Bribery Ordinance (Cap. 201)

2. Under Section 9 of the Prevention of Bribery Ordinance (the Ordinance), any agent who, without the permission of his employer or principal, solicits or accepts an advantage as a reward or inducement for doing any act or showing favour in relation to the latter's business, commits an offence. The person offering the advantage may also commit an offence. The term "advantage" is defined in the Ordinance and includes money, gift, loan, fee, reward, employment, contract, service and favour. The term "agent" includes the executive committee members of the PTA, and the "principal" refers to the PTA itself.

3. It is also an offence under the Ordinance for any agent to use any document containing false information with the intent to deceive his employer or principal.

Acceptance of Advantages

4. It is the PTA's policy that members should not solicit or accept any advantage from any persons or companies having business dealings with the PTA (e.g. suppliers, contractors). However, members are allowed to accept (but not solicit) the following advantages when offered on a voluntary basis:

- (a) advertising or promotional gifts of a nominal value;
- (b) gifts given on festive or special occasions subject to a maximum limit of \$XXX in value;
- (c) discounts or other special offers from any person or company, on terms and conditions applicable to other customers; or
- (d) gifts or souvenirs of a nominal value presented to the member acting on behalf of the PTA in official functions.

If a member wishes to accept any other advantage not listed in paragraph 4, he should seek permission in writing from the PTA.

5. A member should decline an offer of advantage if the acceptance could affect his objectivity in conducting the PTA's business or induce him to act against the PTA's interest, or where he believes the offeror has such an intention, or acceptance will likely lead to perception or allegations of impropriety.

Offering of Advantages

6. Members should not offer advantage to any director or staff of any company or organisation for the purpose of influencing such person or company in any dealings, or any public official, whether directly or indirectly through a third party, when conducting the business of the PTA.

Entertainment

7. As defined in Section 2 of the Prevention of Bribery Ordinance, "entertainment" refers to food or drink provided for immediate consumption on the occasion, and of any other entertainment provided at the same time. Although entertainment is an acceptable form of business and social behaviour, a member must not accept lavish or frequent entertainment from persons with whom the PTA has business dealings (e.g. suppliers or contractors) to avoid placing himself/herself in a position of obligation to the offeror.

Conflict of Interest

8. Members should avoid any conflict of interest situation (i.e. situation where their private interest conflicts with the interest of the PTA) or the perception of such conflicts. Private interest includes both financial and personal interests of the member and those of his/her connections including family and other relations, personal friends, the clubs and societies to which he/she belongs, and any person to whom he/she owes a favour or obligated in any way. When an actual or potential conflict of interest arises (e.g. a member having interest in a company which has business dealings with the PTA), the member should make a declaration to the PTA in writing. Failure in doing so may give rise to criticism of favouritism, abuse of authority or even allegation of corruption.

Use of PTA Assets

9. Members should use the assets of the PTA solely for the purpose of conducting the PTA's business. Unauthorised use of the PTA's assets to make personal gain is strictly prohibited.

Records, Accounts and Other Documents

10. Members should ensure, to the best of their knowledge, that any records, accounts or other documents they submit to the PTA truly represent the events or transactions reported in the documents. Intentional use of documents containing false information to deceive or mislead the PTA, regardless of whether the member may obtain any gain or advantage, may constitute any offence under the Ordinance.

Confidentiality of Information

11. Members should not disclose any classified information of the PTA without authorisation or misuse any information of the PTA. Those who have access to or in control of such information should at all times ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information. Special care should be taken when handling any personal data to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the PTA's data privacy policy.

Misuse of Official Capacity

12. A member should not misuse his official capacity to benefit himself, his relations or any other persons with whom he has personal or social ties, or render favour to any person or organisation.

Compliance with the Code

13. It is the personal responsibility of every member of the PTA to understand and comply with the Code. Any member who is in breach of the Code will be subject to disciplinary action, including termination of service. In cases of suspected corruption or criminal offences, a report will be made to the ICAC or the appropriate law enforcement authorities.

SAMPLE FORM FOR DECLARATION OF INTEREST

(for School Managers)

To: **Management Committee of XXX School**

I hereby declare that:

- I have no pecuniary or other personal interest, direct or indirect, in any matter that raises or may raise a conflict with my duties as a manager of the Management Committee of XXX School.

