



Province of the  
**EASTERN CAPE**  
**SOCIAL DEVELOPMENT**

**FRAUD PREVENTION POLICY**

**POLICY REGISTRATION NO:2024 -07**

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## DEFINITIONS AND TERMS

No.	Term	Definition
1.	<b>Accounting Officer</b>	Means the Accounting Officer of a Department or Provincial Government in terms of Public Finance Management Act No 1 of 1999 as amended.
2.	<b>Executive Authority</b>	The Member of the Executive Council of the province who is accountable to the Provincial Legislature for that department.
3.	<b>Audit Committee</b>	An Independent committee constitute to review the control, governance and risk management within the Department established in terms of section 77 of PFMA
4.	<b>Chief Risk Officer</b>	A senior official who is the head of Risk Management unit.
5.	<b>Fraud</b>	Fraud is an intentionally deceptive action designed to provide the perpetrator with an unlawful gain, or to deny a right to a victim.
6.	<b>Corruption</b>	Corruption is a form of dishonesty undertaken by a person entrusted with a position of authority, often to acquire personal benefit.
7.	<b>Theft</b>	Theft is an unauthorized taking of property from another with the intent to permanently deprive them of it.
8.	<b>Maladministration</b>	Is an inefficient and dishonest administration
9.	<b>Country</b>	Republic of South Africa
10	<b>Risk</b>	An unwanted outcome, actual or potential, to the department's services delivery and other performance objectives, caused by the presence of risk factors.
11	<b>Department</b>	Department of Social Development Eastern Cape
12	<b>Tolerance level</b>	Is the amount risk that the department is willing to accept
13	<b>Senior Management Services</b>	Are all official that appointed in the Senior management posts in the department in terms of Public Service Act
14	<b>Whistle Blower</b>	The person that has reported allegations of fraud, misconduct or corruption in the department.
15	<b>Risk, Ethic &amp; Anti-Corruption Management Committee</b>	A committee appointed by the Accounting Officer to review the Department's system of risk management, Ethics management, and Anti-corruption strategies implemented by the Department.
	<b>Occupational Detriment</b>	Means in working environment: <ul style="list-style-type: none"> <li>a) Being subjected to any disciplinary action</li> <li>b) Being dismissed, suspended, demoted, harassed, intimidated</li> <li>c) Being transferred against his/her will</li> <li>d) Being refused transfer or promotion</li> <li>e) Being subjected to a term or condition of employment or retirement which is altered or kept altered to his or disadvantage</li> </ul>

		<ul style="list-style-type: none"> <li>f) Being refused a reference or being provided with an adverse reference, from his or her employer</li> <li>g) Being denied appointment to any employment, profession or office</li> <li>h) Being subjected to any civil claim for the alleged breach of duty of confidentiality or a confidentiality agreement arising out of the disclosure of criminal offence,</li> <li>i) Being threatened with any of the actions referred above.</li> </ul>
	<b>Extortion</b>	is a crime in which one person forces another person to do something against his will, generally to give up money or other property, by threat of violence, property damage, damage to the person's reputation, or extreme financial hardship
	<b>Forgery</b>	the action of forging a copy or imitation of a document, signature, banknote, or work of art.
	<b>Public official</b>	Any person who is a member, an officer, an employee of servant of a public body.
	<b>Public Body</b>	Any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government
	<b>Position of authority</b>	<p>Only the following the holds a position of authority:</p> <ol style="list-style-type: none"> <li>1. Head of the Department</li> <li>2. Any public officer in the Senior Management Service of the public body</li> <li>3. Any person in an acting or temporary capacity of the (1) &amp; (2)</li> </ol>
	<b>ACRONYMS</b>	
	<b>PFMA</b>	Public Finance Management Act 1 Of 1999
	<b>PRECCA</b>	Prevention and Combatting of Corrupt Activities Act 12 of 2004
	<b>SAPS</b>	South African Police Services
	<b>MEC</b>	Member of the Executive Council
	<b>DPCI</b>	Department of Priority Crime Investigations
	<b>HOD</b>	Head of deptment
	<b>ICT</b>	Information Communication Technology

