

WHISTLE BLOWING POLICY



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF HEALTH

2019/2020 FINANCIAL YEAR

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PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF HEALTH

Foreword by the HOD of Limpopo Department of Health, Dr. Mhlongo T.F

Since February 2001 South Africa has had legislation which protects employees in the public and private sector from occupational detriment, should they blow the whistle. As it potentially affects you and everyone who works with you, I do hope you find the time to read this policy.

The Department is encouraging whistle blowing culture and this is a way of promoting transparent culture, effective and clear communication.

The understanding and effective application of this policy will help everyone to identify and manage risks and also protect the reputation of the public service. A key part of the national strategy to fight corruption in the public sector is to encourage ethical individuals within the service to raise their concerns in a responsible manner.

I assure you that the entire top management of the Department of Health is willing to cooperate in this venture in order to promote an ethical organizational culture premised on openness and accountability.

We trust that this policy will assist the Department in the identification of risks, fraudulent and corrupt activities.

Yours sincerely



Dr. Mhlongo T.F
HOD: Department of Health

TABLE OF CONTENTS

1. VISION 4

2. MISSION..... 4

3. VALUES..... 4

4. PURPOSE OF THIS POLICY 4

5. SCOPE OF THE POLICY 5

6. WHO CAN RAISE A CONCERN?..... 5

7. CULTURE OF OPENNESS..... 6

8. DEPARTMENT'S ASSURANCES TO WHISTLEBLOWER..... 6

9. HOW TO RAISE A CONCERN..... 7

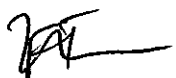
10. DISSATISFACTION..... 8

11. NON-COMPLIANCE WITH THE WHISTLE BLOWING POLICY 9

12. DATE OF EFFECT..... 9

13. LAPSE/TERMINATION 9

14. REVIEW PERIOD 9



1. VISION

A long and healthy life for the people in Limpopo

2. MISSION

The Department is committed to provide quality health care service that is accessible, comprehensive, integrated, sustainable and affordable.

3. VALUES

The Department adheres to the following values and ethics that uphold the Constitution of the Republic of South Africa:

- Honesty
- Integrity
- Fairness
- Equity
- Respect
- Dignity
- Caring

4. PURPOSE OF THIS POLICY

The purpose of this policy is to provide a means by which staffs are able to raise concerns with the appropriate Line Management, or specific appointed persons in Department of Health: Limpopo (DoH) (*see paragraph 8.2.2*), where they have reasonable grounds for believing that there is fraud and corruption within the Department. The Protected Disclosures Act, Act 26 of 2000, which became effective in February 2001, provides protection to employees for disclosures made without malice and in good faith, in defined circumstances.

In terms of the Protected Disclosures Act employees can blow the whistle on fraud and corruption in the working environment without the fear of suffering an occupational detriment as defined by the Act. The DoH management encourages staff to raise matters of concern responsibly through the procedures laid down in this policy document.



5. SCOPE OF THE POLICY

The policy is designed to deal with concerns raised in relation issues relating to fraud, corruption, misconduct and malpractice within the Department. 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 Corporate Services.

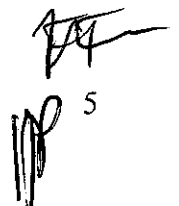
The policy covers all genuine concerns raised including:

- Financial misconduct
- Danger to health and safety of any individual
- Damage to environment Miscarriage of justice
- Unfair discrimination in terms of the Promotion of Equality and Prevention of Unfair Discriminations Act 2000
- Corruption and misconduct
- The deliberate concealing of information about any of the above.

If in the course of investigation, any concern raised in relation to the above matters appears to the investigator that the matters relate more appropriately to grievance or discipline, those procedures will be evoked.

6. WHO CAN RAISE A CONCERN?

Any member of staff who has on a reasonable belief that there is corruption or misconduct relating to any of the protected matters specified above may raise a concern under the procedures detailed. Concerns must be raised without malice, 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 Manager, any member of staff, group of staff, individuals, own section or a different section/division of the Department. The perpetrator can be an outsider, employee, Manager, customer or an ex-employee. You may even be aware of a system or procedure in use, which may cause the Department to transgress legal obligations.



