



## **Gauteng Partnership Fund**

### Whistle Blowing Policy

This document contains 12 pages

Approved by the Board on 29 April 2024 and signed by the CEO:

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

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## Policy Revision Log

File Name	Whistle Blowing Policy
Business Unit	Legal and Compliance
Effective Date:	29 April 2024
Next Revision Date	28 April 2027

Version	Date	Author(s)	Revision Notes
1.0	March 2019	L Smith	New Policy
2.0	December 2020	L Smith	Updated
3.0	March 2024	T Kuzwayo	Updated

## 1 ACCRONYMNS

- 1.1 **“ARC”** Audit and Risk Committee
- 1.2 **“GPF”** The Gauteng Partnership Fund
- 1.3 **“AFCU”** Anti-Fraud and Corruption Unit
- 1.4 **“SAPS”** South African Police Services
- 1.5 **“Reporter”** The Whistle Blower
- 1.6 **“PFMA”** Public Finance Management Act

## 2 DEFINITIONS

- 2.1 **“Act”** means the Protected Disclosures Act, 26 of 2000;
- 2.2 **“Allegation”** means a claim or assertion that someone has done something illegal or wrong, typically one without proof;
- 2.3 **“Board”** means the Board of Trustees of the GPF from time to time;
- 2.4 **“Concerns”** means a matter that causes feelings of unease, uncertainty, or apprehension;
- 2.5 **“Corruption”** means an action where a person (A) gives (or offers to give) another person (B) in a position of power something to use that power, illegally and unfairly, to the advantage of A (or anyone else). The person offering to give or do something is always guilty of corruption and both parties (A and B) will be guilty of corruption if the offer is accepted;
- 2.6 **“Disclosure”** means any disclosure of information regarding any conduct of an employer, or an Employee of that employer, made by any Employee who has reason to believe that the information concerned shows or tends to show corruption;
- 2.7 **“Employee”** means any permanent or temporary Employee, officer, agent, or independent contractor, who works for the GPF and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of the GPF and the term 'employed' and 'employment' will have a corresponding meaning;
- 2.8 **“Fraud”** means the unlawful and intentional making of a misrepresentation which causes actual prejudice, or which is potentially prejudicial to another;
- 2.9 **“Policy”** means this Whistle-Blowing Policy;
- 2.10 **“Stakeholders”** means a person such as an Employee, customer, client, or citizen who is involved with an organization, society, etc. and therefore has responsibilities towards it and an interest in its success;

- 2.11 **“Trustee”** means a person duly appointed as a trustee of the GPF and a member of the Board.
- 2.12 **“Unlawful conduct”** means when someone does something that is not legal. Anything that goes against the laws and regulations is unlawful;
- 2.13 **“Victimisation”** means the action of singling someone out for cruel or unjust treatment;
- 2.14 **“Whistle-Blowing”** means the act of informing the public or someone in authority about alleged dishonest or illegal activities (misconduct) occurring in a government department, a public or private organisation, or a company.

### **3 INTRODUCTION TO THE WHISTLE-BLOWING POLICY**

- 3.1 GPF supports a culture of zero tolerance towards Fraud and Corruption and is committed to the highest possible standards of openness, transparency, integrity, accountability, anti-bribery, and professional ethics.
- 3.2 Corruption and Fraud are often first detected by Employees who cannot express their knowledge of allegations due to fear of being regarded as disloyal or possibly being intimidated, harassed, or victimised by colleagues. Therefore, these instances are being overlooked and only discovered at an advanced stage.
- 3.3 GPF is committed to support the fight against Corruption, and Fraud in promoting good, effective, accountable, and transparent governance. Therefore, this Policy addresses the responsibility of every Employee or other parties to disclose criminal or any other irregularities. It also stipulates the employer's responsibility to ensure that those Employees are protected from any retaliation resulting from disclosure.
- 3.4 GPF strives to provide protection for disclosures made by Employees and Stakeholders in good faith.

### **4 OBJECTIVE OF THE WHISTLE-BLOWING POLICY**

- 4.1 The objectives of the Policy are to:
- 4.1.1 Encourage Employees to lodge complaints;
  - 4.1.2 Encourage Employees to feel confident in lodging complaints;
  - 4.1.3 Providing feedback to the "reporter";
  - 4.1.4 Enable Employees to report complaints through the appropriate channels; and
  - 4.1.5 To ensure that the parties involved are protected from inappropriate conduct.

