



**arts, culture,
sports & recreation**

Department:
Arts, Culture, Sports and Recreation
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

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POLICY TITLE	: WHISTLE-BLOWING POLICY FOR 2025/2026
OWNER	: DEPARTMENT OF ARTS, CULTURE, SPORTS AND RECREATION
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1. ACRONYMS

ACSR	Arts, Culture, Sport and Recreation, which will be referred to as the “Department” for consistency’s sake.
AO	Accounting Officer
CFO	Chief Financial Officer
HOD	Head of Department
ODAC	Open Democracy Advice Centre
SAPS	South African Police Service

2. DEFINITION OF CONCEPTS

Accounting Officer (AO) is the Head of Department (HOD) for the Department of Arts, Culture, Sports and Recreation (ACSR).

Confidentiality: spoken, written or acted on in strict privacy or secrecy.

Harassment: the act or an instance of harassing, disturbing or troubling repeatedly.

3. PREAMBLE

The **Protected Disclosure Act of 2000** came into effect on the 16th February 2001 and to remain in compliance with the Act, ACSR shall: -

- a) Strive to create a culture which shall 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 reprisal as a result of disclosure; and
- b) Promote the eradication of criminal and other irregular conduct within the Department.

4. SCOPE OF APPLICATION

- 4.1 There are existing grievance procedures in place within the Department to enable employees to raise grievances relating to their employment. This Policy is intended to cover concerns that fall outside the scope of the grievance procedure.

These concerns indicated in the Act are as follows: -

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

5. POLICY STATEMENT

The Department is committed to the highest standards of openness, integrity and accountability. The Department aims to promote a culture in which employees feel able to raise genuine and valid concerns without fear of

5.1 Victimization, discrimination or disadvantage. Members of the public and service providers are also encouraged to raise concerns about the Department's activities so that the Department can investigate and take appropriate action in terms of the **Protected Disclosure Act of 2000** as outlined below on how to make a disclosure.

5.2 The Department, therefore, recognizes the fact that: -

- a) Criminal and other irregular conduct within the Department is detrimental to good, effective, accountable and transparent governance and can endanger the economic stability of the Department and have the potential to cause social damage.
- b) There is a need for procedures in terms of which employees may, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct in the workplace; and

- c) Every employer has a responsibility to take all necessary steps to ensure that employees who disclose such information are protected from any reprisal as a result of such disclosure.

6. POLICY OBJECTIVE

- 6.1 This Policy intends to encourage and enable staff to raise alleged malpractices and misconduct to ensure that all such allegations are thoroughly investigated and that suitable action is taken, where necessary and that Whistle-blowers blow the whistle through and to appropriate channels.
- 6.2 The Policy furthermore aims to: -
- a) Provide avenues for employees to raise concerns and receive feedback on any action taken;
 - b) Guide employees on how to take the matter further if they are dissatisfied with the response; and
 - c) Reassure employees that they will be protected from reprisals or victimization for whistleblowing in good faith.

7. POLICY FRAMEWORK

- **Labour Relations Act** of 1995;
- **NGO** - Non-Government Organisations;
- **PRECCA** - Prevention and Combating of Corrupt Activities Act of 2004;
- **PDA** - Protected Disclosure Act of 2000;
- **PFMA** - Public Finance Management Act of 1999, as amended;
- **PAJA** - Promotion of Administration Justice Act of 2000;
- **PAIA** - Promotion of Access to Information Act of 2000;
- **POPIA** Protection of Personal Information Act of 2003;
- **PSC** - Public Service Commission of 1997;
- **POHA** - Protection from Harassment Act of 2011;
- **SAPS** - South African Police Services.

The Protected Disclosure Act, as amended.

The Protected Disclosure Act (PDA) came into effect on 16th February 2001 and provides procedures and protection to whistle-blowers in the Private and Public sector, who disclose information regarding unlawful or irregular conduct by their employers or fellow workers. It encourages a culture of good governance, accountability and transparency.

THE OBJECTIVE

The objective of the Protection Disclosure Act is to protect any worker from being subjected to occupational harassment on account of having made a protected disclosure and to provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.

Preventing and Combating of Corrupt Activities Act of 2000

The Act guides the Department on how to prevent and combat corrupt activities in the workplace.

Protection from Harassment Act of 2011

The Act provides for the issuing of protection orders against harassment.

8. POLICY PRINCIPLES

- 8.1 **Openness:** Internal and external stakeholders should feel free to report any form of corruption or maladministration.
- 8.2 **Integrity:** Public servants must adhere to moral and ethical principles at the workplace.
- 8.3 **Confidentiality:** Information that has been provided by internal and external stakeholders must be treated confidentially.

