

Fraud Prevention and Anti-Corruption Strategy



Munisipaliteit
Municipality
Umasipala

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The Council of the Swartland Municipality resolves in terms of section 32 and 171 of the Local Government: Municipal Finance Management Act (Act No 56 of 2003) to adopt the following as the Fraud Prevention & Anti-Corruption Strategy of the municipality:

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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):

Constitution	Constitution of the Republic of South Africa, Act 106 of 1996, As adopted on 08 May 1996 and amended on 11 October 1996 by the Constitutional Assembly
Demarcation Act	Local Government Municipal Demarcation Act, No 27 of 1998
DPLG	Department of Provincial and Local Government
LGAS	Local Government Anti-Corruption Strategy
MFMA	Municipal Finance Management Act, No.56 of 2003
Municipal Manager	A person appointed in terms of section 82 (1) of the Structures Act
R.S.A	Republic of South Africa
SALGA	South African Local Government Association
SARS	South African Revenue Services
Strategy	Fraud Prevention and Anti-Corruption Strategy for Swartland Local Municipality ("Swartland"), dated October 2008
Structures Act	Municipal Structures Act, No 17 of 1998
Swartland	Swartland Local Municipality
Systems Act	Municipal Systems Act 32, No of 2000

SECTION I: INTRODUCTION

Background

- 1.1 Swartland Municipality subscribes to the principles of good corporate governance, which requires the conducting of business in a honest and transparent fashion.
- 1.2 Consequently Swartland Municipality is committed to fighting fraudulent behaviour at all levels within the organisation.
- 1.3 The Strategy is premised on the organisations core ethical values driving the business of Swartland, 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 municipalities, departments and other business units of Swartland and even external stakeholders must be guided by the Strategy as the point of reference for their conduct in relation to Swartland.
- 1.4 In addition to promoting ethical conduct within Swartland Municipality, the Strategy 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 Swartland to promote ethical conduct and address fraud and corruption.

Policy Stance

- 1.6 ***The policy of Swartland 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 Swartland.
- 1.7 The efficient application of instructions contained in the policies and procedures of Swartland, is one of the most important duties to be applied by every employee in the execution of their daily tasks.

Definition of Fraud and Corruption

- 1.8 Includes, but is not limited to, the following:
 - 1.8.1 The following legal definitions:
 - ***Fraud***, i.e. the unlawful and intentional making of a misrepresentation resulting in actual or potential prejudice to another;
 - ***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;

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- **Corrupt activities/ offences** as defined in the Prevention and Combating of Corrupt Activities Act, 2004, i.e.:
 - 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:
 - Illegal, dishonest, unauthorised, incomplete, or biased;
 - Misuse or selling of information or material acquired;
 - Abuse of position of authority;
 - Breach of trust;
 - Violation of a legal duty or set of rules;
 - Designed to achieve an unjustified result; and
 - Any other unauthorised or improper inducement to do or not to do anything.
 - Corrupt activities in relation to:
 - Public officials;
 - Agents;
 - Judicial officers;
 - Members of the prosecuting authority;
 - Unauthorised gratification received or offered by or to a party with an employment relationship;
 - Witnesses and evidential material during certain proceedings;
 - Contracts;
 - Procuring and withdrawal of tenders;
 - Auctions; and
 - Gambling games or games of chance.
 - Conflicts of interests and other unacceptable conduct, e.g.:
 - Acquisition of private interests in contract, agreement in or 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.

1.8.2 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;
 - Allowances – not entitled to

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- Procurement:
 - Non-compliance to tender procedures;
 - Procurement fraud, e.g. collusion between employees and suppliers;
 - Fraudulent information submitted by suppliers when tendering for work;
 - Deviation of SCM regulations and policy.
- Housing:
 - Manipulation of the beneficiary waiting list;
 - Irregular allocation of a housing subsidy;
 - Disaster Management – misuse of funds.
- 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 Swartland, e.g.:
 - HR – Employment Practices:
 - Ghost employees;
 - Invalid qualifications;
 - Irregular appointment of staff for undue benefits;
 - Invalid overtime claims
 - Irregular claims against Group Insurance.
 - Procurement:
 - Suppliers invoicing for work not done and/ or goods not supplied;
 - Service providers double invoicing;
 - Contractors “fronting”.
 - Housing:
 - Diversion of rental payments on rental stock;
 - Irregularities in respect of disaster relief/ assistance
 - Financial Systems and Control:
 - Theft, e.g. petty cash, etc;
 - Fraudulent cashing of cheques and postal orders;
 - Fraudulent travel and subsistence claims by employees;
- *Equipment and resource issues:* i.e. where Swartland's equipment is utilised for personal benefit or stolen, e.g.:
 - Financial Systems and Control:
 - Theft of assets;
 - Abuse of assets (Use of Council vehicles for private business);
 - Misuse of telephones and internet;
 - Deliberate destruction of property; and
 - Use of Swartland resources, equipment and material for private gain.

