

**SIYANCUMA
MUNICIPALITY MUNISIPALITEIT**



Policy Title	Whistle Blowing Policy 2024/25
Policy Author/Custodian	CORPORATE SERVICE
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1. INTRODUCTION

1.1 Siyancuma Municipality (Municipality) is committed to the highest standards of openness, ethical behaviour, integrity and accountability. The Municipality aims to promote a culture in which employees feel able to raise genuine and valid concerns without fear of victimisation, discrimination or disadvantage. Members of the public and service providers are also encouraged to raise concerns about our activities so that we can investigate and take appropriate action.

1.2 Siyancuma Municipality therefore recognises the fact that:

- 1.2.1 Criminal and other irregular conduct within the Municipality is detrimental to good, effective, accountable and transparent governance;
- 1.2.2 There is a need for procedures in terms of which employees should, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct;
- 1.2.3 Every employee has a responsibility to disclose criminal and any other irregular conduct in the workplace; and
- 1.2.4 Employees who disclose such information must be protected from any reprisals because of such disclosure.

2. OBJECTIVES OF THE POLICY

2.1 The Protected Disclosures Act came into effect on 16 February 2001. To remain in compliance with the Act, and its duty as a public body in terms of the Constitution of the Republic of South Africa to promote good governance, the Municipality will:

- 2.1.1 Strive to create a culture which will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals because of such disclosure; and

2.1.2 Promote the eradication of criminal and other irregular conduct within the Municipality.

2.2 The Policy is intended to encourage and enable staff to raise concerns rather than overlooking a problem or blowing the whistle to inappropriate channels.

2.3 Furthermore, the policy aims to:

2.3.1 Provide avenues for staff to raise concerns;

2.3.2 Inform staff on how to take the matter further if they are dissatisfied with the response; and

2.3.3 Reassure staff that they will be protected from reprisals or victimisation for whistle blowing in good faith.

3. SCOPE OF THE POLICY

3.1 There are existing grievance procedures in place to enable employees to raise grievances relating to their employment. This Policy is intended to cover concerns that fall outside the scope of grievance procedures. These concerns indicated in the Act, are the following:

3.1.1 That a criminal offence has been committed, is being committed or is likely to be committed;

3.1.2 That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;

3.1.3 That a miscarriage of justice has occurred, is occurring or is likely to occur;

3.1.4 That the health or safety of an individual has been, is being or is likely to be endangered;

3.1.5 That the environment has been, is being or is likely to be damaged;

3.1.6 Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000;

3.1.7 That the Codes of Conduct or the Codes of Ethics are not adhered to;

3.1.8 That there is a conflict of interest that is not reported;

- 3.1.9 That there is improper or illegal use of authority;
- 3.1.10 That fraud, waste, or misuse of municipal property, resources, or time are occurring; or
- 3.1.11 That any matter referred to in paragraphs (a) to (j) has been, is being or is likely to be deliberately concealed.

3.2 The following prohibited activities must also be reported:

- 3.2.1 Intentional falsification of records (including failure to disclose material facts or making false or misleading entries or statements with the intent to deceive on any Municipality document or other official document, report, or form, including but not limited to, Municipality financial records and environmental regulatory reporting), or the wilful and unauthorised destruction and/or mutilation of any Municipality document or other official document, report, or form, including Municipality financial records, other than in accordance with the Municipality's record retention policy and/or applicable law.
- 3.2.2 Intentionally submitting false claims for payment or reimbursement.
- 3.2.3 Knowingly submitting and/or signing a timesheet that contains false information.
- 3.2.4 Forgery or intentional unauthorized alteration of a Municipality document or other official document, application, report, or form, including but not limited to Municipality financial documents.
- 3.2.5 Improprieties in the handling or reporting of financial transactions for the Municipality.
- 3.2.6 Authorising or receiving payment by the Municipality for goods not received or services not performed.
- 3.2.7 Computer related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of Municipality-owned software.
- 3.2.8 Signing of documents without proper delegation.

