



BUSINESS INTEGRITY RESPONSE PLAN

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TABLE OF CONTENTS

- 1. INTRODUCTION.....2
- 2. PURPOSE.....2
- 3. DEFINITIONS.....2
- 4. RESPONSIBILITY OF FORENSIC SERVICES.....3
- 5. REPORTING REQUIREMENTS.....4
- 6. CONFIDENTIALITY.....6
- 7. INVESTIGATIONS.....7
- 8. TERMINATION OF CONTRACTS.....8
- 9. SUSPENSION.....9
- 10. INTERACTION WITH LAW ENFORCEMENT AGENCIES AND PROSECUTING AUTHORITIES.....10
- 11. AWARENESS CAMPAIGNS AND PARTICIPATION IN INDUSTRY INITIATIVES.....10
- 12. REWARD PROGRAMMES.....10
- 13. PROTECTED DISCLOSURES.....11

1. INTRODUCTION

1.1. The objectives of Forensic Services include, inter alia, the following:

- To protect Santam and its stakeholders from the impact of misconduct;
- To promote ethical and lawful conduct within Santam.

1.2. Forensic Services is accountable to the Risk Committee ("RC") for the formulation and monitoring of policy and strategy as it relates to misconduct, but reports directly to the Chief Financial Officer (CFO) for all operational matters.

2. PURPOSE

The purpose of this document is to provide an internal framework for the roles and responsibilities and operational functioning of Forensic Services, aimed at facilitating deterrence, detection, prevention, responding and redressing to allegations of misconduct perpetrated within and/or against Santam.

These documents must be read in conjunction with the:

- Santam Business Integrity Policy;
- Santam Code of Ethics; and
- Santam Disciplinary Code.

3. DEFINITIONS

For the purposes of this policy, the words or phrases defined below shall bear the meaning assigned to them wherever they appear in this policy:

- 3.1. *Santam* refers to all entities and business units that underwrites and or associated with the Santam insurance license
- 3.2. *Business integrity* refers to the values of respect, truthfulness, honesty, consistency and transparency with which Santam conducts its business. It encompasses Santam's commitment to adhering to good governance and compliance with all laws and regulations.
- 3.3. *Business partner* refers to any person or entity that renders a service on behalf of Santam. It will refer to but not limited to:
 - 3.3.1. All intermediaries (i.e. brokers) ;
 - 3.3.2. All third parties rendering an outsourced service (e.g. binder holders, underwriting managers, online brokers); and
 - 3.3.3. Service providers – shall mean but not limited to contractors, panelbeaters, tow truck operators, retailers, external assessors, builders, plumbers, salvage dealers, security and cleaning services.
- 3.4. *Misconduct* is defined as behaviour not conforming to any of the following: Santam values and standards, Code of Ethics or generally accepted good business practices.
- 3.5. **Legal and regulatory obligations**
 - 3.5.1. *Insurance crime* is defined as any criminal activity that affects or negatively impacts the short-term insurance industry and includes fraud, theft, corruption, money laundering and computer crime.
 - 3.5.2. *Fraud* is the unlawful and intentional making of a misrepresentation which causes actual prejudice, or has the potential to cause prejudice to another person. For purposes of this policy, and for ease of reference, fraud includes activities involving dishonesty and deception such as the following (this is not an exhaustive list):
 - Misstatements of qualifications, experience and other material facts on job applications and CV's for recruiting purposes;
 - Misstatements of material facts on tender documents, proposal or quotation documentation (including BEE ownership);
 - Identity theft;
 - Forgery and uttering.