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7. CULTURE OF OPENNESS

The Department 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.
- Issuing this policy 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 Department of Health. 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 (**Available**)

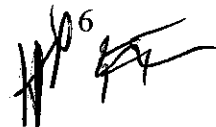
8. DEPARTMENT'S ASSURANCES TO WHISTLEBLOWER

8.1. Safety

Management is committed to this policy. The Department 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 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 you** raise a concern in good faith in terms of this policy, **you will** not be at risk of losing **your** 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.

8.2. Confidentiality

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 Department will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless wish to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. However, we do expect the same confidentiality regarding the matter from you. If the situation arises where we are not able to resolve the concern without revealing your identity (for example where your



evidence is needed in court), we will discuss with you whether and how we can proceed. Accordingly, while we will consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

8.3 How the Department of Health: Limpopo will handle the matter

Once the Department receives a concern, it will assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. The issue raised will be acknowledged within 7 working days. If it is requested, an indication of how the 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. We will tell you who would be handling the matter, how you can contact him / her and whether your further assistance may or will be needed.

When you raise a concern, you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you. While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this could infringe a duty of confidence owed by us to someone else.

9. HOW TO RAISE A CONCERN

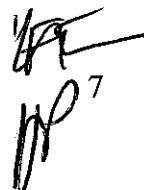
9.1 Internally

Step one: If you have a concern about malpractice, we hope you will feel able to raise it first with your manager/ supervisor. This may be done verbally or in writing.

Step two: If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter either with:

Risk Management unit: Contact details **015 293 6091/89**. Please "indicate" or "say" if you wish to raise the matter in confidence so that they can make appropriate arrangements.

Step three: If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Handwritten signature and initials in the bottom right corner of the page.

Head of Department: Contact details **015 293 6294** Should you have exhausted these internal mechanisms or where you have substantial reason to believe that there would be a cover up or that evidence will be destroyed or that the matter might not be handled properly, you may raise the matter in good faith with a Member of the Executive Council in this province: Contact details **015 293 6005**

9.2 Independent advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your personal Legal Adviser, or your Labour Organisation, or the Independent Legal Advice Centre ODAC on its toll free helpline on **0800 525 352**. Their legally trained staff can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

9.3 External contacts

Option 1: While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. ODAC will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

Option 2: While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all.

Option 3: Provided you are acting in good faith, you can also contact:

The Public Protector : (011 492 2807/2493)
The Auditor-General : (012 426 8000)
NACH : (0800 701 701)
OTP: (015 287 6000)

10 DISSATISFACTION

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we commit ourselves to handle the matter fairly and properly. By using this policy, you will help us to achieve this.



11 NON-COMPLIANCE WITH THE WHISTLE BLOWING POLICY

The Department may take disciplinary action against any person who contravenes the provisions of this policy.

12 DATE OF EFFECT

This policy takes effect on the date of signature by the HOD.

13 LAPSE/TERMINATION

This policy will remain in force unless withdrawn or amended by the Executive Authority.

14 REVIEW PERIOD

This policy is issued under the authority of the Executive and will be reviewed and amended as required in consultation with the Executive Management, Managers and employees of the Department.



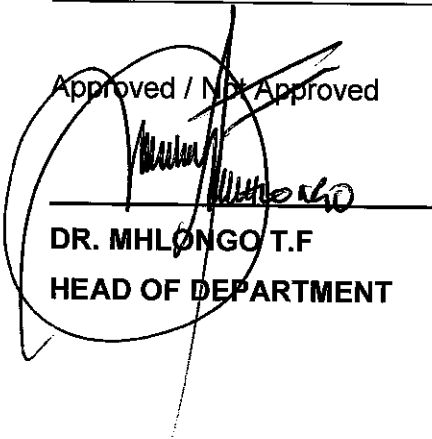
DR. BILA H.P

CHIEF RISK OFFICER

2019/03/07
DATE

Comments/remarks by HOD:

Approved / Not Approved



DR. MHLONGO T.F

HEAD OF DEPARTMENT

11.03.2019
DATE