



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA



SOUTH WEST GAUTENG TECHNICAL AND VOCATIONAL™
EDUCATION AND TRAINING COLLEGE
EDUCATION OF DISTINCTION

Quality Management System

Whistle Blowing Policy

This policy on Whistle Blowing has been issued on the authority of the [Principal](#) of South West Gauteng TVET College

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AMENDMENT AND APPROVAL RECORD

Amendment No.	Amendment description	Originator	Approved By	Date
1.	<p>Addition to the Legislative framework and best practice regulations paragraph 1;</p> <p>a) Code of Conduct for Public Servants</p> <p>b) Protection of Personal Information Act No 4 of 2013</p> <p>c) Prevention and Combating of Corrupt activities Act No 12 of 2004</p>	Risk, Fraud and Integrity Department	Council	08 Dec 2023
2	<p>Amended the purpose of the policy in Paragraph 2;</p> <p>“The purpose of the policy is to promote a zero-tolerance culture on fraud, corruption and other irregular conduct within the College, and to encourage the reporting of matters that may cause financial or non-financial loss and cause damage to the College reputation, further the policy provides appropriate systems and whistle-blowing mechanisms. The policy will not apply to personal grievances, which will be dealt with under existing procedures on grievance, discipline and misconduct, Details of these procedures are obtainable from the Human Resources Department.”</p>	Risk, Fraud and Integrity Department	Council	08 Dec 2023
3.	Additional Paragraph 6 Forms of Fraud	Risk, Fraud and Integrity Department	Council	08 Dec 2023
4.	Amended paragraph 8 openness culture to include Quarterly reporting to the Audit and Risk Committee and annual reporting to the AGSA	Risk, Fraud and Integrity Department	Council	08 Dec 2023
5.	Addition of whistle blowing platforms available at the College in paragraph 10 “	Risk, Fraud and Integrity Department	Council	08 Dec 2023

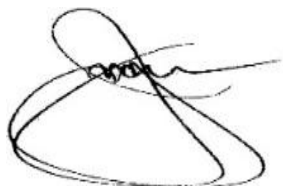
	<ul style="list-style-type: none"> • SWGC Fraud hotline at: 087 330 1569 • SWGC Fraud alert email at: fraudulent-alert@swgc.co.za • DHET Fraud line at: 0800 87 2222 • DHET fraud email at: Fraud@dhnet.gov.za <p>Amended Step three on paragraph 10 Reference to Chairperson of Council revised to chairperson of ARC</p>		Council	08 Dec 2023
6.	<p>Amended Paragraph 10 Independent Advise</p> <p>Revised the Contact details of the Legal Advice toll free number and added the corruption watch email.</p>	Risk, Fraud and Integrity Department	Council	08 Dec 2023
7.	Amended Paragraph 12 Handling of Complains, Reference to College Council Revised to Risk Fraud and Integrity Department	Risk, Fraud and Integrity Department	Council	08 Dec 2023
8.	Revised the frequency of Policy revision.	Risk, Fraud and Integrity Department	Council	08 Dec 2023

Name of TVETC: South West Gauteng TVET College

Whistle-blowing Policy

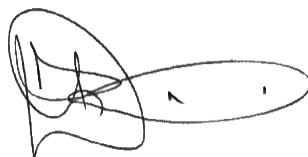
Department: Risk, Fraud and integrity Management

Responsibility: Accounting Officer



**Prepared and submitted by
the Accounting Officer to
Council**

Date: 08 December 2023



**Adopted by Council
(Signed by Chairperson
obo Council)**

Date: 08 December 2023

Implementation Date:

08 December 2023

1. Legislative framework and best practice regulations

Key principles contained in the following legislation and best practices were applied to develop this Policy:

- a. CET Colleges Act No.16 of 2006, (as amended) (the “Act”) (formerly the FET Act);
- b. Protected Disclosures Act No.21453 of 2000;
- c. Public Finance Management Act, 1999 (Act No 1 of 1999 as amended by Act 29 of 1999) (PFMA)
- d. National Treasury Regulations of March 2005;
- e. Constitution of the Republic of South Africa, 1996;
- f. Public Service Act, 1994;
- g. Public Service Regulations, 2001;
- h. Labour Relations Act No. 66 of 1995;
- i. King IV Code of Governance Principles of 2009;
- j. Batho Pele Principles;
- k. Code of Conduct for Public Servants;
- l. Protection of Personal Information Act No 4 of 2013; and
- m. Prevention and Combating of Corrupt activities Act No 12 of 2004.

