



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

THE PLAN:

TERMS OF REFERENCE OF THE DEPARTMENTAL FRAUD PREVENTION, ETHICS AND RISK MANAGEMENT COMMITTEE (FPERC) (Annexure G)

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1. DEFINITIONS AND ACRONYMS

“AG”	Means Auditor General. The Office of the Auditor General is an institution of state, established by Chapter 9 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996). The Auditor General also functions in terms of the Public Audit Act, 2004 (Act No. 25 of 2004) and as amended by the Public Audit Amendment Act, 2018 (Act No. 5 of 2018).
“AO”	Means Accounting Officer, which refers to a person mentioned in section 36 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended. The AO is also the Head of Department (HOD) of the DR&PW.
“CFO”	Means Chief Financial Officer, referring to the CFO of the DR&PW.
“Corruption”	Refers to the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another.
“CRO”	Means Chief Risk Officer. The CRO is the Senior Management Service (SMS) official who is the head of risk management at the DR&PW.
“DR&PW”	Means Department of Roads and Public Works, Province of the Northern Cape.
“Ethics”	Refers to standards of conduct, which indicate how a person should behave, what his or her conduct should be, based on moral duties, honesty and values arising from the principles of right and wrong.
“FPERC”	Means Fraud Prevention, Ethics and Risk management Committee, a departmental sub-committee of the DR&PW. The FPERC is a subcommittee of the DR&PW’s Internal Audit Committee (IAC).

"Fraud"	Fraud refers to a deception that is intentional and caused by an employee/network of employees for personal gain. In other words, fraud is a deceitful activity used to gain an advantage or generate an illegal profit.
"IAC"	Means Internal Audit Committee, a departmental committee of the DR&PW.
"NCPL"	Means Northern Cape Provincial Legislature.
"ToR"	Means Terms of Reference. Terms of Reference refer to the instructions given to someone/group of people when they are asked to consider or investigate a particular subject, telling them what they must deal with and what they can ignore.

2. ESTABLISHMENT

- 2.1 The Fraud Prevention, Ethics and Risk management Committee (FPERC) has been established by the DR&PW to assist the Accounting Officer (AO) to fulfil her/his risk management and control responsibilities in accordance with prescribed legislation and corporate governance principles.
- 2.2 The FPERC replaces the Joint Risk Management Committee (JRMC) and represents an expanded field of focus and oversight, specifically in terms of ethics, as well as fraud and corruption prevention and management.
- 2.2 The FPERC is a sub-committee of the DR&PW's Internal Audit Committee (IAC) and is chaired by one of the independent members of the IAC.

3. OBJECTIVES

- 3.1 The primary objective of the FPERC is to assist the AO in discharging her/his accountability for fraud and corruption prevention and management as well as for ethics and risk management by reviewing the effectiveness of the DR&PW's fraud and corruption, ethics and risk management policies, systems, practices and procedures, and providing recommendations for improvement.

3.2 Other objectives of the Fraud Prevention, Ethics and Risk management Committee (FPERC) are as follows:

- a) Maintain and review The Plan Policy Document of the DR&PW as and when required, taking into account prevailing government prescripts and those of the DR&PW.
- b) Identify and manage the strategic risks facing the DR&PW and consider steps to address these.
- c) Promote and foster a culture based on the highest standards of integrity and conduct within the DR&PW.
- d) Create awareness of The Plan in the DR&PW.
- e) Ensure that corrective measures are put in place when incidents and allegations of fraud and/or corruption are raised, to limit future occurrences.
- f) Review the departmental risk appetite and tolerance in terms of the DR&PW Risk Profile and make recommendations to the AO.
- g) Set out the nature, rote responsibility and authority of the risk management function within the DR&PW for approval by the AO, and oversee the performance of the risk management and fraud and corruption prevention and management functions.
- h) Provide proper and timely reports to the AO on the state of risk management and fraud and corruption prevention and management, together with aspects requiring improvement, accompanied by the Committee's recommendations to address such issues.

4. COMPOSITION

4.1 Permanent members of the FPERC shall be formally appointed by the AO.

4.2 The members, as a collective, shall possess a blend of skills, expertise and knowledge, including familiarity with the concepts, principles and practice of fraud and corruption prevention and management, as well as ethics and risk management, such that they can contribute meaningfully to the advancement of risk management within the DR&PW.

