

# JOE GQABI DISTRICT MUNICIPALITY



## CREDIT CONTROL POLICY

## CREDIT CONTROL POLICY

It is the mission of the Council to implement a sound Credit Control Policy. The following procedures serve as a proposal to ensure the effective recovery of debt.

### [A] SERVICES

The Council is committed to the recovery of outstanding debt regarding the provision of services. To achieve **this** goal the following procedure is proposed to control and manage the recovery of outstanding debt due to Council.

#### [1] Debt Recovery Procedure

[a] A deposit (as revised from time to time) will **be** required from each water consumer to protect the Council from any possible loss of revenue due to bad debts. A By-law needs to be adopted by Council, and after approval, promulgated in the Provincial Gazette. The implementation thereof **will** be from the date of promulgation.

[b] Monthly accounts **will be issued to all** property **owners/consumers**. These charges **shall** be payable within fourteen [14] days after **the last** day of each month in which such account was rendered. The fourteen day period needs to be adopted by Council and promulgated in the Provincial Gazette. Until such time the status quo will remain.

Interest **will** be raised on payments received after the due date, at prime rate plus 1%. This is in terms of the Local Government Ordinance 1939. The interest **will** be calculated on a monthly basis. A By-law in respect of the raising of interest needs to be adopted by Council, and after approval, promulgated in the Provincial Gazette. The implementation thereof **will** be from the date of promulgation.

Final demands **will** be issued to **defaulters** outstanding for **a period exceeding 30 days**. Failure to respond to the Final Demand by the due date [21 days] **will result in the following :**

Water supply **will** be reduced

To resume the service, a re-connection fee **will** be charged. The connection fee will be **determined** by Council.

#### [c] Legal Action

If the defaulter **fails to adhere to the conditions** of a Letter of Demand, thereafter legal proceedings for the recovery of debt, interest **and** legal costs **will follow**.

A RM2 summons document will **be** compiled **and** submitted to Court for endorsement. Thereafter, the **legal** documents are **handed** to the Messenger of the Court for service on the defaulters. **Defaulters** are **allowed** five [5] days, **after** the summons has been served upon them, to **settle** the debt.

Failure to respond to the summons will result in an Application for Default Judgement being applied for with the Court. This results in the blacklisting of the defaulter. Thereafter, a Warrant of Execution is compiled and submitted to the Court for endorsement and handed to the **Sheriff** who in execution of the Warrant, attaches goods to the value of the debt to be sold by Public Auction.

**[d] Clearance Certificate**

No rates Clearance Certificate will be authorized by Council unless all service charges have been paid to date. This is in accordance with Section 96 **[2][b]** of Ordinance 18 of 1976.

**[2] Proposed Implementation Program**

**[a]** The following needs to be **discussed** and approved by the applicable Councils :

A deposit to be paid by each water consumer.  
Accounts shall be payable within fourteen [14] days after the last day of the month in which such account was rendered.  
The **raising** of interest on outstanding consumer accounts.  
Charging a re-connection fee before services are resumed.

**[b]** During the budget process of each year **this** policy should be discussed with local municipalities, communities and the governance structures

**[c]** After approval has been received from the respective Councils, the relevant By-laws will be promulgated in the Provincial Gazette.

# JOE GQABI DISTRICT MUNICIPALITY



**2017/2018**

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**JOE GQABI DISTRICT MUNICIPALITY**  
**PRINCIPLES AND POLICY ON THE WRITING-OFF OF IRRECOVERABLE DEBT**

**1 INTRODUCTION**

- 1.1 To ensure that household consumers with no or lower income are not denied a reasonable basic service and that the Municipality is not financially burdened with non-payment of these basic services. The Council of Joe Gqabi District Municipality approved policies on property rates, tariffs, credit control and debt collection, and indigent support.
- 1.2 Despite strict enforcement of the above policies, Council will continuously be confronted by circumstances requiring the possible write-off of irrecoverable debt. To allow this the approved Credit Control and Debt Collection Policy, inter alia, stipulated that:-
- 1.2.1 *The Municipal Manager must establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the Municipality.*
- 1.3 The Municipal Manager must ensure that all avenues are utilised to collect the municipality's debt. However, for various reasons there will always be bad debt cases that needs to be catered for through a policy on the writing-off of irrecoverable debt for circumstances that allows for the valid termination of debt collection procedures as contemplated in section 109(2) of the Local Government: Municipal Systems Act (No 32 of 2000), such as:
- a) The insolvency of a debtor whose estate has insufficient funds;
  - b) A balance being too small to recover, for economic reasons, considering the cost of recovery; and
  - c) Where Council deems that a customer or group of customers are unable to pay for services rendered.
- 1.4 The municipality will have to maintain audit trails in such instances where bad debt is written off and document the reasons for the abandonment of the actions or claims in respect of the bad debt.

**2 PUPOSE OF THE POLICY**

- 2.1 The purpose of this policy is to ensure that the principles and procedures for writing off irrecoverable debt are formalised.

**3 RESPOSNSIBILTY/ ACCOUNTABILTY**

- 3.1 The Council has the overall responsibility for adopting and approving the Policy on Writing-off of irrecoverable debt.

**4 POLICY PRINCIPLES**

- 4.1 The following are guiding principles in implementing the Policy on Writing Off of Irrecoverable Debt Policy
- a) The policy was compiled in accordance with the Local Government Municipal Finance

Management Act (No 56 of 2003) Local Government Municipal Systems Act, (No 32 of 2000), as amended and other related legislation

- b) Before any debt is written off it must be proven that the debt has become irrecoverable. To ensure that recommendations for write off are consistent and accurate, irrecoverable debt will be defined as debt where:-
- The tracing of the debtors is unsuccessful, and
  - All reasonable steps were taken by the officials to recover the debt.
  - Any debt defined by Council at their discretion as irrecoverable
- c) Bad debt written off must be considered in terms of cost benefit, when it becomes too costly to recover and the chances of collecting the debt are very slow, a write off should be considered.
- d) Time value of money is very important because the older the debt becomes, the more difficult and costly it becomes to collect. It is therefore imperative that a proper system of credit control is implemented and maintained to avoid debt reaching the stage of becoming too expensive to recover.
- e) Differentiation must be made between those household consumers who cannot afford to pay for basic services (indigent households) and those who just do not want to pay for these services.
- f) Debt can only be written off if the required provision exists in the Municipality's budget and/or reserves.

#### 5 CATEGORIES OF DEBTORS THAT MAY QUALIFY FOR THE WRITING-OFF OF IRRECOVERABLE DEBT

##### 5.1 Indigent Households

5.1.1 Upon approval for registration as an indigent household consumer, the debtor's arrear outstanding balance as at 30 June 2014 will be written off.