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- *Other issues:* i.e. activities undertaken by employees of Swartland, which may be against policies or fall below established ethical standards, e.g.:
 - Conflict of interest ;
 - Favouritism; and
 - Non-disclosure of private work.

Allegations of Fraud and Corruption

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

- 1.9 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 Internal Audit Department.
- 1.10 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.
- 1.11 Should employees wish to report allegations of fraud and corruption anonymously, they can contact the Municipal Manager and/ or the Internal Audit Department directly. Also refer to the below-mentioned clauses 1.19, 1.20 and 1.21.

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

- 1.12 Swartland 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?

- 1.13 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 subsequently:
- Reported to the Disciplinary Committee;
 - Be investigated internally; or
 - Be referred to another law enforcement agency;
 - Outcome reported to Council.
- 1.14 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

- 1.15 Managers are required to ensure that losses or damages suffered by Swartland 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

- 1.16 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

- 1.17 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

- 1.18 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

- 1.19 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 Swartland. 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.
- 1.20 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 Swartland. This may include:
- ***Harassment or victimisation:*** Swartland 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. Swartland 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

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the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.

- **Confidentiality:** Swartland 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.

1.21 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 STRATEGY

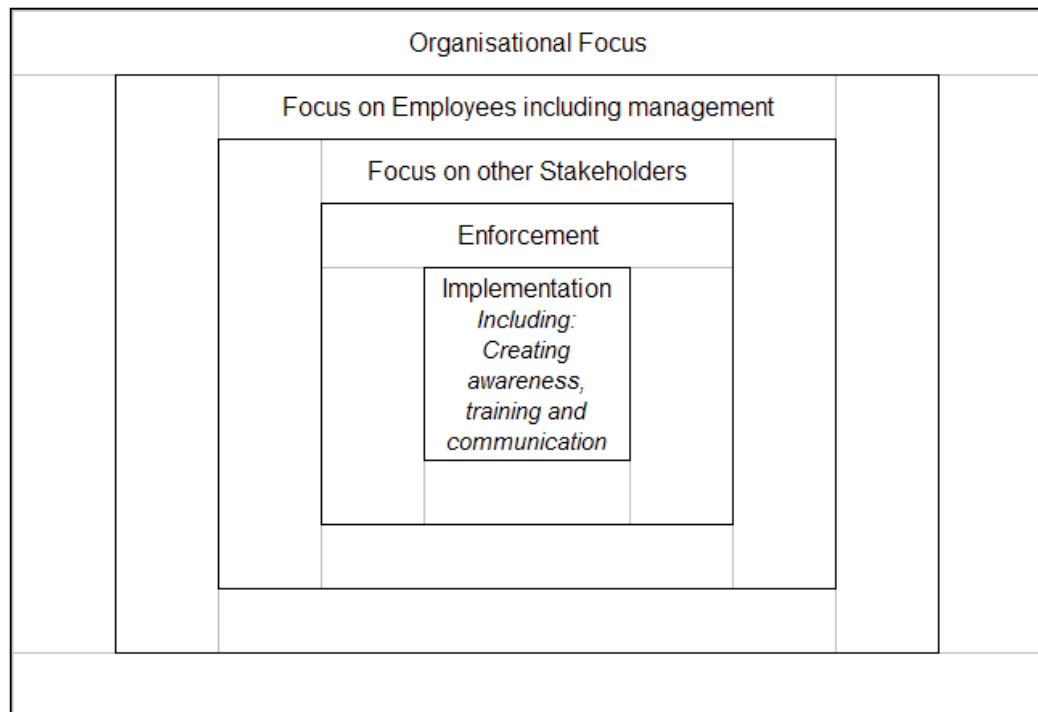
2.1 The **main principles** upon which this Strategy of Swartland is based on and aligned to the LGAS includes the following:

- Creating a culture which is ethical and intolerant to fraud and corruption;
- Deterrence of fraud and corruption;
- Preventing fraud and corruption which cannot be deterred;
- Detection of fraud and corruption;
- Investigating detected fraud and corruption;
- 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 Strategy. The **components of the Strategy** for Swartland are the following:

