



RISK MANAGEMENT

27 James Watt Crescent
Industrial Site
Private Bag X 2145, Mmabatho, 2735
Tel: +27 (0) 18 388 2892

2nd Floor West Wing, University Drive
Garona Building
Private Bag X 2145, Mmabatho, 2735
Tel: +27 (18) 388 2892

DEPARTMENT OF HUMAN SETTLEMENTS

WHISTLEBLOWING POLICY

2022

Produced by:

Directorate: Risk Management

Contact persons: Ms L Thulo

Contact numbers: 0183882394

E-mail addresses: .Inkosi@nwpg.gov.za

TABLE OF CONTENTS

	Abbreviations	2
	Definitions	3
1.	Introduction	5
2.	Purpose of the policy	5
3.	Scope of application	5
4.	Objectives of the policy	6
5.	Policy principles	6
6.	Legislative mandate	7
7.	Roles and responsibilities	7
8.	Deliverables of the policy	8
8.1.	Commitment statement	8
8.2.	Promoting a culture of zero tolerance	8
8.3.	Who is the whistleblower	9
8.4.	Reporting	9
8.5.	Confidentiality	9
8.6.	Procedure for disclosure	10
8.7.	Disclosure guidelines	11
8.8.	Fears of disclosure	12
8.9.	Assurance	12
8.10.	Failure to disclose	14
8.11.	Departmental pledge	14
9.	Review of the policy	14
10.	Effective date of the policy	15
11.	Approval	16
	Annexure A: Whistleblowing Reporting Form	16

ABBREVIATIONS

Abbreviations	Full description
HOD	Head of Department
MEC	Member of the Executive council
NACH	National Anti-Corruption Hotline
PFMA	Public Finance Management Act, Act 1 of 1999, as amended
POE	Portfolio of Evidence
SCM	Supply chain management

DEFINITIONS

CONCEPT	DEFINITION
Corruption	Is a form of dishonesty undertaken by a person entrusted with a position of authority, often to acquire personal benefit.
Disclosure	Any disclosure of information regarding any conduct of an employer, or an employee of that employer, made by any employee who has reasons to believe that the information concerned shows or tends to show that a criminal offence has been committed, has been committed or is likely to be committed.
Ethics	The term "ethics" refers to standards of conduct, which indicate how a person should behave based on moral duties and virtues arising from the principles of right and wrong. Ethics, therefore, involves the ability to distinguish right from wrong; and the commitment to do what is right.
Fraud	The unlawful and intentional making of a misrepresentation that causes actual and or potential prejudice to another. The use of the term is intended to include all aspects of economic crime and acts of dishonestly.
Integrity	Refers to the quality or state of being of sound moral principle, uprightness, honesty, and sincerity.
Values	Important and lasting beliefs are shared by members of a culture about what is good or bad and desirable and undesirable.
Whistleblower	Any staff member of the Department, Provincial Government who has a reasonable belief that there is a corruption or act misconduct committed in terms of Protected Disclosure Act, Act 26 of 2000, by any official in position or when executing official obligations.
Whistleblowing	Is a process of disclosing information to the public or someone

in authority about alleged dishonest or illegal activities (misconduct) occurring in a government department or a trading entity that would put the interest of the public and department at risk. Whistle-blowing can also be defined as the disclosure by a person, usually an employee in a government agency or private enterprise, to the public or to those in authority, of mismanagement, corruption, illegality or some other wrongdoing.

1. Introduction

The Whistleblowing Policy is intended to meet specific requirements of the Public Finance Management Act, Act 1 of 1999, as amended, as part of a prioritised risk. The Policy is based on the prevention and combating of corrupt activities of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004. The Policy is dynamic, and it will continuously evolve as the department makes changes and improvements in its drive to promote ethics, manage fraud risk and prevent fraud.

The Whistleblowing Policy forms part of the integrated approach to fraud risk management in terms of the Public Sector Risk Management Framework and applicable Treasury Regulations. Top management sets the tone for the department/entity and promotes an anti-fraud culture.