4.3 Permanent members shall comprise of the following:

- 1) the Chairperson (an independent IAC member);
- 2) the Chief Director Corporate and Management Services;
- 3) the CFO;
- 4) the Chief Director Transport Infrastructure (Roads);
- 5) the Chief Director Public Works;
- 6) the Chief Director District and Expanded Public Works Programme (EPWP) Coordination;
- 7) the Senior Manager responsible for Risk Management, i.e. the Chief Risk Officer (CRO);

- 8) the Senior Manager responsible for Security Services;
- 9) the Senior Manager responsible for Internal Audit;
- 10) the Senior Manager responsible for Monitoring and Evaluation (M&E);
- 11) the Senior Manager responsible for Legal services;
- 12) the Senior Manager responsible for Special Programmes;
- 13) a member not in the employ of the DR&PW; and
- 14) other representatives of the DR&PW's Senior Management, as identified by the AO.

4.4 Standing invitees to the FPERC shall be:

- 1) the Chief Audit Executive;
- 2) the Compliance Officers; and
- 3) any other person who may be co-opted to provide specialist skills, advice and counsel.

5. POWERS AND FUNCTIONS

- 5.1 The AO shall appoint one of the independent members of the Internal Audit Committee (IAC) as Chairperson of the FPERC.
- 5.2 The FPERC shall function as a sub-committee of the IAC.
- 5.3 The FPERC shall have the requisite authority to request management to appear before it to account for their delegated responsibilities in respect of risk management.
- 5.4 For the purposes of the functioning of the FPERC, in the event that its members are of a more junior rank than the management that they request to appear before them, the traditional rank hierarchy in the DR&PW shall not apply. This implies that in the context of its powers and functions, the members of the FPERC will enjoy greater powers than management although the members themselves may be of a lower status.
- 5.5 The powers and functions of the FPERC are delegated and assigned by the AO and can be amended or rescinded at any time if, and when, the AO deems such action necessary.
- 5.6 The role of the FPERC is to oversee the departmental approach to risk management, fraud and corruption prevention, fraud and corruption detection strategies and the response to fraud and corruption incidents reported by officials or other external parties.
- 5.7 The duties of the FPERC shall be to:
 - 1) Review the risk management policy, strategy and implementation plan of the DR&PW and make recommendations for approval by the AO.
 - 2) Review the risk appetite and tolerance of the DR&PW and make recommendations for approval by the AO.

- 2) Review the risk appetite and tolerance of the DR&PW and make recommendations for approval by the AO.
- 3) Review the DR&PW's risk identification and assessment methodologies to obtain reasonable assurance of the completeness and accuracy of the departmental Risk Register.
- 4) Evaluate the effectiveness of mitigating strategies to address the material risks of the DR&PW.
- 5) Report to the AO, any material changes to the Risk Profile of the DR&PW.
- 6) Review the fraud prevention, anti-corruption and ethics policies and strategies and implementation plans of the DR&PW and make recommendations for approval by the AO.
- 7) Evaluate the effectiveness of the implementation of the fraud prevention, anti-corruption and ethics policies and strategies and implementation plans.
- 8) Review any risk relevant material findings and recommendations by assurance providers and the AG on the departmental system of risk management and monitor that appropriate action is instituted to address the identified departmental weaknesses.
- 9) Develop goals, objectives and key performance indicators for the FPERC for approval by the AO.
- 10) Develop goals, objectives and key performance indicators to measure the effectiveness of the DR&PW risk management activity.
- 11) Set out the nature, role, responsibility and authority of the risk management and the fraud and corruption management functions within the DR&PW for approval by the AO, and oversee the performance of the risk management function.
- 12) Provide proper and timely reports to the AO on the state of risk management, together with aspects requiring improvement, accompanied by the FPERC's recommendations to address such issues.
- 13) The FPERC will make recommendations to the AO in order to address, among others, the risks identified.

