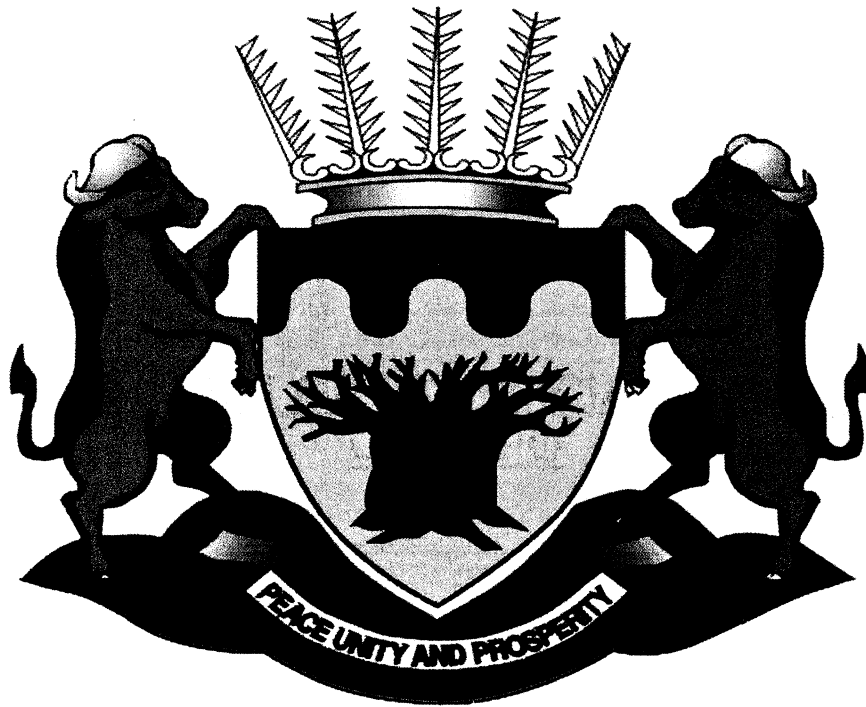


DEPARTMENT OF PROVINCIAL TREASURY
LIMPOPO



POLICY ON WHISTLE BLOWING
(PROTECTED DISCLOSURES ACT, 26 OF 2000)

Risk Management and Security Services

LPT

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1. **PREAMBLE**

1.1. Recognizing that:

- 1.1.1. the employees are often the first to identify malpractices within the state's institutions, and the fact that they may however choose not to express their concerns, due to the fear of harassment or victimisation by colleagues or management; and
- 1.1.2. in these circumstances it would be easier to ignore the concern resulting in low morale, high employee turnover and general dissatisfaction within the state institution.

- 1.2. Therefore, through this policy, Limpopo Provincial Treasury (Department) is committed towards the highest possible standards of openness, probity and accountability. In line with this commitment the Department expects and encourages employees and others to come forward and voice their concerns about any impropriety related to the Department's work environment rather than overlooking a problem or blowing the whistle to external bodies. In turn, these officials will be protected against any occupational detriment.

2. **DEFINITIONS**

2.1 **Corruption/ Corrupt activities**

As contained in sections 3 to 21 of the Prevention and Combating of Corrupt Activities, 2003 (Act No. 12 of 2003).

- 2.2 **"Fraud" means** the unlawful and intentional making of a misrepresentation which causes actual- and or potential prejudice to another.

The use of the term is in its widest possible meaning and is intended to include all aspects of economic crime and acts of dishonesty.

In other words, fraud can be described as any conduct or behaviour of which a dishonest representation and/or appropriation forms an element

- 2.3 **"Impropriety" means** the conduct of people at work raising concerns about crime, failure to comply with any legal duty, miscarriage of justice, danger to health and safety, damage to the environment, discrimination and deliberate cover up of any of the above.

- 2.4 **"Occupational Detriment"** includes harassment, dismissal, transfer against the will of the employee, non-promotion, a denial of promotion, or "otherwise diversely affecting the employee"

- 2.5 **“Protected disclosure” means a disclosure under the Protected Disclosures Act if:**
- the disclosure contains information about “impropriety”
 - the disclosure has been made to the correct person or body, according to the procedures established by the Protection Disclosures Act.