2. Purpose

The purpose of the policy is to promote a zero-tolerance culture on fraud, corruption and other irregular conduct within the College and to encourage the reporting of matters that may cause financial or non-financial loss and cause damage to the College reputation, further the policy provides appropriate systems and whistle-blowing mechanisms. The policy will not apply to personal grievances, which will be dealt with under existing procedures on grievance, discipline and misconduct, Details of these procedures are obtainable from the Human Resources Department.

3. Definitions, acronyms and abbreviations

For the purpose of this Policy, unless the context indicates otherwise, the following definitions, acronyms and abbreviations are set out for the terms indicated:

- 3.1 **“Accounting Officer”** – is the College Principal.
- 3.2 **“Act”** – is the CET Colleges Act No.16 of 2006, as amended.
- 3.3 **“College”** – is a Public TVET College (formerly a FET College).
- 3.4 **“Council”** - - is the Council of the College established in terms of the Act.
- 3.5 **“Department”;** **“DHET”** – is the Department of Higher Education and Training.

- 3.6 **“Employee”** – is any official, employed by the College, irrespective of grade, full-time or part-time, Council or Departmental appointed, or paid on a salaried or an hourly/daily individual basis.
- 3.7 **“Minister”** – is the Minister of the Department of Higher Education and Training.
- 3.8 **“PFMA”** – Public Finance and Management Act.
- 3.9 **“SMS”** – is Senior Management Service.
- 3.10 **“TVET”** – is Technical and Vocational Education and Training.
- 3.11 **“VCET”** – is Vocational and Continuing Education and Training.
- 3.12 **“Whistle-blower”** – is a person raising a concern about malpractice within an organisation.
- 3.13 **“Public Service Commission”** – Is the National Public Service Commission Anti-Corruption Hotline whose contact details are: Public Service Commission the Secretariat Professional Ethics and Risk Management Private Bag X121, Pretoria 0001 Tel: (012) 352 1031 Fax: (012) 325 8323

4. Application

This Policy is issued under the authority of the College Council and is applicable to all Employees, Students and Council members as well as external stakeholders of the College. The Policy should also be read in conjunction with the Policy on Fraud Risk Management and the Human Resources Manual, Chapter 2 of Public Service Regulations, 2001 and the Code of Good Practice contained under schedule 8 of the Labour Relations Act of 1995.

5. Who can raise a concern

Any internal/external stakeholder who has a reasonable belief that there is corruption, fraud, misconduct or maladministration. Concerns must be raised without malice, concerns must be raised in good faith and not for personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The issues raised may relate to a manager, another member of staff, a group of staff, the individual's own section or a different section/ division of College and the Department. The perpetrator can be an outsider, an employee, a manager, a customer or an ex-employee. The whistle blower may even be aware of a system or procedure in use, which may cause the College to transgress legal obligations.

6. Forms of Corruption

Corruption takes place in various forms in society; the following are examples of different types of corruption:

- a) Manipulating a tender process to achieve a desired outcome;
- b) Misusing or disclosing official information;
- c) Certifying the supply of goods or performance of services, without being certain, that the goods/services were really delivered/provided;
- d) Favoring an applicant for employment on criteria, other than merit and the applicable policies relating to Employment Equity;
- e) Allowing a conflict of interest to undermine one's independence;
- f) Extracting money from students or parents for assumed registration preference;
- g) Offering/receiving a bribe or giving/receiving of a benefit that improperly affects the actions or decisions of College employee;
- h) Theft of College resources;
- i) Any fraudulent conduct or behavior of which a dishonest representation and/or appropriation forms an element;
- j) Abuse of power by College employee;

These manifestations are by no means exhaustive as corruption appears in many forms and it is virtually impossible to list all of these.