5.8 The FPERC also discuss and report on the following issues:

- 1) Progress made in respect of implementing the departmental Risk Management Policy and Risk Management Strategy, the Anti-Fraud, Anti-corruption and Ethics Strategy, as well as The Plan Policy Compilation of the DR&PW, dealing with the following:
 - a) the DR&PW Anti-Fraud and Corruption Implementation Plan;
 - b) the DR&PW Anti-Fraud and Corruption Charter;
 - c) the DR&PW Code of Ethics and Conduct;
 - d) the DR&PW Anti-Fraud and Corruption Policy and Response Plan;
 - e) the DR&PW Policy on Whistle Blowing / Protected Disclosures;

- f) the DR&PW Whistle Blowing / Protected Disclosures Guidelines; and
 - g) the DR&PW Anti-Fraud, Anti-corruption and Ethics Strategy.
- 2) Reports received by the DR&PW regarding fraud and/or corruption incidents with the view to making any recommendations to the AO and the Chairperson of the IAC.
 - 3) Reports on all investigations initiated and concluded.
 - 4) All allegations received via the National Anti-Corruption Hotline or the DR&PW's suggestion boxes.

6. MEETINGS

- 6.1 The FPERC shall meet once every quarter of the financial year.
- 6.2 The Chairperson of the FPERC or a majority of the FPERC's permanent members may convene additional meetings, as circumstances may dictate.

7. SECRETARIAT

- 7.1 The CRO, or such person as appointed by the FPERC, shall be the secretary of the FPERC.
- 7.2 The secretary shall forward the notice of each meeting of the FPERC to all members, no later than ten (10) working days prior to the date of the meeting.
- 7.3 The notice shall confirm the venue, time, date and agenda of the forthcoming meeting and include the documents for discussion of same.
- 7.4 The minutes of the FPERC's meetings shall be completed by the secretary and sent to all relevant officials for comment within seven (7) working days after the meeting.
- 7.5 The minutes of the previous meeting shall be approved at the following FPERC meeting, whereupon the approved minutes will be circulated to all attendees within three (3) working days.

8. QUORUM

- 8.1 Fifty per cent (50%) plus one (1) constitutes a quorum for the FPERC of the DR&PW.
- 8.2 A permanent FPERC member may nominate a proxy to act on her/his behalf.
- 8.3 This above mentioned *proviso* (8.2) shall lapse in the event that the permanent member fails to attend fifty per cent (50%) or more of the FPERC meetings held in that particular financial year, in person.

9. TERM OF OFFICE OF FPERC MEMBERS

- 9.1 The term of office for the FPERC members shall be two (2) years; the AO may re-appoint FPERC members; however the following groups of persons may not serve more than three (3) two (2) year terms without replacement:
- a) representatives of the DR&PW Senior Management Service (SMS), other than the permanent SMS members; and
 - b) members not in the employ of the DR&PW.
- 9.2 The end of the two (2) year term comes into effect once the DR&PW Annual Report has been tabled at the NCPL.
- 9.3 An FPERC member may indicate, in writing, should he/she wish not to be re-appointed for a next term.
- 9.4 A member wishing to terminate her/his membership prior the end of the term must do so, also in writing, and state reasons for such termination. This provision does not apply to the CRO, unless he/she leaves the employ of the DR&PW.

10. PERFORMANCE EVALUATION OF THE FPERC

The FPERC shall evaluate at least annually its performance in terms of its Terms of Reference (ToR) and make recommendations about this review to the AO, by submitting a report in this regard to the AO for approval.

11. REVIEW OF THE FPERC TERMS OF REFERENCE

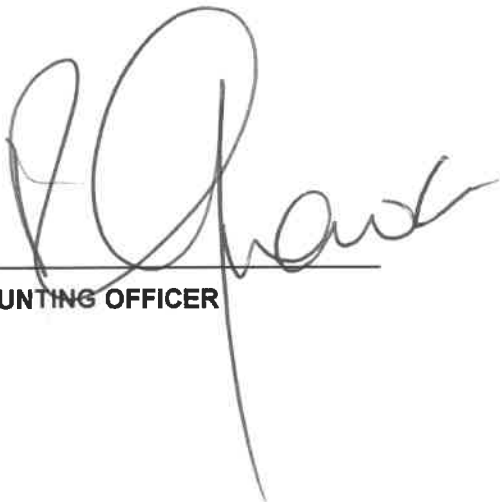
The assessment to determine the effectiveness and appropriateness of the FPERC's ToR will be done every five (5) years after its effective date. The assessment can also be performed earlier than five (5) years to accommodate any substantial structural or other organisational changes at the DR&PW, or any change required by law.

12. APPROVAL OF THE TERMS OF REFERENCE OF THE FPERC

These Terms of Reference are Approved / Not Approved

Comments:

.....
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.....