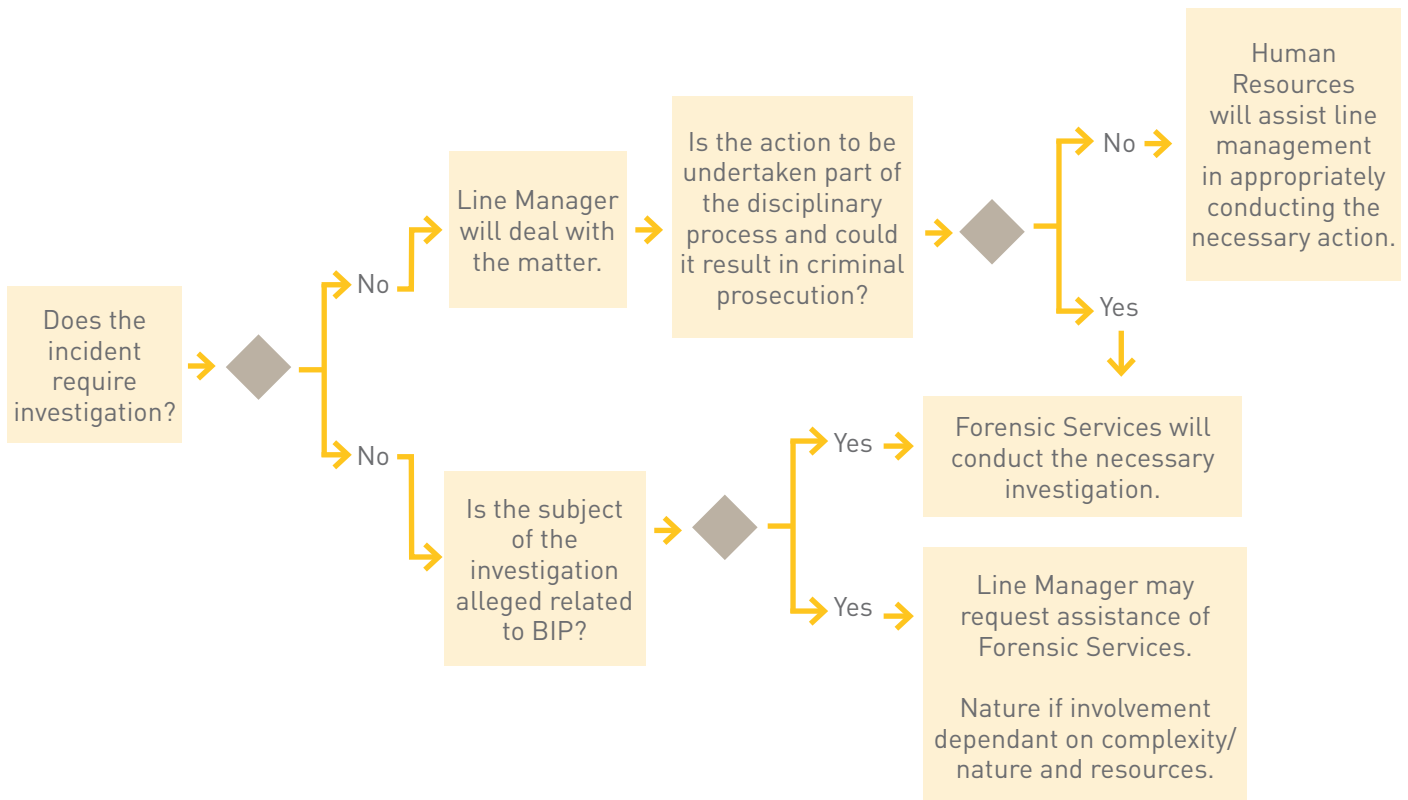
- 3.5.3. *Theft* is the unlawful, intentional appropriation of a moveable, corporeal object which:
- belongs to, and is in the possession of, another;
 - belongs to another but is in the perpetrator's own possession; or
 - belongs to the perpetrator him- or herself, but is in another's possession in circumstances under which the possessor has a particular right to possession of the object in question provided that the intention to appropriate the property includes an intention permanently to deprive the person entitled to the possession of the property, of such property.
- 3.5.4. *Money laundering* is defined as ¹:
- "an activity, which has or is likely to have the effect of concealing or disguising the nature, source, location, disposition or movement of the proceeds of unlawful activities or any interest which anyone has in such proceeds".*
- The Prevention of Organised Crime Act, No. 121 of 1998 ("POCA")* deals specifically with offences relating to the proceeds of unlawful activities and includes "Money Laundering", "Assisting another to benefit from the proceeds of unlawful activities" and the "acquisition, possession or use of proceeds of unlawful activities".
- 3.5.5. *Offence of corruption* generally refers to any situation where a person directly or indirectly accepts or offers to accept a gratification from another person/entity, or gives or agrees to give a gratification to any other person/entity for their benefit, or that of another. The giving or acceptance must be done in order to induce the other party to act in an improper manner, in the performance of that individual's/entities' duties. Corruption includes for example the following:
- Exercising preferential treatment in the awarding of tenders or contracting of service providers;
 - Manipulating the procurement process;
 - Disclosure of confidential information by an employee about his/her company/department and/or clients;
 - Manipulating the value of assets;
 - Performing favours for relatives and friends;
 - Nepotism;
 - Averting the legal consequences of unlawful acts or omissions;
 - Avoiding compliance with laws and regulations;
 - Intentional dereliction of duties as a result of payment or favours received from third parties.
- 3.5.6. *Computer crime* can be defined as any illegal act where a computer, computer systems network or electronic device with a memory and processing capability is:
- The object or target of a crime;
 - The instrument used to commit a crime;
 - Used as the repository of evidence relating to a crime, or
 - Any contravention of the Electronic Communications and Transactions Act, No. 25 of 2002.