9. POLICY CONTENT

9.1 The Protected Disclosure Act

- 9.1.1 Section 2 of the Protected Disclosure Act clearly defines the “Objectives of the Act” as follows: -
 - a) To protect an employee from being subjected to an occupational injustice on account of having made a protected disclosure;

- b) To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure; and
- c) To provide for procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his/her colleague, other stakeholders and employees.

9.1.2 This Policy is developed based on the primary objectives of the Protected Disclosure Act, which encourages employees to disclose any acts of misconduct without fear of any recriminations or reprisals.

9.2 Harassment or Victimization

9.1.1 The Department acknowledges the fact that the decision to report a concern can be a difficult one to make, in the sense of fear of reprisal from those responsible for the irregularity.

9.1.2 The Department will therefore not tolerate harassment or victimization and will take action to protect employees when they raise concern in good faith.

Any action which constitutes harassment or victimization should be reported to the Labour Relations Manager. This does not mean that if an employee is already the subject of disciplinary or other action, the action will be halted as a result of their whistleblowing.

9.3 Confidentiality

9.3.1 The Department will take all the necessary steps to protect an individual's identity when he/she raises concern and does not want their identity to be disclosed.

9.3.2 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.

9.3.3 It is furthermore a possibility that the employee may be required in due course to provide evidence at a hearing or trial.

9.3 Anonymous Allegations

9.4.1 The Department 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 Department, in consultation with the Legal Unit and the Office of the Premier. This discretion will be applied by taking into account the following:

- a) Seriousness of the issue raised;
- b) Credibility of the concern; and
- c) Likelihood of confirming the allegation.

9.5 Untrue Allegations

9.5.1 Employees or other parties must understand the implications (*resources and cost*) of undertaking investigations and should therefore guard against making allegations that are false and made with malicious intent.

Managers should therefore encourage employees or other parties from making allegations that are false and made with malicious intentions.

9.5.3 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.

9.6 Reporting of Concerns

9.6.1 For some minor issues (e.g. *personal use of the Department's equipment, etc.*), employees should normally raise these concerns with their immediate Supervisor/Manager. In general, however, the Whistle-blowing procedure is expected to be used for potentially more serious and sensitive issues (e.g. Fraud and Corruption).

9.6.2 The **first step** will be for the employee to approach his/her immediate Supervisor/Manager unless he/she or Senior Management is the subject of the complaint, in which case the Accounting Officer should be informed. Should the complaint be found by the Supervisor/Manager to be substantiated, he/she will consult the Accounting Officer on referring it to the appropriate authority.

9.6.3 Concerns are better raised in writing. The **background** and **history** of the concern, **providing names, dates and places**, where possible, should be set

out **as the reason/s** why the individual is particularly concerned about the situation. The earlier the concern is reported, the easier it is to take action.

- 9.6.4 Employees are not expected to prove the truth of an allegation as they only need to demonstrate to the person contacted that there are sufficient grounds for concern.

9.7 How complaints will be dealt with

- 9.7.1 The action taken by the Department will depend on the nature of the concern. The possible action to the matter/s raised may, among others be to:-

- a) Investigate internally by the Labour Relations Unit;
- b) Referred to the Provincial Anti-corruption, Forensic and Ethics Directorate residing in the Office of the Premier;
- c) Referred to SAPS or relevant law enforcement agency.

- 9.7.2 To protect individuals and the Department, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

- 9.7.3 Some concern/s may be resolved by agreed action without the need for investigation.

- 9.7.4 The Department's Labour Relations Unit will write to complainants who have identified themselves by: -

- a) Acknowledging that the concerns have been received;
- b) Indicating how it proposes to deal with the matter and whether any initial enquiries have been made;
- c) Giving an estimate of how long it will take to provide a final response; and
- d) Informing them whether further investigations will take place, and if not, why not.

- 9.7.5 The amount of contact between the body investigating the issues and the person raising 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.

The Department accepts that employees need to be assured that the matter has been properly addressed. However, the progression of the investigation will be handled confidentially and will not be disclosed or discussed with any person other than those who have a legitimate right to such information. This is important to avoid damaging the reputation of suspected person/s who are subsequently found innocent of wrongful conduct unless proven otherwise.

9.8 Creating Awareness

- 9.8.1 For the Policy to be sustainable, it must be supported by a structured Education, Communication and Awareness Programme.
- 9.8.2 The Policy, after approval by the relevant authorities, will be globalised to all Programme Managers, District Managers and Service Point Managers and all staff employed by the Department permanently/on probation or on contract. To ensure that all employees and stakeholders have easy access to it, it will also be published on the Departmental Website by the Communication and Marketing Unit.
- 9.8.3 It is the responsibility of all Programme Managers, District Managers and Service Point Managers to ensure that all employees are made aware of and receive appropriate training and education with regard to the Whistle-Blowing Policy.

