



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

Security Management & Anti – Corruption Services
Tyamzashe Building | Civic Square | Bhisho | 5605
P/Bag X0035 | Civic Square | Bhisho | 5605
Tel: +27 (0)40 609 5111 | 040 609 5767

DIRECTORATE:

**SECURITY MANAGEMENT AND ANTI
CORRUPTION SERVICES**

**ANTI-CORRUPTION
POLICY**


DEPARTMENTAL CONTACT DETAILS


Physical Address	Tyamzashe Building Phalo Avenue Bhisho 5605
Postal Address	Department of Cooperative Governance and Traditional Affairs Private Bag X0035 Bhisho 5605
Document Number	1
Document Name	Anti – Corruption Policy
Contact Person	Ms Zandile Mnyandu
Designation	Director
Component	Security Management & Anti-Corruption Services
Telephone No.	040 – 609 5109
Cell Phone No.	072 657 2650
Fax No.	040 – 609 5767
E-mail Address	Zandile.mnyandu@eccogta.gov.za
Date Completed	12 April 2017
Date of Approval	
Last Date Amended	25 April 2018
Date For Next Review	1 April 2020
Related Policies	

TABLE OF CONTENTS

ITEM	TOPIC	PAGE NO
1.	Statement of Purpose	5
2.	Introduction	5
3.	Objective	5
4.	Scope	6
5.	Responsibility and Accountability	6
6.	Approval, Communication and Review	6
7	Policy	7
7.1	Gifts & Entertainment	7
7.2	Third Parties	8
7.3	Charitable Contributions	8
7.4	Political Party Donations	8
7.5	Assets	9
7.6	Conflict of Interests	9
8.	Fraud & Risk Assessment	9
9.	Reporting Wrong Doing	9
10.	Breach of this Policy	10
11	Conclusion	10
12	Legislative Prescripts	11

APPROVAL

SIGNED:	 _____ Mrs G. Gumbi-Masilela
DESIGNATION:	HEAD OF DEPARTMENT
DATE:	11/8/2018

SIGNED:	 _____ MR F.D XASA
DESIGNATION:	MEMBER OF THE EXECUTIVE COUNCIL
DATE:	17/08/2018

ANTI-CORRUPTION POLICY OF THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA)

1. STATEMENT OF PURPOSE

*"Ultimately, the struggle against corruption depends upon our sense of morality which tells us that our own **egotistic** interests do not come before those of public interest. We can take all kinds of preventative measures, and they can be broken down and subverted. But if the moral fibre of our public servants in the delivery of public services is high, then no amount of corruption can subvert our preventative measures" - Dr. Dullar Omar (Fighting Corruption: Strategies for Prevention).*

It is the policy of the Department of Cooperative Governance and Traditional Affairs of the Province of the Eastern Cape (CoGTA – EC), herein after referred to as the Department, that corruption, fraud, theft, maladministration or any other dishonest activities of a similar nature will not be tolerated in the Department.

In addition, such irregular activities will be investigated and followed up by the application of all remedies available within the full extent of the law, as well as the application of appropriate prevention and detection controls. These prevention and detection controls include the existing Financial and other controls and checking mechanisms as prescribed in the prescripts relevant to the activities of the Department.

2. INTRODUCTION

The adoption and maintenance of high ethical standards is a core principle of the Department, who is also committed to operating its business in compliance with all applicable laws and policies.

The Department recognises that conduct by individuals outside of the work sphere may have legal implications on the Department or its public image, that corruption poses serious legal, commercial and reputational risks and that its responsibilities towards the general public demand impartiality, fairness and transparency.

3. OBJECTIVE

The objective of this policy is to:

- (a) Enforce the Department's commitment to Anti-Corruption compliance
- (b) Promote National and Provincial Government Policies aimed at the prevention and the combating of Corruption
- (c) Provide the foundation for the development of procedures to manage corruption and

- risk
- (d) Provide for effective communication and review of the policy and its associated procedures.
 - (e) Promote the culture of ethical conduct and integrity

4. SCOPE

This policy is applicable to all parties that have an interest in the Department, Service Providers and Stake Holders as well as Employees, Officers and Authorised Representatives.

This policy sets out minimum standards of acceptable conduct and may be adapted or enhanced to reflect Legislative requirements relating to corruption in general.

The policy should be read and applied in conjunction with all approved Policies, Codes and Guidelines on related matters, including (but not limited to):

- Batho Pele Principles
- Provincial Whistle Blowing Policy
- Code of Conduct and Ethics
- Any guidance published pursuant to this Policy
- Disciplinary Rules and Procedures
- Anti-Corruption Legislative Framework

5. RESPONSIBILITY AND ACCOUNTABILITY

The maintenance, revision and distribution of this Policy are the responsibilities of the Accounting Officer whose responsibility it is to ensure that this policy is effectively implemented.

