



COMPLAINTS POLICY

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FOREWORD

This Policy embodies the values of AFROSAI-E and demonstrates our commitment to creating a fair and pleasant workplace for all staff, in compliance with international good practice. It is also intended to contribute towards reducing the likelihood of abuse and ensuring that all complaints are handled fairly, consistently and concluded on.

This Policy will become effective from the date of signature.

23 April 2020

MMR NKAU
CHIEF EXECUTIVE OFFICER
AFROSAI-E

DATE

1. EXECUTIVE SUMMARY

This policy on complaints against the African Organisation of English-speaking Supreme Audit Institutions (AFROSAI-E) is intended to facilitate compliance with paragraphs 55 and 56 of the International Standard on Quality Control 1 (ISQC1), and the Protected Disclosures Act, 2000 (PDA) excluding complaints relating to section 8 of the PDA. The proper implementation and enforcement of the policy will ensure that complaints against AFROSAI-E and its staff are dealt with in a responsible manner.

The policy aims to define the process through which complaints from internal or external sources be dealt with and in compliance with the following Acts:

- Constitution of the Republic of South Africa, 1996
- Protected Disclosures Act, 2000 (Act No. 26 of 2000)
- Schedule 8 of the Labour Relations Act, 1995 (Act No. 121 of 1998)
- Prevention of Organised Crime Act, 1999 (Act No. 121 of 1999)
- Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)
- Employment Equity Act, 1998 (Act No. 55 of 1998)
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)

The policy should be read in conjunction with AFROSAI-E's Code of Conduct.

2. PURPOSE OF THE POLICY

The purpose of the policy is to ensure that there is a framework and a mechanism for the transparent and consistent handling of complaints lodged against it or its staff. A further purpose of the policy is to promote a safe, accountable and responsive work environment for staff who disclose information of occupational detriment, or unlawful or corrupt conduct by AFROSAI-E or its staff.

3. DEFINITIONS

CEO	Chief Executive Officer appointed in terms of Article 12(1) of the AFROSAI-E Statutes
Complaint	Written or electronic communication from either an internal or external source alleging unethical conduct, complaining about quality of service provided, complaining about the conduct of AFROSAI-E staff, the CEO and/or management team.
EO	Executive Officer

Internal Sources	All staff members and management of AFROSAI-E, whether seconded, contracted, permanent or non-permanently appointed.
External Sources	Staff and leadership of member SAIs, donors, sponsors, development partners, service providers, clients or other third parties.
Disclosure	<p>means any disclosure of information regarding any conduct of AFROSAI-E, or its staff, made by any individual who has reason to believe that the information concerned shows or tends to show one or more of the following:</p> <ul style="list-style-type: none"> a) that a criminal offence has been committed, is being committed or is likely to be committed b) that a person had failed, is failing or is likely to fail to comply with any legal obligation to which that person is subjected to c) that a miscarriage of justice had occurred, is occurring or is likely to occur d) that the health or safety of an individual has been, is being or is likely to be endangered e) that the environment has been, is being or is likely to be damaged f) unfair discrimination as contemplated in chapter II of the Employment Equity Act, 1998 (Act No 55 of 1998), or the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000) g) that any matter referred to in paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed.
Impropriety	<p>means any conduct that falls within any of the categories referred to in paragraphs (a) to (g) of the definition of 'disclosure' irrespective of whether or not:</p> <ul style="list-style-type: none"> a) the impropriety occurs or occurred in the Republic of South Africa or elsewhere or b) the law applying to the impropriety is that of the Republic of South Africa or of another country.
Occupational detriment	<p>in relation to an AFROSAI-E staff member, means –</p> <ul style="list-style-type: none"> a) being subjected to any disciplinary action (as a result of making a protected disclosure) b) being dismissed, suspended, demoted, harassed or intimidated c) being transferred against his/her will d) being refused transfer or promotion e) being subjected to a term or condition of employment or retirement that is altered or kept altered to his/her disadvantage f) being refused a reference, or being provided with an adverse reference, from his/her employer g) being denied appointment to any employment, profession or office h) being subjected to any civil claim for the alleged breach of a duty of confidentiality or a confidentiality agreement arising out of the disclosure of:

	<p>(i) a criminal offence or</p> <p>(ii) information that shows or tends to show that a substantial contravention of, or failure to comply with, the law has occurred, is occurring or likely to occur</p> <p>i) being threatened with any of the actions referred to in paragraphs (a) to (h) above</p> <p>or</p> <p>j) being otherwise adversely affected in respect of his/her employment, profession or office, including employment opportunities and work security and the retention or acquisition of contracts to perform work or render services</p>
Protection	means the action of protecting or the state of being protected

4 POLICY PRINCIPLES

- 4.1 A complaint may originate from any source, whether internally, or externally.
- 4.2 All complaints should be submitted in writing or any form of electronic communication and addressed to the CEO or EO of AFROSAI-E, who shall acknowledge receipt thereof in writing.
- 4.3 Complaints against the CEO should be submitted to the Chairperson of the Governing Board or the Auditor-General of the SAI that hosts the Secretariat.
- 4.4 Staff are encouraged to disclose suspected impropriety on compliance to internal AFROSAI-E policies and procedures to the CEO or EOs of AFROSAI-E.
- 4.5 All complaints will be dealt with by the CEO and EO of AFROSAI-E on condition that the complaint contains sufficient detail regarding the allegation(s).
- 4.6 The CEO and EOs will provide feedback on the investigation on the complaint within agreed upon timelines.
- 4.7 All complaints will be dealt with in a confidential, ethical and professional manner.
- 4.8 Complaints will be treated and regarded to be of equal importance and will be dealt with expeditiously and thoroughly to resolve whatever fact or circumstance may have caused or led to such a complaint.
- 4.9 In order to ensure the expeditious resolution of complaints against the CEO or EOs, the investigation process will be handed over to the Chairperson of AFROSAI-E.

- 4.10 Protection of staff members who blow the whistle may be required depending on the nature of the complaint and security considerations, where necessary.
- 4.11 Matters relating to harassment shall be dealt with in accordance with the policy on Sexual and other forms of Harassment.
- 4.12 The CEO may reject any complaint, which after a preliminary assessment is:
- (a) proven to be hearsay, rumour or false reports disseminated through the media.
 - (b) inherently abusive, insulting, rude or disparaging.
 - (c) frivolous, misconceived, unwarranted and manifestly incompatible with the objectives and principles of AFROSAI-E.
 - (d) known to the staff member to be false or which is made with malicious intent; a staff member needs to be aware of the legal consequences for these transgressions.
 - (e) viewed to be of no substance to the allegation/complaint.
 - (f) containing insignificant facts, differences of opinion or relates to conflicts between staff.
 - (g) information already within the public domain or which has already been provided by the same whistle-blower.
- 4.13 A list of complaints received and the result of the outcomes shall be submitted annually to the Human Resources sub-committee.