7. General principles

7.1 The Public Service Regulations, Chapter 2: Code of Conduct for the Public Service acts as a guideline to Employees (of the College and DHET) and Council members as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others. It is applicable to all Employees and Council members. Compliance with the policy and the code of conduct is necessary to enhance professionalism thereby ensuring confidence in the public service.

7.2 Chapter 4: Senior Management Service (SMS), Part VII of the Public Service Regulations, addresses *Ethics and Conduct*; it states that, members of the SMS shall:

- a) display the highest possible standards of ethical conduct;
- b) set an example to their subordinates and maintain high levels of professionalism and integrity in their interaction with political office-bearers and the public; and
- c) ensure that they minimise conflicts of interest and that they put the public interest first in the performance of their functions.

7.3 College Employees and Council members should act ethically when they conduct themselves in the workplace in executing their duties and making

decisions. The PFMA refers to committing wrongful acts “...*willfully or negligently*...” The consequences are facing disciplinary action, suspension, dismissal, having to pay back monies in the event of an official misappropriating funds and criminal proceedings. Employees and Council members are required to act responsibly and to exercise good judgement when executing their duties.

- 7.4 Chapter 10 of The Constitution, section 195, describes the democratic values and principles applicable to all spheres of government, organs of state and public enterprises, as to:
- a) a high standard of professional ethics must be promoted and maintained;
 - b) efficient, economic and effective use of resources must be promoted;
 - c) public administration must be development-oriented;
 - d) services must be provided impartially, fairly, equitably and without bias;
 - e) people's needs must be responded to, and the public must be encouraged to participate in policy-making;
 - f) public administration must be accountable;
 - g) transparency must be fostered by providing the public with timely, accessible and accurate information;
 - h) good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
 - i) public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

All Employees and Council members must uphold the principles of the Constitution when performing their respective responsibilities

8. Culture of Openness

The College commits itself to encouraging a culture that promotes openness. This will be done by:

- Involving employees, listening to their concerns and encouraging the appropriate use of this policy/process on whistleblowing promoted by Senior Management. This policy will be issued to all existing employees and to each new employee.
- Educating/training/informing/explaining to employees what constitutes fraud, corruption and malpractice and its effect on the College. Promoting awareness of standards of appropriate and accepted employee conduct and establishing a common understanding of what is acceptable and what is unacceptable behavior.
- Encouraging unions to endorse and support this approach
- Having a policy to combat fraud

- Quarterly reporting to the Audit and Risk committee and annual reporting to the Auditor General South Africa on the number of fraud/corruption matters reported and the outcome.

9. Assurances and Confidence

- The College Council will ensure that any member of staff who makes a disclosure in the above-mentioned circumstances will not be penalised or suffer any occupational detriment for doing so. Occupational detriment as defined by the Act it includes being dismissed, suspended, demoted, transferred against your will, harassed or intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.
- If the whistle-blower raises a concern in good faith in terms of this policy, they will not be at risk of losing their job or suffering any form of retribution as a result. This assurance is not extended to employees who maliciously raise matters they know to be untrue. 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, or who makes it maliciously or vexatiously, may be subject to disciplinary proceedings.
- 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. The College Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that the whistle-blowers may nonetheless wish to raise a concern in confidence under this policy. If the whistle-blower requires the Risk, Fraud and Integrity Department to protect their identity it will not be disclosed without their consent. If the situation arises where the Risk, Fraud and Integrity Department is not able to resolve the concern without revealing whistle-blower's identity (for example where the evidence is needed in court), the Risk, Fraud and Integrity Department will discuss with the whistle blower whether and how we can proceed.