The policy is designed to protect public resources, protect the integrity, security and reputation of the department/entity, and maintain a high level of services to the community consistent with good governance as per the King IV Report on Corporate Governance.

2. PURPOSE OF THE POLICY

- 2.1. Encourage whistleblowing around suspected impropriety within the department.
- 2.2. Protect those who have blown the whistle against any form of occupational detriment.
- 2.3. Provide the procedure in which employees can disclose information regarding improprieties within the workplace.

3. SCOPE OF THE POLICY

- 3.1. The policy is developed to guide employees on the processes to follow when reporting any allegations of fraud, corruption, maladministration, malpractices and/or financial irregularities within the department.
- 3.2. Every employer and employee or member of the public has a responsibility to disclose unlawful or irregular conduct in the workplace that they may become aware of.
- 3.3. The department is bound to ensure that the personal details of all confidential disclosures are maintained and secured to protect employees (whistleblowers) from any form of discrimination because of disclosure.

4. OBJECTIVES OF THE POLICY

- 4.1. Encourage whistleblowing by striving to create a culture that will encourage employees to disclose information relating to fraudulent or other irregular conduct, in a responsible manner, by providing clear guidance for the disclosure of such information and protection against reprisal because of the disclosure.
- 4.2. Create a culture of whistleblowing and zero tolerance toward corruption in the department.
- 4.3. Create an environment that encourages and enables employees to raise their concerns within the department or other available channels without fear of being discriminated against.
- 4.4. Protect those who have blown the whistle against any form of occupational detriment.
- 4.5. Provide a procedure in which an employee can disclose information regarding improprieties within the workplace.

5. POLICY PRINCIPLES

- 5.1. This Policy is underpinned by the principle of a commitment to ensuring that all whistleblowers are protected against all odds.

6. LEGISLATIVE MANDATE

This policy derives its mandate from the following legislation and prescripts:

- 6.1. Protected Disclosure Act, Act 26 of 2000.
- 6.2. Prevention and Combating of Corrupt Activities Act, Act 12 of 2004.
- 6.3. The promotion of Access to Information Act, Act 2 of 2000.
- 6.4. The Promotion of Administrative Justice Act, Act 3 of 2000.
- 6.5. The Public Finance Management Act, Act 1 of 1999, as amended.
- 6.6. Financial Intelligence Centre Act, Act 38 of 2001.
- 6.7. A guide for Public Sector Accountability implementing the Protected Disclosure Act, Act 26 of 2000.
- 6.8. The Constitution of the Republic of South Africa Act, Act 108 of 1996.

7. ROLES AND RESPONSIBILITIES

7.1. Department of Human Settlements

- 7.1.1. The Department commits itself to a culture that promotes openness, by:
 - 7.1.1.1. Educating, training, informing and explaining to employees about the events which constitute fraud, corruption and malpractices and their effects on the Department.
 - 7.1.1.2. Involving employees, listening to their concerns, and encouraging the appropriate use of the process of whistleblowing as outlined in this policy.
 - 7.1.1.3. Investigating any allegations of fraud and corruption.
 - 7.1.1.4. Having a strategy to combat fraud.
 - 7.1.1.5. Ensuring strict and proper implementation of this policy.

7.2. Office of the Premier (Provincial Anti-Corruption, Forensic and Ethics Unit)

- 7.2.1. Alleged reported fraud and corruption cases are reported via the NACH (National Anti-Corruption Hotline) referred to the Director-General (Coordinator of anti-corruption activities) in the province for referral to the relevant Provincial Department(s).
- 7.2.2. The Director-General informs the Office of the Premier of all reported fraud and corruption cases.
- 7.2.3. The office coordinates reported cases with the department.
- 7.2.4. The Office of the Premier plays an oversight role in the process followed in the investigation and conclusion of the reported cases until they are closed.
- 7.2.5. When the reported cases are investigated and concluded by the Department, a report is made to the Office of the Premier and the Public Service Commission on the conclusion of the investigated case.