5.1.2 Any new arrears accumulated by the debtor (i.e. any amounts in excess of the indigent allowance for free basic services) whilst registered as an indigent consumer, will not qualify to be written off and must be dealt with strictly in accordance with the Municipality's Credit Control and Debt Collection Policy.

##### 5.2 Small balances

5.2.1 Where final accounts have been submitted and paid by the respective consumer and the remaining balance after finalisation of any final readings and other administrative costs results in a balance of one hundred rand (R100) or less, such account must be forwarded once to the consumer for payment.

5.2.2 Where such account is not paid by the respective consumers within a period of sixty (60) days such accounts will automatically be written-off to the provisions of paragraph 6.4 (delegations to the Chief Financial Officer) below.

### 5.3 Insolvent Debtor and Insolvent Deceased Estates

5.3.1 Where a debtor becomes insolvent the Municipality must ensure that a creditor's claim is timeously registered. Any amount not being recovered due to insufficient funds must be written off subject to the provisions of paragraph 6 below.

5.3.2 In case of death of the debtor a creditor's claim must be timeously registered against the deceased's estate. Any amount not being recovered due to insufficient funds, be written off subject to the provisions of paragraph 6 below.

### 5.4 Untraceable Debtors

5.4.1 Where for any reason the forwarded address of a debtor becomes untraceable or the debtor becomes untraceable from the current address, such account must be handed over to a collection agent for recovery of the debt (Paragraph 5.2 cases excluded). The collection agent will be paid an all-inclusive fee of not more than 10% of the amount that was actually collected. The Terms of Reference for such collection agent must include the appointment of a tracing agent to locate the debtor. Should a debtor be untraceable, the collection agent must report to the Municipality on the actions that were taken to attempt to trace the debtor.

5.4.2 Any amount owed by debtor that has become untraceable must, be written off.

5.4.3 Debt written off in the above instances (paragraph 5.4.2) will automatically result in the debtor being reported to the credit bureau by the Municipality.

### 5.5 Clearance Certificate

5.5.1 In terms of section 118 of the Local Government: Municipal Systems Act a Municipality may not issue a clearance certificate on any property unless all outstanding amounts that become due during the two years preceding the date of application are paid to date. However, outstanding debt older than two years have accumulated over a period of time and it may not be within the ability of the current owner or prospective new owner to pay such an amount in order to obtain a clearance certificate.

5.5.2 Where such circumstances may prevail the current owner or the prospective new owner may apply to the Municipality for relief of such outstanding debt or a portion thereof.

5.5.3 Upon reviewing, such application must be submitted to the Municipal Manager for consideration.

In reviewing such application, the Municipal Manager must ensure that:-

- All reasonable measures have already been taken to recover the outstanding amount from the current debtor.
- The prospective buyer of the property is not in a financial position to settle the outstanding amount before a clearance certificate is issued.
- It is not in the interest of the Municipality and/or the community to withhold a clearance certificate before the outstanding debt is fully paid.



5.6 **Special Incentives for Household Consumers, Churches, Welfare organisations, Sporting bodies**

- 5.6.1 Notwithstanding the Municipality's Credit Control and Debt Collection Policy a debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount (As at 30 June 2017) to the Municipality under the following conditions:-
- The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly instalments as determined per arrangement.
  - The current monthly amount must be paid in full; and
  - The written agreement has to be signed on behalf of the Municipality by a duly authorised officer
- 5.6.2 In order to determine monthly instalments, a comprehensive statement of assets and liabilities and income and expenditure, must be provided by the debtor and reviewed by a finance official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the consumer to a maximum period of 36 months.
- 5.6.3 Due to ineffective implementation of credit control measures in the past, certain households consumers may have accumulated significant arrear amounts and these consumers are not in a position to pay off these arrear amounts in full together with their current monthly accounts. In order to improve the current payment levels from consumers the Municipality may resolve to implement special incentives to address the arrear debt.
- 5.6.4 The condition of the incentives is as follows
- (a) Participant to promptly and timeously pay six (6) consecutive monthly accounts rendered plus the agreement amount. The amount must be paid before or on due date
  - (b) 25% of the six months agreement total paid will be written-off after every six months
- 5.6.5 Writing off any debt in terms of such an arrangement will be strictly in accordance with a repayment period of 36 months.
- 5.6.6 When a debtor in this category of consumers who does not want to make arrangements for the repayment of their arrear account (As at 30 June 2014) as set out in our credit control and debt collection policy pays 50% on their arrear debt through a once-off payment, the remaining 50% on the arrear debt will be written-off immediately.

**Calculation of incentive to be written-off**

25 % of the total agreement amount promptly paid for six (6) consecutive months in addition to the monthly account.

**Example**

Arrear debt 30 June 2014 R 5 000  
Debt agreement (5000/36) maximum 36 months R 138.89 per month

For every six consecutive months that the participants monthly account and arrangement (R138.89 X 6 = R 833.34) has been paid, an amount of R 208.34 (25% of R 833.34) will be written-off.

Participants who default by two months or more will be suspended from this incentive scheme. In order to be reinstated on this incentive scheme, must pay all outstanding amounts.

Participants who default on regular basis will at management discretion be removed from this scheme and normal credit control actions in terms of our credit control and debt collection policy will be instituted.

#### 5.7 Special Incentives for businesses, industrial and **agricultural consumers**

5.7.1 When a debtor in this category of consumers who does not want to make arrangements for the repayment of their arrear account (As at 30 June 2014) as set out in our credit control and debt collection policy pays 50% on their arrear debt through a once-off payment, the remaining 50% on their arrear debt will be written-off immediately

5.7.2 Any amount to be written-off in terms of paragraph 5.7.1 above shall be subject to the provisions of paragraph 6.1, 6.2 and 6.3 below.

#### 5.8 Special Incentives for government departments and schools

5.8.1 Any incentive arrangement and amount to be written-off for this category of consumers will be reviewed by a committee of Council who will make a recommendation to the Executive Mayor and Mayoral Committee for consideration

5.8.2 The Executive Mayor will have the discretion and the delegated powers to resolve on any amount to be written-off notwithstanding the recommendation of the committee of Council

#### 5.9 Irrecoverable debt not catered for in the policy

5.9.1 Should there be any irrecoverable debt cases that the administration and the committee of Council cannot dispose of in terms of this policy, particulars of the irrecoverable debt cases shall be submitted to the committee of Council who will make a recommendation to the Executive Mayor and Mayoral Committee for consideration

5.9.2 The Executive Mayor will have the discretion and the delegated powers to resolve on any amount to be written-off in these instances notwithstanding the recommendation of the committee of Council.