- I have pecuniary or other personal interest, direct or indirect, in certain matter that raises or may raise a conflict with my duties as a manager of the Management Committee of XXX School. The particulars of such matter are stated below:-

I also acknowledge that I shall make another declaration to state any change in any matter contained in this declaration within one month after the change occurs and shall provide further information on the particulars contained in this declaration if so required by the Management Committee of XXX School.

Signature : _____

Name : _____

Date : _____

Note:

(a) Please put a "✓" in the appropriate box

(b) Please continue on supplementary sheet if necessary

SAMPLE FORM FOR DECLARATION OF INTEREST

(for School Staff)

Part A: To be completed by the employee

I have carefully read and understand the policy formulated by the school in respect of conflict of interest.

- I declare that my family members and I do not have any direct or indirect financial interests in any company or organisation which has business dealings with the school.
- I declare that I have the following interests. Details are:

The company/organisation involved: _____

Its relationship with the school: _____

The financial interest involved (please specify the nature and value): _____

Declarant: Post _____ Name _____

Signature _____ Date _____

** All new employees are required to complete this form and update the information at least once every year or if and when necessary.*

Part B: To be completed by the school

The follow action(s) is/are recommended:

In connection with the interest declared in Part A

- Request the declarant to surrender the interest or terminate the relationship declared
- Rearrange his/her post or duty
- Terminate his/her contract of employment

Examined by: Post _____ Name _____

Signature _____ Date _____

Part C: To be completed by Head of School

- I agree with the recommendation mentioned in Part B
- I disagree with the recommendation mentioned in Part B

The following action is suggested _____

Name of School Head _____

Signature _____ Date _____

Part D: To be completed by the declarant

- The recommendation mentioned in Part B / C is adopted
- The recommendation mentioned in Part B/C is not adopted, the reason being:

Name of declarant _____

Signature _____ Date _____

SAMPLE FORM FOR DECLARATION OF INTEREST

(For specific duties such as procurement and recruitment)

Part A – Declaration *(To be completed by Declaring Staff)*

To : *(Approving Authority) via (supervisor of the Declaring Staff)*

I would like to report the following existing/potential* conflict of interest situation arising during the discharge of my official duties :-

Persons/companies with whom/which I have official dealings
My relationship with the persons/companies (e.g. relative)
Relationship of the persons/companies with our school (e.g. supplier, job applicant)
Brief description of my duties which involved the persons/companies (e.g. handling of tender or recruitment exercise)

(Date)

(Name of Declaring Staff)

(Title/Department)

Part B – Acknowledgement *(To be completed by Approving Authority)*

To : *(Declaring Staff) via (supervisor of the Declaring Staff)*

Acknowledgement of Declaration

The information contained in your declaration form of (Date) is noted. It has been decided that :-

- You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above, and you must uphold the Company's interest without being influenced by your private interest.
- Others (please specify) : _____

(Date)

(Name of Approving Authority)

(Title/Department)

* Please delete as appropriate

PURCHASE REQUISITION

PR No. _____

PART A

Requesting Staff : _____

Date : _____

CASH PURCHASE PURCHASE ORDER *(please ✓ as applicable)*

Item#	Qty	Description/Specification	Code	Purpose	Est. Price
TOTAL:					

Item#	Budget	Budget Provision (HK\$)	Accumulated Expenses (HK\$)	Balance Available (HK\$)	Justifications (if budget not available)

Deliver to:	Delivery date:
-------------	----------------

Requested by : _____ Signature : _____ Date : _____

Endorsed / Not Endorsed *(please delete as applicable)*

Reason(s) if not endorsed : _____

Endorsing officer : _____ Signature : _____ Date : _____

PART B

Quotations Invited:

Supplier	Date Received	Contact Person & phone no. (if verbal)	Compliant (Y/N)	Price HK\$	Special Conditions / Remarks

Quotations attached not attached (please ✓ as applicable)

Recommended supplier/contractor :

Reason(s) if lowest bid not selected :

Recommended by : _____ Signature : _____ Date : _____

Approved / Not Approved (please delete as applicable)