4. RESPONSIBILITY OF FORENSIC SERVICES

- 4.1. The main responsibility of Forensic Services is to promote ethical and lawful conduct. This we through initiatives aimed at:
- Deterrence
 - Detection
 - Prevention
 - Responding
 - Redress
- 4.2. Forensic Services performs investigations for the purpose of gathering sufficient information to objectively determine whether there is evidence or not to substantiate an allegation of misconduct.
- 4.3. Santam Human Resources is the custodian of the Santam disciplinary process and responsible for assisting line management in the application of discipline within Santam.
- 4.4. Claims quality assurance is *inter alia* responsible for conducting reviews and work in progress assignments to validate the quality and accuracy of work or services rendered by service providers and to ensure that there is compliance and adherence to the contract as concluded between Santam and the relevant service provider.
- 4.5. There may be a potential overlap with the functions performed by Forensic Services and other departments within Santam. In order to manage the risk of potential overlap, the following decision flow chart will provide assistance in determining which department is responsible for assisting line management with specific requests:

Reference:

1. 3.5.4. *The financial Intelligence Centre Act, No.38 of 2001 ("FICA")* Page 3



Forensic Services should be consulted for guidance in the event of uncertainty.

5. REPORTING REQUIREMENTS

5.1. Common law requirements governing employer-employee relationship

As the employer - employee relationship includes the requirement of trust, every employee has a common law duty to report to the employer knowledge of any fact that might have a negative impact on the employer's business.

All Santam employees have a general duty to act in the best interests of the Company, which extends to the reporting of any suspicion of misconduct to Forensic Services.

Santam also encourages the general public, business partners, service providers and the entire body of policyholders to report any suspicion of misconduct to Forensic Services through the various reporting channels listed below (5.7).

5.2. Various pieces of legislation and regulations create reporting duties with which compliance is required. Any non-compliance may result in possible criminal prosecution.

5.2.1. *Legislation/regulations imparting reporting duties include:*

- The Prevention and Combating of Corrupt Activities Act No. 12 of 2004: Section 34;
- Prevention of Organised Crime Act No. 121 of 1998: Section 4; and
- Financial Intelligence Act No. 38 of 2001: Sections 28, 28A and 29.

5.2.2. It is important to note that knowledge or mere suspicion of criminal conduct triggers the reporting duty and these triggers are not confined to a subjective belief. When somebody "ought to have known or suspected" a criminal action, the reporting duties also apply. Thus, wilful blindness and negligence in failing to detect or report an obvious misconduct will also be punishable.

5.3. The reporting duty in terms of the Corrupt Activities Act.

5.3.1. *Section 34 of the Corrupt Activities Act* stipulates that any person in a position of authority who knows or ought reasonably to have known or suspects that another person has committed:

- Corruption; or
- The offences of theft, fraud, extortion, forgery or uttering of a forged document, involving R100 000 or more must report such knowledge or suspicion or cause the same to be reported to a police official.