### 6 DELEGATIONS TO WRITE OFF DEBT

6.1 The Chief Financial Officer will, after thorough review of any applications in terms of this Policy, be delegated to write off any amounts to the maximum of:-

6.1.1 In case of a household consumer, church, welfare organisation and sporting body an amount of R10, 000 (excluding interest and penalties) per submission; and

6.1.2 In the case of a business consumer an amount of R20, 000 (excluding interest and penalties) per submission

6.2 Any amount in excess of the delegation provided for in paragraph 6.1 above must be submitted together with a recommendation to the Municipal Manager for consideration. The Municipal Manager will, after a thorough review of any recommendation by the Chief Financial Officer and in terms of this Policy, be delegated to write off any amounts to the maximum of:-

6.2.1 in the case of a household consumer , church, welfare organisation and sporting body an amount of R30, 000 (excluding interest and penalties) per submission; and

6.2.2 In the case of a business consumer an amount of R50 000 (excluding interest and penalties) per submission.

6.3 Any amount in excess of the delegation provided for in paragraph 6.2 above must be submitted together with recommendation to Council for consideration.

6.4 All amounts to be written off in terms of paragraphs 6.1 to 6.3 above must be considered individually and on each case's own merits.

6.5 Detailed reports for all the write-offs as per paragraph 6 must be submitted to Council

#### **7 IMPLEMENTATION AND REVIEW OF THIS POLICY**

7.1 This policy shall be implemented from 1 July 2017 once it has been approved by Council. All future submissions for the writing off of debt must be considered in accordance with this policy.

7.2 In terms of section 17 (1) (e) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.

**Fraud Prevention Plan  
for Joe Gqabi District Municipality (“Joe Gqabi”)**

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## TERMS AND ABBREVIATIONS

Throughout this document, unless otherwise stated, the words in the first column below have the meanings stated opposite them in the second column (and cognate expressions shall bear corresponding meanings):

Joe Gqabi Constitution	Joe Gqabi District Municipality Constitution of the Republic of South Africa, Act 106 of 1996, As <b>adopted</b> on 08 May 1996 and amended on 11 October 1996 by the Constitutional Assembly
Demarcation Act DPLG	Local Government Municipal Demarcation Act, No 27 of 1998 Department of Provincial and Local Government
Fraud and Corruption	Includes, but is not limited to, the following: The following <b>legal</b> definitions: <ul style="list-style-type: none"> <li>• Fraud, i.e. the unlawful and intentional making of a misrepresentation resulting in actual or potential prejudice to another;</li> <li>• Theft, i.e. the unlawful and intentional misappropriation of another's property or property which is in his/her lawful possession, with the intention to deprive the owner of its rights permanently;</li> <li>• Offences in respect of <i>corrupt activities</i> as defined in the Prevention and Combating of Corrupt Activities Act, 2004, i.e.: <ul style="list-style-type: none"> <li>○ The general offence of corruption which could be summarised as directly or indirectly accepting or agreeing to accept any gratification from another person; giving or agreeing to give any other person any gratification in order to influence that person directly or indirectly to exercise his powers, duties or legal obligations in a manner which is/amounts to: <ul style="list-style-type: none"> <li>▪ Illegal, dishonest, unauthorised, incomplete, or biased;</li> <li>▪ Misuse or <b>selling</b> of information or material acquired;</li> <li>▪ Abuse of position of authority;</li> <li>▪ Breach of trust;</li> <li>▪ Violation of a legal duty or set of rules;</li> <li>▪ Designed to achieve an unjustified result; and</li> <li>▪ Any other unauthorised or improper inducement to do or not to do anything;</li> </ul> </li> <li>○ Corrupt activities in relation to: <ul style="list-style-type: none"> <li>▪ Public officials;</li> <li>▪ Foreign public officials;</li> <li>▪ Agents;</li> <li>▪ Judicial officers;</li> <li>▪ Members of the prosecuting authority;</li> <li>▪ Unauthorised gratification received or offered by or to a party with an employment relationship;</li> <li>▪ Witnesses and evidential material during certain proceedings;</li> <li>▪ Contracts;</li> <li>▪ Procuring and withdrawal of tenders;</li> <li>▪ Auctions;</li> <li>▪ Sporting events; and</li> <li>▪ Gambling games or games of chance;</li> </ul> </li> <li>○ Conflicts of interests and other unacceptable conduct, e.g.: <ul style="list-style-type: none"> <li>▪ Acquisition of private interests in contract, agreement in or</li> </ul> </li> </ul> </li> </ul>

- investment in public body;
- Unacceptable conduct relating to witnesses; and
- Intentional interference with, hindering or obstruction of investigation of offence;
- Other offences relating to corrupt activities, viz:
  - Accessory to or after an offence;
  - Attempt, conspiracy and inducing another person to commit offence; and
  - Failure to report corrupt transactions;

Irregularities relating to the following:

- *Systems issues:* where a process/system exists which is prone to abuse by employees, the public or other stakeholders, e.g.:
  - HR – Employment Practices:
    - Inadequate vetting of employees;
  - Procurement:
    - Non-compliance to tender procedures;
    - Procurement fraud, e.g. collusion between employees and suppliers;
    - Fraudulent information submitted by suppliers when tendering for work;
  - Housing:
    - Manipulation of the beneficiary waiting list;
    - Irregular allocation of a housing subsidy;
  - Financial Systems and Control:
    - Theft of blank cheques;
    - Deliberate non-compliance to policies and procedures;
    - Abuse of the system of overtime;
    - Abuse of the system of travel claims;
    - Fraudulent payment certificates submitted for payment;
    - Non-compliance to delegated authority limits;
- *Financial issues:* i.e. where individuals or entities have fraudulently obtained money from Joe Gqabi, e.g.:
  - HR – Employment Practices:
    - Ghost employees;
    - Irregular appointment of staff for undue benefits;
  - Procurement:
    - Suppliers invoicing for work not done;
    - Service providers double invoicing;
    - Contractors "fronting".
  - Housing:
    - Diversion of rental payments on rental stock;
  - Financial Systems and Control:
    - Theft, e.g. petty cash, etc;
    - Fraudulent cashing of cheques;
    - Fraudulent travel claims by employees;
- *Equipment and resource issues:* i.e. where Joe Gqabi's equipment is utilised for personal benefit or stolen, e.g.:
  - Financial Systems and Control:
    - Theft of assets;

