



**dcstm**

Department:  
Community Safety and Transport Management  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA

# ***DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT***

## **WHISTLE - BLOWING POLICY 2025/2026**

Reporting anonymously to:  
**NATIONAL ANTI CORRUPTION HOTLINE**  
**0800 701 701**

*AK*

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## 1. DEFINITIONS

#	Word	Description
1.	<b>Act</b>	Means the Protected Disclosure Act, 2000(Act No.26 of 2000)
2.	<b>Corruption</b>	Any conduct or behaviour where a person accepts agrees or offers any gratification for him/herself or for another person where the purpose is to act dishonestly or illegally with the intention for personal gain.
3.	<b>Department</b>	Department of Community Safety and Transport Management.
4.	<b>Employee</b>	<p>A person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post contemplated in section 8(1) (a) of the Public Service Act, and includes a person contemplated in section (8) (b) or 8 (3)(c) of that Act. Has been appointed on contract in terms of section 8(1) (c) (ii) of the Public Service Act.</p> <p>And as defined in section 1 of the PDA, means—            (a) any person, excluding an independent contractor, who            (b) works or worked for another person or for the State, and who receives or received, or is entitled to receive, any remuneration; and any other person who in any manner assists or assisted in carrying on or conducting or conducted the business of an employer.</p>
5.	<b>Fraud</b>	"The unlawful and intentional making of a misrepresentation which causes actual and 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.
6.	<b>Impropriety</b>	<p>Failure to observe standards of honesty or modesty; improper behavior or character.</p> <p>OR</p> <p>as defined in section 1 of the PDA, means— any conduct which falls within any of the categories referred to in paragraphs (a) to (g) of the definition of "disclosure", irrespective of whether or not.</p>
7.	<b>Occupational detriment</b>	<p>Widely defined by the Protected Disclosures Act and includes harassment, dismissal, transfer against the will of the employee, non-promotion, a denial of appointment, or otherwise adversely affected.</p> <p>OR</p>


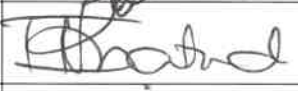




		As defined by the act includes being dismissed, suspended, demoted, transferred against your will, harassed or intimidated, refused or reference or being provided with an adverse reference, as a result of your disclosure.
8.	<b>Protected Disclosure</b>	A disclosure made in terms of this policy or the PDA.
9.	<b>Reprisal</b>	Act of vengeance, retaliation, payback, punishment, comeback or revenge.
10.	<b>Stakeholders</b>	Any person without business and receive service from the Department, including but not limited to road users, public and private partners, service providers, members of the public, etc.
11.	<b>Whistle-blowing</b>	Whistle-blowing is not about informing in the negative or anonymous sense but rather about raising a concern about malpractice within an organization.
12.	<b>Worker</b>	as defined in section 1 of the PDA— means <ul style="list-style-type: none"> <li>a) any person who works or worked for another person or</li> <li>b) for the State; or</li> <li>c) any other person who in any manner assists or assisted in carrying on or conducting or conducted the business of an employer or client, as an independent contractor, consultant, agent; or any person who renders services to a client while being employed by a temporary employment service.</li> </ul>
<b>ABBREVIATIONS</b>		
13.	CFO	Chief Financial Officer
14.	HOD	Head of Department
15.	MEC	Member of Executive Council
16.	PDA	Protected Disclosure Act, 2000(Act No.26 of 2000
17.	NACH	National Anti-Corruption Hotline
18.	PRECCA	Prevention and Combating of Corrupt Activities Act

## 2. NOTE FROM THE ACCOUNTING OFFICER AND EXECUTIVE MANAGEMENT TEAM


Department of Community Safety and Transport Management is committed to the fight against fraud, corruption and unethical behaviour; whether the perpetrators are internal or external. The Whistle-blowing Policy and procedure is part of Department's commitment towards promoting a culture of openness and transparency. Strict confidentiality measures will be exercised and maintained regarding the identity of the whistle-blower.

Anyone who raises a concern in good faith in terms of this policy will not be at risk of losing his/her job or suffer any form of retribution as a result.