## **5 SCOPE OF THE POLICY**

5.1 The Policy applies to all internal and external Stakeholders of GPF, including the following:

- 5.1.1 Trustees of the GPF from time to time;
- 5.1.2 Employees of GPF at all levels;
- 5.1.3 Independent contractors;
- 5.1.4 Communities;
- 5.1.5 Service providers and business partners;
- 5.1.6 Other Stakeholders and
- 5.1.7 Prospective service providers and business partners.

5.2 The Policy is designed to deal with legitimate concerns raised in good faith with relation to the following disclosures as per the Act:

- 5.2.1 That a criminal offence has been committed, is being committed or is likely to be committed;
- 5.2.2 That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- 5.2.3 That a miscarriage of justice has occurred, is occurring or is likely to occur;
- 5.2.4 That the health or safety of an individual has been, is being or likely to be endangered;
- 5.2.5 That the environment has been, is being or is likely to be damaged;
- 5.2.6 Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000 is being perpetrated or likely to be perpetrated;  
or
- 5.2.7 That any matter referred to in paragraphs (4.2.1.) to (4.2.6.) has been, is being or likely to be deliberately concealed.

5.3 The Policy covers all potential concerns including:

- 5.3.1 Financial misconduct;
- 5.3.2 Health and safety risks;
- 5.3.3 Environmental damage;
- 5.3.4 Unfair discrimination;
- 5.3.5 Corruption and misconduct;
- 5.3.6 Attempts to suppress or conceal any of the above; and

5.3.7 Information relating to any of the above.

## **5.4 Related GPF Policies**

5.4.1 This Policy must be read, *inter alia*, with other GPF policies and procedures which seek to prevent fraud & corruption, ensure compliance, and uphold a good ethical culture.

## **6 HARASSMENT OR VICTIMISATION**

6.1 The Policy of GPF is zero tolerance to fraud, corruption, and any unlawful conduct. GPF is supportive of Employees, external and internal Stakeholders who report incidents of Fraud, Corruption, and unlawful conduct within GPF.

6.2 GPF does not tolerate any harassment or Victimisation and will take appropriate action to protect its Employees and other Stakeholders when a concern is raised in good faith. Reporters are encouraged to report any incidences of harassment or victimisation to the Legal and Compliance Unit and/or the Human Resources Unit and Internal Audit.

## **7 CONFIDENTIALITY**

7.1 The identity of the Reporter will be treated with confidentiality by GPF as it is legally permissible, especially if specifically required by the Reporter. It must be noted that during the course of the investigation process the source of information may be revealed and the statement by the Reporter might be required as evidence.

7.2 No person is authorised to supply any information with regards to allegations or incidents of Fraud and Corruption at the GPF to the media.

## **8 ANONYMOUS ALLEGATIONS**

8.1 Reporters are encouraged to provide their names when the allegation is made. Anonymous allegations give rise to restrictions on investigations but will nevertheless be followed up at the discretion of GPF.



8.2 This discretion will be based on:

8.2.1 The seriousness of the matter raised;

8.2.2 The credibility of the concern; and

8.2.3 The likelihood of confirming the allegation.

8.3 Reporters cannot be compelled to be a witness during a disciplinary hearing because that may compromise their safety. He or she can only be called as a witness in the proceedings if they volunteer to be a witness.

8.4 In a criminal proceeding guided by the Criminal Procedure Act 51 of 1977, a reporter may be compelled to be a witness, this occurs when the relevant law enforcement agencies issue a Subpoena to the affected party in terms of section 205 of the Criminal Procedure Act.

## **9 FALSE ALLEGATIONS**

9.1 Reporters should not make false allegations or allegations with malicious intent. Upon discovery of such misconduct, the Reporter will be subject to either disciplinary action in case of an Employee, or other appropriate action in case of an external party.

## **10 REPORTING**

### **10.1 Step one:**

Whistle Blowing procedures generally apply to more serious and sensitive issues. For minor issues, Employees should raise concerns with their immediate manager.

### **10.2 Step two:**

Concerns raised as mentioned in the scope should preferably first be raised with the Legal and Compliance Manager and/or Reporter's relevant manager, and/or Fraud hotline, verbally or in writing.

