

CAPRICORN TVET COLLEGE



WHISTLE BLOWING POLICY

CAMPUSES:
POLOKWANE
SESHEGO
SENWABARWANA
RAMOKGOPA

Policy Developed: 30/09/2022

Approved by Management: 28 /10/2022

Approved by Council: 13 / 12 /2022

[Handwritten Signature]
CHAIRPERSON

Next revision date:
November 2025

VISION OF CAPRICORN TVET COLLEGE



“A dynamic Technical Vocational Education and Training Institution of Excellence”

MISSION STATEMENT OF CAPRICORN TVET COLLEGE

Capricorn College is to offer responsive, flexible and quality programmes that are accessible to all learners through formal learning, skills development and learnerships. This is achieved by adhering to policies and procedures, making use of committed human capital and employing appropriate physical and fiscal resources.

Values

- **Respect:** We treat others as we would like to be treated ourselves. Abusive or disrespectful treatment is not tolerated. We will strive for fairness and equity.
- **Integrity:** We are committed to transparency, honesty and sincerity.
- **Communication:** We are committed to effective communication. We believe information is meant to move and that information moves people.
- **Excellence:** We are satisfied with nothing less than the best quality in everything we do.

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WHISTLE BLOWING POLICY

1. PREAMBLE

1.1 The Protected Disclosure Act came into effect on the 16th February 2001. The Act is commonly referred as the Whistle Blowing Act. In order to remain in compliance with the Act, the College has created the Whistle Blowing policy with the following objectives:

- 1.1.1 To encourage the reporting of matters that may cause financial and non-financial loss to the college or damage the college's reputation;
 - 1.1.2 To enable the college to effectively deal with reports from whistle blowers by providing clear guidelines for the disclose of such information and protection against reprisal as a results of such disclose;
 - 1.1.3 Strive to create a culture which will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure; and
 - 1.1.4 Promote the eradication of criminal and other irregular conduct within Capricorn TVET College
- 1.2 To provide for the appropriate infrastructure including alternative mechanism for reporting.

2. PURPOSE

- 2.1 This policy has been developed to give effect to the Protection Disclosure Act, namely;
- 2.1.1 To protect an employee from being subjected to occupational detriment on account of having made a protected disclosure
 - 2.1.2 To provide for the remedies in connection with any occupational detriment suffered on account of having made disclosure; and
 - 2.1.3 To provide for the procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his or her colleagues, other stakeholders and employer.

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3. SCOPE

3.1 The Whistle Blowing Policy is not a replacement for the existing Grievance procedure and therefore grievances should not be reported in terms of this policy.

3.2 Any grievance should be lodged in accordance with the provisions of the Grievance Procedure obtainable from the Human Resource Management.

3.3 The policy is designed to deal with concerns raised in relation to issues relating to fraud, corruption, misconduct and malpractice within and around Capricorn TVET College.

3.4 In terms of the Protected Disclosure Act the following can be raised:

3.4.1 That a criminal offence has been committed, is being committed or is likely to be committed;

3.4.2 That the person has failed, is falling or is likely to fail to comply with any legal obligation to which that person is subject;

3.4.3 That a miscarriage of justice has occurred, is occurring and is likely to occur;

3.4.4 That the health and safety of any individual has been, is being or is likely to be endangered;

3.4.5 That the environment has been, is being or is likely to be damaged;

3.4.6 Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;

3.4.7 That any matter referred to paragraphs (3.4.1) to (3.4.6) has been is being or is likely to be deliberately concealed.

4. LEGISLATIVE FRAMEWORK, REGULATIONS AND RELATED POLICIES

4.1 The Protected Disclosure Act No. 26 of 2000

4.2 The Bill of rights as contained in The Constitution Act of 1996

4.3 The Labour Relation Act of 1995

4.4 Promotion of Access to Information Act

4.5 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;

4.6 CET Colleges Act No.16 of 2006, (as amended) (the "Act") (formerly the FET Act);

4.7 Public Finance Management Act, 1999 (Act No 1 of 1999 as amended by Act 29 of 1999) (PFMA);

4.8 National Treasury Regulations of March 2005;

4.9 Constitution of the Republic of South Africa, 1996;

4.10 Public Service Act, 1994;

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- 4.11 Public Service Regulations, 2001;
- 4.12 King III Code of Governance Principles of 2009.
- 4.13 Batho Pele Principles

5. TERMINOLOGY, ACRONYMS AND DEFINITION'S

5.1 "DHET" – Department of Higher Education and Training

5.2 "TVET" – Technical Vocational Education and Training

5.3 "COLLEGE" – Capricorn Technical and Vocational Education and Training College

5.4 "ACCOUNTING OFFICER" – is the College Principal.

5.5 "COUNCIL" - is the Council of the College established in terms of the Act.

5.6 "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.