9.9 Who should raise concerns

- 9.9.1 Any person in the Department who has a reasonable belief that there is corruption or misconduct relating to any of the protected matters specified above may raise a concern under the procedure detailed.
- 9.9.2 Concerns must be raised without malice, in good faith and not for personal gain and the individual must be reasonably sure that the information disclosed, and any allegation/s contained in it is/are substantially true.

The issues raised may relate to a manager, another member of staff, a group of staff, the individual's Directorate or a different Directorate of the Department. The perpetrator can be an outsider, an employee, a manager or an ex-employee.

9.10 Culture of Openness

9.10.1 The Department commits itself to encourage a culture that promotes openness, and this will be done by: -

- a) Involving employees, listening to their concerns and encouraging the appropriate use of this Policy. This Policy will be issued to all existing and new employees.
- b) Educating employees on what constitutes fraud, corruption and malpractice and its effects on the Department. Promoting awareness of standards of appropriate and accepted employee conduct and establishing a common understanding of what is unacceptable and what is unacceptable behavior.
- c) Encouraging Unions to endorse and support the Departments' approach.
- d) Having a Policy on Combatting Fraud.
- e) Annual reporting on the number of fraud and corruption matters opened and their outcome.

9.11 Employee Safety

9.11.1 Management is committed to this Policy. The Department will ensure that any member of staff who discloses the above-mentioned circumstances will not be penalized or suffer any occupational detriment for doing so.

Occupational detriment as defined by the Act includes being dismissed, suspended, demoted, transferred without consent, harassed, intimidated, refused a reference or being provided with an adverse reference, as a result of the disclosure.

9.11.3 The Department assures any employee raising a concern in good faith in terms of this Policy that he/she will not be at risk of losing his/her job or suffer any form of retribution as a result.

9.11.4 This assurance is not extended to employees who maliciously raise matters they know to be untrue. An employee of the Department who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it maliciously, may be subjected to disciplinary proceedings.

9.11.5 The Department does recognize, however, that employees may wish to raise concerns in confidence. Where an employee requests that his/her identity be kept confidential, such a wish will be granted and the employee's identity will not

be revealed without his/her consent. Where the concern cannot be resolved without revealing the identity of the employee, e.g. when required to give evidence in Court, the employee will be advised accordingly.

9.12 Procedure for Reporting

- a) All disclosures made by employees shall be reported to the Labour Relations Unit, which shall then report it to Management. All disclosures made shall be assessed to determine whether they fall within the ambit of this Policy; and
- b) The standard whistleblowing form attached as an annexure to the policy should be used when blowing the whistle (refer to the attached form).
- c) An email may be sent to Risk and Integrity Management Unit using the following email address: ACSRWhistleblow@nwpg.gov.za.
- d) The disclosures made shall be acknowledged within **seven (7)** working days. In the letter of acknowledgement, the Department may indicate how it plans to deal with the matter and provide a time scale. The Department shall further indicate to the employee, the person assigned to attend to the concern and the sort of assistance this person needs from the employee.
- e) Though the Department commits itself to provide regular feedback to the employee regarding disclosure, the Department shall not divulge any information where it would result in the Department breaching its confidentiality pledge to another person. Where requested, the Department shall respond to employees in writing.

9.12.1 Internally

- a) Where an employee has a concern regarding malpractice, he/she should report it to the immediate Supervisor, or the Labour Relations Unit be it verbally or in writing.
- b) Where the employee is unable to disclose the matter to his/her immediate Supervisor or to the Labour or Legal Units for whatever reason/s, he/she may contact the Department's Chief Financial Officer (CFO) on the following contacts: -
Chief Financial Officer (CFO)
Gaabomotho Building
Ground Floor, Gaabomotho Building

76 Dr James Moroka Drive
MMABATHO
2735
Tel: (018) 388-2667

- c) Where employees feel uncomfortable disclosing to the immediate Supervisor or the CFO, he/she may report the matter to the Accounting Officer as follows: -

The Accounting Officer
2nd Floor, Gaabomotho Building
760 Dr. James Moroka Drive
MMABATHO
2735
Tel: (018) 388-2810/2759

9.12.2 Independent Advice

- a) Employees are encouraged to contact the **OPEN DEMOCRACY ADVICE CENTRE (ODAC)** at any stage where they feel unsure about any matter regarding this Policy.
- b) ODAC offers independent legal advice on: -
Toll free line: **(021) 447 1177**
Website: www.opendemocracy.org.za
Address: P.O. Box 1739
CAPE TOWN
8000
- c) ODAC will give employees free and confidential advice on how to raise a concern over serious malpractice in the workplace.

