INGQUZA HILL
LOCAL MUNICIPALITY

LOSS CONTROL POLICY

2026-2027

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REVIEW HISTORY

LAST REVIEW DATE	SUMMARY OF CHANGES
MAY 31, 2025	• THE FOLLOWING PARAGRAPHS ARE AMENDED – 5.2, 7.1, 7.1(A), 7.2, 7.3 AND 8.8.5
JUNE 30, 2025	• NO AMENDMENTS
MAY 31, 2026	• NO AMENDMENTS

1. DEFINITIONS

1.1 Accident

The involvement of a Council vehicle in a collision with another vehicle or object on a public road or place, council premises or on private property which results in damage to Council's or other vehicles or property or injury or death to any person, and the incorrect or negligent use of any equipment, including any council asset or any asset for which Council is responsible.

1.2 Asset

Any movable or immovable item, which has been acquired by Council or to which Council, reserves legal right of ownership or exercises control in respect thereof, and property has a similar meaning.

1.3 Chairperson

The chairperson shall be the Chief Financial Officer or Delegated Senior Official from the Budget & Treasury Office.

1.4 Committee

The Loss Control Committee as contemplated in Section 79 of the Local Government: Municipal Structures Act of 1998.

1.5 Complainant

Any council employee or other person, whether a council employee or not who lodges a complaint pertaining to any loss, damage, abuse or any form of misuse whatsoever, of any asset.

1.6 Council

Means the Ingquza Hill Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

1.7 Employee

Any person employed by the Council including permanent employees, temporary employees, contract workers, volunteers, reservists, independent contractors and/or an' legal category of employee.

1.8 Incident

Any act or omission, whether negligent or not, that may precipitate any damage or loss to Council.

1.9 Incident Report

The report containing factual information, in respect of any incident, whether negligent or not, which indicates to Council the financial implications of any such incident and, which provides proposed remedial action(s).

1.10 Enquiry

The business of the Committee as determined in terms of this policy.

1.11 Investigation

An investigation to systematically determine the cause and the magnitude of the reported incident(s) by means of the necessary and required measures and resources by any investigator so appointed by the relevant section or unit of the Ingquza Hill Municipality (IHLLM).

1.12 Investigator

An employee of the IHLLM that is qualified and equipped to investigate any incident reported pertaining to any Council asset(s) and/or any other person so appointed, designated or contracted to investigate any incident reported pertaining to any Council asset(s).

1.13 Loss

Any incident pertaining to a Council asset, which results and/or may result in any financial burden to Council and which includes the following, but does not exclude other variants of proximate causes to loss/damage whatsoever:

a) any loss or damage to Council and/or other property as a result of an unlawful action, negligence and/or other unauthorised action/s, which may result in a loss to and/or claim(s) against Council;

b) the private property of employees or other persons which is lost, stolen or damaged on Council's premises;

c) any traffic related offence committed in terms of relevant legislation.

1.14 Member of the Loss Control Committee

Any designated Council official assigned to serve on the Loss Control Committee.

1.15 Municipal Manager

The person appointed as Municipal Manager by the Council, in terms of the provisions of section 82 of the Local Government: Municipal Structures Act, 1998, being the accounting officer for the municipality.

1.16 Offence

Any act and/or action that is in contravention of - any act of

- South Africa;
- any by-law approved by the IHLM and accordingly promulgated in the relevant gazette;
- any approved Council policy, procedure, and/or prescription; and
- that is accordingly punishable.

1.17 Loss Control Contact Person

Any Council official so designated to represent the respective department of Council and to provide all necessary and required assistance during any investigation and/or enquiry and to provide all the relevant and available information to the designated investigator and/or the Loss Control Committee as and when required.

2. LEGISLATIVE FRAMEWORK

Section 165 of the Municipal Finance Management Act stipulates that:-

(1) Each municipality and each municipal entity must have an internal audit unit, subject to subsection (3).

(2) The internal audit unit of a municipality or municipal entity must—

(a) prepare a risk-based audit plan and an internal audit program for each financial year;

(b) advise the accounting officer and report to the audit committee on the implementation of the internal audit plan and matters relating to—

(i) internal audit;
(ii) internal controls;
(iii) accounting procedures and practices;
(iv) risk and risk management;
(v) performance management;
(vi) loss control; and
(vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation; and

3. OBJECTIVE OF THE POLICY

The objective of the policy is to manage losses and set procedures on reporting and investigation of losses.