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

2.3 The approach to fraud prevention and anti-corruption in Swartland can be summarised as follows:



SECTION III: APPROACH TO FRAUD PREVENTION

FOCUS ON EMPLOYEES

Codes of Conduct for Municipal Employees and Councillors

- 3.1.1 Key ambassadors for the successful implementation of the Strategy for Swartland are its employees. In essence, this means that their conduct often forms the base upon which Swartland as an organisation is judged. Swartland employees have to therefore demonstrate behaviour beyond reproach in the execution of their duties.
- 3.1.2 Anti-fraud and anti-corruption measures to address employees as referred to in paragraphs 3.1.3, 3.2.5, 3.2.6 and 3.2.7 above have been implemented and will continually be reviewed/ improved by Swartland.
- 3.1.3 In terms of Chapter 7, section 4(69) 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.
- 3.1.4 In terms of Chapter 7, section 2(54) of the Systems Act, the Code of Conduct for Councillors contains the following categories:
- General conduct of councillors (Cross reference to section of Act);
 - 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.

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- 3.1.5 A gifts policy has been implemented in order to ensure that both the acceptance and offering of business courtesies, including gifts, by all employees of Swartland occurs only within the ethical standards as prescribed by Swartland. A gift register exists whereby employees must declare any gifts received.
- 3.1.6 The system for the declaration of private business interests and actual or potential conflicts of interest by all employees exists and a centralised record thereof is kept and regularly updated.

The role of Managers

- 3.1.7 Managers at all levels are responsible for the communication and implementation of this strategy in their work areas or sections or departments. They are also responsible for ensuring that their employees are aware of the municipality's rules, regulations and procedures and what is required of them on a daily basis. Municipal staff should be made aware of the requirements of the Code of Conduct for employees as prescribed in the Municipal Systems Act and the Municipal Structures Act.
- 3.1.8 Managers are expected to strive to create an environment in which their staff members feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures they should ensure advice is sought from the appropriate authority. Managers should enforce special provisions made where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments.

Responsibilities of Employees

- 3.1.9 Employees' work is governed by the municipality's rules, regulations and procedures and the Code of Conduct for employees to which all municipal staff are expected to abide by, which includes guidelines on gifts, professional and personal behaviour and conflicts of interest. The Code of Conduct should be covered not only as part of the municipality's induction process but also as part of its communication strategy to its employees.
- 3.1.10 Employees are responsible for ensuring that they follow the instructions given to them by management particularly in relation to the safekeeping of the assets/funds of the municipality. These are included in induction training and procedure manuals. Employees are expected to always be aware of the possibility that fraud, corruption and theft may exist in the workplace and that they should share such concern with management.
- 3.1.11 Employees that become aware of fraud or corruption must immediately report it for investigation. If not, they can be accused of being involved.

FOCUS ON THE ORGANISATION

Systems, policies and procedures

- 3.2.1 Swartland has a number of systems, policies and procedures designed to ensure compliance with specific laws and regulations and basic internal control.
- 3.2.2 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.
- 3.2.3 Non-compliance with policies and procedures is a risk with the potential to seriously impact the success of the Strategy of Swartland. 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. Management is responsible for ensuring that their employees are aware of the municipality's rules, regulations, policies and procedures and what is required of them on a daily basis. Staff should be aware of the content in the Code of Conduct for employees.
- 3.2.4 A structured monitoring mechanism at a central base will be developed for the keeping of proper records of all policies and procedures, the updating thereof, and of new policies and procedures that are being developed in order to set clear targets and to monitor progress.

Human Resources – Employment Practices

- 3.2.5 Swartland 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 Swartland undertakes testing thereof during internal audits in which control shortcomings are subsequently addressed.
- 3.2.6 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 Swartland'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.