- Abuse of assets;
  - Deliberate destruction of property; and
  - Use of the Municipality resources and equipment for private gain.
- *Other issues:* i.e. activities undertaken by employees of Joe Gqabi, which may be against **policies** or fail below established ethical standards, e.g.:
    - Conflict of interest ;
    - Favouritism; and
    - Non-disclosure of private work

LGACS  
 MFMA  
 Municipal **Manager**  
 Plan

Local Government Anti-Corruption Strategy  
**Municipal Finance Management Act, No.56 of 2003**  
 A person **appointed** in terms of section 82 (1) of the Structures Act  
 Fraud Prevention Plan for Joe Gqabi District Municipality ("Joe Gqabi"),  
 dated December 2008  
**Republic of South Africa**  
 South African Local Government Association  
 South African Revenue Services  
 Municipal Structures Act, No 17 of 1998  
 Municipal Systems Act 32, No of 2000



## SECTION I: INTRODUCTION

- 1.1 Joe Gqabi subscribes to the principles of good corporate governance, which requires the conducting business in an honest and transparent fashion.
- 1.2 Consequently Joe Gqabi is committed to fighting fraudulent behaviour at all levels within the organisation.
- 1.3 **The Plan is premised on the organisations core ethical values driving the business of Joe Gqabi, the development of its systems, policies and procedures, interactions with ratepayers, the public and other stakeholders, and even decision-making by individual managers representing the organisation. This means that in practice all departments and other business units of Joe Gqabi and even external stakeholders must be guided by the Plan as the point of reference for their conduct in relation to Joe Gqabi.**
- 1.4 In addition to promoting ethical conduct within Joe Gqabi, the Plan is also intended to assist in preventing, detecting, investigating and sanctioning fraud and corruption.
- 1.5 This dynamic document details the steps, which have been, and will continually be taken by Joe Gqabi to promote ethical conduct and address fraud and corruption.

### ***Policy Stance***

- 1.6 The policy of Joe Gqabi is zero tolerance to fraud and corruption. In addition, all fraud and corruption will be investigated and followed up by the application of all remedies available within the full extent of the law and the implementation of appropriate prevention and detection controls. These prevention controls include the existing financial and other controls and checking mechanisms as prescribed in the systems, policies and procedures of Joe Gqabi.
- 1.7 The efficient application of instructions contained in the policies and procedures of Joe Gqabi, is one of the most important duties to be applied by every employee in the execution of their daily tasks.

### ***What should an employee do if he/she suspects fraud and corruption?***

- 1.8 It is the responsibility of all employees to immediately report all allegations or incidents of fraud and corruption to their immediate manager. Should an employee be concerned that the manager is involved; the report can be made to any other member of management, the Municipal Manager and / or the Chairperson of the Audit Committee.
- 1.9 All managers are responsible for the detection, prevention and investigation of fraud and corruption and must report all incidents and allegations of fraud and corruption to the Municipal Manager. The Municipal Manager will initiate an investigation into the matter.
- 1.10 Should employees wish to report allegations of fraud and corruption **anonymously, they can contact any member of management, the Municipal Manager, the Chairperson of the Audit Committee, Mayor and/or the National Hotline on 0800 701 701.**

***What should a member of the public or providers of goods and/or services do if they suspect fraud and corruption?***

- 1.11 Joe Gqabi encourages members of the public or providers of goods and/or services who suspect fraud and corruption to contact any member of management, the Municipal Manager and/or the Mayor.

***How will allegations of fraud and corruption be dealt with?***

- 1.12 For issues raised by employees, ratepayers, members of the public or providers of goods and/or services, the action taken will depend on the nature of the concern. The matters raised will be screened and evaluated and may subsequently:
- Be investigated internally; or
  - Be referred to another law enforcement agency.
- 1.13 Any fraud and corruption committed by an employee or any other person will be pursued by thorough investigation and to the full extent of the law, including (where appropriate) consideration of:
- a) In case of employees, taking disciplinary action within a reasonable period of time after the incident;
  - b) Instituting civil action to recover losses;
  - c) Initiating criminal prosecution by reporting the matter to the SAPS or any other relevant law enforcement agency; and
  - d) Any other appropriate and **legal** remedy available.

***Recovery of Losses***

- 1.14 Managers are required to ensure that losses or damages suffered by Joe Gqabi as a result of all reported acts committed or omitted by an employee, ratepayer or any other person are recovered from such an employee, ratepayer or other person if he or she is found to be liable for such losses.

***Feedback to reporters of fraud***

- 1.15 The Municipal Manager will, upon receiving a report of fraud from an external person, write to the person making the report:
- Acknowledging that the concern has been received;
  - Indicating how he proposes to deal with the matter and whether any initial enquiries have been made;
  - Giving an estimate of how long it will take to provide a final response; and
  - Informing them whether any further investigations will take place, and if not, why not.

***Confidentiality***

- 1.16 All information relating to fraud and corruption that is received and investigated will be treated confidentially. The progression of investigations will be

handled in a confidential manner and will not be disclosed or discussed with any person(s) other than those who have a legitimate right to such information. This is important in order to avoid harming the reputations of suspected persons who are subsequently found innocent of wrongful conduct.

## **Media**

- 1.17 No person is authorised to supply any information with regard to allegations or incidents of fraud and corruption to the media without the express permission of the Municipal Manager.

## **Protection of Whistle Blowers**

- 1.18 An employee who reports suspected fraud and/or corruption may remain anonymous should he/she so desire. Concerns expressed anonymously are difficult to investigate; nevertheless they will be followed up at the discretion of Joe Gqabi. This discretion will be applied by taking into account the following:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation.

- 1.19 No person will suffer any penalty or retribution for good faith reporting of any suspected or actual incident of fraud and corruption which occurred within Joe Gqabi. This may include:

- **Harassment or victimisation:** Joe Gqabi acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the irregularity. Joe Gqabi will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. This does not mean that if an employee is already the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.
- **Confidentiality:** Joe Gqabi will do its best to protect an individual's identity when he/she raises a concern and does not want their identity to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

- 1.20 All managers should discourage employees or other persons from making allegations, which are false and made with malicious intentions. Where such allegations are discovered, the person who made the allegations must be subjected to firm disciplinary, or other appropriate action.