## **LEGISLATIVE FRAMEWORK**

- i.** Constitution of Republic of South Africa, 1996
- ii.** Public Finance Management Act No. 1 of 1999 as amended by Act 29 of 1999
- iii.** Auditors General Act 12 of 1995
- iv.** Treasury Regulations 3.2.1 and 12.5.1
- v.** Chapter 4 of the King III Code of Corporate Governance, Principle 3.8 and 7.1
- vi.** Prevention and Combatting of Corrupt Activities Act No. 12 of 2004
- vii.** Public Services Regulations, 2016
- viii.** National Anti-Corruption Strategy 2020-2030
- ix.** Criminal Procedure Act No. 51 of 1977
- x.** Code of Conduct for public service
- xi.** Disciplinary Code and Procedure for the Public Services as amended by 2 of 1999
- xii.** Non-Profit Organisation Amendment Act No 17 of 2000
- xiii.** Prevention of Organised Crime Act No. 121 of 1998
- xiv.** Financial Intelligence Centre Act No. 38 of 2001

## **1. PREAMBLE**

The democratic government stance on fraud and corruption in the country necessitated the review of the fraud and anti-corruption policy in order to be in line with national fraud and anti-corruption strategy of the Republic of South Africa.

The adoption and maintenance of high standards is a core principle of the Department of Social Development, which is also committed to operating its business in compliance with all applicable laws and policies. The Department of Social Development developed this policy in line with National Anti-Corruption Strategy as amended to fight fraud, theft, maladministration, corruption or any other dishonest activities of a similar nature in the department.

This policy maps out the stance of the Department of Social Development to fraud and corruption as well as consolidating the enforcement capacity of existing regulations aimed at preventing, detecting, investigating and reducing the impact of fraud, corruption, theft and maladministration where these dishonest acts occur.

The Department has a responsibility to comply with all applicable laws in South Africa. This include anti-Corruption laws such as the Prevention and Combating of Corrupt Activities Act 12 of 2004(PRECCA).

## **2. PURPOSE**

The purpose of this policy is to articulate the Social Development stance on fraud and corruption in the department. It is also seeking to develop and foster a climate within the Department where all employees strive for the ultimate eradication of fraud, corruption, theft and maladministration by means of the application of the full spectrum of both pro-active and reactive measures at their disposal.

## **3. OBJECTIVES**

The objective of this policy is to:

1. To enforce the Department's commitment to fraud and anti-corruption.
2. To provide the foundation for the development of procedures to manage corruption risk;
3. To provide mechanism for fraud and corruption in investigations.
4. To indicate resolution types of fraud and corruption cases.
5. To provide reporting procedures of fraud and corruption to the law enforcement agencies available in the Country.

#### 4. SCOPE OF APPLICABILITY

This policy applies to all fraud, corruption, theft, maladministration, irregularities or suspected irregularities involving the following person or entities:

- a) All employees including the Executive Authority of the Department of Social Development
- b) Consultants, suppliers, contractors, agents/representatives, clients and other providers of goods or services to the department; and
- c) Non-Profit Institutions and other parties receiving funding from the department.

#### 5. PRINCIPLES AND VALUES

The Department subscribed to the following principles and values in all times:

- a) **Integrity:** All employees must show the qualities of being honest and having strong moral principles.
- b) **Accountability:** Employee must account for their action in the workplace.
- c) **Trustworthiness:** Employee must be officials that can be relied on as honest and truthful
- d) **Value for money:** Goods/services must be acquired effectively, efficiently and economically.
- e) **Fairness:** Exercise impartiality and just treatment or behaviour without favoritism or discrimination
- f) **Ethical:** Ethical behaviour by all parties must be uphold. ethical

#### 6. POLICY STATEMENT

Department of Social Development commits and adopts a Zero tolerance approach to fraud and corruption in the department and is committed to carry out business fairly, honestly and openly without improper influence/ bias. The departmental officials shall not, either directly or indirectly, through intermediaries or third parties solicit, receive/offer, promise or provide an undue financial or other advantage in the execution of their duties. All employees and other stakeholders required to comply with this policy and are responsible for ensuring that business is undertaken with the utmost integrity.