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- **Pre-employment screening and probity:** Swartland 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.
- **Ongoing financial disclosure and lifestyle audits:** Senior managers are obliged to declare specific personal assets and private business interests on an annual basis.
- **Employee induction programmes:** Employee induction is an opportunity to introduce employees to the culture and ethos of the organisation. Organisational strategy, business ethics, conduct standards, disciplinary procedures and safety in the workplace are included in employee induction. Specific steps will also be developed to include seconded employees, interns and temporary/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 Swartland compels all employees to take annual leave. This control also limits the risk of unethical individuals monopolising specific tasks. Managers are 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 Swartland 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. Swartland 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

- 3.2.7 Swartland 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, Swartland 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

- 3.2.8 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.
- 3.2.9 The Council of Swartland must approve an annual budget for Swartland before the start of the financial year. Swartland 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.
- 3.2.10 The Municipal Manager of Swartland is regarded as the accounting officer for Swartland. Therefore the Municipal Manager should ensure that the financial systems and controls that are in place in Swartland address the following:
- Effective, efficient and economic use of resources;
 - Proper record keeping of the financial affairs of Swartland;
 - 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.
- 3.2.11 Further, the Municipal Manager must ensure that an effective system of expenditure control is in place. According to the MFMA, the accounting officer of Swartland must report to the South African Police Service all cases of alleged theft and fraud that occurred in Swartland.
- 3.2.12 Top management, senior management and other officials of Swartland must assist the Municipal Manager in coordinating the financial systems and controls within Swartland.
- 3.2.13 The finance policies, procedures and other prescripts of Swartland prescribe various controls, which, if effectively implemented, would limit fraud and corruption within Swartland. 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 Swartland.
 - 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

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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 IT systems 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.

3.2.14 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.

3.2.15 Swartland 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.

3.2.16 Furthermore, Swartland 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.

3.2.17 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.

3.2.18 A policy has been implemented to define and regulate unauthorised, irregular or fruitless and wasteful expenditure. The aim is to prevent unauthorised, irregular or fruitless and wasteful expenditure; to identify and investigate it and to respond appropriately in accordance with the law and to address instances of unauthorised, irregular or fruitless and wasteful expenditure conclusively.

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3.2.19 A Disciplinary Committee has been established to investigate unauthorised, irregular or fruitless and wasteful expenditure and to report to Council in this regard.

Procurement

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

3.2.21 Further, the MFMA stipulates that the procurement policy must at least address the following aspects:

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

3.2.22 The Municipal Manager of Swartland has implemented a procurement policy and has taken 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.

3.2.23 The procurement policy of Swartland contains the following anti-fraud and anti-corruption provisions:

- The range of supply chain management processes that Swartland use is tenders and quotations;
- Policy exists 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;
 - wilfully 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 Swartland's supply chain management; and

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- promoting ethics of officials and other role players involved in Swartland's supply chain management.

Risk Management and Assessment

3.2.24 In order to identify and address risks facing Swartland, a risk assessment has been performed and will be revisited 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.

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

Fraud Detection Reviews

3.2.26 Swartland 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

3.2.27 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 Swartland report on matters relating to:

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

3.2.28 An Internal Audit Unit exists within Swartland, however some functions may be outsourced which can include anti-corruption capacity under the guidance of an Audit Committee. In terms of its Charter, the primary role of the Audit Committee is 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;

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- 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-coordinating the formal internal audit work plans with external auditors to avoid duplication of work.
- 3.2.29 The anti-corruption capacity within Swartland is 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.
- 3.2.30 Swartland 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 Strategy. Where managers are found to be slow in addressing internal control and shortcomings raised by Internal Audit, firm action will be considered. This forms part of the Performance Management system and has been identified as a Key Performance Indicator.
- 3.2.31 Awareness strategies will also be developed to enhance managers' understanding of the role of Internal Audit.
- 3.2.32 Swartland 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

- 3.2.33 Swartland'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 will continuously be reviewed for adequacy.
- 3.2.34 Swartland 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.
- 3.2.35 Furthermore, Swartland will continue to pursue steps to ensure adequate security over its people, confidential information and information systems.

Information Security

- 3.2.36 Swartland 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.

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- 3.2.37 Communiqués training will be provided to all employees on the management of intellectual property and confidential information to limit the risk of manipulation of information.
- 3.2.38 Regular communiqués are 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 is taken.
- 3.2.39 Regular reviews of information and computer security will also be considered. Weaknesses identified during these reviews will be addressed.

FOCUS ON OTHER STAKEHOLDERS

- 3.3.1 Swartland 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.
- 3.3.2 All stakeholders with whom Swartland interacts are expected to abide by the principles contained in the Strategy. Although Swartland 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 Strategy or choose not to enter into relationships with stakeholders who do not comply.

Trading Partners

- 3.3.3 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, consultants and public. Furthermore, these trading partners are also often viewed as untrustworthy in delivery of goods and/or services.
- 3.3.4 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 Swartland;
 - 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 Swartland dealing with these suppliers;
 - Appropriate contract terms and conditions indicating the conduct expected by Swartland;
 - Ongoing communication of these standards;
 - Sound project management;
 - Monitoring and evaluation of breaches;

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- 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

3.3.5 Swartland 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 Strategy of Swartland. Trade unions will also be consulted prior to the finalisation of the Strategy.