4. THE POLICY

4.1 Protected Disclosures Act

4.1.1 Section 2 of The Protected Disclosures Act defines the "Objects of the Act" as follows:

4.1.1.1 To protect an employee from being subjected to an occupational detriment on account of having made a protected disclosure;

4.1.1.2 Occupational detriment includes being subjected to any disciplinary action, being dismissed, suspended, demoted, harassed, intimidated, transferred against one's will, refused transfer or promotion, having a term or condition of one's employment or retirement altered to one's disadvantage, being refused a reference, or being provided with an adverse reference from the Municipality, being denied appointment to any employment, profession or office, being threatened with any of the above or being otherwise adversely affected in one's employment with the Municipality, including employment opportunities and work security;

4.1.1.3 To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure; and

4.1.1.4 To provide for procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his or her colleagues, other stakeholders and employer.

4.1.2 This Policy is developed based on the principle objects of the Protected Disclosures Act, which encourages and places a duty on employees to disclose any acts of misconduct without fear of any recriminations or reprisals

4.2 Harassment or Victimisation

4.2.1 The Municipality will not tolerate harassment or victimisation and will act to protect employees when they raise a concern in good faith. Any act of harassment or victimisation should be reported to the Municipal Manager.

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"Harassment or victimisation" includes any acts falling under the definition of 'occupational detriment', referred to above. This does not mean that if an employee is already the subject of disciplinary or other action, that action will be halted because of their whistle blowing.

4.3 Confidentiality

4.3.1 The Municipality will do its best to protect an individual's identity when he/she raises a concern and will ensure that their identity will not be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as *part* of the evidence. It is, furthermore, a possibility that the employee may be required in due course to provide evidence at a hearing or trial.

4.4 Anonymous Allegations

4.4.1 The Municipality encourages employees to put their names to allegations. Concerns expressed anonymously are difficult to investigate; nevertheless, they will be followed up at the discretion of the Municipality. This discretion will be applied by considering the following:

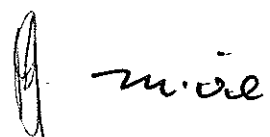
- 4.4.1.1 seriousness of the issue raised;
- 4.4.1.2 credibility of the concern;
- 4.4.1.3 likelihood of confirming the allegation; and
- 4.4.1.4 sufficiency of information provided.

4.4.2 Employees who do utilize the hotline also need to be aware of the fact that it will not be possible for the employee to be advised of the steps taken by the Municipality arising from the allegation.

4.5 False Allegations - Allegations not made in Good Faith

4.5.1 Employees or other parties must understand that they need to make the allegations in good faith.

4.5.2 "Good faith" means that the employee must believe that the allegations are true.

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- 4.5.3 This does not mean that the employee has to prove that the allegations are correct. It simply requires that the employee believes them to be correct and that this is likely given the circumstances surrounding the allegations.
- 4.5.4 Accordingly, employees must guard against reporting "rumours" or "hunches", or suspicions that they "smell a rat" without information conforming such rumours or hunches.
- 4.5.5 Most importantly, employees must guard against deliberately making allegations which the employee knows or suspects to be false and/or which are made with malicious intent. Such allegations prevent the employee from benefiting from the protection of the Public Disclosures Act.

5. Reporting Procedures on Fraud and Corruption

Consistent with the Auditor General South Africa's guidelines, line managers are responsible for daily operations and for the internal control systems within their organisational responsibility. **Where managers do not have the expertise to evaluate internal controls**, they should call upon the support from *National or Provincial Treasury and Internal Audit*.

5.1 Reporting Obligations and Escalation Procedures

All municipal employees, including line managers, as well as members of the public, have a duty to report suspected fraud, corruption, or any other dishonest conduct to the Office of Enterprise Risk Management (ERM).

- **Role of the ERM Unit:**

The ERM Unit functions solely as a centralised point for receiving, documenting, and **referring** reported allegations. It does **not conduct investigations** but ensures that all reports are escalated to the appropriate authority for further action in accordance with relevant legal and procedural frameworks.

- **Reporting Channels:**

Reports may be submitted through the fraud hotline: **fraud@siyancuma.co.za** or by submitting a completed complaint form to:

Office of Enterprise Risk Management
Civic Centre, 13 Charl Cillier Street
P.O. Box 27, Douglas, 8730, South Africa

- **If the Municipal Manager is Implicated:**

The ERM Unit must refer the matter **directly to the Mayor and Council**, ensuring that the report is treated as confidential and that any potential conflicts of interest are avoided. The referral must be accompanied by all available supporting documentation.