Reason(s) if not approved :

Approving officer : _____ Signature : _____ Date : _____

PART C

P.O. No.: _____

Accounting Staff: _____ Signature: _____ Date: _____

Offering Gratuities

- (1) The tenderer shall not, and shall procure that his employees, agents and sub-contractors shall not, offer, solicit or accept an advantage as defined in the Prevention of Bribery Ordinance, Cap 201 in connection with the tendering and execution of this contract.
- (2) Failure to so procure or any act of offering, soliciting or accepting advantage referred to in (1) above committed by the tenderer or by an employee, agent or sub-contractor of the tenderer shall, without affecting the tenderer's liability for such failure and act, result in his tender being invalidated.

Note: The above clause is meant for sample only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.

SAMPLE ANTI-COLLUSION CLAUSE

Anti-collusion

- (1) The tenderer shall not communicate to any person other than the [***name of employer***] (hereafter referred to as the Employer) the amount of any tender, adjust the amount of any tender by arrangement with any other person, make any arrangement with any other person about whether or not he or that other person should or should not tender or otherwise collude with any other person in any manner whatsoever in the tendering process until the tenderer is notified by the Employer of the outcome of the tender exercise. Any breach of or non-compliance with this sub-clause by the tenderer shall, without affecting the tenderer's liability for such breach or non-compliance, invalidate his tender.
- (2) Sub-clause (1) of this Clause shall have no application to the tenderer's communications in strict confidence with his own insurers or brokers to obtain an insurance quotation for computation of tender price and communications in strict confidence with his consultants / sub-contractors to solicit their assistance in preparation of tender submission.
- (3) The tenderer shall submit to the Employer a duly signed letter in the form set out in Annex. The letter shall be signed by a person authorised to sign the contract on the tenderer's behalf.

Note: The above clauses are meant for samples only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.

Declaration on Compliance with the Anti-Collusion Requirements

To: *[Name of Employer]*

Dear Sir/Madam,

Contract No. [] Confirmation Letter for Compliance with Probity and Anti-Collusion Clauses in Tender

[I/We]¹, *[name of the tenderer]*² of *[address of the tenderer]*² refer to [my/our]¹ tender for the above Contract.

[I/We] 1 confirm that as at the time of submission of this letter and other than the Excepted Communications referred to in the last paragraph of this letter [I/we]¹ had not communicated to any person other than the *[name of the employer]* (hereinafter referred to as the Employer) the amount of any tender, adjusted the amount of any tender by arrangement with any other person, made any arrangement with any other person about whether or not [I/we]¹ or that other person should tender or otherwise colluded with any other person in any manner whatsoever and undertake that at any time thereafter in the tendering process for the above Contract until the tenderer is notified by the Employer of the outcome of the tender exercise and other than the Excepted Communications referred to in the last paragraph of this letter [I/we]¹ will not communicate to any person other than the Employer the amount of any tender, adjust the amount of any tender by arrangement with any other person, make any arrangement with any other person about whether or not [I/we]¹ or that other person should tender or otherwise collude with any other person in any manner whatsoever.

In this letter, the expression “Excepted Communications” means [my/our]¹ communications in strict confidence with [my/our]¹ own insurers or brokers to obtain an insurance quotation for computation of tender price and communications in strict confidence with [my/our]¹ consultants or sub-contractors to solicit their assistance in preparation of tender submission.

(Signed for and on behalf of the tenderer)

1. Delete as appropriate

2. Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, this part in square brackets should be expanded to include the respective names and addresses of such persons or as the case may be companies.

3. Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, all such persons or as the case may be companies must sign. The signatory for each of such persons or companies shall be a person authorized to sign the contract on behalf of that person or as the case may be company.