4. ADMISTTRATIVE ROLES AND CUSTODIAN OF THE COMMITTEE

4.1. The Committee shall fall under the custodianship of the Chief Financial Officer of the Municipality.

4.2. The office of the CFO shall appoint a secretary for the Committee, the duty of whom it shall be to distribute Agendas for meetings of the Committee as well as record and minute meetings of the Committee.

4.3. This Policy as well as the appointment of members of the Committee shall be reviewed annually by the Municipal Manager or his/her authorised representative.

4.4. The CFO may delegate any of his/her duties under this policy to a senior official within the Budget and Treasury Office.

5. COMPOSITION OF THE LOSS COMMITTEE

5.1. Members of the Committee shall be appointed, in writing, by the Municipal Manager or his/her authorised representative.

5.2. The Committee membership shall comprise of the following standard members:

- Chairperson CFO / Delegated official
- Finance Officials Asset Manager
- Assets and Insurance clerk
- Asset or Fleet officer
- ~~Legal Services~~
- ~~Risk or Internal audit~~
- Departmental Managers as representative

5.3. Department Units shall be represented by the relevant Manager of that Department in meetings of the Committee whenever a claim or loss arising from the activities of such a Department is tabled before the Committee.

5.4. Department Managers may delegate a representative to attend meetings of the Committee on his/her behalf but only with the consent of the Chairperson of the Committee and further provided that such a representative shall be fully conversed and familiar with all relevant facts pertaining to the claim or loss he/she shall be presenting before the Committee on behalf of the Department.

5.5. A person (preferable Assets and Insurance clerk) will be designated as Secretary by the Chairperson of the Loss Control Committee for a period to be determined accordingly.

6. RESPONSIBILITIES AND ROLES OF THE COMMITTEE

6.1. RESPOSBILITIES OF THE COMMITTEE

6.1.1. The committee is established to :

- Consider and settle or repudiate claims for damages caused to the property of members of public arising / against the Municipality from time to time.
- Consider and settle internal loss control issues as they arise.
- The Committee shall have the authority to deal with claims as described above on the merit of each individual claim, for claims which falls within the excess amount of the Municipality's liability under its public liability insurance policy.
- The Committee shall focus on the following goals and functions in order to fulfil its obligations :
  (i) Review, consider and discuss all claims and losses received;

(ii) Settle, repudiate or refer back for further information all claims tabled before the Committee which falls within its mandate;

(iii) Attend meetings arranged for purposes of discussion and finalisation

(iv) Seek advice from any Third Party in considering and finalising claims before the Committee as the Committee may deem necessary.

(v) Damages or losses of the municipal assets

6.1.2. The Chairperson shall ensure the meeting agenda is completed and that assignments and commitments have been achieved and further that all records are sent to the Records Section for safekeeping.

6.1.2.1. All records required and generated by the procedures and working of the Committee shall be maintained and located in the Records Section of the Municipality.

6.1.2.2. The Chairperson shall also be the technical mentor and coach of the Committee by providing guidance in terms of regulatory requirements, technical resources, and references etc.

6.1.3. Members: Complete the functions and tasks necessary to fulfil the goals and objectives of the Committee.

6.2. **AGENDA MINUTES AND RECORDING**

(a) The secretary of the Committee shall be responsible for compilation and distribution of Agendas for Committee meetings at least 3 days prior to a meeting.

(b) Agendas shall contain all relevant information as stipulated in this policy regarding a specific claim and/or loss including a written report from the relevant Department Manager to whose Department the claim or loss relates.

(c) The secretary shall capture all resolutions of the meeting during the meeting and then record same in written Minutes of the meeting to be distributed to all attendees of a specific Committee Meeting.

(d) The secretary shall ensure that an attendance register is signed at all meetings of the Committee and record any apologies accordingly.

(e) The Committee shall meet monthly or when the need arises at a place and a time as determined by the Chairperson to consider/investigate cases pending .

(f) Should there be no cases pending, the Chairperson and all committee members shall be informed accordingly.

(g) Notices and agendas of meetings shall be circulated in advance to committee members by the Secretariat of the Committee.