## SECTION II: COMPONENTS OF THE PLAN

2.1 The **main principles** upon which the Plan of Joe Gqabi, that is based on and **aligned** to the LGACS, includes the following:

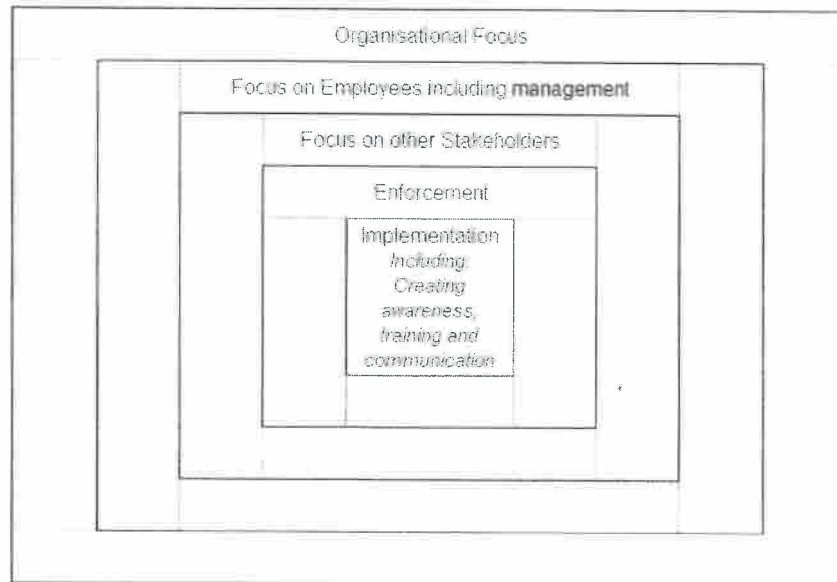
- intolerant to fraud and corruption, Creating a culture which is ethical and
- Deterrence of fraud and corruption;
- cannot be deterred; Preventing fraud and corruption which
- Detection of fraud and corruption;
- corruption; Investigating detected fraud and
- Taking appropriate action in the event of  
such irregularities, e.g. disciplinary action, recovery of losses, prosecution, etcetera; and
- Applying sanctions, that includes  
blacklisting and prohibition from further employment.

2.2 The above is not intended to detract from the premise that all the components are equally essential for the successful implementation of the Plan. The **components of the Plan** for Joe Gqabi are the following:

- Focus on the Organisation
- Focus on Employees
- Focus on other stakeholders
- Enforcement
- Implementation

## SECTION III: APPROACH TO FRAUD PREVENTION

The approach to fraud prevention in Joe Gqabi can be summarised as follows:



## FOCUS ON THE ORGANISATION

### Codes of Conduct for **Municipal Employees and Councillors**

In terms of Section 2 of the Systems Act, the Code of Conduct for Municipal employees contains specific conduct standards categorised as follows:

- General Conduct;
- Commitment to serving the public interest;
- Personal gain;
- Disclosure of benefits;
- Unauthorised disclosure of information;
- Undue influence;
- Rewards, gifts and favours;
- Council property;
- Payment of arrears;
- Participation in elections;
- Sexual harassment;
- Reporting duty of staff members; and
- Breaches of Code.

In terms of Section 1 of the Systems Act, the Code of Conduct for Councillors contains the following categories:

- General conduct of councillors;
- Attendance at meetings;
- Disclosure of interests;
- Personal gain;
- Declaration of interests;
- Full-time councillors;
- Rewards, gifts and favours;
- Unauthorised disclosure of information;
- Intervention in administration;
- Council property;
- Duty of chairpersons of municipal councils;
- Breaches of Code; and
- Application of Code to traditional leaders.

A gifts policy should be implemented in order to ensure that both the acceptance and offering of business courtesies, including gifts, by all employees of Joe Gqabi occurs only within the ethical standards as prescribed by Joe Gqabi.

The development of a robust system for the declaration of private business interests and actual or potential conflicts of interest by all employees and keeping of a centralised record thereof must be developed.

## Systems, policies and procedures

Joe Gqabi has a number of systems, policies and procedures designed to ensure compliance with specific laws and regulations and basic internal control.

All employees and other stakeholders are expected to comply with the applicable policies and procedures. A fundamental risk in this area is the lack of knowledge, awareness, effective communication and training relating to prevailing systems, policies and procedures.

Non-compliance with policies and procedures is a risk with the potential to seriously impact the success of the Plan of Joe Gqabi. This will be addressed by developing clearly defined communication and training strategies to create awareness of all policies and procedures in order to ensure that all employees are made aware of, and adequately trained in the implementation of policies and procedures relevant to their duties and responsibilities, e.g. provisions for all employees to acknowledge, in writing, that they have read the policies and procedures **applicable to their duties, have** undergone relevant training and/or are aware of these **policies and procedures, etc.**

A structured monitoring mechanism will be developed for the keeping of proper records of the policies and procedures that are being updated, and of new policies and procedures that are being developed in order to set clear targets and monitor progress.

## Human Resources – Employment Practices

Joe Gqabi is committed to developing human resources systems, policies and procedures, which incorporate fraud and corruption prevention practices. There is a risk of poor implementation of its human resource systems, policies and procedures and Joe Gqabi undertakes testing thereof during internal audits in which control shortcomings are subsequently addressed.

Employee focussed anti-fraud and anti-corruption measures should be visible from the point of advertising a vacant post, recruitment, specific employment conditions, maintaining high employee morale, performance management and even exit procedures upon resignation or retirement. The approaches indicated below are key to Joe Gqabi's efforts in this regard.

- **Advertising posts:** The inclusion of specific provisions when advertising posts to provide an indication to applicants that only people with the highest levels of personal integrity will be considered and that submission to appropriate pre-employment screening processes are obligatory for consideration in any post.
- **Pre-employment screening and probity:** Joe Gqabi intends ensuring that pre-employment screening procedures are applicable to all employees, regardless of level, including employees acting in specific positions, seconded employees and temporary and contract workers. Relevant probity will be included in all employee screening processes.
- **Probation:** Compulsory probationary periods should be applicable to all full-time employees. This provision will be extended to include seconded employees and temporary and contract workers. Relevant vetting

will again be considered for employees on probation, during probation and prior to their final appointment in view of the long duration of the probationary period.

- **Ongoing financial disclosure and lifestyle audits:** Senior managers will be obliged to declare specific personal assets and private business interests.
- **Employee induction programmes:** Employee induction is an opportunity to introduce employees to the culture and ethos of the organisation. Efforts will be made to ensure that organisational strategy, business ethics and conduct standards are included in employee induction. Specific steps will also be developed to include seconded employees, interns and temporary and contract workers in relevant aspects of induction programmes.
- **Obligatory leave periods:** In order to limit the risk of over-worked employees who could become lackadaisical leading to non-compliance to internal control and to further limit the risk of fraud and corruption Joe Gqabi will compel all employees to take annual leave. This control also limits the risk of unethical individuals monopolising specific tasks.
- Managers will be encouraged to ensure that appropriate controls, e.g. appropriate scrutiny and supervision, are put in place in instances where employees do not take leave for extended periods of time due to work commitments.
- **Exit procedures for employees and control over assets:** The exit procedures for employees leaving Joe Gqabi usually require the return of assets and an exit interview. Steps will be taken to ensure that specific follow-up time frames are set to encourage managers to apply the requirement related to the return of assets more promptly.
- Joe Gqabi will ensure that an exit interview process is in place which includes the assessment of the perceptions of the business ethics and conduct standards within the organisation. This will assist in identifying areas for improvement.