Ethical Commitment

Information not to be Divulged

- (A) The Contractor shall not use or divulge, except for the purpose of the Contract, any information provided by [name of the employer] (hereafter referred to as the Employer) in the Contract or in any subsequent correspondence or documentation. Any disclosure to any person or agent or sub-contractor for the purpose of the Contract shall be in strict confidence and shall be on a "need to know" basis and extend only so far as may be necessary for the purpose of this Contract. The Contractor shall take all necessary measures (including by way of a code of conduct or contractual provisions where appropriate) to ensure that information is not divulged for purposes other than that of this Contract by such person, agent or sub-contractor. The Contractor shall indemnify and keep indemnified the Employer against all loss, liabilities, damages, costs, legal costs, professional and other expenses of any nature whatsoever the Employer may suffer, sustain or incur, whether direct or consequential, arising out of or in connection with any breach of the aforesaid non-disclosure provision by the Contractor or his employees, agents or sub-contractors.

Prevention of Bribery

- (B) The Contractor shall prohibit his employees, agents, and sub-contractors who are involved in this Contract from offering, soliciting or accepting any advantage as defined in the Prevention of Bribery Ordinance, Cap 201 when conducting business in connection with this Contract.

Declaration of Interest

- (C) The Contractor shall require his employees, agents and sub-contractors who are involved in this Contract to declare in writing to the Contractor any conflict or potential conflict between their personal/financial interests and their duties in connection with this Contract. In the event that such conflict or potential conflict is disclosed in a declaration, the Contractor shall forthwith take such reasonable measures as are necessary to mitigate as far as possible or remove the conflict or potential conflict so disclosed.

- (D) The Contractor shall prohibit his employees who are involved in this Contract from engaging in any work or employment other than in the performance of this Contract, with or without remuneration, which could create or potentially give rise to a conflict between their personal/financial interests and their duties in connection with this Contract. The Contractor shall also require their sub-contractors and agents to impose similar restriction on their employees by way of a contractual provision.

- (E) The Contractor shall take all necessary measures (including by way of a code of conduct or contractual provisions and where appropriate) to ensure that his employees, agents and sub-contractors are aware of the prohibitions in this clause.

Contractor's Declaration

- (F) The Contractor shall also submit a signed declaration in a form (Annex) prescribed or approved by the Employer to confirm compliance with the provisions on ethical commitment as stated in the aforesaid sub-clauses (A), (B), (C), (D) and (E). If the Contractor fails to submit the declaration as required, the Employer shall be entitled to withhold payment until such declaration is submitted and the Contractor shall not be entitled to interest. To demonstrate compliance with the aforesaid sub-clauses (A), (B), (C), (D) and (E) on confidentiality, prevention of bribery, and declaration of interest, the contractor and their sub-contractors employed for the performance of duties under this Contract are required to deposit with the Employer a code of conduct issued to their staff.

Note: The above clause is meant for sample only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.

To: [**Employer's Name**]

Contract No.: _____

Title: _____

**Declaration by Contractor
on compliance with the ethical commitments requirements**

In accordance with the Ethical Commitment clauses of the Contract, we confirm that we have complied with the following provisions and have ensured that our directors, employees, sub-contractors, agents are aware of the following provisions:

- (a) Prohibiting our directors, employees, agents and sub-contractors who are involved in this Contract from offering, soliciting or accepting any advantage as defined in section 2 of the Prevention of Bribery Ordinance, Cap 201 when conducting business in connection with this Contract;
- (b) Requiring our directors, employees, agents and sub-contractors who are involved in this Contract to declare in writing to us any conflict or potential conflict between their personal/financial interests and their duties in connection with this Contract. In the event that a conflict or potential conflict is disclosed, we will take such reasonable measures as are necessary to mitigate as far as possible or remove the conflict or potential conflict so disclosed;
- (c) Prohibiting our directors and employees who are involved in this Contract from engaging in any work or employment other than in the performance of this Contract, with or without remuneration, which could create or potentially give rise to a conflict between their personal/financial interests and their duties in connection with this Contract and requiring our sub-contractors to do the same;
- (d) Taking all measures as necessary to protect any confidential/privileged information or data entrusted to us by or on behalf of the Employer from being divulged to a third party other than those allowed in this Contract.