(h) The minutes of a meeting will form part of the monthly report to the BTO Portfolio Committee meetings.

(i) Committee members, employees and/or witnesses will be informed in advance by means of notice regarding the venue and time of a meeting

6.3. **QUORUM RULES**

A minimum 70% (4) of the membership plus the Manager(s) whose claims are being assessed are required to be present to hold a meeting and take a vote.

Resolutions and process directions are passed by a majority vote.

7. **REPORTING OF LOSSES**

7.1. Any incident and enquiry into the matter shall be reported to ~~Loss Control Unit of the Department Community Safety~~ Budget and Treasury office of the Chairperson on the prescribed internal memo:

a) Immediately after the loss has been discovered or

b) where a loss has been discovered after hours, it shall immediately be reported to a designated reporting centre and/or person of ~~Department Community Safety~~ Budget and Treasury Office.

7.2. The complainant / reporting person must in any event report and submit an affidavit in respect of such incident to the ~~Loss Control Unit~~ Budget and Treasury Office which shall convene a Loss Control Meeting ~~to the Risk Management Division~~ within seven (7) days of it having been ~~notified thereof~~ reported.

7.3. Any loss due to criminal activity shall immediately be reported to the nearest South African Police Service station and the information accordingly be provided to the Loss Control ~~Unit~~ Committee

7.4. The information referred to in paragraph 3.2 above shall include —

- the relevant SAPS Office; and
- the case number.

8. **INVESTIGATION OF LOSSES.**

8.1. The investigator shall investigate all reported incidents and compile a report in the prescribed format.

8.2. If the investigation and/or enquiry prove criminal activity by any employee(s) and/or any other person, the case shall immediately be reported to the South African Police Service.

8.3. The information referred to in paragraph 3.2 above shall include-

- the relevant SAPS Office; and
- the case number.

8.4. If the investigation and/or enquiry prove any misconduct in terms of the Conditions of Service and/or any other approved disciplinary document, the relevant Head of Department will be notified accordingly and be required to consider disciplinary steps.

8.5. The chairperson or his authorised delegate in consultation with the investigator(s) will determine who should appear before the committee.

8.6. Any who deliberately provides false information may be charged with misconduct in terms of the Conditions of Service.

8.7. The investigator shall inform an employee(s) of the following rights:

8.7.1. That he/she may have a representative to assist him/her:

8.7.2. That he/she may remain silent;

8.7.3. That the proceedings shall be recorded and everything said may be used as evidence against him/her in a disciplinary hearing.

8.8. Procedure in respect of Motor Vehicle Accidents -

8.8.1. Any accident(s) shall be reported as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996).

8.8.2. A council vehicle shall not be removed from an accident scene before a Municipal Fleet/ Traffic Officer or South African Police Service Officer has instructed such removal, except when the accident causes complete obstruction of the roadway of a public road, in which event the driver of the vehicle involved must or ensure that the position of the vehicle(s) involved has clearly been marked on the surface of the roadway.

8.8.3. In the following instances, the driver/operator of a Council vehicle may proceed with his or her journey, provided that the vehicle's roadworthy status was not affected during the accident and no injuries have occurred and the vehicle involved is:-

i) an ambulance on its way to the hospital with a patient;
ii) a fire engine on its way to a fire;
iii) The driver of any such vehicle shall firstly ensure that his or particulars are provided to the driver of the other vehicle, if necessary as prescribed in terms of the National Road Traffic Act of 1996.

8.8.4. The driver of such vehicle shall ensure that an Occurrence Book entry be recorded as soon as possible after the emergency and shall immediately after the emergency report the matter to the relevant SAPS and Loss Control Committee representative.

8.8.5. In the event of any serious mechanical defect or damage to the vehicles mentioned in 7.8.3, the removal of the vehicles may only be authorised after the accident has been ~~investigated by a Public Safety Officer or a member of the~~ reported & authorized by SAPS.

8.8.6. In the event of a council vehicle being involved in an accident outside the Council's boundaries, the relevant Traffic Enforcement Agency or SAPS shall be contacted and

8.8.6.1. Upon arrival back in the Municipality area a report shall be submitted to the IHLM within 24 hours.

8.8.6.2. The supervisor of the driver/operator of a council vehicle that is involved in an accident shall ensure that the necessary documentation pertaining to insurance claims and accident related forms be completed as soon as possible.