Department of Provincial and Local Government

3.3.6 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 Strategy and the conduct encouraged by Swartland.

SALGA

3.3.7 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. Swartland will also ensure that SALGA is made aware of the Strategy and appropriately compliment it when dealing with Swartland.

The General Public

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

SECTION IV: MONITOR AND IMPLEMENTATION

ENFORCEMENT

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

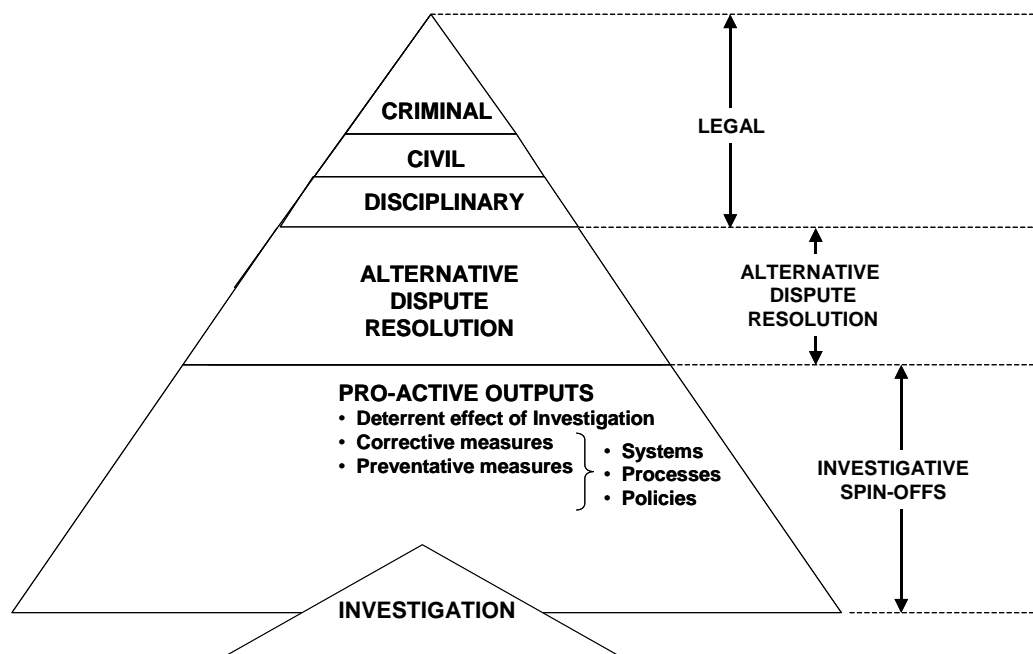
Reporting of fraud and corruption

Reporting Channels

4.1.2 The reporting channels for unethical conduct, fraud and corruption impacting Swartland 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 Internal Audit Department;
- 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 the Municipal Manager and / or the Internal Audit Department directly.

4.1.3 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

4.2.1 The Strategy will be reviewed on an annual basis and amended if required.

Monitoring

4.2.2 Swartland has implemented a fraud and corruption information system 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

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

Education

4.2.4 Formal awareness presentations will be conducted for employees of Swartland 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 Swartland may be exposed, thus enhancing the prospect of detecting irregularities earlier.

Communication

4.2.5 The objective of communication is to further create awareness amongst employees, the public and other stakeholders, of the Strategy 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 Swartland's prevention and detection ability.

4.2.6 Communication approaches that will be considered by Swartland are the following:

- 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 Strategy;

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- Ensuring that ethics promotion is a fixed agenda item in meetings;
- Acceptance and commitment by all employees to the Strategy;
- Endorsements of other correspondence directed at providers of goods and/or services with pro-ethics and anti-fraud and anti-corruption messages;
- Publishing the Strategy and successes in its implementation in the Annual Report of Swartland.

Implementation of Strategy

4.2.7 The strategy has been implemented according to the following plan:

What	By who	When
Implementation	Municipal Manager	1 February 2009
Input and changes to the strategy document	All Directors	Ongoing
Review and update changes	Internal Audit	Annually
Register to record all allegation of fraud, theft and corruption	Internal Audit	Ongoing
Awareness	Directors, Invocom Leaders and Internal Audit	During introduction, Invocoms, newsletters, posters and presentation by expert.