### i) EXECUTIVE MANAGEMENT COMMITTEE:

SURNAME & INITIALS	DESIGNATION	SIGNATURE	DATE
MS LETEANE VT	ACTING CORPORATE SERVICES		28/03/2025
MS PHATUDI K	CHIEF FINANCIAL OFFICER		31/03/2025
MS RANTONA MC	ACTING TRANSPORT OPERATIONS		1/4/25
MR MORULE A	TRANSPORT REGULATIONS		1/4/25
MS RANTONA MC	PROVINCIAL SECRETARIAT FOR POLICE		1/4/25
MR MOHONO PT	ACTING DISTRICT COORDINATION AND GOVERNMENT FLEET		1/4/25

### ii) HEAD OF DEPARTMENT

SURNAME AND NAME	DESIGNATION	SIGNATURE	DATE
DR HANS KEKANA	HEAD OF DEPARTMENT		01/04/2025



### **3. PURPOSE**

A whistle-blowing policy is one of the fundamental tools in combating fraud and corrupt activities within the Department, the North West Province as well as the all the spheres of Government.

- a. Encourage employees to disclose information relating to fraudulent or other irregular conduct in a responsible manner by providing clear guidance for the disclosure of such information and protection against reprisal as a result of such disclosure; and
  - i. Promote the eradication of fraudulent or other irregular conduct within the Department.
  - ii. Encourage and enable employees to raise their concerns within the Department or other available channels, rather than overlooking the problem or blowing a whistle to inappropriate channels.
- b. This policy has been developed to guide employees on the procedures to follow in reporting any allegations of fraud, corruption and/or maladministration/malpractices occurring within the Department.
- c. To demonstrate responsibility of a Department as the employer and to disclose criminal and/ or irregular conducts in the work place that they may become aware of.
- d. And exercise its duty to ensure that the identity of all confidential disclosures is maintained which includes the protection of employees from any form of reprisal as a result of such disclosure.

### **4. LEGAL MANDATE AND OTHER LEGISLATIVE FRAMEWORKS**

There are a number of legislations which provides for the reporting of unethical behaviour by employees, amongst others, the following provides clear guidance on the subject matter.

#### **i) PROTECTED DISCLOSURE ACT 26 OF 2000**

To make provision for procedures in terms of which employees in both the private and the public sector may disclose information regarding unlawful or irregular conduct by their employers or other employees in the employ of their employers; to provide for the protection of employees who make a disclosure which is protected in terms of this Act; and to provide for matters connected therewith.



## **ii) CODE OF CONDUCT FOR PUBLIC SERVICE PSR, 2016**

An employee in the course of his or her official duties shall report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence, or which is prejudicial to the public interest.

Furthermore, regulation 22(c) of the PSR, 2016 requires of heads of departments to establish a reporting system.

A Head of Department shall - establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for-

Confidentiality of reporting; and the recording of all allegations of corruption and unethical conduct received through the system or systems.

## **iii) SECTION 34 OF (PRECCA), ACT NO 12 OF 2004**

Employees in the public service ("any person who holds a position of authority") who know or ought reasonably to have known or suspected that any other person had committed corruption (including theft, fraud, extortion, forgery or uttering a forged document), involving R100 000 or more, to report such to the police official in the Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995 (Act No. 68 of 1995).

## **5. SCOPE OF THE POLICY**

This policy applies to reporting of past, present and future potential criminal activities and malpractice; as provided in the PDA.

5.1 This policy applies to all who carries some work for the Department; namely

- a. Employees (permanently employed, on fixed contract),
- b. Service providers/Contractors/consultants
- c. Trainees/learners/interns

5.2 Disclosure made should be relative to the provisions stated below:

- a. That a criminal offence has been committed, or 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 is 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, 2000 (Act No, 4 of 2000);
- g. that any matter referred to in paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed.

### 5.3. What should be reported:

Employees in the public service are required to report unethical conduct, corruption and non-compliance to the Public Service Act, 1994 and the PSR, 2016. Amongst others, the following are amongst others, examples of issues to be reported;

- a. Non-compliance to appointment procedures,
- b. Colleagues not disclosing gifts,
- c. Colleagues conducting business with an organ of state,
- d. Discrimination taking place in a workplace,
- e. Procurement and financial wrongdoings,
- f. Failure to disclose remunerative work outside of Public Service etc.

## 6. THE FIVE DOORS OF LEGAL PROTECTION FOR WHISTLE-BLOWERS

The Department has adopted the following doors/reporting mechanisms of legal protection for whistle blowers as outlined in terms of the Protected Disclosures Act. These doors may be utilized for the disclosure to be protected by the Department.

Concerns may be raised verbally or in writing, they may also be raised anonymously. In a case of the latter, it is preferred if it is done in writing, stating the background and history of the concern, giving names dates, places where possible should be set out and supporting documentation proof be attached.



The extent to which you have personally witnessed or experienced the problem should also be outlined.

The earlier the concern is reported, the easier it is to take action and initiate recovery procedures where necessary.

