MSUKALIGWA LOCAL MUNICIPALITY

WHISTLE BLOWING POLICY 2026/2

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1. INTRODUCTION

1.1. Whilst a sound system of internal controls remains a primary means for the effective prevention and detection of fraud, a reporting channel, trusted by officials, councilors and external third parties alike, remains an important tool in the fight against fraud.

1.2. Msukaligwa Local Municipality recognizes that, by remaining silent about fraudulent practices and other malpractices affecting the Municipality, an official, councillor or member of the public concerned becomes part of a culture of fostering such improprieties which are detrimental to the legitimate interests of the Municipality as well as to South African society in general.

1.3. Msukaligwa Local Municipality recognizes the fact that Criminal and other irregular conduct within Msukaligwa Municipality is detrimental to good, effective, accountable and transparent governance within the Municipality and can endanger the economic stability of the municipality and have the potential to cause social damage.

1.4. There is a need for procedures in terms of which employees may, without fear of reprisals, harassment or even victimization disclose information relating to suspected or alleged criminal or other irregular conduct affecting them and/ or the municipality. Every employer and employee has a responsibility to disclose criminal and any other irregular conduct in the workplace and every employer has a responsibility to take all necessary steps to ensure that employees who disclose information regarding criminal and any other irregular conduct in the workplace are protected from any reprisals as a result of such disclosure.

1.5. It is important to note that whistle-blowing if understood correctly, is not about informing in the negative anonymous sense, but rather about raising a concern about malpractice within your municipality. Msukaligwa Local Municipality expects all its councilors and officials, as well as external stakeholders, such as suppliers, service providers, and partners, to disclose information regarding fraudulent practices affecting the Municipality to the Municipality, whether anonymously or otherwise.

2. OBJECTIVES

The objectives of this policy are to:

2.1. Promote zero tolerance on criminal and other irregular conduct within Msukaligwa Local Municipality.

2.2. Encourage the reporting of matters that may cause financial or non-financial loss to the Municipality or damage to the Municipality's reputation.

2.3. Provide appropriate systems and mechanism for reporting.

3. REGULATORY FRAMEWORK

This Policy derives its mandate from the following legislation and prescripts;

3.1. Constitution of the Republic of South Africa Act, 1996
3.2. Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004)
3.3. Promoting of Access to Information Act, 2000 (Act 2 of 2000)
3.4. Protected Disclosure Act, 2000 (Act No 26 of 2000)
3.5. Municipal Finance Management Act, 2003 (Act 56 of 2003)

4. DEFINITIONS

4.1. **"Occupational detriment"** as defined by the Protected Disclosures Act includes being subjected to disciplinary action, dismissed, suspended, demoted, transferred against your will, harassed, denied promotion, subjected to terms and condition of employment or retirement which are altered or kept altered, intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.

4.2. **"Protected disclosure" or "disclosure,''** means a disclosure made in terms of this Policy or the Act;

4.3. **"The Act"** means the Protected Disclosure Act 26 of 2000 as may be informed by the context; and

4.4. **"Whistle blower"** means a person who has made a disclosure in terms of this Policy or the Act.

4.5. **"Employees"** means officials of Msukaligwa Local Municipality;

4.6. **"Employer"** means the Council of Msukaligwa Local Municipality, and the Municipality has a corresponding meaning;

4.7. **"Fraud"** means any practice that involves acts of deceit or dishonesty by which a benefit is obtained from the Municipality, or where a benefit is obtained by virtue of one's duties or functions within the Municipality, and fraudulent has a corresponding meaning.

4.8. **"Hotline"** means an anonymous reporting channel through which officials, councilors and members of the public can report fraudulent and other irregular activities, free from victimization or repercussions;

5. SCOPE OF APPLICATION

5.1. This policy is applicable to all employees and councillors of the Municipality, it contains detailed procedures that need to be followed when Councilors, Municipal Staff Members, Service Providers and Members of the Public want to raise and report serious concerns within the Municipality on a confidential basis without fear of reprisals.

5.2. This policy is not a grievance procedure document. There is an existing grievance procedure in place to enable employees to raise grievances relating to their employment. This whistle blowing policy will help to break the cycle of silence and inaction in order to minimize fraud and corruption in the municipality.

5.3. The Policy covers all forms of improprieties, and includes;

5.3.1. Financial misconduct;
5.3.2. Failure to comply with a legal obligation;
5.3.3. Health and safety risks;
5.3.4. Environmental damage;
5.3.5. Criminal offence;
5.3.6. Corruption and misconduct; or
5.3.7. Attempt to conceal any of the above matters deliberately.