8.8.7. No driver or operator of a Council vehicle that is involved in an accident may admit guilt to any person at the scene of an accident.

8.8.8. In the event of the driver/operator of a Council vehicle that was involved in an accident, and whom is prosecuted and/or against whom a civil action was filed, it is imperative that such action / proceedings be reported to the Head of Department as soon as such prosecution and/or action becomes known.

9. SUBMISSION OF CLAIMS AGAINST THE MUNICIPALITY

9.1. Claims against the Municipality must be submitted at the office of the Manager of the Department allegedly responsible for the damage which gave rise to the claim.

9.2. Potential claimants must contact the office of the relevant Department Manager where the necessary claim form can be obtained and again submitted with the required information and documentation required as indicated on the form.

9.3. Claimants shall claim from their own insurance companies first before recourse is sought against the Municipality. No claimant shall refuse to claim for damages against their own insurance company. In all instances the claimant shall disclose the name and telephone number of their insurance company.

9.4. Claims for consideration by the Committee must be lodged with the Municipality within 1 calendar month of the date of the incident causing the alleged damage. Claims lodged outside this cut-off period shall not be considered by the Claims and Loss Control Committee of the Municipality.

9.5. All claims lodged with the municipality shall contain the following information and be accompanied by the following relevant documentation: -

(i) Completed claim form;
(ii) Sworn affidavit by the claimant on the circumstances how, date, time and place where the incident allegedly causing the damage occurred;
(iii) SAPS AR Number showing the incident has been reported with SAPS;
(iv) In the event of a motor vehicle accident, a detailed traffic accident report complete with sketches;
(v) 3x quotations for repairing of the damage allegedly caused;
(vi) Colour photographs of the scene of the incident as well as the damaged property (where damage is caused to mag-wheels and tyres the municipality reserves the right to inspect such mag-wheels and tyres);
(vii) A certified copy of the claimants ID;
(viii) A certified copy of the damaged motor vehicle's registration/licensing documents.

(ix) A copy of the claimants municipal services account for the month directly preceding the incident. In the event of the claimant being a tenant not receiving a municipal account, a copy of his/her rental agreement including a letter from the landlord confirming that the tenant's municipal services are paid to date;

(X) A letter from the claimant's insurance company indicating that a claim has been lodged with the insurer for the damage to the claimant's property, further indicating what the excess amount payable on the claim is.

10. **CLAIM ASSESSMENT**

10.1. Although all claims received shall be reviewed by the Committee, the Municipality is not obliged to honour any claim.

10.2. Claims received shall be considered on merit of each individual claim. Negligence on the part of the claimant shall result in discounting of the claim in the discretion of the committee.

10.3. In all instances where alleged damage is caused to a claimant's property, the Municipality shall only consider payment of the claimant's excess payable under his/her own insurance policy where the Committee is of the opinion that the claim has merit and warrants remuneration.

10.4. Claims received shall within a period of 5 working days from date of receipt of such a claim, be submitted to the office of the Assets Officer by the relevant Department Manager receiving the claim. Claims thus submitted shall contain all relevant information requested on the claim form and shall be accompanied by a written report of the relevant Department Manager regarding the merit of the claim from the Department's perspective.

10.5. On receipt of a claim from the Department Manager, the Assets Officer shall acknowledge receipt of the claim and arrange for the claim to be lodged with the insurance so that a file number can be allocated to the claim.

10.6. Complete claims shall be forwarded to the Secretary of the Claims and Loss Control Committee who in turns shall compile an Agenda for the Committee and secure a date for the next meeting to consider claims.

10.7. Claims must be finalised within 30 working days following the date of receipt of a complete claim.

10.8. Where the municipal rates and services account of the claimant is in arrears for more than 60 days, the claimant claim shall be repudiated by the Committee.

10.9. Where the municipal rates and services account of the claimant is in arrears for 30 days, the claimant shall be allowed the opportunity to settle his/her municipal account and on submission of proof of such payment the claims shall be further considered by the Committee.

