



on the Go for Growth

**WHISTLE BLOWING POLICY
2022-2023FY**

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1. Glossary of Terms

Throughout this document, unless otherwise stated, the words in the first column below have the meanings stated opposite them in the second column (and cognate expressions shall bear corresponding meanings)

Terms	Definition of terms
Act	Protected Disclosures Act, No 26 of 2000
WDM	Waterberg District Municipality
Fraud and Corruption	Includes, but is not limited to, the following: The following legal definitions: • Fraud, i.e. the unlawful and intentional making of a misrepresentation resulting in actual or potential prejudice to another; • Theft, i.e. the unlawful and intentional misappropriation of another's property or property which is in his/her lawful possession, with the intention to deprive the owner of its rights permanently; • Offences in respect of <i>corrupt activities</i> as defined in the Prevention and Combating of Corrupt Activities Act, i.e: ○ The general offence of corruption which could be summarised as directly or indirectly accepting or agreeing to accept any gratification from another person; giving or agreeing to give any other person any gratification in order to influence that person directly or indirectly to exercise his powers, duties or legal obligations in a manner which is/amounts to: ▪ Illegal, dishonest, unauthorised, incomplete, or biased; ▪ Misuse or selling of information or material

	acquired; ▪ Abuse of position of authority; ▪ Breach of trust; ▪ Violation of a legal duty or set of rules; ▪ Designed to achieve an unjustified result; - and ▪ Any other unauthorised or improper inducement to do or not to do anything; ○ Corrupt activities in relation to: ▪ Public officials; ▪ Foreign public officials; ▪ Agents; ▪ Judicial officers; ▪ Members of the prosecuting authority; ▪ Unauthorised gratification received or offered by or to a party with an employment relationship; ▪ Witnesses and evidential material during certain proceedings; ▪ Contracts; ▪ Procuring and withdrawal of tenders; ▪ Auctions; ▪ Sporting events; and ▪ Gambling games or games of chance; ○ Conflicts of interests and other unacceptable conduct, e.g.: ▪ Acquisition of private interests in contract, agreement in or investment in public body; ▪ Unacceptable conduct relating to witnesses; and ▪ Intentional interference with, hindering or obstruction of investigation of offence; ○ Other offences relating to corrupt activities, viz:
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- Accessory to or after an offence;
- Attempt, conspiracy and inducing another person to commit offence; and
- Failure to report corrupt transactions;

Irregularities relating to the following:

- *Systems issues:* where a process/system exists which is prone to abuse by employees, the public or other stakeholders, e.g.:
 - Non-compliance to tender procedures;
 - Procurement fraud, e.g. collusion between employees and suppliers;
 - Inadequate vetting of employees;
 - Abuse of leave;
 - Theft of blank cheques;
 - Abuse of the seating claim system by Councillors;
 - Abuse of the system of overtime;
 - Abuse of the system of travel claims;
 - Fraudulent information submitted by suppliers when tendering for work;
 - Fraudulent payment certificates submitted for payment;
 - Non-compliance to delegated authority limits;
 - Deliberate non-compliance to policies and procedures; and
- *Financial issues:* i.e. where individuals or entities have fraudulently obtained money from WDM, e.g.:
 - Theft, e.g. petty cash, etc;
 - Fraud related to fiscal dumping;
 - Suppliers invoicing for work not done;
 - Fraudulent cashing of cheques;
 - Fraudulent travel claims by employees;

	○ Abuse of petrol cards; ○ Insurance fraud, e.g. collusion between employees and public with respect to fraudulent insurance claims; ○ Service providers double invoicing; and ○ Contractors “fronting”. ▪ <i>Equipment and resource issues:</i> i.e. where the WDM's equipment is utilised for personal benefit or stolen, e.g.: ○ Theft of assets; ○ Abuse of assets; ○ Deliberate destruction of property; and ○ Use if WDM resources and equipment for private gain. ▪ <i>Other issues:</i> i.e. activities undertaken by employees of WDM, which may be against policies or fall below established ethical standards, e.g.: ○ Deliberate disclosure of confidential information ○ Conflict of interest ; ○ Favouritism; and ○ Non-disclosure of private work
Policy	Whistle Blowing Policy,
SAPS	South African Police Services

1. INTRODUCTION

1.1 WDM recognises the fact that :

- Unethical conduct, fraud and corruption within WDM is detrimental to good, effective, accountable and transparent governance within WDM and can

endanger the economic stability of WDM and have the potential to cause social damage;

- There is a need for procedures in terms of which employees may, without fear of reprisals, disclose information relating to suspected or alleged unethical conduct, fraud and corruption affecting WDM;
- Every employer and employee has a responsibility to disclose unethical conduct, fraud and corruption in the workplace; and
- Every employer has a responsibility to take all necessary steps to ensure that employees who disclose such information are protected from any reprisals as a result of such disclosure.

2. OBJECTIVES OF THE POLICY

2.1 The Protected Disclosures Act 26 of 2000 came into effect on 16 February 2001. In order to remain in compliance with the Act, WDM will:

- Strive to create a culture which will facilitate the disclosure of information by employees relating to unethical conduct, fraud and corruption in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure; and
- Promote the eradication of unethical conduct, fraud and corruption within WDM.

