AMAHLATHI LOCAL MUNICIPALITY

WHISTLE-BLOWING POLICY

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Ordinary Council Meeting	28 May 2026
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CLLR. N. Mlahleki

Speaker

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WORDS	DEFINITIONS
	• That the environment has been, is being or is likely to be damaged. • Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, (No. 4 of 2000) or • That any matter referred to in paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed.
Disciplinary Procedure	Disciplinary Procedure of the Municipality in terms of the collective agreement of the South African Local Government Bargaining Council and/or the Disciplinary Code and Procedures for Senior Managers.
Employee	Any employee of the Municipality, contractual or permanent;
Fraud	Unlawful and intentional making of a misrepresentation which causes actual or potential prejudice to another. The use of the term is in its widest possible meaning and is intended to include all aspects of economic crime and acts of dishonesty;
Gift	includes physical offerings, rewards, hospitality (such as breakfast, lunch or dinner), money, sponsorships, commissions or any other benefit or gratification that is received by a councillor/ employee;
MFMA	Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
Municipality	Amahlathi Municipality;
Municipal Manager	Municipal Manager of the Amahlathi Municipality;
NPA	National Prosecuting Authority of the Republic of South Africa;
Occupational detriment	in relation to the working environment of an employee in terms of the Protected Disclosure Act (Act No. 26 of 2000) means – • being subjected to any disciplinary action.

WORDS	DEFINITIONS
	in any such capacity, the Mayor, the Speaker and/or the Chairperson of the Audit Committee
SAPS	South African Police Force of the Republic of South Africa;
Speaker	Means the speaker of the Amahlathi Municipal Council.
Systems Act	Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
Structures Act	Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
SCM Regulations	Supply Chain Management Regulations, 2005 (No. 27636 of 2005.

2. PURPOSE OF THE POLICY

2.1 The purpose of this Whistle-Blowing Policy is to establish a formal, secure, and confidential framework that enables employees, stakeholders, and members of the public to report any suspected or actual incidents of fraud, corruption, maladministration, unethical conduct, or any other irregularities within Amahlathi Local Municipality.

2.2 This Policy aims to encourage a culture of openness, integrity, and accountability by providing clear reporting channels and ensuring that all disclosures are handled in a fair, transparent, and consistent manner. It further seeks to protect whistle-blowers from any form of victimisation, retaliation, or occupational detriment in accordance with the Protected Disclosures Act.

2.3 In addition, the Policy facilitates the early detection, prevention, and effective management of wrongdoing, thereby strengthening governance, enhancing compliance with applicable legislation, and promoting public confidence in the Municipality, in line with the principles of the Constitution of South Africa.

3. OBJECTIVES

The objectives of this policy are to:

3.1 Promote the zero tolerance on criminal and other irregular conduct within Amahlathi Municipality.

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

3.3 Provide for the appropriate systems and mechanism for reporting.

4. SCOPE

4.1 This policy contains the detailed procedures that need to be followed when Councillors, Municipal staff members, service providers and members of the public want to raise and report serious concerns within Amahlathi Municipality on a confidential basis and without fear of reprisals. This policy is not a grievance procedure document.

6. REPORTING AND COMPLAINT PROCEDURES

6.1 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.

6.2 Where an employee is alleged to have committed an act of fraud, corruption, theft, or maladministration, the Municipal Manager must institute disciplinary proceedings in terms of the applicable disciplinary procedures, taking into account the employee's right to just administrative practice prescribed in the Constitution.

6.3 Where a councillor 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 Councillors as contained in the Municipal Systems Act, read with the applicable regulations applicable to said topic.

6.4 As soon as disciplinary hearings concerning charges of fraud, corruption, theft, maladministration and/or other suspected irregularities of this nature are completed, the outcome must be reported promptly to the Municipal Manager administratively and functionally to the Risk and Ethics Management Committee.

6.5 The Municipality shall report all instances of prima facie criminal conduct to the appropriate authorities.

6.6 Consistent with section 32 of the MFMA and in terms of the Fraud and Corruption Policy, the Municipal Manager must inform the Executive Mayor, Council, and the MEC for Local Government in the Province and the Audit General South Africa (AGSA), in writing of:

- Any unauthorized, irregular, fruitless and wasteful expenditure incurred by the Municipality; shall also include serious incidents of fraud, corruption, theft, maladministration and other suspected irregularities of this nature;
- Whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and
- The steps that have been taken:

i. To recover or rectify such expenditure; and
ii. To prevent a recurrence of such expenditure.

(Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, Notice 37699 of 2014).

6.14 The Municipality shall also investigate allegations of financial misconduct involving any councillors; such allegations shall be dealt with in terms of the breaches of the Code of Conduct for Councillors as stipulated in schedule 1 of the Systems Act and the Municipality's Rules of Conduct for Councillors.

6.15 The Municipality will respond to all concerns and allegations. The investigation of concerns and allegations is not the same as either accepting or rejecting them.

6.16 In order to protect individuals and those accused of misdeeds or possible malpractices, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

6.17 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, then this will be taken before any investigation is conducted.

6.18 Concerns may be raised verbally or in writing. Those who wish to make a written report are invited to use the following format:

- the background and history of the complaint (giving relevant dates);
- the reason why they are particularly concerned about the situation;
- the extent to which they have personally witnessed or experienced the problem (provide documented evidence where possible).

6.19 The earlier they express the concern the easier it is to take action. Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their complaint.

6.20 Employees may wish to consider discussing their complaint with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns. They may invite their trade union

difficult one to make, not least because of fear of revenge from those responsible for the irregularity.

7.6 The Municipality 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.

7.7 However malicious and/or false allegations may result in disciplinary action and/or police investigation against the whistle blower.

8. AWARENESS

The Accounting Officer and Council recognise that the continuing success of the Whistle Blowing Policy, and its credibility, will depend largely on the effectiveness of staff throughout the municipality and the public.
In order to be sustainable, continuous awareness campaigns must be rolled throughout Amahlathi Municipality.

9. MONITORING AND EVALUATION

The implementation of this charter will be monitored and evaluated throughout the Amahlathi Local Municipality. Evaluations will be conducted to assess the effectiveness of the Whistleblowing Policy in helping Municipal Council to meet its objectives

10. POLICY REVIEW

This policy shall be subject to regular review to ensure its continued relevance, effectiveness, and alignment with the Municipality's strategic objectives, legislative requirements, and best practices.

This Policy shall be reviewed at least **annually**, or more frequently if required due to:

- Changes in legislation or regulatory frameworks

13. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

The policy will be reviewed annually and determine its adequacy and effectiveness for current circumstances and recommend to Council for approval.

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation.

Effective from (Date)_____

Approved by Resolution Number _____ on this the _____day of _____20_____

Signed this on the _____ day of _____ 20_____.

_____ _____

DR. Z. SHASHA **DATE**

MUNICIPAL MANAGER

_____ _____

CLLR N. MLAHLEKI **DATE**

SPEAKER