8. DELIVERABLES OF THE POLICY

8.1. Commitment Statement

- 8.1.1. The department commits itself to encourage a culture of zero tolerance for fraud and corruption.
- 8.1.2. The department recognizes the facts that fraudulent and other irregular conduct within the department is detrimental to good, effective, accountable and transparent governance in the department and can endanger its economic stability and have the potential to cause social damages.
- 8.1.3. There is a need for procedures in terms of which employees may, without fear of reprisal, disclose information relating to suspected or alleged fraudulent and any irregular conducts.
- 8.1.4. Every employee has the responsibility to disclose any suspected fraudulent activities or any irregular conduct within the department.
- 8.1.5. The department has the responsibility to take all necessary steps to ensure that employees who disclose such information are protected from any reprisals because of such disclosure.

8.2. Promoting a culture of zero tolerance

- 8.2.1. The department promotes a culture of zero tolerance for fraud and corruption through the following mechanisms.
- 8.2.2. Involving employees through induction and training about government policies including the whistleblowing policy.
- 8.2.3. Instill a culture of reporting and ensure the anonymity of whistleblowers.
- 8.2.4. Educating/training/informing/explaining to employees what constitutes fraud, corruption and malpractice and its effect on the department.
- 8.2.5. Promoting awareness of standards of appropriate and accepted employee conduct and establishing a common understanding of what is acceptable and what is unacceptable behaviour.
- 8.2.6. Establish a policy to prevent and combat fraud and corruption.
- 8.2.7. Senior Managers, Supply Chain Management and Finance officials and Deputy Directors declare their financial interest.
- 8.2.8. All employees of the department shall declare if they have conducted business with the department or any other department within the provincial or national government.
- 8.2.9. All employees to declare if they have received gifts from the department's service providers/suppliers.

8.3. **Who is a whistleblower?**

- 8.3.1. A whistleblower is any staff member of the department of any other provincial department or service provider who has a reasonable belief that there is corruption or misconduct committed in terms of the Protected Disclosure Act, Act 26 of 2000, by any official or when executing official obligations.

8.4. **Reporting**

- 8.4.1. Concerns must be raised without malice, in good faith and not for personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it deserve investigation.

- 8.4.2. Employees should refrain from making allegations that are false and made with malicious intentions.
- 8.4.3. Where such malicious, vexatious, or false allegations are discovered, the person who made the allegations shall be subjected to firm disciplinary action or other appropriate action.
- 8.4.4. A protected disclosure encourages employees to disclose information about unlawful and irregular behaviour in the workplace. It offers protection from victimization for "whistleblowers", if they meet the requirements and follow the procedure set out in the Protected Disclosure Act, Act 26 of 2000.

8.5. **Confidentiality**

- 8.5.1. The department will put in place measures to protect an individual's identity when one raises a concern and does not want the identity to be disclosed.

8.6. **Procedure for disclosure**

A whistleblower must disclose to any of the following:

- 8.6.1. The Head of Department.
- 8.6.2. The MEC of the department.
- 8.6.3. The head of Internal Audit.
- 8.6.4. The Auditor General.
- 8.6.5. The Public Service Commission.
- 8.6.6. Supervisor of such employee.
- 8.6.7. A legal practitioner or a person whose occupation involves the giving of legal advice.
- 8.6.8. The National Anti-Corruption Hotline at 0800701701.
- 8.6.9. Provincial Call Centre at 0800111700.
- 8.6.10. Provincial Anti-Corruption, Forensic and Ethics Office at 018 - 388 4037/38/39/40.