5.7 "MINISTER" – is the Minister of the Department of Higher Education and Training.

5.8 "PFMA" – Public Finance and Management Act.

5.9 "SMS" – is Senior Management Service.

5.10 "WHISTLE-BLOWER" – is a person raising a concern about malpractice within an Organisation.

5.11 "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

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5.12 “OCCUPATIONAL DETRIMENT” – as defined by the Act includes being subjected to disciplinary action, dismissed, suspended, demoted, transferred against your will, harassed, denied promotion, subjected to terms and condition of employment or retirement which are altered or kept altered, intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.

6. WHO CAN RAISE A CONCERN

6.1 Any member of staff who has a reasonable belief that there is fraud or corruption or misconduct relating to any of the protected matter specified above may raise a concern under the procedure detailed.

6.2 Concerns must be raised without malice, in good faith and not for a personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it are substantially true.

6.3 The issues raised may relate to a manager, another member of staff, or a group of staff, the individuals own section or a different section/ division of College and the Department.

6.4 The perpetrator can be an outsider, an employee, a manager, a customer or an ex-employee. You may even be aware of a system or procedure in use, which may cause the College to transgress legal obligations.

7. HARASSMENT OR VICTIMISATION

7.1 Capricorn TVET College acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisals from those responsible for the irregularity.

7.2 Capricorn TVET College shall not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

7.3 Any act of harassment or victimisation should be reported to the Accounting Officer, this does not mean that if an employee is already the subject of disciplinary or other action, that action shall be halted as a result of their whistle blowing

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8. GUARANTEES AND PROTECTION

- 8.1 Confidentiality will be maintained, and nobody will be penalized for disclosing in good faith, information that might be in interest of Capricorn TVET College, every effort will be made not to reveal the identity of the whistle blower unless he/she so wish.
- 8.2 Capricorn TVET College shall ensure that any member of staff/employee who makes a disclosure in the above-mentioned circumstances will not be penalized or suffer any occupational detriment for doing so.
- 8.3 If you raise a concern in good faith in terms of this policy, you will not be at risk of losing your job or suffer any form of retribution as a result. This guarantee and protection/assurance is not extended to employees who maliciously raise matters they know to be untrue.
- 8.4 Capricorn TVET College shall not tolerate the harassment or victimization of anyone raising a genuine concern.
- 8.5 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 formal forums, consultations will be done of how the matter may proceed.
- 8.6 Accordingly, while we will consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

9. REPORTING PROCEDURE

- 9.1 If you have a concern about malpractice, we hope you will feel free to raise it first with your manager/ supervisor. This may be done verbally or in writing.
- 9.2 If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter either with the Human Resource Assistant Director, Internal Audit Assistant Director or Risk Management Officer. Please say if you wish to raise the matter in confidence so that they can make appropriate arrangements.
- 9.3 If 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 your concern in good faith with the Accounting Officer.

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9.4 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 the Chairperson of Council

9.5 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 by using the DHET whistle-blowing National Public Service Anti-Corruption Hotline.

9.6 All individuals (including the community) who have concerns are encouraged to report them. Cases can also be reported to the Provincial Anti-Fraud and Corruption hotline, Public Protector and National Fraud and Corruption hotline.

10. 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 organization.

11. HOW THE COLLEGE WILL RESPOND

11.1 The action taken by the College shall depend on the nature of the concern reported. The possible actions open to the College are to:

11.1.1 Investigate internally; and /or refer the matter to South African Police Service or other relevant law enforcement agency, if applicable

11.1.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take. Concerns raised may not necessary require an investigation to resolve them.

11.1.3 The amount of contact between the investigation officer and the person raising the concern (if not anonymous) will depend on the nature of the concern raised and the investigations which may require to be performed. If required, further information maybe is sought from the person who made the report.

11.1.4 All investigations will be handled confidentially and will not be discussed with person other than those who legitimately have the right to such information

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12. FALSE AND MALICIOUS ALLEGATIONS

12.1 Those wishing to make reports must guard against making allegations which are false and made with malicious intent. Persons making such reports will not enjoy the protection offered by the Protected Disclosure Act. Furthermore, there are resources and cost implication in respect to initiating investigation, which need to be considered in the event of false or malicious information.

12.2 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 vexatious, may be subject to disciplinary proceedings.

12.3 By using this policy, you will help Capricorn TVET College achieve the objectives as provided in the Act and manage risks.

13. CREATING AWARENESS

13.1 In order for the policy to be sustainable, it must be supported by a structured education, communication and awareness programme.

13.2 It is the responsibility of all Deputy Principals and Managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the whistle blowing policy.

14. ADOPTION OF THE POLICY

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

15. AVAILABILITY OF THE POLICY

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

16. REVIEW OF POLICY

This policy shall be reviewed every three years or as and when there are new developments.

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