The Department of Social Development shall vigorously pursue and investigate any parties, by all legal means available which engage in such irregular practice or attempt to do so.

## **6.1. ACTIONS CONSTITUTE FRAUD, CORRUPTION, THEFT AND MALADMINISTRATION**

The term fraud, corruption, theft and maladministration refer to, but is not limited to:

1. Any dishonest, fraudulent and corrupt act which may results to / cause harm or prejudice to other party or state resources.
2. Theft of funds, suppliers, or other assets
3. Maladministration or financial misconduct in handling or reporting of money or financial transactions.
4. Making a profit from inside knowledge
5. Disclosing confidential or proprietary information to outside parties.
6. Irregularly accepting or requesting anything of material value (which may otherwise not be accessible by proper means) from contractors, suppliers or other persons providing services/ goods to the department
7. Irregularly offering of giving anything of material value improperly to contractors, suppliers or other persons providing services/goods to the department
8. Destruction, removal or abuse of records, furniture and equipment as way of defeating the ends of justice or weakening of evidence.
9. Deliberately omitting to report or to act upon reports of any such irregular, corrupt, fraudulent or dishonest conduct which is punishable through prosecution in terms of section 34(1) of PRECCA ACT.
10. Acts of financial misconduct contemplated in terms of section 81 and 85 of the PFMA.
11. Incidents of unauthorized, irregular or fruitless and wasteful expenditure as defined in the PFMA.
12. Any similar or related irregularity.

## **6.2. RESPONSIBILITY TO CONDUCT INVESTIGATION**

The responsibility to conduct investigations relating to the actions listed in this policy resides with the Risk Management and Anti-Corruption Directorate within the Department who have the advisory and supporting assistance from the units/departments which include the following:

- a) Office of the Premier
- b) The Public Service Commission
- c) External Investigating Agencies, for example SAPS
- d) External consultants, for example Forensic Accounting consultants



- e) Office of the National Director of Public Prosecutions
- f) Special Investigating Unit established under any law
- g) The Public Protector

### **6.3. AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD**

Members of the Risk Management and Anti-Corruption Directorate shall have:

- a) Free and unrestricted access to all department of Social Development records, premises whether owned or leased and employee and MEC of the department; and
- b) The authority to examine, copy, and /or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge/ consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.
- c) Interview privileges either written or oral with management staff, all employees and MEC and office of the MEC staff.

### **6.4. INVESTIGATION PROCESS**

Department of Social Development has developed investigation process to ensure uniformity in the reporting and investigation of incidents of fraud and corruption in the department:

- a) Reporting of suspicious misconduct and other wrongdoing;
- b) Initiation of Investigation
- c) Preliminary Investigation
- d) Full Forensic Investigation
  - i. Planning
  - ii. Execution
  - iii. Reporting
  - iv. Reflection
- e) Involvement of other law enforcement agencies and
- f) Investigation shall take forty-five (45) working days in average to conclude and reported on to the Accounting Officer.

#### **6.4.1. Reporting of suspicious misconduct and wrongdoing**

It is the responsibility of all employees to report all incidents of fraud, corruption, theft, maladministration or any other dishonest activities of similar nature to his/her manager. If the employee is not comfortable reporting such matters to his/her

manager, he/she must report the matter to his/her manager's superior or to Risk Management & Anti-Corruption Unit, with final recourse to the Accounting Officer, at least within forty-eight (48) hours of discovering such incident.

Other reporting mechanism that can be utilized by employee, service providers, business partners and other stakeholders for suspicious misconduct and wrongdoing:

- a) National Anti-Corruption Hotline, administered by PSC -: 0800 701 701
- b) Presidential Hotline -: 17737
- c) Risk Management & Anti-Corruption Unit -: [reportcorruption@ecdsd.gov.za/](mailto:reportcorruption@ecdsd.gov.za) 043 605 5297/5399/5453

### **Receipt of Allegation**

On receipt of the allegations, Risk Management & Anti-Corruption unit must record allegations on a summary of allegation template and assign a Case Number or on Case Management System with the following details:

- i. Implicated person(s) and entity(s) alleged
- ii. Alleged misconduct or other wrongdoing and amount involved
- iii. Witnesses and /or other information received
- iv. **Acknowledgement of Receipt:** Unless a complaint is received anonymously, an acknowledgement shall be sent in writing to the complainant.