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

2.3 Furthermore the Policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken;
- Inform employees on how to take the matter further if they are dissatisfied with the response; and

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

3. SCOPE OF THE POLICY

3.1 There are grievance procedures in place to enable employees of WDM 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:

- (a) That a criminal offence has been committed, is being committed or is likely to be committed;
- (b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- (c) That a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) That the health or safety of an individual has been, is being or likely to be endangered;
- (e) That the environment has been, is being or is likely to be damaged;
- (f) Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000; or
- (g) That any matter referred to in paragraphs 3.1 (a) to (f) has been, is being or likely to be deliberately concealed.

4. THE POLICY

Harassment or victimisation

4.1 WDM acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the irregularity. WDM will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. This does not mean that if an employee is already the subject of disciplinary or other action, that action will be halted as a result of their whistle blowing.

Confidentiality

- 4.2 WDM will do its best to protect an individual's identity when he/she raises a concern and does not want their identity to 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.

Anonymous allegations

- 4.3 WDM 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 WDM. This discretion will be applied by taking into account the following:
- The seriousness of the issue raised.
 - The credibility of the concern; and
 - The likelihood of confirming the allegation.

Untrue allegations

- 4.4 All managers should discourage employees or other parties from making allegations, which are false and made with malicious intentions. Where such malicious, vexatious, or false allegations are discovered, the person who made the allegations will be subjected to firm disciplinary action, or other appropriate action in the case of external parties.

5. REPORTING OF CONCERNS

- 5.1 Duty to report misconduct
- Every individual within municipality has a responsibility to disclose criminals and any other irregular conduct in the workplace.
 - For some minor issues (e.g. personal use of WDM equipment etc.), employees should normally raise the concerns with their immediate manager. In general, however, the whistle blowing procedure is expected to be used for potentially serious and sensitive issues (e.g. fraud and corruption).

5.2 **REPORTING CHANNELS**

- The first step will be for employees to approach his/her immediate supervisor/manager unless he/she or relevant senior manager is the subject of the complaint, in which case Risk Management should be informed.
- The Head of Internal Audit, Head of Risk Management and the Principal can be approached to report fraudulence activity taking place within the Organisation.
- If the individual does not feel comfortable approaching the above mentioned offices, then he/she can report telephonically.

National Anti-Corruption Hotline (0800 701 701). Employees are expected to demonstrate to the person contacted that there are sufficient grounds for concern.

- Alternatively employees can contact Whistle blowing the toll-free number, **+27 0 800 122 337** (lines are manned 24 hours a day, 365 days a year)
 - Send a toll-free fax to **+27 0 800 212 689**
 - Send an email to: **wdm@whistleblowing.co.za**

5.3 In cases where Municipal Manager is implicated, the case should be reported directly to the Chairperson of the Audit Committee Who will then consult with council on referring it to the appropriate body.

- Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why the individual is particularly concerned about the situation. The earlier the concern is reported, the easier it is to take action.

5.4 Employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from Manager: Internal Audit.

6. HOW THE COMPLAINT WILL BE DEALT WITH

- 6.1 The action taken by WDM will depend on the nature of the concern. The matters raised may, among other possible actions:
- be investigated internally;
 - be referred to the SAPS or other relevant law enforcement agency;
- 6.2 In order to protect individuals and WDM, 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 by agreed action without the need for investigation.
- 6.4 WDM will write to the complainant:
- Acknowledging that the concern has been received;
 - Indicating how it proposes to deal with the matter and whether any initial enquiries have been made;
 - Giving an estimate of how long it will take to provide a final response; and
 - Informing them whether further investigations will take place, and if not, why not.
- 6.5 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.
- 6.6 WDM 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. This is important in order to avoid damaging the reputation of suspected persons who are subsequently found innocent of wrongful conduct.

therefore permit National Treasury to monitor and assess risk management within the local sphere of government. Furthermore, National Treasury should assess the quality of implementation to ensure that implementation does not become an end in itself, but a means to help institutions to understand their risks and manage such risks in a prudent manner.

9. COMPLIANCE AND ADOPTION

- Compliance with this policy is essential to ensure that the Municipality's risks are monitored and managed on a continuous basis in order to maximize potential opportunities and minimize the adverse effects of risks and increase the likelihood that the Municipality's strategic and operational objectives will be achieved.

10. POLICY REVIEW

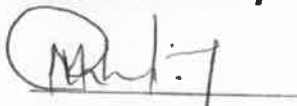
- The Risk Management Policy should be reviewed on annual basis.

11. APPROVAL AND EFFECTIVE DATE OF THE POLICY

- The Policy shall come into effect Immediately upon approval by the Council of Waterberg District Municipality

REVIEWED BY DATE

Recommended by



NCHABELENG M F

CHAIRPERSON RISK MANAGEMENT COMMITTEE:

29/09/2022

DATE

Approved by:


R RAPOTSOA
MUNICIPAL MANAGER

29/09/2022

DATE

Adopted by Council at its meeting held on the 29th September 2022