- 8.6.11. Other internal mechanisms, e.g., walk-ins, and anonymous telephone reporting.
- 8.6.12. Report to the Public Protector as follows:
Public Protector's Chambers
PO Box 512, Mahikeng, 2745
or
Corner Martins and Robinson Streets, Mahikeng, 2745
Mafikeng
Telephone 018-3811060/1/2
Hotline 0800112040
Facsimile 018-381 2066
- 8.6.13. The disclosure may be in writing or verbally.
- 8.6.14. The employee is entitled to choose any of the persons mentioned above to whom the disclosure may be made.
- 8.6.15. Once a disclosure is received an internal inquiry or more formal investigation may be undertaken.
- 8.6.16. The whistleblower must be informed of the progress made in the investigation as well as the outcome of the case.
- 8.6.17. Concerns are better raised in writing.
- 8.6.18. The background and history of the concern, given names, dates, and places where possible allegations took place should be set out as the reason why the individual is particularly concerned about the situation.
- 8.6.19. The earlier the concern is reported, the easier it is to act.
- 8.6.20. Employees have a responsibility to demonstrate that there is sufficient ground for concern.

8.7. **Disclosure guidelines**

- 8.7.1. The whistleblower is entitled to choose to remain anonymous or otherwise.
- 8.7.2. If the allegation is reported through Provincial Anti-Corruption, Forensic and Ethics unit, there is a need to obtain a reference number from the Hotline or where such disclosure is made.

- 8.7.3. Information reported through the external reporting channel (e.g., Hotline) are then reported to the department as it is responsible for conducting the investigation in consultation with the whistleblower.
- 8.7.4. The whistleblower may choose to be informed on the progress made in the investigation as well as the outcome of the case.

8.8. **Fears of reporting**

Employees do not report due to:

- 8.8.1. Not trusting that the department would act on the report.
- 8.8.2. Fear of retaliation from Management.
- 8.8.3. Lack of anonymous and confidential means when reporting.
- 8.8.4. No assured anonymous reporting mechanism.
- 8.8.5. Fear of leakage of information.

8.9. **Assurance**

8.9.1. Employees' safety:

- 8.9.1.1. Management will ensure that any member of staff who makes a disclosure in the above-mentioned circumstances will not be penalized or suffer any occupational detriment for doing so.
- 8.9.1.2. Occupational detriment including being dismissed, suspended, demoted, transferred against an employee's will, harassed, intimidated, or refused a career reference or being provided with an adverse reference, because of the employee's disclosure will not be allowed.
- 8.9.1.3. If an employee raises a concern in good faith in terms of this policy, an employee will not be at the risk of losing his/her job or suffer any form of retribution as a result.

8.9.2. Employees' confidence/confidentiality:

- 8.9.2.1. In view of the protection offered to a member of staff raising a bona fide concern, it is preferable that the individual puts his/her name to the disclosure.
 - 8.9.2.2. The department will not tolerate the harassment or victimization of anyone raising a genuine concern.
 - 8.9.2.3. The department recognizes that an employee may nonetheless wish to raise a concern of confidentiality under this policy.
 - 8.9.2.4. If an employee asks for the protection of his/her identity in maintaining his/her confidentiality, it will not be disclosed without the employee's consent.
 - 8.9.2.5. The employee is required and expected to exercise similar confidentiality regarding the matter.
- 8.9.3. How the matter will be handled:
- 8.9.3.1. Once an employee has disclosed, the department carries out an initial assessment to ascertain what action should be taken. This may involve an internal inquiry or a more formal preliminary investigation.
 - 8.9.3.2. The issue raised by an employee will be acknowledged within seven (7) working days.
 - 8.9.3.3. If it is requested, an indication of how the relevant department proposes to deal with the matter and a likely time scale could be provided.
 - 8.9.3.4. If a decision is made not to investigate the matter, reasons will be provided for such.
 - 8.9.3.5. An employee will be informed of who will handle the matter and how an employee can contact him/her, and whether further assistance may be required from the employee.
 - 8.9.3.6. The department will give an employee as much feedback as possible.
 - 8.9.3.7. If requested, the response will be confirmed to an employee in writing.

8.10. **Failure to disclose**

- 8.10.1. Failure to disclose can result in disciplinary action being taken against such employee(s) if found that they have information.
- 8.10.2. Failure to disclose can result in criminal action been taken against an employee in terms of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004.