11. **PAYMENT OF CLAIMS**

11.1. Claims deserving of payment in accordance with the Committee's resolution shall be limited to payment of the lowest quotation amount or the claimant's excess payment under his/her policy, whichever is the lesser amount.

11.2. Where the Committee resolves to honour a claim against the Municipality, the payment shall be made ex gratia and in full and final settlement of the claimants claim.

11.3. Costs for car rental and tow in services shall not be considered.
11.4. Claims that are lesser than municipal insurance access should be paid once approved by committee.
11.5. Claims that are estimated to be more that municipal insurance access must be reported to the insurance company within seven days from the date of incident.

12. **NO OR PARTIAL PAYMENT OF CLAIMS**

(a) If the claim is denied, the Committee states and minutes explicitly to the claimant the reasons on which denial of the claim is based.

(b) If the amount offered is different from the amount claimed, the Committee explains the reason for this to the claimant.

(c) When the municipality is not responsible (by virtue of common law of delict principles) for meeting all or any part of the claim, the Committee notifies the claimant of this fact and explains why.

13. **LOSS CONTROL**

13.1. **RECEIPT OF LOSS CONTROL MATTERS FOR CONSIDERATION**

(a) Incidents of internal loss control to be considered by the Committee shall be submitted to the office of the appointed Secretary of the Claims and Loss Control Committee for inclusion in the Agenda of the Committee.

(b) Incidents so submitted shall consist of a comprehensive written report by the relevant Department Manager, which report shall contain information on the nature of the loss, how it occurred, what remedial steps have been taken to prevent future occurrences, disciplinary action taken if any, value of the loss and how the damage caused will be compensated. The said report shall also contain a recommendation to the Committee on how the incident has to be dealt with.

(c) When a loss control issue serves before the Committee, the relevant Department Manager shall avail himself/herself to ensure attendance of such a meeting of the Committee.

(d) Resolutions taken on loss control issues shall be final and binding and executed accordingly by the Department Manager.

13.2. **CLAIMS REGISTER**

(a) A claims register shall be opened and kept on all claims received and considered by the Committee. This register shall contain the date of the claim, the claimants name and ID number as well as the amount of the claim and whether the claim was paid out or not.

(b) Claims are documented to be able to address questions that may arise concerning the handling and payment of a claim.

13.3. COMPLAINTS AND DISPUTES

13.3.1. FILING OF COMPLAINTS AND DISPUTES

(a) When a claimant files a complaint against the findings of the Committee, the Committee:-

(i) acknowledges receipt of the complaint within a reasonable period of time;
(ii) provides the claimant with explanations on how his/her complaint will be handled and the procedures to be followed
(iii) processes the complaint promptly and fairly
(iv) provides a final response in writing within a reasonable period of time.

13.3.2. PROCEDURE FOR DEALING WITH COMPLAINTS AND DISPUTES

(a) Once a complaint has been received and acknowledged, the letter of complaint together with the resolution of the Committee taken with regard to the claim on which a complaint has been received has to be tabled before the earliest next sitting of the Committee for consideration.
(b) Complaints and disputes so received shall be duly considered by the Committee, where after the Committee shall resolve on the matter and a final response on the complaint be forwarded to the claimant in writing.

13.3.3. DISPUTES

(a) If the claimant is dissatisfied with the final response from the Committee, the claimant shall be informed to forward his/her dispute in writing to the CFO and Manager Legal Services, who will then assess the matter and take a final decision regarding that claim or dispute and inform the claimant accordingly in writing.
(b) A claimant not satisfied by this outcome may lodge an appeal with the Municipality's Appeal Dispute Committee.

14. TERMS OF REFERENCE

14.1. The Committee shall consider all the Loss Control Reports of the Council.
14.2. The Committee may recommend to a Head of Department to institute disciplinary action against an employee in terms of the Conditions of Service.
14.3. The Committee reserves the right to call upon any employee who is suspected to have information required by the Committee, to appear before the said Committee.
14.4. The Committee has the right to call upon any private individual who might be able to provide information that is required by the Committee to appear before the Committee.

14.5. The Head of Department or an employee who fails to attend the Committee meeting when requested to do so without pre-dated notice to the said Committee, shall be liable for disciplinary action.

14.6. Any person indicated in clause 2 above who fails to attend the Committee meeting when requested to do so without a pre-dated written apology or notice to the said Committee, shall be liable for disciplinary action.