- 5.3.2. *In terms of Section 34 (2) of the Corrupt Activities Act*, failure to comply with this obligation will constitute an offence. Provision is made for a sentence not exceeding 10 years in the case of a High Court conviction, whereas a Magistrate's Court can impose a fine or a period of imprisonment not exceeding 3 (three) years.
- 5.3.3. *Section 34 of the Corrupt Activities Act* includes the following persons as holding a position of authority:
- Any member of management, i.e. the manager, secretary or a director of a company as defined in the Companies Act, No. 61 of 1973;
 - The executive manager of any bank or other financial institution;
 - Any person who has been appointed as chief executive officer or an equivalent officer of, inter alia, any agency, authority, board, committee, department, entity, financial institution, or any other institution or organisation, whether established by legislation, contract or any other legal means;
 - Any other person who is responsible for the overall management and control of the business of an employer; or
 - Any person appointed in an acting or temporary capacity in any of the above-mentioned positions.
- 5.3.4. *How do you report?*
You can make a report via the channels listed below or cause the same to be reported to a police official.

5.4. The reporting duty in terms of the Prevention of Organised Crime Act No. 121 of 1998 (POCA)

Money laundering has been criminalised in section 4 of POCA. The Financial Intelligence Centre Act, No. 38 of 2001 ("FICA") defines the phenomenon of money laundering as follows:

"an activity, which has or is likely to have the effect of concealing or disguising the nature, source, location, disposition or movement of the proceeds of unlawful activities or any interest which anyone has in such proceeds".

Apart from criminalising activities which constitute money laundering, the law also contains various control measures aimed at detecting and investigating such incidents. These control measures are contained in the Financial Intelligence Centre Act 38 of 2001 (FIC Act).

The following sections of FIC Act are relevant.

5.4.1. Section 28: Cash transactions above prescribed limit (currently R25 000).

The obligation to report in terms of this section is triggered when a transaction is concluded with a client by means of cash.

This entails cash paid to a client or cash received from a client. The current prescribed amount is R25 000 or more.

Where the threshold amount is reached by a repetition of cash deposits into the single account over a period of 24 hours this may be considered to be an aggregate transaction exceeding the prescribed threshold.

In terms of Section 1 of FIC Act cash is defined as:

- Coin and paper money of the Republic or of another country that is designated as legal tender and that circulates as, and is customarily used and accepted as, a medium of exchange in the country of issue; and
- Travellers' cheques.

Example 1: Motor vehicle dealers

The client of a motor vehicle dealer (MVD), XYZ Motors, elects to pay in cash after purchasing a motor vehicle from XYZ Motors for the amount of R28 500. The MVD has a strict no cash policy and requests the client to pay the cash into XYZ Motors' bank account at ABC Bank. ABC Bank receives the cash amount of R28 500. ABC Bank is an accountable institution as listed in Schedule 1 to the FIC Act and has a reporting obligation in terms of section 28 of the FIC Act to report this transaction. XYZ Motors receives and peruses its bank statement or receives a bank deposit slip from the client which reflects the transaction that exceeded the prescribed threshold. XYZ Motors is a reporting institution as listed in Schedule 3 to the FIC Act. XYZ Motors "acquired knowledge" of the cash that went into its bank account and now has an obligation to report in terms of section 28 of the FIC Act. As a result this transaction will have to be reported to the Centre in terms of section 28 by both the motor vehicle dealer and the bank.

5.4.2. Section 28A: Property related to terrorist or related activities

This section places an obligation on accountable institutions to report the fact that it has in its control property owned or controlled by an entity that has committed, attempted to commit or facilitated the commission of a specified offence as defined in the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004; or a specific entity identified in a notice issued by the President.

5.4.3. Section 29: Suspicious and unusual transactions

The reporting obligation is triggered when a person who knows or ought to reasonably have known or suspected that:

- The business has received or is about to receive proceeds of unlawful activities;
- A transaction to which the business is a party is related to money laundering; and
- The business has been used for money laundering purposes.

5.5. Reporting requirements

A section 28 report must be made as soon as possible but not later than 2 days after becoming aware.