### **6.1 Internal Disclosure**

This policy encourages employees to raise issues/ concerns internally. A person making a disclosure to the Department will be protected if he/she acts in good faith, and follows the process set out for such disclosures by the Department. The following is the procedures to be followed when making a protected disclosure internally:

- a. Employees should promptly report the suspected or actual event to his/her supervisor.
- b. If the Whistle-blower would be uncomfortable or otherwise reluctant to report to his/her supervisor, then he/she could report the event to the next highest or another level of management.
- c. He/she could report the matter to the Head of Internal Audit (CAE)
- d. He/she could report the matter to the Ethics Officers
- e. He/she could report the matter to the Chief Finance Officer
- f. He/she could report the matter to the Chief Risk Officer
- g. He/she could report the matter to the Road Traffic Management Corporation (RTMC) on matters related to road traffic management.

**NB: THE WHISTLEBLOWER CAN REPORT THE EVENT WITH HIS/HER IDENTITY OR ANONYMOUSLY.**

### **6.2 Legal Advice**

A disclosure made by a whistle-blower to someone for the purposes of getting legal advice about the disclosure is a protected disclosure. This would include the **employee's attorney** or **shop steward**.

### **6.3 Disclosure to Member of Executive council**

A disclosure may be made by an employee to a Member of Executive (MEC) of the Department.

#### 6.4. Regulatory Disclosures

In order to reinforce and strengthen the right of workers to make disclosures to specified regulatory bodies. Following are the list of regulatory bodies to make a protected disclosure to:

- a. Office of the Public Protector
- b. South African Human Rights Commission
- c. Commission for Gender Equality
- d. Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- e. Public Service Commission (0800 701 701 NACH)
- f. Office of the Auditor-General
- g. Office of the Premier- 0800 111700
- h. Road traffic management corporation(RTMC)- 012 999 5200

**(CONTACT DETAILS ARE ATTACHED AS ANNEXTURE TO THIS POLICY)**

#### 6.5. General protected disclosure / Wider Disclosure

Employees can only be protected under the policy if they make wider disclosures (to the police and MPs) under these conditions;

- a. The concern was raised internally or with the prescribed regulator, but has not been properly addressed,
- b. The concern was not raised internally or with the prescribed regulator because the whistle-blower reasonably believes that he / she would be victimized;
- c. The concern was not raised internally because the whistle-blower reasonably believed that a cover-up was likely and there was no prescribed regulator; and the concern was exceptionally serious.

#### 7. DUTY TO INFORM EMPLOYEES OF STEPS TAKEN

In a case where the identity of the whistle-blower has made a disclosure, receipt of the disclosure will be acknowledged in writing as soon as reasonably possible, but **within 21 days after** the protected disclosure has been made,

The Department will look into it to assess what actions should be taken. This may involve an internal investigation.

If the decision not to investigate the matter is taken, reasons will be stated in writing to the whistle-blower, provided he/she has provided his/her or details.



If the matter warrants investigation, the investigating officer will initiate an investigation and report to the Accounting Officer once the investigation is completed.

Depending on the outcomes of the investigation the Accounting Officer will refer the matter for disciplinary actions to be initiated internally or to the SAPS/other law enforcement agencies to institute criminal procedures for recovery of any financial losses suffered by the Department.

The Department will inform the whistle blower of the outcomes of the investigation, which will depend on the period taken to conduct an investigation.

## **8. CONFIDENTIALITY**

If the whistle blower wishes to raise a concern or make a disclosure confidentially, the Department will make efforts to keep his/her identity a secret. And if it is necessary that investigation it is necessary that some more information is required, that will be done in a very discreet manner.

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 any wrongful conduct.

## **8. CREATING FRAUD AND CORRUPTION AWARENESS CULTURE**

The Department commits itself to encouraging a culture that promotes openness. This will be ensured by:

- a. Inculcate the culture of transparency by involving employees in decision making processes, listening to their concerns and encouraging the appropriate use of this policy.
- b. This policy will be communicated to all existing employees and to each new employee in the form of awareness workshops, where the following will be addressed;
  - i. Educating/training/informing/explaining to employees what constitutes unethical behaviour, fraud, corruption and malpractice and its effect on the Department?
  - ii. Promoting awareness on standards of appropriate and accepted employee conduct and establishing a common understanding of what is acceptable and what is unacceptable behaviour as per public service code of conduct.
  - iii. Provides feedback/annual reporting to employees of the Department on the number of fraud and corruption matters reported and the outcome thereof, without necessarily disclosing the names of fraudsters.

- iv. To provide information on what an **occupational detriment** is and the forms of harm that an employee or worker may be subjected to as a result of having made a protected disclosure.