#### **6.4.2. Entrance meeting to establish client expectation**

Complainants /Clients goals and outcomes must be identified in terms of the followings:

- a) Feedback reporting and investigations
- b) Register of criminal cases or not
- c) Disciplinary steps or Civil recovery
- d) Timeframes, milestones and acceptable outcomes must be documented and agreed upon with the client where practical.
- e) Terms of reference/Engagement letter for the investigation must be formally drafted and accepted by both parties.

**6.4.3. Case Initiation:** Predication, evaluate merits of the case and perform pre-compliance [conflict checks, and resources needed]

**6.4.4. Preliminary Investigation:** to establish the merits of the case and to determine whether it is worth expending on the investigation by evaluating the chances of

success of the investigation. The information obtained in the preliminary step will determine whether a full forensic investigation must be initiated.

#### **6.4.5. Full Forensic Investigation**

The following steps must be followed for full forensic investigation by Risk Management and Anti-Corruption Directorate:

**a) Planning**

Assemble investigation team to the project, determine resource need to perform the investigation and timeframes and reporting deadlines on the project.

**b) Execution**

Interviewing of person of interest to obtain information, Request and obtain relevant documentary evidence, Indexing and paginating evidence and preserving & safe keeping evidence, Profile person and entities and involve other relevant experts where necessarily

**c) Reporting**

Reporting stage is the most important stage of forensic investigation. The report must reflect the quality of the investigation and all findings must be supported by evidence. The forensic investigation report must contain, Background, Mandate, Scope, Purpose and Objective of the Report, Procedure followed, Period under review, Factual findings, Summary of findings, Conclusion, Recommendation and list of Annexures. **All forensic investigation report will be submitted to the Accounting Officer for approval**

**d) Client Feedback**

After the approval of the report by the accounting officer, a report will be disseminated to the client that reported the matter for feedback, unless it is necessarily to avoid prejudice to the prevention, detection or further investigation of criminal offence.

**e) Reflection**

Client feedback must be conducted into all forensic investigation completed through client survey developed by Risk Management & Anti-Corruption unit.

**f) To all alleged misconduct or wrong doing, Risk Management & Anti-Corruption unit, shall firstly perform preliminary investigation to determine**

the merits of the case reported prior performing full forensic investigation on the case.

#### **6.4.6. Involvement of other law enforcement agencies**

If the allegations reported could lead to the laying of criminal charges, the following procedures must be adhered to in reporting to SAPS:

6.4.6.1 Accounting Officer/ any official in the Senior Management Service of the department must report the following offences, if they amount to R100 000 or more to a police official in the DPCI & Commercial Crimes Unit of SAPS as required by section 34(1) of the PRECCA

- i. Corruption;
- ii. Theft;
- iii. Fraud;
- iv. Extortion;
- v. Forgery; and
- vi. Uttering of a forged document

6.4.6.1 To any other offence and that is less than R100 000.00, the Director: Risk management & Anti-Corruption shall assist the person has blown the whistle in reporting the case to SAPS/report the case himself/herself, after exercising due diligent on the allegations reported to him/her where there is a prima facie evidence for criminal charge.

6.4.6.2 The Risk Management & Anti-Corruption may transfer reported alleged cases of fraud and corruption to other law enforcement agencies available in South Africa for investigation where an internal capacity is lacking in terms of expertise/ and Director of the Risk Management & Anti-Corruption is conflicted in the case to be investigated.

6.4.6.3 The department shall take appropriate legal recourse to recover losses or damages arising from fraud, corruption, theft or maladministration.