A section 28A report must be made as soon as possible but not later than 5 days after becoming aware.

Section 29 report must be made as soon as possible but not later than 15 days after becoming aware.

5.6. How do you report?

You can make a report via the channels listed below report or cause the same to be reported to the Financial Intelligence Centre (<https://www.fic.gov.za/>).

5.7. Forensic Services reporting mechanisms

The following easily accessible and confidential mechanisms are available to report all suspicions of misconduct:

SA: 0860 600 767
Namibia: 0800 002 020
Fax: 021 915 8197
BBM pin: 25CAFCE7
WhatsApp: 076 921 3347
E-mail: forensic.services@santam.co.za
Address: Forensic Services
PO Box 3881
Tygervalley
7536

6. CONFIDENTIALITY

All Santam employees have a general duty to act in the best interests of the company, which extends to the reporting of any suspicion regarding misconduct to Forensic Services. The company also encourages the general public, business partners, and the entire body of policyholders to report any suspicion of misconduct involving Santam to Forensic Services via the various reporting mechanisms.

In the event that the employee cannot directly make such report to Forensic Services, the employee must report the suspicion to the line manager or any other Santam employee as soon as possible unless it is suspected that the line manager is involved. The persons who received the report have a duty to convey such reports to Forensic Services as soon as possible.

Santam recognises the need to protect employees who make disclosures, and undertakes to protect the identities of employees who report misconduct as contemplated by the Whistle-Blowers Act.

All information reported to Forensic Services shall be treated as confidential, and not be disclosed to any other individual other than for the purpose of conducting an investigation. The identity of any person who discloses information shall be kept confidential subject to the provisions of the Whistle-blowers Act and/or any other law or legislation.

In addition thereto, any employee required to attend court in any capacity involving an allegation of dishonesty (whether as a complainant, defendant or witness) and which could have an adverse impact on Santam's reputation, should also report this fact either to the line manager or to Forensic Services. The employee should still make the report if there is uncertainty around the adverse impact.

Any employee charged with a criminal offence involving a potential exposure to a term of imprisonment, or suspended sentence or penalty/fine whether in a private or business capacity, or who may be subjected to an action for insolvency or bankruptcy or liquidation, must also report such facts as soon as possible to either the line manager or to Forensic Services.

In order to assist Forensic Services in protecting confidentiality as indicated above, employees who make such disclosures as part of an investigation must also take precautions to maintain the confidentiality of such information and/or any ensuing investigation, both in the interests of protecting their anonymity and the successful investigation of the allegations in question.

For the purposes of the Whistle-blowers Act, an employee is defined as:

- Any person excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration, and
- Any other person who in any manner assists in carrying on or conducting the business of the employer.

7. INVESTIGATIONS

- 7.1. Santam is committed to investigating all reports received, in an independent and objective manner. Forensic Services will prioritise any investigation, and determine the scope thereof, dependent on the size, nature and complexity of the matter reported.
- 7.2. Allegations of suspected misconduct can be adequately addressed by conducting a comprehensive Forensic investigation. The objective of a Forensic investigation is to gather sufficient information to either prove or disprove an allegations, and if the allegation is substantiated; to identify the persons involved, support the findings by evidence and to present the evidence in an acceptable format in any subsequent disciplinary, civil or criminal proceedings.
- 7.3. An “investigation” means the structured process which is focussed on the gathering of sufficient and reliable information to enable an investigator to either prove or disprove allegations received. A comprehensive Forensic investigation methodology includes *inter alia* interviews, taking statements, seizing of evidence, writing reports, testifying to findings and assisting in subsequent detection, prevention, training and awareness initiatives.

7.4. Referral process

Where a matter is referred to Forensic Services, the referral should provide the following if possible:

- A brief description of the allegation(s);
- A chronological account of the facts and/or circumstances giving rise to the allegation(s);
- The name(s) of the suspected offender(s) (where known);
- Details of witnesses;
- Copies of relevant documentation and access to the originals;
- References to any relevant legislation; and
- A nominated contact person.