(Name of the Contractor) _____

(Name of the Signatory) _____

(Position of the Signatory) _____

(Date) _____

Name of candidate :

Date and time of interview:

Aspect of assessment	Score
1. Common sense (10%)	
2. Interpersonal skills (10%)	
3. Communication skills (10%)	
4. Motivation (10%)	
5. Self-confidence (10%)	
6. Supervisory ability (10%)	
7. Work knowledge (10%)	
8. Special skills (10%)	
9. Integrity (10%)	
10. Language proficiency (10%)	
Total score (100%):	

Additional Remarks:

Recommendation:

- Suitable for appointment
- Not suitable for appointment

(Signature & Name of Assessment Panel Member)

SAMPLE PERFORMANCE APPRAISAL FORM

Part 1 Personal Particulars

Name of Appraisee	
Staff Number (if any)	
Post	
Section	
Date of Employment	
Period under Review	

Part 2 Record of Assessment/Review

	Appraisee	Appraising Officer	Appraising Officer's Supervisor (Counter-signing Officer)
Name			
Signature			
Post			
Date			

Part 3 Performance Assessment

	Rating (✓)				
Attendance	5 ()	4 ()	3 ()	2 ()	1 ()
Job knowledge and skills	5 ()	4 ()	3 ()	2 ()	1 ()
Quality of work	5 ()	4 ()	3 ()	2 ()	1 ()
Initiative and motivation	5 ()	4 ()	3 ()	2 ()	1 ()
Team work	5 ()	4 ()	3 ()	2 ()	1 ()
General conduct	5 ()	4 ()	3 ()	2 ()	1 ()
Discipline	5 ()	4 ()	3 ()	2 ()	1 ()

Part 4 Overall Performance Rating

Substantially exceeds job requirements	Exceeds job requirements	Meets job requirements	Partially meets job requirements	Does not meet most job requirements
5 ()	4 ()	3 ()	2 ()	1 ()

Please indicate whether the appraisee has taken up any special task or obtained any award/commendation (to be filled by the appraising officer)

Overall comments on performance (to be filled by appraising officer and/or counter-signing officer)

Assessment Guidelines

Assessment Areas	Rating (√)
1. Attendance	<p>5 = No late and absence record, willing to replace contingent duty</p> <p>4 = No late and absence record</p> <p>3 = Less than 3 times of lateness or absence record</p> <p>2 = 3 times of lateness or absence record</p> <p>1 = More than 3 times of lateness or absence record</p>
2. Job knowledge and skills	5 = Substantially exceeds job requirements
3. Quality of work	4 = Exceeds job requirements
4. Initiative and motivation	3 = Meets job requirements
5. Team work	2 = Partially meets job requirements
6. General conduct	1 = Does not meet most job requirements
7. Discipline	<p>5 = No disciplinary record, always follow supervisor's working instructions</p> <p>4 = No disciplinary record</p> <p>3 = Less than 3 times of disciplinary record</p> <p>2 = 3 times of disciplinary record</p> <p>1 = More than 3 times of disciplinary record</p>

SAMPLE INTERVIEW ASSESSMENT FORM FOR PROMOTION OF SERVING TEACHERS

Name of candidate:

Date and time of interview:

Aspect of assessment	Score
1. Professional ability in assuming a management role (10%)	
2. Enthusiasm in promoting new initiatives (10%)	
3. Work knowledge (10%)	
4. Supervisory skills and leadership qualities (10%)	
5. Readiness to accept responsibility (10%)	
6. Ability to organise (10%)	
7. Commitment to students (10%)	
8. Relation with parents (10%)	
9. Staff relations (10%)	
10. Integrity (10%)	
Total score (100%):	

Additional Remarks:

Recommendation:

Suitable for promotion

Not suitable for promotion

(Signature & Name of Assessment Panel Member)

SAMPLE INTERVIEW ASSESSMENT FORM FOR ADMISSION OF STUDENTS

Name of applicant:

Date and time of interview:

Aspect of assessment	Score
1. Academic results (40%)	
2. Extra-curricular activities (10%)	
3. Conduct (10%)	
4. Performance at interview (35%): Attitude and manner (10%) Communication skills (10%) English speaking skills (10%) Putonghua speaking skills (5%)	
5. Recommendation by principal of current school (5%)	
Total score (100%):	

Additional Remarks:

Recommendation:

Suitable for admission

Not suitable for admission

(Signature & Name of Assessment Panel Member)



Corruption Prevention Department

Independent Commission Against Corruption

303 Java Road, North Point, Hong Kong