3. **PURPOSE**

- 3.1 To provide a means by which employees, of the Department, are able to raise concerns with the appropriate line management, or specific appointed persons in the Department, where they have reasonable grounds for believing that there is fraud and corruption within the Department.
- 3.2 To reassure employees that they can blow the whistle on fraud, corruption and improprieties in the work environment without the fear of suffering an occupational detriment.
- 3.3 To confirm management’s encouragement for employees to raise concerns responsibly through the procedures indicated in this policy, within the Department’s structures.
- 3.4 To advise the employees that the disclosure should be made without malice and in good faith. Where the process is however abused by the raising of clearly unfounded and malicious allegations, disciplinary actions may be considered and implemented

4. **APPLICABLE LEGAL FRAMEWORK**

- 4.1 Constitution of the Republic of South Africa, 1996(Act No. 108 of 1996) as amended
- 4.2 Labour Relations Act, 1995 (Act No. 66 of 1995)
- 4.3 Prevention and Combating of Corrupt Activities Act, 2003 (Act No. 12 of 2003)
- 4.4 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- 4.5 Protected Disclosures Act, 2000 (Act No. 26 of 2000) (Whistle Blowers Act)
- 4.6 Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended
- 4.7 Treasury Regulations for the Department, Trading Entities, Constitutional Institutions and Public Entities, issued in terms of Public Finance Management Act, 1999, as amended
- 4.8 Public Service Act, 1994 (Act No. 103 of 1994) as amended
- 4.9 Public Service Regulations, 2001, as amended
- 4.10 The National Ant-Corruption Strategy adopted by Cabinet in 2002

5. **SCOPE OF APPLICATION**

This policy is applicable to all employees of the Department.

grievances, discipline and misconduct.

- 6.3 Where in the course of the investigation any concern raised in accordance with the above appears to the investigator to be more appropriately related to a grievance or disciplinary procedure, those procedures will be utilised.
- 6.4 Any employee who has a reasonable believe that corruption, fraud, impropriety or unlawful act has occurred or will occur at the work environment may raise a concern and will be afforded protection in accordance with the Protected Disclosures Act,2003.
- 6.5 To be afforded protection, disclosures must however be made without malice and in good faith with the reasonably believe that the information and allegations made are substantially true and that the disclosure is not made for personal gain, excluding rewards payable in terms of a law. Where matters are raised which are clearly unfounded and malicious, disciplinary actions may be considered and implemented in accordance with the existing Labour Relations procedures.

7. PROCEDURES

The procedures on matters relating to this policy and the Protected Disclosures Act are contained within the Procedure Manual.

8. ROLES/RESPONSIBILITIES

8.1 Primary and secondary/support roles are as follows:

8.1.1 Top Management:

8.1.1.1 Primary Responsibility

Promoting whistle blowing and awareness

8.1.1.2 Secondary Responsibility

Monitoring and evaluation

8.1.2 Management

8.1.2.1 Primary Responsibility

Promoting whistle blowing and awareness

8.1.3 Risk Management and Security Services

8.1.3.1 Primary Responsibility

Promoting whistle blowing and awareness

Implementation of policy

Monitoring and evaluation

Review of policy

Financial resources

Human resources

Infrastructure resources

8.1.3.2 **Secondary Responsibility**

Training and Awareness

8.1.4 **Internal Training**

8.1.4.1 **Primary Responsibility**

Training and awareness

8.1.4.2 **Support Responsibility**

Promoting whistle blowing and awareness

Implementation of policy

8.1.5 **Risk Management Committee**

8.1.5.1 **Primary Responsibility**

Review of the policy

8.1.5.2 **Support Responsibility**

Promoting whistle blowing and awareness

Implementation of policy

Monitoring and evaluation.

8.1.6 **Financial Services**

8.1.6.1 **Support Responsibility**

Financial Resources

Infrastructure Resources

8.1.7 **Human Resource Management**

8.1.7.1 **Support Responsibility**

Human resources

9 **RESOURCE IMPLICATIONS**

9.1 **FINANCIAL AND HUMAN RESOURCES**

The Accounting officer shall, ensure that the applicable budget and staff is made available to ensure the implementation of this policy.

10 POLICY CONTROL

10.1 Policy Audit

The Accounting Officer must ensure periodic audits when deemed necessary to ensure compliance with the Policy.

10.2 Policy Review

This policy is subject to annual review by the Department, to ensure that it is aligned to prevailing legislation and conditions.

10.3 Policy Amendments

10.3.1. No amendment(s) may be made to any section of this policy without such amendment(s):

10.3.1.1. first being submitted to the review panel for review and discussion;

10.3.1.2. made by the review panel incorporated into the policy and

10.3.1.3 duly approved and signed by the MEC, Head of Department and the Chief Financial Officer.

10.3.2. Amendments to this policy will be distributed to the Branch Managers. The Branch Managers will in turn ensure that each unit within their Branch receive copies of the amended policy.

11. EFFECTIVE DATE

This policy will be effective from the 22 day of JUNE 2007.

12. RATIFICATION

Signed at POLOKWANE on the 22 of JUNE 2007.

HEAD OF THE DEPARTMENT: _____

MEMBER OF THE EXECUTIVE COUNCIL: _____