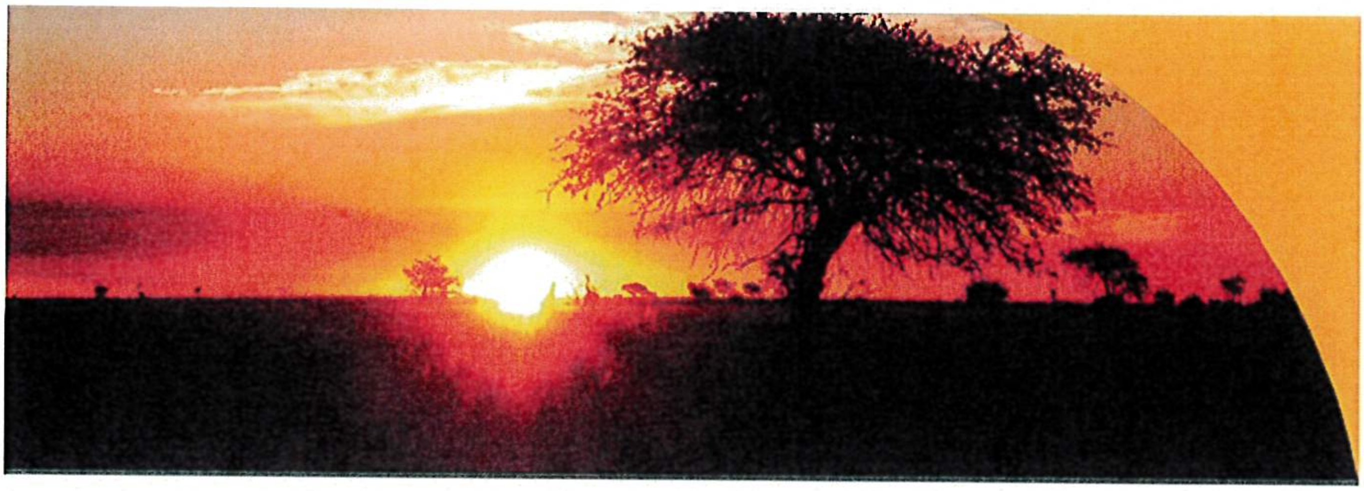

DCSR POLICY: WHISTLE BLOWING POLICY

DOCUMENT INFORMATION AND LOG

File Name	**Whistle Blowing Policy**
Original Author	**Department of Culture, Sport and Recreation**
Review Date	**2028 / 2029**

1. POLICY TITLE

The policy shall be called the Whistle-Blowing Policy for the Department of Culture, Sport and Recreation in Mpumalanga Province.

2. BACKGROUND

The Department of Culture, Sport and Recreation is committed to the fight against fraud and corruption, whether the perpetrators are internal or external. The Whistle-Blowing Policy forms part of the Department's commitment towards promoting a culture of openness, transparency, accountability and ethical conduct.

Confidentiality shall be maintained, and no employee, intern, volunteer, contractor, service provider, stakeholder or member of the public shall be penalised for disclosing information in good faith that may be in the interest of the Department.

The Department encourages all employees and stakeholders to raise concerns responsibly through the procedures outlined in this Policy. The Department recognises that employees and stakeholders are often the first to become aware of concerns relating to fraud, corruption, unethical conduct and maladministration and therefore play an important role in combating wrongdoing.

The Department is committed to creating and maintaining an environment in which employees and stakeholders can disclose information relating to wrongdoing without fear of retaliation, victimisation or occupational detriment.

3. REGULATORY FRAMEWORK

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

a) Constitution of the Republic of South Africa, 1996;

b) Public Finance Management Act, 1999 (Act No. 1 of 1999);

c) Protected Disclosures Act, 2000 (Act No. 26 of 2000), as amended;

d) Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

e) Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);

f) Public Service Act, 1994, as amended;

g) Public Service Regulations;

h) Labour Relations Act, 1995 (Act No. 66 of 1995);

i) Public Sector Integrity Management Framework;

j) Treasury Regulations;

k) Code of Conduct for Public Servants; and

l) Any other applicable legislation, regulations and directives governing ethics, anti-corruption and whistle-blowing in the Public Service.

4. PURPOSE OF THE POLICY

This Policy is a formal representation of the Department of Culture, Sport and Recreation's commitment to the highest standards of professional integrity, ethical behaviour, transparency and fair dealing in the conduct of its business.

The purpose of the Policy is:

4.1 To provide means by which employees, interns, volunteers and stakeholders are able to raise legitimate concerns with the appropriate line management, Ethics Officer, Chief Risk Officer or other designated officials where they have reasonable grounds for believing that fraud, corruption, maladministration or misconduct exists within the Department.