ACCOUNTING OFFICER

02/11/20

DATE

END OF DOCUMENT



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

INTERNAL MEMO

DATE:	27 OCTOBER 2020	REF. NO.	
TO:	THE DIRECTOR: STRATEGIC PLANNING		
FROM:	THE DEPUTY DIRECTOR: POLICY AND RESEARCH MANAGEMENT SERVICES		
SUBJECT:	SUBMISSION FOR APPROVAL OF THE PLAN: REVIEWED COMPILATION OF DEPARTMENTAL POLICIES ON FRAUD, CORRUPTION AND ETHICS MANAGEMENT, VERSION 3		

Dear Ms. Bekebeke

Please find attached the draft policies and submission documents that the Compilation of Policies on Fraud, Corruption and Ethics Management, called The Plan consist of, for your perusal and consideration, and which are hereby submitted for approval and / or adoption by the Acting Head of Department (HOD).

Regards

Mr. T. Ferreira
Manager: Policy and Research Management Services



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

INTERNAL MEMO

DATE:	27 OCTOBER 2020	REF. NO.	
TO:	THE HEAD OF DEPARTMENT (HOD)		
FROM:	THE DIRECTOR: STRATEGIC PLANNING MANAGEMENT		
COPY:	THE CHIEF DIRECTOR: CORPORATE AND MANAGEMENT SERVICES		
SUBJECT:	SUBMISSION FOR APPROVAL OF THE PLAN: REVIEWED COMPILATION OF DEPARTMENTAL POLICIES ON FRAUD, CORRUPTION AND ETHICS MANAGEMENT, VERSION 3		

Purpose

1. The purpose of this submission is to obtain approval from the Acting Head of Department (HOD) for the operationalization within the Department of the draft policies that the Compilation of Policies on Fraud, Corruption and Ethics Management, called The Plan, consist of, which have been reviewed.

Recommendations

1. The final drafts of the above mentioned policies have been circulated departmentally by the Communication and Marketing Unit.
2. It is therefore recommended that the Acting HOD approve these reviewed policies as Departmental policy.
3. Please see e-mail attached of the Evidence of Departmental Consultation.



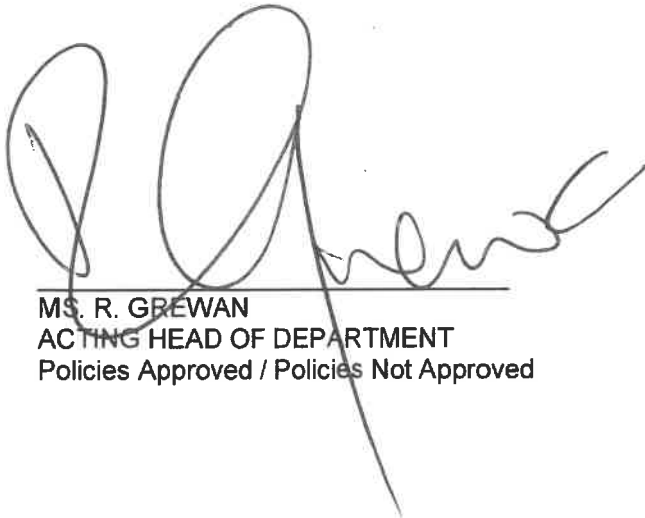
MS. B. BEKEBEKE
DIRECTOR: STRATEGIC PLANNING MANAGEMENT
Recommended / Not Recommended


DATE

**SUBMISSION FOR APPROVAL OF THE PLAN REVIEWED COMPILATION OF
DEPARTMENTAL POLICIES ON FRAUD, CORRUPTION
AND ETHICS MANAGEMENT, VERSION 3**

MS. A. MPOTSANG
CHIEF DIRECTOR: CORPORATE AND MANAGEMENT SERVICES
Recommended / Not Recommended

DATE



MS. R. GREWAN
ACTING HEAD OF DEPARTMENT
Policies Approved / Policies Not Approved

02/11/20

DATE



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

**THE PLAN: REVIEWED COMPILATION
OF DEPARTMENTAL POLICIES ON
FRAUD, CORRUPTION AND ETHICS
MANAGEMENT**

**SUBMISSION FOR APPROVAL
OCTOBER 2020**

**EVIDENCE OF CONSULTATION WITH
DEPARTMENTAL STAKEHOLDERS**

From: DRPW-Info
To: ABavasah; ABrand; AFembers; AKula; ALesotho; ALSishi; amaina@vodam...
Date: 8/20/2020 8:18 AM
Subject: ANTI-CORRUPTION, FRAUD & ETHICS - REVIEW OF THE PLAN POLICY
COMPILATION
Attachments: DR&PW DEPARTMENTAL POLICY - THE PLAN - 2020.docx

Good day Colleagues,

Kindly find attached the latest version of the DR&PW Policy Document, The Plan, which is a compilation of Policy Documents on Anti-Corruption, Fraud and Ethics measures, which is also under review.