Upon receipt of the complaint or report, Forensic Services will log an enquiry on the Forensic data base and the reporter will receive notification of a case reference number within 8 (eight) hours after the report was made.

The enquiry will be allocated to an investigator who will contact the reporter within 24 hours after report was made.

There are instances where the report will require urgent attention because there is a concern that evidence would be destroyed or witnesses threatened. It is suggested that in such cases telephonic contact be made with Forensic Services in order to give immediate attention to the matter – mention must be made that it is an urgent referral.

Forensic Services will review all information and evidence submitted with a view to determine the following:

- a. Whether any preliminary assessment and/or investigation was sufficient to give rise to the suspicion that a misconduct had been or was being committed or that an attempt had been or was being made in this regard;
- b. An identification of the alleged offence(s), if any, and the elements thereof;
- c. Whether any preliminary assessment and/or investigation justifies the holding of a disciplinary enquiry or, at least, the conducting of further investigation to establish whether this may be necessary;
- d. Whether further investigation is warranted which would establish reasonable suspicion that misconduct had been or was being committed or that an attempt in this regard had been or was being made;
- e. Whether the investigation has established a prima facie case of a criminal offence;
- f. Whether the matter should be reported to the South African Police Service or any other appropriate law enforcement agency or regulatory body.

7.5. Advice on criminal prosecution

Criminal law is basis used by Forensic Services to determine if the evidence gathered is sufficient to prove the elements of a crime beyond reasonable doubt.

A crime is an act or omission which the State considers unlawful or harmful to society and therefore wishes to prevent such act or omission by imposing punishment. Criminal investigation and prosecution are generally regulated by Statutes, Criminal Law, Criminal Procedure and Evidence.

Depending on whether you are dealing with a criminal case or a civil matter, the onus of proof will either be beyond reasonable doubt for criminal action or on a balance of probabilities for civil action.

The onus rests with the party who makes the allegation and in those instances where criminal cases are reported on behalf of Santam, it is Santam who needs to prove the allegations beyond reasonable doubt.

It is therefore important to ensure that there is sufficient evidence of criminal conduct before reporting a criminal complaint and to ensure that such reporting is done in a co-ordinated manner. Forensic Services should be consulted before reporting any criminal case on behalf of Santam.

Forensic Services is mandated to lodge all criminal complaints on behalf of Santam to the relevant law enforcement agency and to track the progress of the criminal investigation and prosecution.

If evidence of criminal conduct is detected by an external supplier during the claims validation process, Forensic Services will liaise directly with such supplier and facilitate the reporting of the criminal complaint.

7.6. Interaction with Censeo

All claims rejected by Censeo due to fraud are referred to Forensic Services. Upon receipt and studying of all relevant information which includes, assessor's reports, written explanations, tape recordings and other documentary evidence, Forensic Services will determine if there is sufficient evidence for criminal prosecution. If there is sufficient evidence to warrant the reporting of a criminal case; Forensic Services will give written instruction to the designated person at Censeo to proceed with the lodging of the criminal case at SAPS.

After reporting of the criminal case, the designated person from Censeo will forward the SAPS reference number to Forensic Services who will in turn monitor the progress of the criminal investigation.

7.7. Employees whether permanent or fixed term contracts

Suspicions of misconduct against employees or fixed term contractor should be reported immediately to Forensic Services for investigation. Investigative work performed by inexperienced individuals may jeopardise the outcome of any disciplinary or legal proceedings instituted against the offending party.

Forensic Services shall investigate the allegation and may interview all relevant parties who may assist or provide further information. Management shall give assistance to Forensic Services as may be necessary to carry out such investigations, as shall individual employees in accordance with their general obligation to act in the best interests of their employer.

Failure by any employee to assist or co-operate in an investigation, or the intentional provision of false or misleading information, will be considered as a serious breach of the employment contract and may result in disciplinary action.

In the event that prima facie evidence against the employee or the fixed term contractor is obtained, the process as set out in the Santam's Disciplinary Code and Grievances Procedure or in the appointment contract shall be followed.