4.2 To provide procedures for properly addressing bona fide concerns that individuals within the Department may have, whilst offering them the necessary protection from victimisation, harassment, intimidation and disciplinary proceedings.

4.3 To ensure that disclosures are dealt with consistently, fairly, objectively and confidentially.

4.4 To promote accountability, transparency and good governance within the Department.

4.5 To encourage employees and stakeholders to report crime, unethical conduct and irregularities in the workplace in a responsible and ethical manner.

4.6 To protect whistle-blowers from occupational detriment as provided for in the Protected Disclosures Act.

4.7 To ensure that allegations of fraud, corruption and maladministration are appropriately investigated and corrective action taken where necessary.

5. SCOPE OF APPLICATION

5.1 This Policy applies to all employees of the Department, including:

• Permanent employees;

• Contract employees;

• Interns;

• Volunteers;

• Learners;

• Consultants;

• Service providers;

• Contractors;

• Suppliers;

• Beneficiaries of Departmental programmes; and

• Other stakeholders interacting with the Department.

5.2 The Policy is designed to deal with concerns raised in relation to fraud, corruption, malpractice, unethical conduct, non-compliance with legislation and other forms of wrongdoing within the Department.

The Policy does not apply to personal grievances that should ordinarily be dealt with through existing grievance, disciplinary or labour relations procedures.

5.3 The Policy covers all genuine concerns raised, including:

a) Financial misconduct;

b) Fraud and corruption;

c) Theft and misappropriation of assets;

d) Irregular expenditure;

e) Fruitless and wasteful expenditure;

f) Unauthorised expenditure;

g) Failure to comply with legal obligations;

h) Criminal offences;

i) Health and safety risks;

j) Environmental risks;

k) Unfair discrimination;

l) Abuse of authority;

m) Conflict of interest;

n) Procurement and tender irregularities;

o) Abuse of Departmental resources;

p) Improper conduct or unethical behaviour;

q) Falsification of information or records;

r) Maladministration;

s) Breaches of Departmental policies and procedures; and

t) Attempts to suppress, conceal or destroy information relating to any of the above matters.

5.4 If, during the course of any investigation, it becomes apparent that a matter relates more appropriately to grievance, disciplinary or labour relations procedures, the matter may be referred to the appropriate process.

6. RESPONSIBILITY OF THE EMPLOYER

6.1 The Department commits itself to encouraging a culture that promotes openness, transparency and accountability.

This shall be achieved through:

a) Involving employees and stakeholders, listening to their concerns and encouraging the appropriate use of whistle-blowing procedures outlined in this Policy;

b) Educating, training and informing employees about fraud, corruption, maladministration and unethical conduct and their impact on the Department;

c) Promoting awareness of standards of appropriate conduct and establishing a common understanding of acceptable and unacceptable behaviour;

d) Encouraging organised labour and recognised employee structures to support the implementation of this Policy;

e) Conducting investigations into allegations of fraud, corruption, maladministration and misconduct;

f) Protecting whistle-blowers from victimisation and occupational detriment;

g) Ensuring confidentiality during investigations and disclosure processes;

h) Taking corrective action where wrongdoing is confirmed;

i) Reporting matters to law enforcement agencies where necessary; and

j) Ensuring the proper and effective implementation of this Policy throughout the Department.

6.2 Management at all levels shall support the implementation of this Policy and create an environment where employees feel comfortable reporting concerns in good faith.

6.3 The Department shall maintain appropriate reporting mechanisms and communication channels to facilitate disclosures by employees and stakeholders.

6.4 The Department shall ensure that all allegations are assessed and, where appropriate, investigated promptly, fairly and objectively.

7. PROTECTED DISCLOSURE

7.1 Raising a Concern or Making a Disclosure

Any employee, worker, intern, volunteer, contractor, service provider or stakeholder, whether former or current, who has a reasonable belief that there is serious misconduct relating to any of the protected matters specified in Section 5.3 may make a disclosure in terms of the procedures outlined in this Policy.

a) All disclosures must be made without malice, in good faith and not for personal gain.

b) The whistle-blower must reasonably believe that the information and allegations contained therein are substantially true.

c) The disclosure may be made against any form of fraud, corruption, malpractice, misconduct, maladministration or likelihood of such conduct being committed by any employee, manager, contractor, service provider or stakeholder of the Department.

d) A disclosure may relate to actions that have occurred, are currently occurring, or are likely to occur in future.

e) The disclosure must contain sufficient information to enable a preliminary assessment and, where appropriate, an investigation.

f) The Department shall ensure that disclosures are treated seriously and addressed appropriately.

