



DEPARTMENT OF SOCIAL DEVELOPMENT

WHISTLE – BLOWING POLICY

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Description	This policy defines the Department's position on WHISTLE BLOWING . It contains the basic framework as well as roles and responsibilities.
Coverage	All officials of Department of Social Development and stakeholders conducting business with the Department.



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DEFINITIONS

- 1.1 "**The ACT**" Means the Protection Disclosure Act.
- 1.2 "**THE POLICY**" Means Whistle Blowing Policy.
- 1.3 "**DEPARTMENT**" Means Department of Social Development.
- 1.4 "**WORKER**" Means individuals who currently or previously worked for the employer, also independent contractors, consultants, agents and those rendering services to a client whilst being employed by temporary employment service(Labour brokers)
- 1.5 "**EMPLOYER**" Means any person who employs or provides work for any other person and who remunerates or expressly or tactically undertakes to remunerate that other person.
- 1.6 "**PROTECTIVE DISCLOSURE**" For the purpose of this policy it means any disclosure made in compliance with the requirements of this policy.
- 1.7 "**WHISTLE BLOWING**" Means reporting of corruption, fraud and/or any illegal activity happening in the organization.
- 1.8 "**WHISTLE BLOWER**" Means a person who exposes fraud, corruption and/or any form of harassment as a result of blowing the whistle.
- 1.9 "**OCCUPATIONAL DETRIMENT**" Means being subjected to any disciplinary action, dismissal, transfers, refusing promotions, bad references, not appointing the whistleblower to a position, threatening to do any of those, or any other adverse effect on their work security or employment.
- 1.10 "**HOTLINE**" Means telephone number administered by Public Service Commission for reporting fraud and corruption.
- 1.11 "**ACCOUNTING OFFICER**" Means an administrative head of the Department
- 1.12 "**OFFICE OF PUBLIC PROTECTOR**" Means an institution established in terms of section 198 of the Constitution of the Republic of South Africa Act 108 of 1996.

2. ACRONYMS

- 2.1 **DSD** – DEPARTMENT OF SOCIAL DEVELOPMENT
- 2.2 **PRECCA** – PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT 12 of 2004
- 2.3 **PDA** – PROTECTED DISCLOSURE ACT 26 of 2000
- 2.4 **PFMA** – PUBLIC FINANCE MANAGEMENT ACT 1 of 1999
- 2.5 **PAJA**- PROMOTION AND JUSTICE ADMINISTRATION ACT 3 of 2000
- 2.6 **PAIA**- PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000
- 2.7 **PSC** –PUBLIC SERVICE COMMISSION
- 2.8 **NGO** – NON GOVERNMENT ORGANISATIONS
- 2.9 **SAPS**- SOUTH AFRICAN POLICE SERVICES
- 2.10 **POHA**-PROTECTION FROM HARRASSMENT ACT 17 OF 2011

3. INTRODUCTION

3.1 The Department recognizes the fact that:

- 3.1.1 Criminal and other unethical conduct in an organization is detrimental to good, effective, accountable and transparent governance and can endanger the economic stability of the organization and have the potential to cause social damage, it is therefore important that such suspected conduct be reported to relevant authorities without fear.
- 3.1.2 There is therefore a need for procedure in terms of which officials in an organisation are without fear of reprisals, encouraged to disclose information relating to suspected or alleged criminal or other unethical conduct affecting the department,
- 3.1.3 Officials have the responsibility to disclose any suspected criminal, unethical and other irregular conduct in the workplace and
- 3.1.4 Every organisation has a responsibility to protect officials who disclose such information.

4. POLICY OBJECTIVES

- 4.1 The objective of this policy is to create a culture which will facilitate the disclosure of information relating to criminal and other unethical or irregular conduct by employees in the Department in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisal.
- 4.2 Promote the eradication of criminal and other irregular conduct within the department.
- 4.3 The Policy is intended to encourage and enable officials in the Department to raise concern rather than to overlook suspected criminal conduct or blowing the whistle through inappropriate channels.
- 4.4 To reassure officials that they are protected from reprisal or victimization as a result of disclosure of information relating to criminal conduct.

5. SCOPE OF APPLICATION

5.1 The Policy applies to officials and external stakeholders of the department.

6. LEGAL FRAMEWORK

6.1 The Protected Disclosure Act 26 as Amended.

The Protected Disclosure Act (PDA) came into effect on 16 February 2001; it provides procedures and protection to whistleblowers in the private and public sector, who disclose information regarding unlawful or irregular conduct by their employers or fellow employees. It encourages a culture of good governance, accountability and transparency.

6.2 The Protection Disclosure Act 26 of 2000

The objective of this Act is to protect employees from being subjected to occupational harassment on account of having made a protected disclosure and to provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.

6.3 Preventing and Combating of Corrupt Activities Act 12 of 2000

The Act guides the Department on how to prevent and combat corrupt activities in the workplace.

6.4 Protection from Harassment Act 17 Of 2011

The Act provides for the issuing of protection orders against harassment.