#### **6.4.7. Investigation of Assets lost in the Department**

Asset Management has got an ultimate responsibility to ensure that Departmental assets are safeguarded through implementation of adequate and effective safeguarding controls for loss and theft of departmental assets. All employees are

expected to utilize all safeguarding mechanism in place for the assets in their area of responsibility:

- a) When there is a loss or theft of assets in the department, the official that the assets were attached to must report the incident to SAPS according to Asset Management policy and Asset loss control policy of the department.
- b) Forward a detailed report to Asset Management in the Provincial Office and Asset management must conduct a preliminary investigation on the incident.
- c) When the matter is seen by asset management that is complex and needs investigation expertise, a detailed report that include preliminary investigation report conducted by Asset Management must be forward to Risk Management & Anti-Corruption to conduct full investigation in the case.
- d) All incidents of lost/theft of assets forwarded to Risk Management & Anti-Corruption must not be month old (31 days) from the day of the incident as this makes it impossible to investigate the loss and theft of assets or recover where necessarily and results to waste of state resources.
- e) All incidents of lost/theft of assets that are month older (above 31 days) shall be rejected by Risk Management & Anti-Corruption and will be handled by Asset Management unit and conclude.
- f) After a detailed report is received by Risk Management & Anti-Corruption unit, a full investigation shall be conducted to determine whether official concern was negligent or not
- g) Investigation report with recommendations will be forwarded to the Accounting Officer for approval and an approved report will be forwarded to Asset Management unit to inform the official concerned about the outcomes of the investigation.
- h) Where an official has been found to be negligent and is liable to pay the lost/stolen asset, shall be given **fourteen working days (14)** to appeal in writing such decision to the **Accounting Officer**.
- i) The Accounting Officer shall evaluate the appeal and make a decision which will be final.
- j) In lapse of the **fourteen working days (14)**, no appeals will be entertained.

#### **6.4.8. Investigation of Damaged ICT and related assets**

Investigation of the damaged ICT and related assets shall not be investigated by Risk Management & Anti-Corruption, however ICT unit and Asset Management unit will conduct investigation and conclude on those assets.

## **6.5. PROTECTION OF WHISTLE BLOWERS**

- 6.5.1.** Protection of whistle-blowers will be accorded as outlined in the Departmental Whistle Blowing Policy”
- 6.5.2.** The Protected Disclosure Act 26 of 2000 as amended by Act no 5 of 2017 makes provision for the protection of employees /workers who makes a disclosure in terms of this Act.
- 6.5.3.** Any disclosure made in good faith and substantially in accordance with any procedure prescribed by the employee’s employer for reporting is considered a protected disclosure under this Act. An employee making such a protected disclosure is protected from being subject to an occupational detriment on account of having made a protected disclosure
- 6.5.4.** An employee who suspects or reports suspected dishonest activity or such activity which he/she has witnessed shall be afforded an opportunity to remain anonymous should he/she so require.
- 6.5.5.** Allegations made by employees who are false and made with malicious intentions, must be discouraged by managers. Where such malicious or false allegations are discovered, the person who made the allegations must be subjected to firm disciplinary action. Such malicious disclosures are not protected by the Protected Disclosure Act as amended.

## **6.6 FRAUD & CORRUPTION PREVENTION STRATEGIES**

The department has committed to eradicate fraud and corruption in the department. In order to achieve curbing of the fraud and corruption the following proactive measures will be implemented:

- i. Appropriate prevention, management and detection controls shall be applied in line with the Fraud Prevention Plan of the department. These include the existing controls and checking mechanisms as prescribed in the existing policies, procedures and other relevant prescripts to the activities of the Department of Social Development.
- ii. Fraud and Corruption risk vulnerability assessment shall be conducted to ensure adequate exposure of the fraud and corruption risks facing the department for development of adequate fraud response plans which must be incorporated in the Departmental Risk Profile.
- iii. Quarterly monitoring of the fraud/corruption risk register shall be done and report submitted to the Risk, Ethics & Anti-Corruption Management Committee.