7.2 Confidentiality

a) All information received and investigated relating to fraud, corruption, maladministration or any other matters referred to in Section 5.3 shall be treated confidentially.

b) The progression of investigations shall be handled in a confidential manner and shall not be disclosed or discussed with any person other than those who have a legitimate right to such information.

c) Confidentiality is important to avoid unfairly damaging the reputation of persons who may subsequently be found innocent of wrongdoing.

d) Records relating to disclosures shall be safeguarded and access shall be restricted to authorised officials.

e) No person shall disclose information relating to a disclosure or investigation without proper authority.

f) No person is authorised to provide information regarding allegations or investigations to the media without the express approval of the Head of Department.

g) Information shall be managed in accordance with the Protection of Personal Information Act (POPIA), the Protected Disclosures Act and other applicable legislation.

7.3 Protection of the Whistle-Blower and the Employer

a) Management is committed to this Policy and acknowledges that the protection of a whistle-blower is fundamental to the success of the whistle-blowing process.

b) The Department shall ensure that any employee who makes a disclosure in good faith shall not be penalised or suffer any occupational detriment as a result of such disclosure.

c) Occupational detriment as defined by the Protected Disclosures Act includes:

- Being subjected to disciplinary action;
- Being dismissed, suspended, demoted, harassed or intimidated;
- Being transferred against his or her will;
- Being refused transfer or promotion;
- Being subjected to any term or condition of employment or retirement that is altered to his or her disadvantage;
- Being refused a reference or being provided with an adverse reference;

• Being denied appointment to any employment, profession or office;

• Being subjected to a civil claim arising from the disclosure of information protected under the Act;

• Being threatened with any of the actions mentioned above; or

• Being otherwise adversely affected in respect of employment opportunities, work security or contractual opportunities.

d) Employees and stakeholders are protected against civil, criminal or disciplinary proceedings that may otherwise be initiated where the disclosure is protected under the Protected Disclosures Act.

e) The protection provided by this Policy shall not extend to employees who knowingly make false allegations, act maliciously or intentionally provide false information.

f) In view of the protection afforded to whistle-blowers raising bona fide concerns, it is preferable that the individual provides his or her name when making a disclosure. However, anonymous disclosures shall also be accepted.

g) The Department shall not tolerate harassment, intimidation or victimisation of any whistle-blower.

h) Where a whistle-blower requires protection of identity through confidentiality, the Department shall not disclose the identity of the whistle-blower without his or her consent, unless required by law.

i) Where it becomes necessary to reveal the identity of the whistle-blower during an investigation, such as where testimony is required, the Department shall discuss the matter with the whistle-blower before proceeding.

j) An employee, stakeholder or member of the public may remain anonymous when making a disclosure if he or she so chooses.

k) Any person concerned about making a disclosure within the Department may also contact an independent third party through the National Anti-Corruption Hotline on:

0800 701 701

l) The Department shall liaise with relevant stakeholders and authorities to ensure the protection of whistle-blowers where necessary.

m) The Protected Disclosures Act provides protection against retaliation while also protecting the Department from malicious allegations. Any person who intentionally provides false information may be subject to disciplinary action, civil action or criminal prosecution.

8. PROCEDURE FOR DISCLOSURE

8.1 Any disclosure relating to misconduct as referred to in Section 5.3 should preferably first be raised with the employee's immediate supervisor or line manager.

8.2 Should the whistle-blower feel uncomfortable raising the matter with his or her immediate supervisor or line manager, for any reason whatsoever, the matter may be raised with any of the following:

INTERNAL REPORTING CHANNELS

- Head of Department;
- Chief Risk Officer;
- Ethics Officer;
- Director: Internal Audit;
- Labour Relations Manager;
- Legal Services Unit;
- Anti-Fraud and Corruption Function;
- Chairperson of the Audit Committee (where appropriate).

EXTERNAL REPORTING CHANNELS

- MEC for Culture, Sport and Recreation;
- National Anti-Corruption Hotline: **0800 701 701**;
- Public Protector South Africa;
- South African Human Rights Commission;
- Commission for Gender Equality;
- Public Service Commission;
- South African Police Service (SAPS);
- Special Investigating Unit (SIU);
- Auditor-General of South Africa; and

• Any other legally recognised authority.

8.3 The whistle-blower is entitled to choose any of the persons or institutions mentioned in Section 8.2 to whom the disclosure may be made.