The due date for inputs/feedback from staff members is Friday, 11 September 2020. Inputs can be sent to tferreira@ncpg.gov.za

Thank you

From: DRPW-Info
To: A AMokwadi; A Maina; A van Staden; ABavasah; ABrand; AFembers; AKu...
Date: 10/5/2020 9:24 AM
Subject: POLICY CONSULTATION: DR&PW ANTI-FRAUD, ANTI-CORRUPTION, ETHICS STRATEGY
Attachments: DR&PW ANTI-FRAUD, ANTI-CORRUPTION AND ETHICS STRATEGY - .docx

Good day Colleagues,

Kindly find attached Version of the Draft DR&PW Anti-Fraud, Anti-Corruption and Ethics Strategy.

Please note that the due date for feedback is Monday, 12 October 2020 and inputs can be sent to tferreira@ncpg.gov.za

Thanking you

TFerreira - POLICY CONSULTATION: DR&PW Committee Terms of Reference

From: DRPW-Info

To: A AMokwadi; A Maina; A van Staden; ABavasah; ABrand; AFembers; AKula; ALesotho; ALSishi; AMasisi; AMiller; AMkhize; AMoeti; AMofokeng; AMPotsang; Andre Jooste; Andrew Pulen; APulen; ARudman; ASwanepoel; AvanHeerden; B BDamon; BaatileItumeleng; Babalwa Bekebeke; BBarends; BBoebeje; BChotelo; BCloete; BGAonakala; BGoba; BKapanda; BMazwi; BMeruti; BMontshiwa; BonoloMakoko; BosmanP; BPitso; Bradley Slingers; BSedisho; BSemau; BSlingsers; BValentine; C CvanRooi; C Robertson; CABrahams; CAdams; CBailey; CChakela; CDenysschen; CFourie; ChanelFourie; ChantelleCloete; ChristinaF; CKakora; Clive Bailey; CMrwebi; CNdebele; CRabaji; CRobertson; CValentine; D DMokoena; D DMwembo; DBingwa; DBingwane; Denice Bingwane; DGaehete; DKowa; DMAqutya; DMAqutya; DMokgatthe; DMonyamane; DPheisi; DRPW-Info; DRPW-Switchboard; DSolo; DSwartz; DTsoai; DvdMerwe; EbenSwartboo; EBeukes; EBlauw; EBreytenbach; Ed Simon; EduPlessis; Edward Simon; EJobe; EJonkers; EKhatwane; ELecwedi; Ella Modise; EMichaels; ENodoba; EPino; EricksenA; ESimon; F Dooling; FMogoje; FPetoro; fufemakatong@gmail.com; FvanVuuren; GAppels; Garnett Keyser; GJacobs; Gladwyn Stuurman; GMoabi; GMolale; GNakana; GPIetersen; GPino; GRiet; GSalimana; GSefotlho; GSwanepoel; GThupe; GTopkin; Harold Roberts; Henry De Wee; HvanderMerwe; I Bulane; I ICarolus; IIThopile; I MichaelsI; IFredericks; I Lottering; IMolore; IOliphant; IRammutla; Isaac Prins; J Esterhuyse; J JHanekom; JillianWilliams; JMarx; JMhlongo; JMhlongo; JMolale; JMoncho; JMphole; JSehume; JSeptember; JSibiya; JSpetember; JTawine; June Erasmus; K KMaarman; K KMatonkonyane; K Malgask; KAaron; KagishoModise; KatzS; KBeuzana; KBopape; KChomi; KDennis; Kenneth Markman; KERicksen; KHenyekane; KKgomo; KKross; KLawrence; KLeboko; KLeserwane; KMarkman; KMatthews; KNdaba; KPike; KPMogorosi; KRifles; KrugerS; KSegwai(...)