## Discipline

Joe Gqabi will be consistent and efficient in its application of the disciplinary measures. Additional measures, which will be considered include:

- Communication of specific disciplinary standards and forbidden conduct;
- Introducing a system where the application of disciplinary measures is applied consistently;
- Steps for ongoing training of managers in the application of disciplinary measures;
- Where managers are found to be inconsistent and/or inefficient in the application of discipline, Joe Gqabi will consider firm action; and
- Publication (within the permissible legal framework) of the outcomes and sanctions of disciplinary actions, including lessons learned. The successful achievement of these initiatives, together with their communication is expected to have a deterrent effect.

## Financial Systems and Control

Appropriate finance policies and procedures are also necessary to ensure appropriate internal control over finance management and to limit fraud and corruption risks. The effectiveness of the existing finance policies and procedures will also be tested during the course of internal audits and shortcomings are addressed.

The Council of Joe Gqabi must approve an annual budget for Joe Gqabi before the start of the financial year. Joe Gqabi may only incur expenditure in terms of an approved budget and within limits of the amounts appropriated for the different votes in an approved budget.

The Municipal Manager of Joe Gqabi is regarded as the accounting officer for Joe Gqabi. Therefore the Municipal Manager should ensure that the financial systems and controls that are in place in Joe Gqabi address the following:

- Effective, efficient and economic use of resources;
- Proper record keeping of the financial affairs of Joe Gqabi;
- Effective, efficient and transparent systems of financial and risk management and internal control;
- Effective, efficient and transparent systems of internal audit;
- Prevention of irregular or fruitless and wasteful expenditure; and
- Institution of disciplinary or, when appropriate, criminal proceedings against employees who have committed an act of financial misconduct or other offence, including fraud and corruption.

Further, the Municipal Manager must ensure that an effective system of expenditure control is in place. According to the MFMA, the accounting officer of Joe Gqabi must report to the South African Police Service all cases of alleged theft and fraud that occurred in Joe Gqabi.

Top management, senior management and other officials of Joe Gqabi must assist the Municipal Manager in coordinating the financial systems and controls within Joe Gqabi.

The finance policies, procedures and other prescripts of Joe Gqabi prescribe various controls, which, if effectively implemented, would limit fraud and corruption within Joe Gqabi. These controls may be categorised as follows, it being recognised that the categories contain overlapping elements:

- (a) Prevention controls, which is further subdivided into:
  - i. Authorisation Controls which require that all transactions must be authorised or approved by an appropriate responsible person and that the limits for these authorisations are specified in the delegations of authority of Joe Gqabi.
  - ii. Physical Controls which are concerned mainly with the custody of assets and involve procedures and security measures designed to ensure that access to assets is limited to authorised personnel.
- (b) Detection controls, which is further subdivided into:
  - i. Arithmetic and accounting controls, which are basic controls within the recording function which ensure that transactions to be recorded and processed have been authorised, are complete, are correctly recorded, and accurately processed. Such controls include checking arithmetical accuracy of records, the maintenance and checking of totals, reconciliation, control accounts, and accounting for documents.
  - ii. Physical controls, which relate to the security of records and are similar to preventive controls in that they are also designed to limit access.
  - iii. Supervision, which relates to supervision by responsible officials of day-to-day transactions and the recording thereof.



- iv. Management Information which relates to the review of management accounts and budgetary controls. These controls are normally exercised by management outside the day-to-day routine of the system.
- (c) Segregation of duties
- i. One of the primary means of control is the separation of those responsibilities or duties that would, if combined, enable one individual to record and process a complete transaction, thereby providing him/her with the opportunity to manipulate the transaction irregularly and commit fraud and corruption.
  - ii. **Segregation of duties reduces the risk of intentional manipulation or error and increases the element of checking.**
  - iii. Functions that should be separated include those of authorisation, execution, custody, recording, and, in the case of computer-based accounting systems, systems development and daily operations.
  - iv. Placed in context with fraud and corruption prevention, segregation of duties lies in separating either the authorisation or the custodial function from the checking function.

Despite the existence of policies and procedures to address internal control, deficiencies such as ineffective application of policies and procedures resulting from lack of training, expertise, knowledge and capacity has the potential to lead to increased incidence of fraud and corruption.

Joe Gqabi will continue to initiate steps to address the problem of lack of training, expertise and knowledge in systems, policies and procedures to improve internal control. Areas of weakness will be identified during audits and risk assessments.

Furthermore, Joe Gqabi will also continue to re-emphasise to all supervisors that consistent compliance by all employees with internal control is one of the fundamental controls in place to prevent fraud and corruption. Managers will be encouraged to recognise that internal control shortcomings identified during the course of audits are, in many instances, purely symptoms and that they should strive to identify and address the causes of these internal control weaknesses, in addition to addressing the control weaknesses.

Where managers do not comply with basic internal controls, e.g. non-adherence to the delegation of authority limits, firm action(s) will be considered.

## Procurement

The MFMA requires every municipality to have a procurement policy that is fair, equitable, transparent, competitive and cost effective.

Further, the MFMA stipulates that the procurement policy of Joe Gqabi must at least address the following aspects:

- The barring of persons from participating in tendering or other bidding processes that have:
  - o Been convicted of fraud or corruption during the past five years;
  - o Wilfully neglected, reneged on or failed to comply with government contract during the past five years; and
  - o Whose tax matters are not cleared by SARS

The Municipal Manager of Joe Gqabi must implement the procurement policy and take all responsible steps to ensure that proper mechanism and separation of duties in the

procurement system are in place to minimise the risk of fraud, corruption, favouritism and unfair and irregular practices.