6. RESPONSIBILITY OF THE EMPLOYER

Msukaligwa Local Municipality commits itself to a culture that promotes openness. This must be done by:-

6.1. Educating, training, and work-shopping employees about events which constitute fraud, corruption and malpractice and the effect they have on the Municipality;

6.2. Involving employees, listening to their concerns and encouraging the appropriate use of the process of whistle blowing as outlined in this policy;

6.3. Conducting an investigation on any allegations of fraud, corruption; and

6.4. Generally to ensure strict and proper implementation of this policy.

7. REPORTING PROCEDURES

7.1. Reports of possible fraud or corruption from any internal or external source can be submitted internally to:

7.1.1. Line management;
7.1.2. Directors;

7.1.3. Municipal Manager; or
7.1.4. Risk Management Unit.

7.2. Where a person have reported his/her concern through any of the channels described in sub-paragraphs 7.1 above and have substantial reason to believe that there may be a cover-up or that evidence may be destroyed or that the matter might not be handled properly, that person may raise his/her concern in good faith with a Member of the Mayoral Committee of the Municipality.

7.3. Employees and members of the public not wishing to report a matter internally may make reports or Public Interest Disclosures to the following investigating authorities:

7.3.1. SAPS;
7.3.2. Public Protector;
7.3.3. Auditor-General; or
7.3.4. Any other relevant authority
7.3.5. Audit Committee Chairperson
7.3.6. Risk Management anti-fraud and corruption Committee Chairperson

7.4. It is the responsibility of any recipient of a complaint to promptly report all incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature to the attention of the Municipal Manager.

7.5. Where an employee is alleged to have committed an act of fraud, corruption, theft, or maladministration, the Municipal Manager must institute appropriate disciplinary proceedings in terms of the applicable disciplinary procedures Code. This should be done in accordance with the employees' right to a just administrative practice prescribed in the Constitution.

7.6. Where a councilor is alleged to have committed an act of fraud, corruption, or theft, the Speaker or Council must institute an investigation in terms of section 13 and 14 respectively, of the Code of Conduct for Councilors as contained in the Municipal Systems Act, read with the applicable regulations.

7.7. After finalization of disciplinary hearings pertaining to charges of fraud, corruption, theft, maladministration and other suspected irregularities of this nature, the outcome must be reported promptly to the Municipal Manager administratively and functionally to the Risk Committee.

7.8. Should Members of the public, employees and councilors wish to report allegations can contact the National Public Service Hotline number;

7.8.1. Contact details:

- Toll free Hotline: 0800 701 701 (This process guarantees a person to remain anonymous).

8. PROTECTION OF WHISTLE BLOWERS

8.1. Msukaligwa Local Municipality is committed to good practices and high standards and want to be supportive of employees and members of the public. The Municipality recognizes that the decision to report an allegation or complaint could be a difficult one to make.

8.2. Hence if what they are saying is true, they should have nothing to fear, because they will be doing their duty to their employer and those for whom they are providing a service, or as a citizen.

The policy contains a number of safeguards:

8.2.1. The Municipality will not tolerate any harassment or victimization (including informal pressures) and will take appropriate action to protect anyone who raises a concern in good faith.

8.2.2. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.

8.2.3. The Municipality will do its best to protect their identity if they raise a concern and do not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of information and a statement may be required as part of the evidence.

8.2.4. Allegations / Complaints can be made anonymously; however it should be noted that such cases can be more difficult to investigate. The likelihood of action will mainly depend on the seriousness of the issue raised and the credibility of the allegation / complaint.

8.2.5. No action will be taken against whistle blowers if allegations are made in good faith.

8.2.6. The Protected Disclosure Act was promulgated to facilitate reporting by employees (whistle blowers) of fraud, corruption or other unlawful or irregular actions by their employer(s) or co – employees without fear of any discrimination or reprisal by their employers or co – employees.

8.2.7. The Municipality recognizes that employees or councilors will be concerned about potential victimization, recrimination and even threats to their personal safety as a consequence of disclosing such fraudulent and/or corrupt activities. The Municipality

shall provide measures to protect the information and the identity of the person (when such protection is required).

8.2.8. However malicious and/or false allegations may result in disciplinary action and/or police investigation against such a whistle blower.

9. AWARENESS

9.1. The Accounting Officer and Council recognize that the continuing success of the Whistle Blowing Policy, and its credibility, will depend largely on the effectiveness of staff in the organisation and the public at large. In order to be sustainable, continuous awareness campaigns must be rolled throughout Msukaligwa Local Municipality.

9.2. It is the responsibility of all Directors and Managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the whistle blowing policy.

9.3. The Whistle Blowing policy will be incorporated in the communication strategy of the Municipality.

9.4. For purposes of reporting by members of the public the Municipal Manager must ensure that this Policy is available on the Municipal website.

10. REVIEW AND APPROVAL OF THE POLICY

10.1.1. The Whistle Blowing Policy will be reviewed every 5 years (with alignment to the political term) or as and when required to incorporate changes in the prescribed norms and standard governing it existence to ensure that it remains current and relevant to all legislature and guidelines of Risk Management, anti-fraud and anti-corruption in the Public Sector.

10.2. This policy shall come into effect immediately upon approval by Council of Msukaligwa Local Municipality.

11. AUTHORITY

Authority	Date
Recommended by Chairperson of Risk Management, Anti-Fraud and Corruption Committee:	
Approved by Municipal Manager: **Mr M Kunene**	
Approved by Council:	**Council resolution number** **LM 899/07/2025**