## **6.7 TRAINING, EDUCATION AND AWARENESS**

- a) This policy shall be communicated to all stakeholders
- b) It is the responsibility of all managers to ensure that all employees are made aware of, and receive appropriate training and education with regard to this policy
- c) Organizational risk management shall facilitate the awareness and training to staff of the department including induction of newly appointed staff
- d) Ethics training shall form a critical part of the awareness program.
- e) The policy shall be accessible to the Departmental website.

## **6.8 RISK AND ANTI-CORRUPTION MANAGEMENT COMMITTEE**

The Committee shall perform an oversight on the implementation of this policy and report to the Audit Committee of the Department.

## **6.9. DISCIPLINARY ACTION**

Employees who violate this policy are subject to disciplinary action, up to and including dismissal and also may be subject to individual criminal and /or civil prosecution in relevant jurisdictions. Business partners, Consultants, Suppliers, agents/representatives and any other providers of goods and services who violate this policy are subject to termination of all commercial relationships with Department of Social Development and report to Provincial Treasury.

## **7. APPROVING AUTHORITY**

Head of Department and Executive Authority shall be responsible for the approval of this policy

## **8. ADMINISTRATION OF THE POLICY**

The custodian of this policy shall be the Accounting Officer who is supported in its implementation by the Risk Management & Anti-Corruption unit

## **9. ROLES AND RESPONSIBILITIES**

### **9.1 Accounting Officer**

Head of the Department is legally the accountable person for this policy

## **9.2 Risk Management & Anti-Corruption**

The Director: Organizational risk management as delegated by the Accounting Officer as investigating officer and departmental advisor in fraud and corruption in the department.

**9.3 Chief Director: Institutional Support Services:** To provide a conducive environment and full access for investigators to conduct investigations in the districts.

## **9.4 District Directors**

District Directors shall be responsible for championing fraud and anti-corruption policy in the districts.

## **9.5 Other officials**

All officials shall be responsible for management, prevention, detection and control of fraud and corruption act

## **9.6 Labour relations practitioners**

Labour Relations officials shall be responsible to play role in the resolution element of fraud prevention plan of the department.

Finalize employees misconduct cases as per the Disciplinary policy of the Department.

## **9.7 Civil Society, Social Partners and other Stakeholder**

All civil society partners and stakeholders shall provide public oversight for this policy and have duty to report acts of fraud and corruption to the Department for action and refrain from tempting departmental officials to conduct fraud/corruption.

## **9.8 Risk and Anti-Corruption Committee**

The Committee shall be responsible for assisting the Accounting Officer in addressing his/her oversight requirements on fraud and corruption risk management and evaluate and monitor the Department performance with regarding in managing the risk of fraud and corruption.



## **10.EFFECTIVE DATE OF THE POLICY**

This policy shall be effective from the date of approval by the Executive Authority.

## **11.IMPLEMENTATION PROCEDURE**

A detailed plan on implementation procedures will be compiled to include but not limited to the followings:

- a) Capturing of received cases into the investigation register
- b) Facilitate the appropriate fraud /corruption risk assessment in the department
- c) Monitoring mechanism of fraud risk register
- d) Investigation processes to be followed
- e) Training and Awareness on fraud and corruption for both new and old staff
- f) Development of fraud and corruption risk monitoring tool.

## **12.MONITORING AND EVEALUATION**

The monitoring of the policy shall be carried out through the following mechanism:

- a) Reporting of cases by management /employees for investigation to the investigating unit
- b) Time spent on conducting the investigation by the unit.
- c) Approved investigation reports
- d) Recoveries made through those investigations made.
- e) Number of cases transferred to SAPS for criminal investigation

## **13.REVIEW OF THE POLICY**

This policy will be reviewed after three (3) years and whenever a need arises, change in legislation, new directives or national mandates had been given.

#### 14. POLICY RECOMMENDATION AND APPROVAL

RECOMMENDED / NOT RECOMMENDED

  
\_\_\_\_\_  
**MR. M. MACHEMBA**  
Head of Department  
Dept. of Social Development

  
\_\_\_\_\_  
Date

~~APPROVED / NOT APPROVED~~

  
\_\_\_\_\_  
**MS. B. FANTA**  
Member of Executive Council  
Dept. Of Social Development

  
\_\_\_\_\_  
Date