Where the conduct which is the subject of investigation, amounts to a criminal offence, Forensic Services shall lodge a complaint with the relevant law enforcement agency, and shall render to such agency such assistance as may be required to investigate, charge and prosecute the offending employee or contractor.

7.8. Business partners/ service providers/ clients

Forensic Services is mandated to receive and investigate complaints relating to misconduct against business partners, service providers or clients relating to Santam's business. The findings and recommendations of the investigation will be reported to the responsible Manager or Business Unit Head.

In the event that the complaint which is the subject of the investigation, amounts to a criminal offence, Forensic Services shall, after discussion with the affected business unit manager, lodge a criminal complaint with the relevant law enforcement agency or other regulatory body and render such assistance as may be required by such agency or body to investigate, charge and prosecute the offending party.

8. TERMINATION OF CONTRACTS

Upon completion of the investigation, Forensic Services may also provide recommendations regarding the termination of contact with the offending party. These recommendations will be discussed with:

- The Business Unit Head responsible for managing the relationship with the offending party;
- Head: Claims Quality;

- Head: Group Sourcing;
- Head: Corporate Legal Services; and
- Underwriting

When considering a decision to terminate the contractual relationship the following factors will assist in the decision making process:

- Seriousness of the alleged offence
- Was a criminal case reported or was the conduct reported to a regulatory body;
- Who is the offending individual and what is his/her relationship with the business partner or service provider (Is the offending party an employee, the owner? Did the offending party act on their own?);
- Corrective action taken against the offending party by the business partner or service provider:
 - Controls in processes in place to rectify and prevent such incidents from happening again;
 - Reputational risk to Santam if the business relationship continued or was terminated;
 - Commercial and legal risks to Santam if the contractual relationship continued or was terminated;
 - Consistency regarding previous actions taken by Santam for similar misconduct.

9. SUSPENSION

9.1. Employees whether permanent or fixed term

Where the complaint merits suspension of an employee, the designate Manager: Human Resources may upon receipt of the result of preliminary enquiries and upon recommendation by Forensic Services but within the scope of its Disciplinary Code and Grievances Procedure, suspend an employee who is the subject of investigation pending completion thereof. In certain cases, the suspension needs to be approved by the Head: Human Resources and the responsible Executive Head.

The suspension of a fixed term contractor where merited, following preliminary enquiries and upon recommendation by Forensic Services, shall be governed by the appointment agreement as the case may be.

9.2. Service Providers

Where a complaint merits the suspension of a service provider, the Head: Claims Quality Assurance and/or the Head: Group Sourcing and/or the Business Unit Head may upon receipt of the result of preliminary enquiries and upon recommendation by Forensic Services but within the terms of the agreement governing the appointment of such service provider, suspend the service provider.

9.3. Business partners and Clients

Unless expressly provided for by agreement, Santam shall not suspend business partners or clients services pending investigations.

9.4. Zero tolerance

Since 2001 Santam has subscribed to a zero tolerance approach with regards to misconduct. This entails that in all instances where there is *prima facie* evidence of misconduct; Santam will institute appropriate action against the offending individual without any exceptions. It is important to note that a criminal case will be reported irrespective of whether Santam suffered a financial loss or not. Any mitigating circumstances will be taken into account by the judge or magistrate and will therefore not play a part in this decision.

Santam recognises that in certain instances the evidence gathered although not of a criminal nature may amount to contravention of standards, rules or regulations of a regulatory or a governing body. In such an instance Forensic Services shall also report such contraventions to the said regulatory or governing body. In addition thereto Forensic Services shall render such assistance as may be required by the relevant law enforcement agency, governing body or regulatory body for the successful prosecution of the offending party.

These actions may include disciplinary, termination of contracts and/or the reporting of a complaint with law enforcement agencies and/or reporting to a regulatory body.

Forensic Services will also institute legal action against the offending party to recovery any financial losses suffered. All cases reported to a relevant enforcement agency will also be reported to the South African Insurance Crime Bureau (SAICB).

9.5. Reinstatement

Santam is primarily in the business of providing short term insurance. It is therefore imperative that Santam maintains the highest degree of honesty and integrity at all times and aligns itself to business partners and service providers who share the same degree of honesty and integrity. Any action or decision taken contrary to these fundamental principles will not be tolerated.