7. POLICY PROVISION

7.1 Procedure to make a Protection Disclosure

7.1.1 Section 2 of The Protected Disclosure Act clearly defines the "Objects of the Act" as follows:

7.1.1.1 To protect officials from being subjected to an occupational on account of having made a protected disclosure,

7.1.1.2 To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure and

7.1.1.3 To provide for procedure in terms of which officials can in responsible manner, disclose information regarding improprieties by his or her colleague, other stakeholders and employers.

7.1.2 This policy is developed based on the principle objects of the Protected Disclosure Act as amended, which encourage officials to disclose any acts of misconduct without fear of any recriminations or reprisals.

7.2 Protection against Harassment or Victimization

7.2.1 The department acknowledges the fact that the decision to report a concern can be a difficult one to make, not at least because of fear of reprisal from those responsible for the irregularity.

7.2.2 The department will not tolerate harassment or victimization and will take action to protect employees when they raise a concern in good faith.

7.2.3 Any actions which constitute harassment or victimization should be reported to the police in terms of the Protection of Harassment Act 17 of 2011 or the Director Risk Management.

7.2.4 This does not mean that if an official is already subject to disciplinary or other action, that action will be halted as a result of their whistle blowing.

7.3 Confidentiality

7.3.1 The department will do its best to protect an individual's identity when he/she raises a concern and does not want their identity to be disclosed. It must be appreciated, however that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

7.4 Anonymous Allegations

7.4.1 The department encourages officials to put their names to allegations. Concerns expressed anonymously are difficult to investigate: nevertheless they will be followed up at the discretion of the department in consultation with the Risk Management Directorate. This discretion will be applied by taking into account the following: seriousness of the issue raised, credibility of the concern and likelihood of confirming the allegation.

7.5 False Allegations

7.5.1 Employees or other parties must understand the implications (resources and cost) of undertaking investigation and should therefore guard against making allegations which are false and made with malicious intent.

8. REPORTING OF CONCERNS

- 8.1 For some minor issues (e.g. personal use of departmental equipment etc.), employees should normally raise the concern with their immediate supervisor/manager. In general, however, the whistle blowing procedure is expected to be used for potentially more serious and sensitive issues (e.g. Fraud and corruption).
- 8.2 The first will be for the employee to approach his/her immediate supervisor/manager unless he/she or senior management is the subject of the complaint, in which case the Director Risk Management should be informed. Should the complainant be found by the manager to be substantiated, he/she will consult with the Head of the Department on whether the matter should be investigated internally or referred to the appropriate external body (e.g. SAPS, Public Protector, SIU or PSC).
- 8.3 Concerns should be raised in writing. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why the individual is particularly concerned about the situation. Those who are uncomfortable to put their concern in writing can telephone the Government

Fraud Hotline number **0800 701 701**. The earlier the concern is reported, the easier it is to take action and initiate recovery procedures where necessary.

- 8.4 Employees are not expected to prove the truth of an allegation; they will need to demonstrate to the person contacted that there are sufficient grounds for concern.
- 8.5 Advice and guidance on how matters of concern may be pursued can be obtained from Risk Management Directorate.

9. PROCEDURE ON MANAGEMENT OF COMPLAINS

- 9.1 The action taken by the department will depend on the nature of the concern. The possible action to the matters raised may, among others be to:
 - 9.1.1 Investigate internally by Risk Management Directorate (Fraud and Anti-Corruption Unit) and/or
 - 9.1.2 Refer to SAPS, SIU, Public Protector or relevant law enforcement agency.
- 9.2 In order to protect an individual and the department, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 9.3 Some concern may be resolved by agreed action without the need for investigation.
- 9.4 The department will write to complaints who have identified themselves:
 - 9.4.1 Acknowledging that the concern has been received and
 - 9.4.2 Informing them whether further investigations will take place, and if not, why not.
- 9.5 The amount of contact between the body investigating the issue and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.
- 9.6 The department accepts that officials need to be assured that the matter has been properly addressed. However, the progression of the investigation will be handled in a confidential manner and will not be disclosed or discussed with any person other than those who have a legitimate right to such information. This is important

in order to avoid damaging the reputation of suspected person who are subsequently found innocent of wrongful conduct.

10. CREATING AWARENESS

- 10.1 In order for the policy to be sustainable, it must be supported by a structured education, communication and awareness programme.
- 10.2 It is the responsibility of all program managers, directors, institution and service point managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the Whistle Blowing Policy.

11. ADMINISTRATION

- 11.1 The department has overall responsibility for the maintenance and operation of this policy and will be supported by the Risk Management Directorate and Human Capital Management Directorate in maintaining a record of concern raised and the outcomes (in the form which does not endanger confidentiality).
- 11.2 This policy will be reviewed annually and appropriate changes will be effected should these be required before the review date.

APPROVED BY
DR. F. NGQOBE


: **ACTING HEAD OF DEPARTMENT**

DATE

: 2/3/2024

ANNEXURE A

WHISTLE BLOWING FORM

Are you submitting anonymously?

Provide details below if you are not blowing anonymously.
You can leave your Contacts instead of your name.

Name:
Organization:
Contact No

What are you reporting? Tick the applicable
Fraud
Corruption

Provide details Below: please try to be specific and provide information like dates, witnesses if known, culprit(s) if known and documents can be attached as well.