APPROVAL, COMMUNICATION AND REVIEW

This Policy is approved as of date hereof which is also the effective date and will be communicated to all Employees and Stake Holders.

All Directorates are responsible for:

- (a) Providing new employees with a copy of this Policy as part of their induction process and
- (b) Ensuring that all Suppliers, Customers, Service Providers and Stake Holders are made aware of this policy.

This Policy and its associated procedures and documentation will be reviewed biennial.

6. POLICY

Corruption is the abuse of entrusted power for private or personal gain. The Department hereby adopts a Zero-Tolerance approach to corruption and is committed to carrying out business fairly, honestly and openly without improper influence.

The Departmental Employees will not, either directly or indirectly - through intermediaries or third parties - solicit, receive, offer, promise or provide any undue financial or other advantage in the execution of their duties.

The Departmental Employees will not exercise improper influence in the execution of their duties with the intention of obtaining any improper advantage in the conduct of their business.

All Employees, Service Providers and Stakeholders are required to comply with this Policy and are responsible for ensuring that business is undertaken with the utmost integrity.

Specific care must be exercised to combat the following:

6.1 Gifts and Entertainment

The Department recognises that fostering good relationships with Stakeholders and Service Providers is important to its continued success. The provision and receipt of modest gifts and entertainment is accepted in principle provided that they are reported in the required manner and made transparent as provided in the Code of Conduct for the Public Service.

This, however, does not include the provision or receipt of any inappropriate gift or entertainment that may bring the Department into disrepute or that:

- Is not permitted or appropriate
- Any circumstance that may lead to a conflict of interests
- Where it is offered or received as a bribe or in exchange for an improper benefit
- Creates (or may create) any sense of "obligation"
- Influences (or could influence, in any way) the interests of the Department
- Creates (or may create) a conflict between an Employee or Stakeholder's personal interests
- Negatively affect the interests of the Department, a Stakeholder or the General Public.

Any activity that could be perceived as having any of the above mentioned effects is strictly prohibited and must be reported to the Accounting Officer.

All activities must be made (and be seen to be made) objectively and without influence by gifts or favours.

Officials may thus only accept corporate or personal gifts of a modest value or that may be required by tradition.

In all circumstances, gifts or entertainment must be subject to an appropriate disclosure process and gifts above R350.00 are subject to an appropriate (prior) approval process.

Such gifts must furthermore be declared and reported within 24 hours to the Head of the Department.

6.2 Third Parties

The Department is aware that its reputation may be damaged by the conduct of Third Parties acting on its behalf or by others with which it does business.

In certain circumstances, their actions may have Legal implications for the Department and it is thus not acceptable for a Third Party, acting on the Department's interests, to act in any way that would breach this Policy.

The Department is therefore committed to:

- (a) Taking reasonable steps to ensure that its business partners are made aware of, understand and adhere to this Policy
- (b) Verifying the integrity and reputation of its business partners through appropriate and reasonable due diligence in light of perceived levels of risk and
- (c) Put appropriate and reasonable controls in place to monitor such activities

6.3 Charitable Contributions

The Department may from time to time make charitable contributions or offer sponsorships for the purposes of socio-economic development or facilitate cultural or sporting activities but these may not be condoned for any improper business or purpose.

Charitable donations and sponsorships must not be perceived as being given for improper purposes. When a charitable contribution or sponsorship is proposed, it must be transparent, documented, made in accordance with applicable law and assessed for compliance with this Policy and any related procedure.

6.4 Political Donations

The Department does not participate directly or indirectly in Party Politics and does not usually make donations to Political Parties, Politicians or Related Organisations.

The Department respects the right of its employees to participate in Private Political processes but such activities may not influence the normal performance of their duties or functions.

6.5 Assets

All Employees, Service Providers and Stakeholders employed or contracted by the Department have a responsibility to protect the Department's Assets from theft, loss, abuse, damage, unauthorised use or disposal.

All Employees and Stakeholders must use such Assets only for purposes related to conducting Departmental responsibilities and may not use such Assets for personal use or any unauthorised activity.

6.6 Conflict of Interest

All Departmental Employees and Stakeholders employed by the Department must avoid conflicts of interest situations and are expected to perform their duties conscientiously, honestly and in accordance with the best interests of the Department.

All Employees, Service Providers and Stakeholders may not:

- Abuse their positions or
- Misuse confidential knowledge for personal or third party gain or
- Have any direct involvement in any business interest that may divert their attention away from, or is in conflict with, the Department's interests, or
- Conduct themselves in any manner that may compromise their integrity, independence or impartiality.