Date: 10/13/2020 2:55 PM

Subject: POLICY CONSULTATION: DR&PW Committee Terms of Reference

Attachments: ToR of the DR&PW FPERC - Ver 1 - 2020.docx

Good Day colleagues

Please find attached the Terms of Reference of the Departmental Fraud Prevention, Ethics and Risk management Committee (FPERC).

The due date for inputs is Wednesday, 21 October 2020 and feedback can be sent to Mr. Tom Ferreira, email address: tferreira@ncpg.gov.za

Thank You



DRPW-info@ncpg.gov.za
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 Fax: 053 8392290

Trendsetters in infrastructure delivery to change the economic landscape of the province'

TFerreira - REMINDER: POLICY CONSULTATION: DR&PW Committee Terms of Reference

From: DRPW-Info

To: A AMokwadi; A Maina; A van Staden; ABavasah; ABrand; AFembers; AKula; ALesotho; ALSishi; AMasisi; AMiller; AMkhize; AMoeti; AMofokeng; AMPotsang; Andre Jooste; Andrew Pulen; APulen; ARudman; ASwanepoel; AvanHeerden; B BDamon; BaatileItumeleng; Babaiwa Bekebeke; BBarends; BBoebeje; BChotelo; BCloete; B Gaonakala; BGoba; BKapanda; BMazwi; BMeruti; BMontshiwa; BonoloMakoko; BosmanP; BPitso; Bradley Slingers; BSedisho; BSemau; BSlingers; BValentine; C CvanRooi; C Robertson; CAbrahams; CAdams; C Bailey; CChakela; CDenysschen; CFourie; ChanelFourie; ChantelleCloete; ChristinaF; CKakora; Clive Bailey; CMrwebi; CNdebele; CRabaji; CRobertson; CValentine; D DMokoena; D DMwembo; DBingwa; DBingwane; Denice Bingwane; DGaehete; DKowa; DMAqutyana; DMAqutyana; DMokgathe; DMonyamane; DPhirisi; DRPW-Info; DRPW-Switchboard; DSolo; DSwartz; DTsoai; DvdMerwe; EbenSwartbooi; EBeukes; EBlaauw; EBreytenbach; Ed Simon; EduPlessis; Edward Simon; EJobe; EJonkers; EKhatwane; ELecwedi; Ella Modise; EMichaels; ENodoba; EPino; EricksenA; ESimon; FDooling; FMogoje; FPetoro; fufemakatong@gmail.com; FvanVuuren; GAppels; Garnett Keyser; GJacobs; Gladwyn Stuurman; GMoabi; GMolale; GNakana; GPIetersen; GPino; GRiet; GSalimana; GSefotlho; GSwanepoel; GThupe; GTopkin; Harold Roberts; Henry De Wee; HvanderMerwe; I Bulane; I ICarolus; IITlhophile; IMichaelsI; IFredericks; I Lottering; IMolore; IOliphant; IRammutla; Isaac Prins; J Esterhuyse; J JHanekom; JillianWilliams; JMarx; JMhlongo; JMhlongo; JMolale; JMoncho; JMphole; JSehume; JSeptember; JSibiya; JSpetember; JTawine; June Erasmus; K KMaarman; K KMatonkonyane; K MalgasK; KAaron; KagishoModise; KatzS; KBeuzana; KBopape; KChomi; KDennis; Kenneth Markman; KERicksen; KHenyekane; KKgomo; KKross; KLawrence; KLeboko; KLeserwane; KMarkman; KMatthews; KNdaba; KPike; KPMogorosi; KRifles; KrugerS; KSegwai(...)

Date: 10/15/2020 8:00 AM

Subject: REMINDER: POLICY CONSULTATION: DR&PW Committee Terms of Reference

Good day Colleagues

Kindly be reminded that the due date for inputs regarding the Policy Consultation below is **21 October 2020**.

For clarity, kindly consult Mr. tom Ferreira, Manager for Policy and Research Management Services

Thank you



DRPW-info@ncpg.gov.za
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Fax: 053 839 2290

Trendsetters in infrastructure delivery to change the economic landscape of the province'

>>> DRPW-Info 10/13/2020 3:01 PM >>>

Good Day colleagues

Please find attached the Terms of Reference of the Departmental Fraud Prevention, Ethics and Risk management Committee (FPERC).

The due date for inputs is Wednesday, 21 October 2020 and feedback can be sent to Mr. Tom Ferreira, email address: tferreira@ncpg.gov.za

Thank You



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Trendsetters in infrastructure delivery to change the economic landscape of the province'