## 9. PROTECTION OF EMPLOYEES REPORTING WRONG DOING

The Department will ensure that employee who makes a disclosure in terms of this policy will not be penalized or suffer any **occupational detriment** for doing so.

If one raises a concern in good faith in terms of this policy, you will not be at risk of losing your job or suffering any form of retribution as a result.

This assurance is not extended to employees who maliciously raise matters they know to be untrue.

The whistle-blower who gets victimized by the employee following the disclosure of allegations of fraud/corruption against such employee, should report the incident to the employer as soon as he/she becomes aware of, or within a reasonable time.

The Department will conduct an enquiry in relation to that.

## 10. OCCUPATIONAL DETRIMENT

Occupational detriment may be experienced in many forms; it is therefore important that it is thoroughly explained and there is no explanation that surpasses the provision of the law. Section 1 of the PDA, in relation to an *employee* or a *worker*, means—

- a) being subjected to any disciplinary action;
- b) being dismissed, suspended, demoted, harassed or intimidated;
- c) being transferred against his or her will;
- d) being refused transfer or promotion;
- e) being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage;
- f) being refused a reference, or being provided with an adverse reference, from his or her employer;
- g) being denied appointment to any employment, profession or office;
- h) being subjected to any civil claim for the alleged breach of a duty of confidentiality or a confidentiality agreement arising out of the disclosure of: -



- (i) a criminal offence; or information which shows or tends to show that a substantial contravention of, or failure to comply with the law has occurred, is occurring or is likely to
- (ii) occur;
- i) being threatened with any of the actions referred to in paragraphs (a) to (h) above; or
- j) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities, work security and the retention or acquisition of contracts to perform work or render services.

## 11. REMEDIES

The legal remedies that an employee or worker can take when occupational detriment is as follows:

- i. An employee who is dismissed for making a protected disclosure can claim either compensation for loss of salary or reinstatement, or
- ii. An employee may declare a dispute at the appropriate Bargaining Council, Commission for Conciliation and Mediation, make an application to the Court having jurisdiction for an appropriate relief.

## 11. EFFECTIVE DATE OF THE POLICY

This policy shall be reviewed annually or as and when it is deemed necessary to reflect any changes that may occur in the Department.

This policy shall take effect immediately after the Head of Department has approved

## 13. RECOMMENDATIONS

DISCUSSED AND ADOPTED DURING	MEETING HELD DATE
EXECUTIVE MANAGEMENT COMMITTEE	24/03/2025
RISK MANAGEMENT COMMITTEE	26/03/2025

### RECOMMENDED

**MS VT LETANE**  
**CHAIRPERSON**

**DATE:** 28/03/2025

### APPROVED

**DR HANS KEKANA**  
**HEAD OF DEPARTMENT**

**DATE:** 01/04/2025

## 12. ANNEXTURE A: REPORTING TEMPLATE



**dcs&tm**

Department:  
Community Safety & Transport Management  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



### RISK AND INTEGRITY MANAGEMENT

Third Floor, Tirelo Building

Albert Luthuli Drive  
Mafikeng, 2745  
0800 846 333

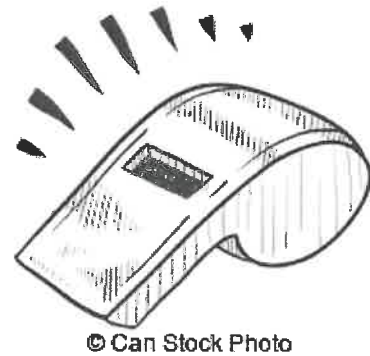
**BLOW THE WHISTLE ON SUSPECTED AND/OR WITNESSED ACTS OF FRAUD, NON DISCLOSURE OF GIFTS, NEPOTISM OR ANY ACT PROVIDED OF PAR. 5 OF WHISTLE BLOWING POLICY.**

INCIDENT	
What happened?	
When did it happen?	
How did it happen? <i>[ Give details on a separate page, if available/necessary]</i>	

Who is/are involved? [Name(s) of official(s) reported]	
Name of reporting official (optional)	

**NB: PROVIDE/ATTACH RELEVANT EVIDENCE TO PROOF THE ALLEGATIONS, IF THERE IS ANY.**

13. ANNEXTURE B: DETAILS OF INSTITUTION WHERE ONE MAY REPORT TO



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

Rustenburg 014 597 9700/ Pretoria 012 426 8000



Commission for Gender Equality  
A society free from gender oppression and inequality

Johannesburg 011 403 7182



PUBLIC PROTECTOR  
SOUTH AFRICA

Pretoria 012 366 7108/Mahikeng 080 011 2040



Mahikeng 018 384 1012



Johannesburg 011 358 9100