8.11. **Departmental pledge**

- 8.11.1. The department is committed to this policy and will ensure that any employee who makes a disclosure in terms of this policy will not be penalized or suffer an occupational detriment.
- 8.11.2. If the whistle blower so wishes, his or her identity must be kept confidential and will not be disclosed without the official's consent.
- 8.11.3. If you raise a concern in good faith in terms of this policy, you will not be at risk of losing your job or suffering any form of retribution as a result.
- 8.11.4. This assurance is not extended to employees who maliciously raise matters they know to be untrue.
- 8.11.5. A member of staff who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, may be subject to disciplinary proceedings.
- 8.11.6. Any employee of the department who will work contrary to policy will bear all costs should the whistleblower take the matter to court for victimization or any other offence.
- 8.11.7. In order to ensure the implementation of the whistle blowing process the Department has developed a whistleblowing reporting form in a form of an Annexure A, where all officials are encouraged to report an irregular activity.

8. REVIEW OF THE POLICY

The policy will be reviewed annually to reflect the status of the department. If there are any significant changes during the year, an Addendum will be done and recommended by the Risk Management Committee members and approved by the Head of the Department.

9. EFFECTIVE DATE

The Policy will come into effect on the date of approval.

10. POLICY APPROVAL

Policy Developer:



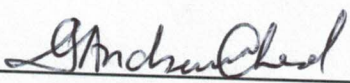
MS L THULO

DEPUTY DIRECTOR:

RISK MANAGEMENT

31/03/2022
DATE

Recommendation:

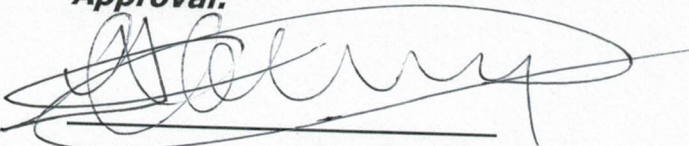


INDEPENDENT CHAIRPERSON:

RISK MANAGEMENT COMMITTEE

31/03/2022
DATE

Approval:



MR JK MASHIGO

HEAD OF DEPARTMENT

31/03/2022
DATE



human settlements

Department:
Human Settlements
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



OFFICE OF THE HOD

3366 Besemmer Str Telkom Building
Industrial Site Mafikeng, 2745
Private Bag X 2145, Mmabatho, 2735
Tel: +27 (18) 388 4824/5

NWDC Cnr, University & Provident Drive
Private Bag X 2145, Mmabatho, 2735
Tel: +27 (18) 388 4913

2nd Floor West Wing, University Drive
Garona Building
Private Bag X 2145, Mmabatho, 2735
Tel: +27 (18) 388 2892

Annexure A

RISK MANAGEMENT UNIT

WHISTLEBLOWING REPORTING FORM

1. Disclosure made to (The Head of Department, the MEC of the department, the Head of Internal Audit or legal practitioner or a person whose occupation involves giving of legal advice or immediate supervisor of the reporting employee) if reporting within the Department.
2. Disclosure using the National Anti-Corruption Hotline at 0800701701, Provincial Call Centre at 0800111700 or Provincial Anti-Corruption, Forensic and Ethics Office when reporting outside the organization.
3. If reported outside the organization, hotline reference number
4. Initial assessment results will be availed to the whistleblower on
5. Date when the formal investigation of the reported case will start(which is within 7 days of reporting) based on the results of the initial assessment.
6. Progress made and outcome will be reported on
7. Ideal turnaround time for the investigation and the conclusion of the reported cases is
8. Name of the Reporter / Anonymously

Confidentiality clause

The Department of Human Settlement protects reporting official's identity when raising a concern or reporting any acts of fraud and corruption. The official is at liberty not to disclose his/her identity but the department will work confidentially with the official to ensure that all information and completed portfolio of evidence relating to the reported case is submitted.

Any additional information required will be communicated formally to the official.

The official who reported the case will be regularly updated on the progress made and the outcome of the case will be formally reported.