7. FRAUD AND CORRUPTION RISK ASSESSMENT

The Department is committed to ensuring that:

- (a) its exposure to corrupt activity is subject to periodic risk assessments and
- (b) all relevant staff are provided with training on this policy and associated procedures and
- (c) the efficacy of the same in managing and assessing the risk.

8. REPORTING WRONG DOING ("WHISTLE BLOWING")

The Department undertakes to promote a confidential and secure means for Persons and Stakeholders to report conduct that may be contrary to the Department's Values and Principles, including conduct that may breach this Policy or its associated procedures.

Such a "Whistle Blowing" facility will be strictly confidential and will not tolerate any form of retaliation, harassment or intimidation as a result of reporting concerns through the facility in good faith.

All concerns will be investigated and appropriate remedial action must be instituted.

10. BREACH OF THIS POLICY

SANCTIONS FOR NON-COMPLIANCE

It is the responsibility of all Employees or Stakeholders to report any breach, or potential breach, of this Policy to:

- Their Supervisor or
- Person to whom they report or
- Through the Whistle Blowing facility

Any violation of this Policy, including any:

- Involvement in any corrupt activity or
- Failure to report actual corrupt activity or
- Failure to report potential breaches of this Policy (or its associated procedures);

will lead to disciplinary action in accordance with applicable disciplinary procedures.

In some circumstances, failure to report actual or suspected violations of this Policy may itself constitute a Legal offence punishable by law.

The Department is committed to reporting all instances of corruption and other forms of dishonesty to the relevant authorities.

The Department furthermore undertakes to facilitate criminal action against individuals involved in any irregular or illegal matter.

The Department will seek redress for all losses arising from any irregular or illegal action.

11. CONCLUSION

It is the view of the Department that Corruption Prevention can be seen as the cumulative effect of both preventative and detection systems incorporated by Management. Detection of Fraud and Corruption can only lead to prevention therefore its response acts as a deterrent.

12. LEGISLATIVE PRESCRIPTS

Please take note of "Annexure A"

NNEXURE "A"

ADDITIONS TO THE ANTI-CORRUPTION POLICY

12. LEGISLATIVE PRE-SCRIPTS

12.1 DEFINITION OF FORMS OF CORRUPTION:

12.1.1 CORRUPTION

Corruption is described as any conduct in relation to a person entrusted with responsibilities in public office which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves or for others.

12.1.2 FRAUD

In South Africa fraud is defined as "the unlawful and intentional making of a misrepresentation which causes actual or potential prejudice to another". The use of the term is in its widest possible meaning and is intended to include all aspects of economic crime or acts of dishonesty.

12.1.3 BRIBERY

Bribery involves the promises, offering or giving of a benefit that improperly persuades the actions or decisions of public servants. These benefits may accrue to the public servant, another person or an entity.

12.1.4 EMBEZZLEMENT

This involves theft of resources by persons entrusted with the authority and control of such resources.

12.1.5 EXTORTION

This involves coercing a person or entity to provide a benefit to a public servant, another person or an entity in exchange for acting in a particular manner. This involves a public servant using his/her vested authority improperly to benefit another public servant, persons or entity vested or to use authority to improperly discriminate against another public servant, person or entity.

12.1.6 ABUSE OF POWER

This involves a public servant using his/her vested authority to improperly benefit from another public servant, person or entity, or using vested authority to improperly discriminate against another public servant, person or entity.

12.1.7 CONFLICT OF INTEREST

This involves a public servant acting or failing to act on a matter where the public servant has an interest or another person or entity that stands in a relation with the public servant has an interest.

12.1.8 ABUSE OF PRIVILEGED INFORMATION

This involves the use of privileged information and knowledge that a public servant possesses as a result of his/her office to provide unfair advantage to another person or entity to obtain a benefit, or to accrue a benefit for him/her.

12.1.9 FAVOURITISM

This involves the provision of services or resources according to personal affiliation of a public servant.

12.1.10 NEPOTISM

This involves a public servant ensuring that family members are appointed to public service positions or that family members receive contracts from the state.

12.2 LEGISLATIVE FRAMEWORK:

"POA"	: Prevention of Organised Crime Act, Act 121 of 1998
"PFMA"	: Public Finance Management Act No. 1 of 1999
"Protected Disclosures"	: Protected Disclosures Act, Act 26 of 2000
"PRECCA"	: Prevention and Combating of Corrupt Practices Act 12 of 2004
"Strategy"	: Public Service Anti-Corruption Strategy
"Provincial Policy"	: Provincial Whistle Blowing Policy