The escalation levels are as reflected in the table below ;

If Fraud or Corruption is suspected to be committed by the following officials	Report the suspected official to the following officials
All Officials other than Management	Legal and Compliance Manager and/or Relevant Manager and/or Fraud Hotline, and/or Internal Audit
Managers and Senior Development Managers	Legal and Compliance Manager and/or Relevant Executive Manager and/or Internal Audit and or the CEO. and/or Fraud Hotline
Executive Managers	CEO and/or Fraud Hotline and/or Internal Audit
CEO	Chairperson of the Audit & Risk Committee and/or Chairperson of the Board and/or Fraud Hotline and/or Internal Audit
Board Members	Fraud Hotline and/or Internal Audit

Should an employee wish to make a report anonymously they can contact the Anti-Corruption Hotline that is administered through the Public Service Commission on number 0800 701 701 or the Presidential Hotline on **17737**. Alternatively, they can contact any member of management or the Gauteng Department of Human Settlements: Anti-Fraud and Corruption Unit the CEO, or the Chairperson of the Audit and Risk Committee for GPF.

### 10.3 Detail within report:

10.3.1 Employees are expected to demonstrate sufficient grounds for concern for the matter to be taken further and are not expected to prove the validity of the allegation. It is recommended that all concerns are raised in a written format and should enclose information with regard to:

- 10.3.1.1 The background and history of the concern;
- 10.3.1.2 Names of individuals involved including the reporter;
- 10.3.1.3 Dates and location where possible; and
- 10.3.1.4 Reason for particular concern.

## **11 PROCEDURES FOR DEALING WITH ALLEGATIONS**

- 11.1 The action taken will depend on the nature of the allegations. Possible actions include but are not limited to:
  - 11.1.1 Internal investigations;
  - 11.1.2 Reporting to SAPS or other law enforcement authorities; and/or
  - 11.1.3 Referring to the Audit and Risk Committee.
- 11.2 To protect the parties involved and GPF, initial inquiries will be made to decide whether an investigation is appropriate and the form it should take. Some allegations may be resolved by agreed upon action with no need for further investigation.
- 11.3 GPF will write to the Reporter:
  - 11.3.1 Acknowledgement that the allegation has been received;
  - 11.3.2 Indicate how the matter will be dealt with and if any initial inquiries have been made;
  - 11.3.3 Giving an estimation of the time it will take to provide a final response; and
  - 11.3.4 Informing, them whether any further steps will be taken and reasons if no further action will be taken.
- 11.4 Every allegation will differ with regard to the extent of communication and correspondence between the Investigators and the Reporter depending on the nature of the allegation and the supporting information.
- 11.5 GPF accepts that Reporters need to be assured that the matter has been appropriately addressed. However, the matter will be dealt with confidentially to protect the individuals involved and GPF, therefore information will not be disclosed to individuals other than those who have a legitimate right to such information. It is important to protect individuals subsequently found innocent of wrongful conduct from damaged reputations.
- 11.6 Advice and guidance on how matters of concern may be pursued can be obtained from the Legal and Compliance Manager and.

## **12 CREATING AWARENESS**

- 12.1 In order for the Policy to be sustainable, managers should ensure that Employees are aware of the Policy and procedures. External Stakeholders should be made aware of the hotline and tipoffs by details thereof being clearly visible on correspondence from GPF.
- 12.2 Record of concerns/allegations, status and outcomes should be kept (in a form that does not endanger the confidentiality thereof).

## **13 POLICY IMPLEMENTATION**

### **13.1 Audit**

Periodic audit will be conducted either by **Legal and Compliance Unit** when deemed necessary, or as required by the company, to ensure appropriate application and compliance with the Policy.

### **13.2 Review**

This Policy is subject to a review every third year or whenever it is necessary by GPF, to ensure that it is aligned to prevailing resolutions, regulations, and market conditions.

### **13.3 Amendments**

No amendment (s) may be made to any section of this Policy without such amendment (s) first being duly approved by the Board.

### **13.4 Monitoring and Compliance**

Legal and Compliance Unit will play a monitoring and evaluation role within GPF as well as ensure legislative compliance.

## **14 APPROVAL**

- 14.1 This Policy is recommended for approval by the Audit and Risk Committee to the Board and duly signed by the CEO.
- 14.2 No amendments may be made to any section of this Policy without such amendments first being duly approved by the Audit and Risk Committee.