



DRAKENSTEIN

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

Paarl | Wellington | Gouda | Saron | Simondium

Code of Ethics Policy

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Implementation Date

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Signed by the City Manager

Signature Date

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TABLE OF CONTENTS

1. OBJECTIVES.....	3
2. REGULATORY CONTEXT.....	4
3. ADHERENCE TO LEGISLATION AND POLICIES.....	6
4. INDEPENDENT AND OBJECTIVE.....	7
5. BAD FAITH AND MISREPRESENTATION.....	7
6. CONDUCT OF FRAUD, CORRUPTION AND DISHONESTY.....	8
7. CONDUCT AND CONFIDENTIALITY.....	8
8. LOYALTY.....	9
9. OPEN, TRANSPARENT AND EFFICIENT.....	9
10. DISCLOSURE OF INTEREST.....	9
11. REPORTING.....	10
12. ENFORCEMENT.....	10

1. OBJECTIVES

The objectives of this Code are to ensure that all Employees and Councillors of Drakenstein Municipality:

- 1.1 Promote a high standard of professional ethics and conduct of professionalism amongst councillors and staff members;
- 1.2 Always act with respect, integrity, competence, diligence, and in an ethical manner during all forms of interaction with:
 - 1.2.1 The public;
 - 1.2.2 Staff members, subordinates, superiors;
 - 1.2.3 Officials and councillors from other municipalities; and
 - 1.2.4 Officials and politicians from the provincial and national government departments.
- 1.3 Always ensure that the integrity of the Municipality, Council and the interests of the public are placed above own personal interests;
- 1.4 Take reasonable care and exercise independent judgment in addressing the needs of the public;
- 1.5 Act in such a way that others are encouraged to follow suit and thereby ensure that a culture of the highest professional, ethical behaviour and excellence exist within the Municipality;
- 1.6 Promote and uphold the values and principles in section 195(1) of the Constitution of South Africa;
- 1.7 Promote and uphold the Batho Pele Principles;
- 1.8 Adhere to the Code of Conduct for Councillors and Municipal Employees as prescribed in Schedule 1 and Schedule 2 respectively of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- 1.9 Promote and uphold the values as set out in the Integrated Development Plan of the Municipality; and
- 1.10 Enhance the Municipality's policies on Anti-Corruption, Fraud and Whistle blowing to eradicate corrupt and unethical practices in the administration.




2. REGULATORY CONTEXT

Employees and Councillors of Drakenstein Municipality must adhere to the following:

2.1 Basic values and principles governing public administration and the Municipality as set out in the Constitution

Section 195(1) of the Constitution prescribes the following basic values and principles for public administration:

- (a) *A high standard of professional ethics must be promoted and maintained.*
- (b) *Efficient, economic and effective use of resources must be promoted.*
- (c) *Public administration must be development-oriented.*
- (d) *Services must be provided impartially, fairly, equitably and without bias.*
- (e) *People's needs must be responded to, and the public must be encouraged to participate in policy-making.*
- (f) *Public administration must be accountable.*
- (g) *Transparency must be fostered by providing the public with timely, accessible and accurate information.*
- (h) *Good human-resource management and career-development practices, to maximize human potential, must be cultivated.*
- (i) *Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.*

2.2 The Batho Pele Principles

Aligned with the aforementioned constitutional values and principles, the following are the eight Batho Pele Principles that were developed regarding service delivery and putting "people first" in the public service:

2.2.1 Consultation

Citizens should be consulted about the level and quality of the public services they receive and wherever possible, should be given a choice about the services that are offered.

2.2.2 Service Standards

Citizens should be told what level and quality of public services they will receive so that they are aware of what to expect.

2.2.3 Access

All citizens should have equal access to the services to which they are entitled to.

2.2.4 Information

Citizens should be given full, accurate information about the public services they are entitled to receive.

2.2.5 Openness and transparency

Citizens should be told how government departments are run, how much they cost, and who is in charge.

2.2.6 Redress

If the promised standard of service is not delivered, citizens should be offered an apology, full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.

2.3 Municipal Code of Conduct

2.3.1 Chapter 12, Schedule 1 and Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), outlines the Code of Conduct for Councillors and Municipal Staff Members respectively. It prescribes how councillors and employees must behave with specific reference to the ethical standards set by the codes, and the penalties for improper behaviour.

2.3.2 The Code of Conduct for Councillors applies to every member of a municipal council and must be adhered to by all councillors at all times.

2.3.3 The Code of Conduct for Municipal Staff Members applies to every staff member of a municipal council and municipal functionaries, and must be adhered to by all staff members at all times.

2.4 Good Corporate Governance

2.4.1 The fundamental importance of ethics is further entrenched in the South African Corporate Governance reports issued by the King Committee as guidelines and recommended best practices for governance structures. These reports emphasise that ethics is the foundation of good corporate governance. Corporate governance, as per the King IV report, is defined as the exercise of ethical and effective leadership by a governing body towards the achievement of governance outcomes such as an ethical culture. Furthermore, the King IV report introduced a sector specific supplement for municipalities with 16 principles, and two of the principles are reflective of the aspirations towards ethical and effective leadership, and ethical governance.

2.4.2 The first principle states that a municipal council should lead ethically and effectively. Ethical and effective leadership is exemplified by integrity, competence, accountability, fairness and transparency. Members of a municipal council should therefore individually and collectively cultivate these characteristics and exhibit them in their conduct. In addition to councillors assuming responsibility for their own character and conduct, the second principle provides that a municipal council should govern the ethics of a municipality in a way that supports the establishment of an ethical culture.