- **If a Senior Manager is Implicated:**

Where a senior manager (excluding the Municipal Manager) is implicated, the ERM Unit shall refer the matter to the **Municipal Manager**, who must ensure that an **independent/impartial** and procedurally fair investigation is initiated by an authorised structure (e.g., Internal Audit, disciplinary panel, or external investigator).

- All complaints implicating the **Enterprise Risk Management** and **Internal Audit Units** should be reported to the Accounting Officer

All referrals must be handled with strict confidentiality and in full compliance with applicable legislative frameworks, including the *Municipal Finance Management Act, No. 56 of 2003*, and the *Prevention and Combating of Corrupt Activities Act, No. 12 of 2004*. Protection of whistle-blowers and adherence to due process must be observed throughout.

Siyancuma Municipality will make public the reporting procedures in accordance with section 21(1)(a) and (b) of the Municipal Systems Act.

6. HOW THE COMPLAINT WILL BE DEALT WITH?

6.1 The action taken by the Municipality will depend on the nature of the concern.

The possible actions may, among others be to:

6.1.1 investigate by line management;

6.1.2 investigate by official internal Investigations Department;

6.1.3 investigate by outsource/co-source investigation to a consultant forensic firm and/or

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6.1.4 refer the matter to the SAPS or another relevant law enforcement agency.

6.2 In order to protect Individuals and the Municipality, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of other procedures, will normally be referred for consideration under those procedures.

6.3 Some concerns may be resolved without the need for an investigation.

6.4 The amount of contact between the body investigating the issues and the persons raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.

6.5 The relevant Senior Manager, upon receiving a report of the alleged / suspected fraud or corruption, will inform the complainant in writing:

6.5.1 Acknowledging that the concern has been received.

6.5.2 Indicating how he/she proposes to deal with the matter and whether any initial enquiries have been made.

6.5.3 Giving an estimate of how long it will take to provide a final response.

6.5.4 Informing him/her whether further investigations will take place, and if not, why not.

6.6 The Municipality accepts that employees need to be assured that the matter has been properly addressed. However, the progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any persons other than those who have a legitimate right to such information.

6.7 A register containing the matters reported confidential will be kept at the Risk Management Unit.

7. CREATING AWARENESS

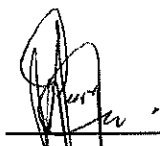
7.1 For the Policy to be sustainable, it must be supported by a structured education, communication and awareness programme.

7.2 It is the responsibility of all directors and managers to ensure that all employees are made aware of and receive appropriate training and education regarding the Whistle Blowing Policy.

8. VERSION

Version	Date
Version 1	21 May 2025

9. APPROVAL

 Date: 21/05/2025
Johannes George:
Speaker

 Date: 21/05/2025
Madoda Vilakazi
Municipal Manager

WHISTLEBLOWER COMPLAINT FORM

(Optional) Name: _____

(Optional) Address: _____

(Optional) Work Phone: _____

(Optional) Home/Cell Phone: _____

Are you an employee of Siyancuma Municipality? Yes ___ No ___

Is u 'n werknemer van Siyancuma Munisipaliteit? Ja ___ Nee ___

If yes, what is your position or relationship to the Municipality? _____

Indien ja, wat is u posisie of verhouding tot die Munisipaliteit? _____

1. Identify the person or persons against whom your allegations are made/ Identifiseer die persoon of persone teen wie u bewerings gemaak word

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary/ Beskryf die aard van u klagte, die voorval(le) of gebeurtenis(se), datum(s), tyd(e) en plek(ke). Heg bykomende bladsye aan hierdie klagte as dit nodig is.

3. Identify others who may have observed or witnessed the incident(s) that you described/ Identifiseer ander wat moontlik die voorval(le) wat u beskryf het, waargeneem of gesien het.

4. Do you have any documents that support your allegation? (Please list and attach copies). Het u enige dokumente wat u bewering ondersteun? (Lys asseblief en heg afskrifte aan).

FOR ALL COMPLAINTS NOT INVOLVING THE MUNICIPAL MANAGER

You may submit this report to fraud@siyancuma.co.za



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