Situations may arise where a business partner or service provider whose contractual relationship was previously terminated applies for re-instatement.

Santam may at its discretion consider such applications bearing in mind that there will be no conflict with any policy, legislation or the principles of honesty and integrity.

The following factors should be considered when such an application is received.

Factors to consider:

- Impact of this decision on our zero stance to misconduct;
- The impact the decision will have on Santam's standing in the financial sector;
- Nature of the offence (offences for fraud, corruption, money laundering, theft or dishonesty);
- The outcome and sanction imposed by a criminal court, regulatory or oversight body on the specific incident (e.g. suspended sentence, fine or penalty imposed by the FSB);
- A minimum waiting period of three years after the termination of the relationship;
- No pending or open investigations and or enquiries against the applicant individual, business partner or service provider. A criminal case that is withdrawn will be considered as a pending investigation. It is up to the applicant to seek finality on these pending investigations;
- Media publicity and impact on our reputation;
- A proven track record of ethical dealings after the event indicating a change in behavior;
- Re-instatement does not conflict with any regulations, financial sector Codes or Santam's policies.

10. INTERACTION WITH LAW ENFORCEMENT AGENCIES AND PROSECUTING AUTHORITIES

Forensic Services is responsible for co-ordinating the reporting of all criminal cases to the relevant law enforcement agency. In addition thereto, Forensic Services shall render such assistance as may be required by the applicable law enforcement agency. All employees are obliged to assist Forensic Services or the relevant law enforcement agency with whatever information may be required.

Forensic Services is also responsible for initiating steps aimed at the recovery of any losses suffered by Santam and rendering whatever assistance is required to the relevant law enforcement agencies in this regard.

Forensic Services will also engage with the National Prosecuting Authorities to determine and agree on appropriate sentences, to agree and resolve the criminal prosecution via the various alternative dispute resolution mechanisms used by the National Prosecuting Authority.

11. AWARENESS CAMPAIGNS AND PARTICIPATION IN INDUSTRY INITIATIVES

Santam recognizes the importance of appropriate awareness campaigns in contributing towards deterrence, detection and prevention of misconduct. Forensic Services shall engage in such campaigns to create awareness and educate employees, service providers, business partners, policyholders and the general public on the negative impact of misconduct within the insurance industry.

Santam is committed to participating in industry wide initiatives focussed to deter, detect, prevent, respond and redress misconduct within the insurance sector. To this end Santam is a member of the SAICB and supports its various programmes.

12. REWARD PROGRAMMES

Forensic Services is authorised to run such reward programmes as may be considered appropriate in encouraging the reporting of misconduct. These programmes are limited to Santam employees but may at the discretion of the Manager: Forensic Services include other categories of reporters.

The frequency or values of such reward programmes are also within the discretion of the Manager: Forensic Services. No correspondence shall be entered into in respect of the result of any such reward programmes.

13. PROTECTED DISCLOSURES

The Protected Disclosures Act, 26 of 2000 (referred above as “the Whistle-blowers Act”), makes provision for the protection of employees who make a disclosure that is protected in terms of this Act.

Any disclosure made in good faith and substantially in accordance with any reporting procedure prescribed by Santam is considered to be a protected disclosure under this Act. An employee making such a protected disclosure is protected, inter alia, from being subjected to any occupational detriment as a result of the protected disclosure.

Any person, who suspects or reports misconduct will be afforded the opportunity to remain anonymous. It is the responsibility of all employees of Santam to report incidents of misconduct to Forensic Services as soon as possible.

All information received via a protected disclosure ‘tip-off’ will be treated as highly confidential. The investigation will also be handled in a confidential manner, and no information will be disclosed or discussed with any person other than those who have a legitimate right to such information or for the purpose of conducting such investigation. This is to avoid tarnishing the reputation of the person being investigated and who is subsequent to an investigation found innocent of wrongful conduct.

No information with regard to any allegation received, finalised investigation pending investigation or investigation reports are to be shared with any external party. Such requests for information must be directed to the Manager: Forensic Services.

NOTES

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