2.4.3 Among other measures, the adoption of this Code of Ethics policy by the municipal council, and all existing, related codes, policies and practices which have been formulated to ensure ethical behaviour and decision-making in the work environment, demonstrates the Municipality's commitment and adherence to the highest levels of good and effective governance.

3. ADHERENCE TO LEGISLATION AND POLICIES

Employees and Councillors of Drakenstein Municipality must:

- 3.1 Know, understand and comply with all the legislative requirements governing local government;
- 3.2 Know and understand their respective roles and respects the roles of co-employees and councillors;
- 3.3 Know and understand the Code of Conduct for Councillors and Municipal Staff Members;

3.4 Know, understand, comply and promote the policies of the Municipality and specifically those that speaks to Anti-Corruption and Fraud, Ethics, Confidentiality, and Access to Information;

3.5 Dissociate from any violation of any laws, rules, regulations and policies; and

3.6 Dissociate from any actions that violate the rights privileges and peace and comfort of co-employees, councillors and the public or any member thereof.

4. INDEPENDENT AND OBJECTIVE

Employees and Councillors of Drakenstein Municipality must:

4.1 Always take reasonable care when dealing with matters concerning the general public or any individual member of the public;

4.2 Maintain independence and objectivity in their respective areas of work and when dealing with matters concerning the general public or any individual member of the public;

4.3 Not offer, solicit, or accept any gift, benefit, compensation, or consideration that reasonably could be expected to compromise their own or another's independence and objectivity as well as that of the Municipality;

4.4 Declare any offer, gift, benefit, compensation in terms of the relevant legislative prescripts; and

4.5 Uphold confidentiality on all matters declared as such by the Council and its committees.

5. BAD FAITH AND MISREPRESENTATION

Employees and Councillors of Drakenstein Municipality shall:

5.1 Not knowingly make any misrepresentations or give false information relating to any matter, duty or task assigned to them;

5.2 Refrain from making false or misleading declarations in any document to be presented to the Council or its committees, a member of the public or any staff member;



5.3 Not make any misleading information public or submit it to the news media for whatever reason; and

5.4 Ensure that all their actions, statements and informative interactions with a person, one another or the general public or an individual member of the public is in good faith and honest and to the benefit of the Council, the Municipality and the broader public.

6. CONDUCT OF FRAUD, CORRUPTION AND DISHONESTY

Employees and Councillors of Drakenstein Municipality shall refrain from:

6.1 Any conduct involving corruption, fraud, dishonesty, or deceit or any other unethical and discriminatory behavior; and

6.2 Committing any act that reflects adversely on their reputation, integrity, or competence and negatively impact on the Municipality or the Council.

7. CONDUCT AND CONFIDENTIALITY

Employees and Councillors of Drakenstein Municipality shall:

7.1 Always act with a high standard of conduct;

7.2 Not process or disclose information in contravention of the Protection of Personal Information Act, 2013 (Act 4 of 2013), or any related policies thereto;

7.3 Not disclose information in contravention of the Promotion of Access to Information Act, 2000 (Act 2 of 2000), or any related policies thereto;

7.4 Not disclose information to a person for reasons other than in an official capacity and concerning the specific official interest of that person;

7.5 Not make any confidential information public;

7.6 Not spread disinformation or falsely accuse colleagues or deliberately spread any information for to the detriment of any other person or the Municipality or Council; and

- 7.7 Not act or cause others to act on information for any other reason but to comply with legislation or to fulfil an official duty.

8. LOYALTY

Employees and Councillors of Drakenstein Municipality:

- 8.1 Have a duty of loyalty to the Municipality and must act with reasonable care and exercise prudent judgment;
- 8.2 Must act for the benefit of the public, the Municipality and the Council;
- 8.3 Must place the interests of the public, the Municipality and the Council before their own interests;
- 8.4 Must refrain from furthering their own political and personal agendas; and
- 8.5 Must refrain from any action or conduct that may cause harm to the Municipality and the Council.

9. OPEN, TRANSPARENT AND EFFICIENT

Employees and Councillors of Drakenstein Municipality must:

- 9.1 Be open, fair, diligent and transparent in dealing with the public and in exercising their duties;
- 9.2 Deal objectively with the needs of the public;
- 9.3 Always act impartially and treat all people, including other municipal staff, equally without favour or prejudice; and
- 9.4 Must endeavour to address the public's needs with simplicity and plainness to such an extent that the communication is effective and efficient.

10. DISCLOSURE OF INTEREST

Employees and Councillors must, in the prescribed manner, disclose all their financial interests and declare any other interests in terms of the relevant code of conduct.

11. REPORTING

- 11.1 Employees and Councillors have an obligation to report acts of unethical behaviour committed in contravention of the Code of Ethics.
- 11.2 Any contravention may be reported in terms of the procedures outlined in Part 2 C of the Fraud and Risk Management Policy, 2017, of the Municipality.

12. ENFORCEMENT

- 12.1 Every employee and councillor will be bound to adhere to this Code of Ethics and must act in such a way that others are encouraged to follow suit and thereby ensure that the highest professional and ethical behaviour are the rule within the Municipality.
- 12.2 Appropriate disciplinary action, including but not limited to potential dismissal or criminal charges, will be taken against any employee or councillor whose conduct violates the Code of Ethics, Municipal Code of Conduct and all related policies, procedures, applicable laws and regulations.
- 12.3 Anyone who knowingly makes a false report of alleged ethics violations will be subject to disciplinary action. Similarly, anyone victimising a councillor or an employee who reported unethical behaviour in good faith, will be subjected to disciplinary action.
- 12.4 The Municipality remains committed to the highest standards of openness, integrity and accountability with the aim to promote a culture in which councillors and employees feel able to raise genuine and valid concerns without fear of victimisation, discrimination or disadvantage.
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