10. How to raise a concern internally

The following whistle-blowing platforms are available at the College;

SWGC Fraud hotline at: 087 330 1569

SWGC Fraud alert email at: fraudulent-alert@swgc.co.za

DHET fraud hotline at: 0800 87 2222

DHET fraud email at: Fraud@dhnet.gov.za

Step one: If the whistle blower has a concern about malpractice, the College hope they will be able to raise it first with their line manager/ supervisor. This may be done verbally or in writing.

Step two: If the whistle blower is unable to raise the matter with their manager, for whatever reason, the matter can be raised on the above whistle-blowing platforms with the Risk, Fraud and Integrity Assistant Director or either with Assistant Director Internal Audit, the whistle blower should indicate if they wish to raise the matter in confidence so that appropriate arrangements can be made.

Step three: Should the whistle blower exhaust these internal mechanisms or where the whistle blower has substantial reason to believe that there would be a coverup or that evidence will be destroyed or that the matter might not be handled properly, the whistle blower may raise the matter in good faith with the National Public Service Anti-Corruption Hotline at (0800 701 701).

Independent advice: If the whistle blower is unsure whether to use this procedure or they want independent advice at any stage, the whistle blower may contact their personal legal adviser, or their labour organisation, or the independent legal advice Centre at its toll-free helpline 0800 110 110 or corruption watch at 0800 023 456 or email info@corruptionwatch.org.za. Their legally trained staff can give the whistle blower free confidential advice at any stage about how to raise a concern about serious malpractice at work.

External contacts Option 1: While the College hopes this policy gives the whistle-blower the reassurance, they need to raise such matters internally, the College recognise that there may be circumstances where the whistle blower can properly report matters to outside bodies, such as regulators or the police. Corruption watch will be able to advise whistle blowers on such an option and on the circumstances in which the whistle blower may be able to contact an outside body safely.

Option 2: While the College hopes this policy gives the whistle blowers the reassurance, they need to raise such matters internally, the College would rather encourage whistle blowers to raise a matter with the appropriate regulator than not at all. Provided they are acting in good faith, they can also contact: The Public Protector at (0800 112 040) and the Auditor-General at (012 426 800) If the whistle blowers are dissatisfied with the College response, they can go to the other levels and bodies detailed in this policy. While the College cannot guarantee that the College will respond to all matters in the way that the whistle blower might wish, the College commit itself to handle the matter fairly and properly. By using this policy, the whistle blower will help the College to achieve this.

11. Protection of whistle-blowers

The identity of the whistle-blowers will be kept confidential and will not be revealed to any persons.

12. Handling of Complaints

Once the whistle-blower has raised a concern, the concern will be looked into to assess initially what action must be taken. This may involve an internal inquiry or a more formal investigation. The issue raised will be acknowledged within 3 working days. If it is requested, an indication of how the Risk Fraud and Integrity Department proposes to deal with the matter and a likely time scale could be provided. If the decision is made not to investigate the matter, reasons will be given. The College will tell the whistle-blower who would be handling the matter, how they can be contacted and whether further assistance may or will be needed from the whistle blower. When the whistle-blower raises a concern, they may be asked how they think the matter might best be resolved. If they have personal interest in the matter, the Risk Fraud and Integrity Department will require that the whistle blower disclose it at the outset. If the whistle-blowers concern falls more properly within the Grievance Procedure, the Risk Fraud and Integrity Department will advise the whistle-blower accordingly. While the purpose of this policy is to enable the Risk Fraud and Integrity Department to investigate possible malpractice and take appropriate steps to deal with it, the Risk Fraud and Integrity Department will give the whistle-blower as much feedback as it properly can. If requested, the Risk Fraud and Integrity Department will confirm their response to the whistle-blower in writing within 7 working days from the acknowledgement date.

13. Adoption of Policy

This Policy is effective from the date on which it is adopted by the College Council.

14. Availability of Whistle-blowing policy

A copy of this Policy and other relevant documentation will be made available on the College website.

15. Annual revision of Policy

This Policy will be subject to review by College management as and when necessary, but at least once in three (3) years, to ensure its relevance.