14.7. In accordance with findings of the Committee the following remedial actions may be affected –

14.7.1. to submit recommendations to the Head of Department, regarding preventative measures to curb re-occurrences of similar incidents;

14.7.2. require from a Head of Department to institute disciplinary actions in terms of the Council's Conditions of Service:

14.7.3. request an investigator to institute criminal charges if necessary;

14.7.4. any other proposals/recommendations the Committee may deem fit to reduce losses or damage to Council's property.

14.8. The findings of the Loss Control Committee shall be reported monthly to the Municipal Manager.

15. **PROCEDURE / MEETINGS**

15.1. All proceedings shall be recorded.

15.2. Minutes of the meetings shall be taken by the Secretary.

15.3. The chairperson shall, prior to commencement of the proceedings, inform an employee(s) of the following rights:

15.3.1 that he/she may have a representative to assist him/her:

15.3.2 that he/she may remain silent;

15.3.3 that the nature of the proceedings is not that of a disciplinary inquiry but only that of a means to establish the circumstances giving rise to the loss.

15.3.4 that the proceedings shall be recorded and everything said may be used as evidence against him/her in a disciplinary hearing.

15.4. In the event of an employee exercising his/her rights stipulated in 9.3.1 above, the enquiry must be postponed to enable such employee to obtain the requested representation or in the event of an employee exercising his/her rights stipulated in 15.3.2. above, the enquiry may proceed without any questions being put to such employee.

15.5 The chairperson may intervene the proceedings and/or terminate an enquiry if he/she is of the opinion that -

15.5.1 the questions are irrelevant;

15.5.2 an employee does not understand his/her rights;

15.5.3 an employee is unable to answer the question;

15.5.4 the purpose of the enquiry is null and void.

15.6 The Committee may conduct an inspection in loco.

15.7 The Committee shall upon written request by the employee concerned provide such an employee with a copy of the findings of the enquiry.

16. DEPARTMENTAL RESPONSIBILITIES

16.1 Every Head of Department shall give effect to the following functions in respect of the Loss Control Committee.

16.1.1 Update, revise and oversee the security measures in the department in conjunction with the Loss Control ~~Unit~~ Policy.

16.1.2 Shall ensure attendance of the Loss Control Committee meetings by an appointed representative as and when required.

16.1.3 Inform personnel in the respective department regarding security and preventative measures to be taken.

16.1.4 Liaise with the Loss Control ~~Unit~~ Committee regarding losses and security measures.

16.1.5 Any other task or duty allocated to reduce losses or damages to Council property.

16.2 Building plans relating to the construction, alteration or renovation of Council buildings shall be submitted to the Chairperson or his authorised delegate prior to the construction, alteration or renovation thereof for consideration regarding security measures.

16.3 The Loss Control representative and/or any other designated person shall attend the Loss Control Meetings as and when cases in respect of such Department appear on the agenda.

16.3.1 Heads of Departments may attend any such Committee meeting ~~without~~ with prior invitation.

16.4 Head of Department shall ensure the execution of all resolutions and/or recommendations emanating from the Loss Control Committee and report the results thereof in writing to the Committee.

16.5 Heads of Departments shall ensure that all accidents are being reported as prescribed and that the necessary claim forms or any other relevant form(s) been completed and submitted to the relevant role players.

17. GENERAL

17.1 A Head of Department may, as and when required, compile any register/form to ensure that proper procedures, methods, controls, etc are followed in the honouring of the policy.

17.2 The Heads of Department may in consultation with the Municipal Manager and the Committee issue circulars to departments pertaining to procedures in accordance with the Loss Control Policy.

17.3 The Chairperson or his authorised delegate may establish a subcommittee at Departmental level as and when required.

17.4 Any loss as defined in clause 1.13 pertaining to private property will be for the account of the owner thereof and the Council will not be liable to any loss as explained in terms of this policy.

17.5 This policy comes into operation within two weeks after approval of this policy.

This policy must be reviewed annually.

ADOPTION OF THE POLICY

Policy adopted by Council of Ingquza Hill Local Municipality for implementation.

Approved by Resolution number…… on this …….day of …….....20..

_____

S.B. Vatsha
Honourable Speaker