9.12.3 External Contacts

- 9.12.3.1 This Policy is meant to instill confidence in the department's internal processes to handle reported matters by employees;
- 9.12.3.2 The Department does not encourage reporting known or suspected incidents of malpractice to the media unless duly authorized;
- 9.12.3.3 The following bodies may be contacted where the employee feels that he/she is unable to use internal channels to make a protected disclosure:-

a) Office of the Premier

The role of the Provincial Anti-Corruption, Forensic and Ethics Directorate in the Office of the Premier (OOP) is the coordination Unit of anti-Corruption programmes and forensic investigations.

Call Centre: Bua le puso

Address: North West Archives Building
(opposite North-West University)
MMABATHO
2735

Toll-free line: **(0800) 111 700**

b) Auditor-General of South Africa

Website: www.agsa.co.za

Address: P.O. Box 446
PRETORIA
0001

Toll free line: **(0800) 11 20 40**

c) Office of the Public Protector

Telephone: (012) 366-7000

Website: www.pprotect.org

Address: Private Bag X677
PRETORIA
0001

Toll free line: **(0800) 11 20 40**

d) National Anti-Corruption Hotline

E-Mail: Integrity@publicservicecorruptionhotline.co.za

Address: Private Bag X121
PRETORIA
0083

Toll-free line: **(0800) 701 701**

10. ROLES AND RESPONSIBILITIES

10.1 Accounting Officer

The Accounting Officer (AO) / Head of Department (HOD) of the Department has overall responsibility for the maintenance and operation of this Policy.

10.2 Human Resource Management

The Department's Labour Relations Unit will be responsible for maintaining records/data base of concerns raised and the outcomes thereof but in a format that does not jeopardize confidentiality.

11 ADMINISTRATION

11.2 The Department has overall responsibility for the maintenance and operation of this Policy and will be supported by the Risk and Integrity Management Unit. Human Resources will be maintaining a record/database of concern/s raised and the outcomes (*but in a form which does not endanger confidentiality*).

11.3 The custodian of this Policy is the Accounting Officer (AO)/Head of Department (HOD) who is supported in its implementation by the entire department's Senior Managers.

11.4 The Risk Management Committee (RMC), supported by all other senior managers is responsible for the administration, revision and interpretation of this Policy.

12 POLICY REVIEW

The Whistle-blowing Policy shall be reviewed annually or as/when necessary to reflect the current stance of fraud and corruption to ensure its continued relevance to the Department.

13 RECOMMENDATION AND APPROVAL

Recommended by:



Date: 26/03/2025

Independent Risk Management Committee Chairperson

Approved by:

A handwritten signature in black ink, consisting of a large loop followed by several vertical strokes, positioned above a horizontal line.

Date:28/03/2025

Accounting Officer

Department of Arts, Culture, Sports and Recreation

Annexure A

WHISTLE-BLOWER REPORT FORM

Please provide the following details for any suspected serious misconduct or any breach or suspected breach of law or regulation that may adversely impact the Institution. Please note that you may be called upon to assist in the investigation, if required.

NB: Please follow the guide as provided in the Whistle-blowing Policy 2024/25

REPORTERS CONTACT INFORMATION <i>(This Section may be left blank if the reporter wishes to remain anonymous)</i>	
NAME	
DESIGNATION	
DEPARTMENT / AGENCY	
CONTACT NUMBER/S	
E-MAIL ADDRESS	
SUSPECT'S INFORMATION	
NAME	
DESIGNATION	
DEPARTMENT / AGENCY	
E-MAIL ADDRESS	
WITNESSES' INFORMATION	
NAME	
DESIGNATION	
DEPARTMENT / AGENCY	
E-MAIL ADDRESS	
COMPLAINT: Briefly describe the misconduct/improper activity and how do you know about it? If there is more than one allegation, number each allegation and use as many pages as necessary. <i>(Separate blank page can be utilised and attached as an Annexure to this Form).</i>	
1. What misconduct / improper activity occurred?	
2. Who committed the misconduct / improper activity?	

3. When did it transpire or when did you notice it transpiring?	
4. Where did it transpire?	
5. Is there any evidence that you could provide to us to substantiate this?	
6. Are there any other parties involved other than the alleged suspect state above?	
7. Do you have any other details / information / physical evidence that could assist us in the investigation?	
8. Do you have any other comments to add?	
DATE: _____	SIGNATURE: _____