At a minimum, the procurement policy of Joe Gqabi should contain the following anti-fraud and anti-corruption provisions:

- The range of supply chain management processes that Joe Gqabi may use, e.g. tenders, quotations, etc;
- When a particular process must be used;
- Procedures for each type of process;
- Open and transparent pre-qualification processes for tenders and other bids;
- Competitive bidding processes;
- Bid documentation, advertising of and invitations for contracts;
- Procedures for:
  - the opening, registering and recording of bids in the presence of interested parties;
  - the evaluation of bids;
  - **negotiating** the final terms of the contracts; and
  - the approval of bids;
- Screening processes and security clearances for prospective contractors on tenders or other bids above a prescribed value;
- Compulsory disclosure of conflicts of interests;
- The barring of persons from participating in tendering or other bidding processes who have:
  - been convicted of fraud or corruption during the past five years;
  - willfully neglected, reneged on or failed to comply with a government contract during the past five years; and
  - tax matters that are not cleared with SARS;
- Any additional measures for:
  - combating fraud, corruption, favouritism and unfair and irregular practices in Joe Gqabi's supply chain management; and
  - promoting ethics of officials and other role players involved in Joe Gqabi's supply chain management.

## **Risk Management and Assessment**

In order to identify and address risks facing Joe Gqabi, a risk assessment will be performed on an annual basis. This process will be complimented by the specific identification of existing controls to mitigate risks identified. Additional actions to further mitigate these risks will culminate in a risk management plan.

Presentations to employees of Joe Gqabi will be conducted in order to ensure that they have a more detailed understanding of the fraud and corruption risks facing Joe Gqabi and the areas wherein these risks exist, thus enhancing the prospect of detecting irregularities earlier.

## Fraud Detection Reviews

Joe Gqabi will perform specific detection reviews in areas, which are at high risk of unethical conduct, fraud and corruption on a regular basis. This will include the conducting of presentations to employees, including managers, to ensure that they have a more detailed understanding of the risks associated with these areas, thus also enhancing the prospect of detecting irregularities earlier. These include:

- Recruitment of staff;
- Procurement, e.g. emergency procurement, sole suppliers, etc;
- Housing, e.g. allocation, administration of housing waiting lists, etc; and
- Financial Systems and Control, e.g. payment of suppliers, receipt and banking of revenue received.

## Internal and External Audit

The MFMA stipulates that a Municipality must maintain a system of internal audit under the control and direction of an audit committee. Furthermore, the internal audit function of Joe Gqabi is required to report on matters relating to:

- Internal Control;
- Accounting procedures and practices;
- Risk and risk management;
- Loss control; and
- Compliance with applicable legislation.

Joe Gqabi will create or outsource an Internal Audit Unit, which will include anti-corruption capacity under the guidance of an Audit Committee. In terms of its Charter, the primary role of the Audit Committee will be to:

- Evaluate the performance of internal audit;
- Review the internal audit function's compliance with its mandate as approved by the Audit Committee;
- Review and approve the internal audit charter, internal audit plans and internal audit's conclusions with regard to internal control;
- Review significant differences of opinion between management and internal audit function;
- Evaluate the independence and effectiveness of internal auditors; and
- Review the co-operation and co-ordination between the internal and external audit function and co-ordinating the formal internal audit work plans with external auditors to avoid duplication of work.

The anti-corruption capacity within Joe Gqabi will be responsible for the investigation of allegations of fraud and corruption that is brought to its attention. Additionally, it will support the risk management procedures from a fraud risk identification perspective.

Joe Gqabi recognises the fact that the positive support by all its managers for Internal Audit and its functions, speedy response to, and the addressing of queries raised by Internal Audit is vital to the success of the Plan. Where managers are found to be slow in addressing internal control and shortcomings raised by Internal Audit, firm action will be considered.

Awareness strategies will also be developed to enhance managers' understanding of the role of Internal Audit.

Joe Gqabi is also the subject of annual external audits. These audits include the following tasks:

- Examining evidence supporting the amounts and disclosures in the financial statements;
- Assessing the accounting principles used and significant estimates made by management; and
- Evaluating the overall financial statement presentation.

## **Physical and Information Security**

### ***Physical Security***

Joe Gqabi's main physical security threat arises in the area of control over its physical assets, facilities and employees. Security personnel and access systems are deployed to mitigate this threat. However, control over security personnel and access systems should continuously be reviewed for adequacy.

Joe Gqabi will also consider conducting a regular detailed review of the physical security arrangements at its offices and other sites and improve weaknesses identified. Specific focus areas will be physical security over infrastructure, assets and staff.

Furthermore, Joe Gqabi will continue to pursue steps to ensure adequate security over its people, confidential information and information systems.

### ***Information Security***

Joe Gqabi will ensure that all employees are sensitised on a regular basis to the fraud and corruption risks associated with information security and the utilisation of computer resources, in particular – access control, and ensure that systems are developed to limit the risk of manipulation of computerised data.

Communiqués will be provided to all employees on the management of intellectual property and confidential information to limit the risk of manipulation of information.

Regular communiqués will be forwarded to employees pointing out security policies, with a particular emphasis on e-mail and Internet usage and the implications (e.g. disciplinary action) of abusing these and other computer related facilities. Where employees are found to have infringed on prevailing policy in this regard, disciplinary action will be taken.

Regular reviews of information and computer security will also be considered. Weaknesses identified during these reviews will be addressed.

## FOCUS ON EMPLOYEES

Key ambassadors for the successful implementation of the Plan for Joe Gqabi are its employees. In essence, this means that their conduct often forms the base upon which Joe Gqabi as an organisation is judged. Joe Gqabi employees have to therefore demonstrate behaviour beyond reproach in the execution of their duties.

Anti-fraud and anti-corruption measures to address employees as referred to in paragraphs 3.1.1, 3.1.9, 3.1.10 and 3.1.11 above will be implemented by Joe Gqabi.

## FOCUS ON OTHER STAKEHOLDERS

Joe Gqabi has several other stakeholders with whom it interacts. These are indicated below:

- Trading partners, e.g. suppliers, contractors, consultants;
- Employee representative organisations;
- DPLG;
- SALGA; and
- The general public.

All stakeholders with whom Joe Gqabi interacts are expected to abide by the principles contained in the Plan. Although Joe Gqabi has limited legal rights to enforce these principles on external stakeholders, it can exercise moral persuasion to gain compliance to the principles contained in the Plan or choose not to enter into relationships with stakeholders who do not comply.

### Trading Partners

It is a common perception that employees face the greatest challenge to their integrity in the form of enticement to accept bribes from unethical suppliers, contractors and consultants. Furthermore, these trading partners are also often viewed as untrustworthy in delivery of goods and/or services.

Approaches to address the risk of fraud and corruption relating to trading partners are the following:

- Appropriate terms and conditions in invitations to propose for services relating to the standards of business ethics expected by Joe Gqabi;
- Appropriate pre-award screening of credentials supplied by contractors;
- Provisions for the compulsory declaration of actual and/or potential conflicts of interest both by suppliers and employees of Joe Gqabi dealing with these suppliers;
- Appropriate contract terms and conditions indicating the conduct expected by Joe Gqabi;
- Ongoing communication of these standards;
- Sound project management;
- Monitoring and evaluation of breaches;
- Taking sound action in the event of breaches such as:
  - Prosecution;
  - Loss recovery; and

- Placing of appropriate prohibitions on future contracts and cancellation of exiting contracts.