8.3.1 Once the disclosure is received, it shall be assessed to determine the nature of the allegation and what action should be taken. This may involve a preliminary assessment, internal enquiry or formal investigation.

8.3.2 Receipt of the disclosure shall be acknowledged within seven (7) working days where the whistle-blower has disclosed his or her identity and requested feedback.

An indication of how the Department proposes to deal with the matter and a likely timeframe shall be provided.

The whistle-blower shall also be informed of:

• The person responsible for handling the matter;

• Contact details of the responsible official; and

• Whether further information or assistance will be required.

8.3.3 If a decision is taken not to investigate the matter, reasons shall be provided where appropriate.

Where the matter falls more appropriately within the grievance or disciplinary process, the whistle-blower shall be informed accordingly.

8.3.4 The whistle-blower shall be informed of progress made during the investigation or enquiry and, where appropriate, of the final outcome of the matter.

8.3.5 The Chief Risk Officer, Ethics Officer, Internal Audit Function or appointed investigator shall submit reports on whistle-blowing matters to the Risk Management Committee, Audit Committee and Executive Management structures of the Department.

9. POLICY IMPLEMENTATION

a) The Department recognises that, in order to ensure the effective implementation of this Policy, it must be communicated, understood and supported by all employees and stakeholders. Awareness campaigns, communication initiatives and training programmes are therefore fundamental to the successful implementation of this Policy.

b) Management and supervisory staff at all levels of the Department are responsible for ensuring that adequate awareness is created regarding the purpose, scope and application of this Policy, including all available reporting channels and disclosure mechanisms.

c) The Chief Risk Officer and Ethics Officer shall coordinate awareness and communication initiatives aimed at promoting ethical conduct and encouraging the reporting of fraud, corruption, maladministration and other forms of misconduct.

d) The Department shall ensure that whistle-blowing reporting channels are widely communicated and accessible to employees, service providers, stakeholders and members of the public.

e) Information regarding the National Anti-Corruption Hotline (0800 701 701), Departmental reporting channels and whistle-blower protection measures shall be displayed prominently at Departmental offices and other communication platforms.

f) Training and awareness programmes shall be conducted periodically to ensure that employees understand their responsibilities in terms of this Policy.

g) The Department shall maintain a Whistle-Blowing Register for the recording, monitoring and reporting of all disclosures received.

h) Quarterly reports on whistle-blowing matters, trends, investigations and corrective actions shall be submitted to:

- Executive Management Committee;

- Risk Management Committee;

- Audit Committee; and

- Any other governance structure as determined by the Head of Department.

i) Management shall ensure that recommendations arising from investigations are implemented and monitored to completion.

j) The implementation of this Policy shall be monitored by the Chief Risk Officer and reported through appropriate governance structures.

10. NON-COMPLIANCE

a) An employee, intern, contractor, service provider or stakeholder who makes a disclosure in bad faith, maliciously, or without reasonable grounds for believing it to be true, shall be subject to disciplinary action and/or other appropriate legal remedies.

b) Any person who intentionally provides false information or knowingly makes false allegations may be subjected to disciplinary action, civil proceedings or criminal prosecution.

c) Any person who subjects an employee, intern, volunteer, contractor, service provider or stakeholder to occupational detriment as a result of a protected disclosure shall be subjected to disciplinary action.

d) Any person who victimises, intimidates, harasses or retaliates against a whistle-blower shall be subjected to disciplinary action and, where applicable, criminal or civil proceedings.

e) Any person who compromises the confidentiality of a whistle-blower without lawful authority shall be subjected to disciplinary action.

f) Any person who obstructs, interferes with or attempts to influence an investigation conducted in terms of this Policy shall be subjected to disciplinary action.

g) Any employee who fails to comply with any provision of this Policy shall be subjected to disciplinary action in accordance with applicable prescripts.

h) Managers who fail to take reasonable steps to address reported allegations or who deliberately ignore reported misconduct may be subjected to disciplinary action.

11. REVIEW OF THE POLICY

11.1 This Policy shall be reviewed every three (3) years from the date of approval.

11.2 The Policy may be reviewed earlier where:

a) Legislative amendments occur;

b) Changes in government policies or regulations require revision;

c) Significant organisational changes occur within the Department;

d) Audit findings, investigations or governance reviews indicate the need for amendments; or

e) The Head of Department deems it necessary to review the Policy.

11.3 Any amendments to this Policy shall be approved through the Department's governance and approval processes.

12. APPROVAL

____

MR EM MAHLANGU
HEAD: CULTURE, SPORT AND RECREATION

DATE: 30 / 06 / 2026