Reporting Corruption

1. Introduction

Because corruption affects us all, it is our common enemy. We therefore all have a duty to report corruption whenever we come across it.

In some cases, this is more than just a duty. As we will soon see:

- The Act requires people in positions of authority in the public and private sectors to report corruption, and other crimes listed in the Act involving more than R100 000, to the police. If they don’t, they will be guilty of a crime.

- The Code of Conduct for the Public Service requires all employees of the public service to report corruption to an appropriate authority.

But who should you report corruption to? The answer to this will be slightly different if you are:

- A member of the public or employed in the private sector.
- Employed by the public sector.
- A person in a ‘position of authority’.
2. Members of the public and employees in the private sector

The police
Because corruption is a crime, the obvious place to report it is to the police.

Contact the police on 08600 10 111

The Scorpions
In extremely serious cases, especially where organised crime might be involved, the corruption could be reported to the Scorpions.

Contact the Scorpions on 0800 672 672

The Public Protector
This Office investigates improper conduct in the public administration. Only cases involving at least one member of the public sector can be reported to them.

Contact the Public Protector on 012 366 7000

3. Members of the public sector

The Code of Conduct for the Public Service requires every employee (no matter how junior or senior) to report corruption to ‘the appropriate authorities’. This could mean reporting it to the police or Scorpions, or it could mean reporting it to a more senior staff member. Often, this will be dealt with in the department’s policy on reporting corruption – which all departments should have in terms of the Minimum Anti-Corruption Capacity Requirements of the Public Service Anti-Corruption Strategy.
MINIMUM ANTI-CORRUPTION CAPACITY REQUIREMENTS IN THE PUBLIC SERVICE

Government has developed guidelines for departments to help them to meet these minimum requirements. You will find the guidelines on the following website:

http://www.dpsa.gov.za/macc

Government has also set up the National Anti-Corruption Hotline for the reporting of corruption in the Public Service. This is a telephone number that people can call to report any cases of corruption. Because their identity is protected, people can call this number to report corruption without fear of what might happen to them as a result.

4. People in ‘positions of authority’ in the private and public sectors

The Act provides the following examples of ‘people in positions of authority’:

- The Director-General, Head or equivalent officer of a national or provincial department.
- The Municipal Manager of a municipality.
- A person in the Senior Management Service of a public body.
- The head, rector or principal of a tertiary education institution.
- The Manager, Secretary or Director of a company or closed corporation.
- The executive manager of a bank or financial institution.
A partner in a partnership.

The Chief Executive Officer (or person holding a similar position) of any structure, institution or body set up by law.

A person employed by a business who is responsible for the overall management and control of the business.

Anyone on the above list who has been appointed in an acting or temporary capacity.

The Act requires these people to report all cases of corruption, and other crimes listed in the Act, involving more than R100 000 to the police. If they fail to do so, they are guilty of a crime and can be fined or sent to jail for up to 10 years.

5. The Protected Disclosures Act of 2000

Many people do not report corruption out of fear of what will happen to them - for example, they may fear that they will be transferred, disciplined or even dismissed. To deal with this, government passed the Protected Disclosures Act to protect ‘whistle blowers’ in both the private and public sector from being victimised – as long as they follow the procedures in the Act.

To get the protection of the Act, anyone making a disclosure must:

1. Have reasonable grounds to believe it to be true.

2. Not be making the disclosure for their personal gain.