### **Employee representative organisations**

Joe Gqabi is committed to complying with the resolutions of recognition agreements with trade unions. Nonetheless, it is also expected of trade union representatives to comply with the principles of the Plan of Joe Gqabi. Trade unions will also be consulted prior to the finalisation of the Plan.

### **Department of Provincial and Local Government**

DPLG is a national department and its primary function is to develop policies and legislation with regard to provinces and local government, and to monitor the implementation of the Municipal Structures Act, Municipal Demarcation Act, Systems Act as well as the MFMA. Efforts will be made to ensure that this stakeholder is also made aware of the principles contained in the Plan and the conduct encouraged by Joe Gqabi.

### **SALGA**

SALGA is an organisation mandated by the South African constitution to assist in the transformation of Local Government in South Africa. SALGA plays a core role in areas related to local government transformation and as a national representative of the local government sector and its employees. Joe Gqabi will also ensure that SALGA is made aware of the Plan and appropriately compliment it when dealing with Joe Gqabi.

### **The general public**

Members of the general public will also be made aware of Joe Gqabi's commitment to fraud prevention and encouraged, through awareness programmes, to report irregularities affecting Joe Gqabi.

## **ENFORCEMENT**

No Fraud Prevention Plan would be complete without enforcement forming an integral component for instances where fraud and corruption occur.

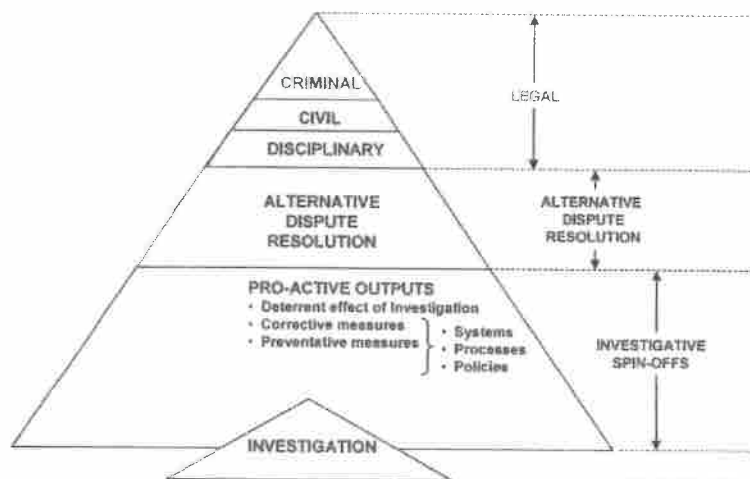
## Reporting and Monitoring of fraud and corruption

### Reporting Channels

The reporting channels for unethical conduct, fraud and corruption impacting Joe Gqabi are the following:

- All allegations of fraud and corruption should be reported by employees to their immediate managers;
- If there is a concern that the immediate manager is involved, the report must be made to any other member of management, the Municipal Manager and/or the Chairperson of the Audit Committee;
- All managers should report all allegations to the Municipal Manager who will initiate an investigation; and
- Should an employee wish to make a report anonymously, such a report may be made to any member of management, the Municipal Manager, the Chairperson of the Audit Committee and / or the Mayor.

Parallel to the above enforcement approaches, is the task of fixing of controls to limit future recurrence of fraud and corruption in the event of breaches. The resolution mechanisms, which can be pursued in enforcement are illustrated below.



## IMPLEMENTATION AND AWARENESS

The Plan will be reviewed on an annual basis, whilst progress with the implementation of the various components will be reviewed on a quarterly basis. In the latter regard, specific priorities stemming from the Plan, actions to be taken, responsible persons and feedback dates relating to progress made will also be set.

### Monitoring

Joe Gqabi will ensure that a fraud and corruption information system is developed for the following purposes:

- (a) Recording all allegations;
- (b) Tracking progress with the management of allegations;
- (c) To facilitate the early identification of systemic **weaknesses and recurring risks**, and inform managers and employees of systemic **weaknesses/risks; and**
- (d) Provide feedback to employees and other whistle blowers on the management of allegations.

### Creating awareness

This component of the Plan comprises two areas, namely education and communication.

#### *Education*

Formal awareness presentations will be conducted for employees of Joe Gqabi in planned workshops. The ongoing creating of awareness amongst all employees is, however, the responsibility of all managers. Approaches to create awareness amongst employees will address the following issues:

- Employee awareness and the application of professional ethics in their work environment;
- Employee awareness of the current systems, policies and procedures relating fraud and corruption and their rights should they blow the whistle;
- Encouraging employees to blow the whistle on fraud and corruption within their work environments; and
- Encouraging employees to understand specific fraud and corruption related risks to which Joe Gqabi may be exposed, thus enhancing the prospect of detecting irregularities earlier.

#### *Communication*

The objective of communication is to further create awareness amongst employees, the public and other stakeholders, of the Plan in order to facilitate a culture where all stakeholders strive to contribute towards making it a success. This will increase the prospect of fraud and corruption being reported and improve Joe Gqabi's prevention and detection ability.

Communication approaches that will be considered by Joe Gqabi are the following:

- An official launch for the Plan aimed at all stakeholders;



- Posters, newsletters and pamphlets to advertise the Codes of Conduct for staff members and Councillors, aimed at employees, the public and other stakeholders;
- A suggestion box for employees and other stakeholders to make submissions which could enhance the further development of the Plan;
- Ensuring that ethics promotion is a fixed agenda item in meetings;
- **Signing** of declarations of commitment by all employees to the Plan;
- Endorsements of other correspondence directed at providers of goods and/or services with pro-ethics and anti-fraud and anti-corruption messages; and
- Screensavers on computers with appropriate pro-ethics and anti-fraud and corruption messages; and
- Publishing the Plan and successes in its implementation in the Annual Report of Joe Gqabi.

### Implementation structure

Joe Gqabi will consider the establishment of a Fraud Prevention Committee whose responsibility will include the implementation of the Plan. This Committee will include champions from all faculties and other business units. The terms of reference of this team will include the following in relation to the Plan:

- Securing buy-in from all stakeholders;
- Information sharing;
- Ongoing identification of weaknesses in systems and solutions;
- Creating awareness and ensuring adequate training and education to promote the Plan; and
- Assessing progress and ongoing maintenance and review