Practical guide to
MANAGING ETHICS
in the South African
public sector

PHAKAMISA

FAIRNESS
HONESTY
DILIGENCE
INTEGRITY
TRANSPARENCY
ACCOUNTABILITY

the **dpsa**
Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

cooperative
governance
Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

Contents

Icons

Public Service

Local Government

Public Service Act,

Public Service Regulations

Municipal

Additional resource

International Professional Practices

Click to play video

A. Introduction

Content

1. Who is the guide for?

This guide is written for all those doing the work of ethics officers in the public sector – including those in:

- **The public service (national and provincial government), and**
- **Municipalities.**

This includes those who are appointed as ethics officers, as well as those who fulfil other functions (such as risk management) and are designated as ethics officers. It is intended to be a practical guide to ethics management in the public sector.

It is compiled for those who have been appointed, or designated, the responsibility for managing ethics in their organisations. We generally (and throughout this guide) refer to these people as ethics officers.

The Public Service Regulations require all departments to appoint or designate ethics officers. The Municipal Integrity Management Framework that forms part of the 2016 Local Government Anti-Corruption Strategy similarly requires that there should be sufficient capacity to implement the integrity management requirements that are set out in the Framework.

You will be glad to know that in February 2024, the title of 'Ethics Officer' was incorporated into the Public Service Occupational Classification System: Occupational Dictionary, under the 'Professionals' category as follows:

Occupation	Descriptor
Ethics Officer	Promotes and implements code of conduct, including anti-corruption, ethics and integrity management.

This formal recognition further legitimises the role of the Ethics Officer.

There are hundreds of ethics officers in public sector organisations. Some fulfil this function part time, besides their other responsibilities, while others are appointed as full-time ethics officers. There is, however, not a formal university qualification that ethics officers can follow to become qualified for the job. Ethics officers also have varied work experiences and are often simply 'suddenly' designated the responsibility with no prior experience.

The guide is therefore intended to equip ethics officers in the public sector to execute their duties with confidence through adequate knowledge of ethics management.

It provides a single resource which ethics officers can refer to for guidance and information on how to fulfil their roles. It includes critical information about the legislative obligations of ethics officers in the public sector as well as practical guidance on how to perform the day-to-day responsibilities.

2. How to use the guide

The guide attempts to follow a simple and understandable approach that makes things as practical as possible. It covers the basics that every ethics officer should know – such as what laws and regulations apply to the work of ethics officers – but also goes into further detail on what to consider when doing the work. It includes checklists and additional resources that can be consulted to obtain a broader understanding.

You can use the guide in one of two ways. The first option is to read it like a book, starting at the front and working to the back.

The second option is to read about specific challenges that you are struggling with. For example: if you need to facilitate ethics training, but don't know where to start – click on the section that deals with training and see if there are resources to help you. If you are struggling with the disclosure of financial interests process, or dealing with conflicts of interest, go directly to that section.

3. Why manage ethics?

The short answer is that we manage ethics in our departments and municipalities in order to <u>promote an overall ethical culture</u> in the public sector.

An ethical and professional public sector will be more effective at achieving its objectives, and will be less susceptible to corruption.

Government's ethics management journey actually began with a focus on anti-corruption work. The emphasis was on preventing negative behaviours, however, it became clear that we also needed to focus on promoting positive behaviour that we wanted to see.

When we talk about ethics management, we are no longer just policing unethical behaviour; we are also trying to promote ethical behaviour as the norm.

The work of the ethics officer is predominantly to promote ethical behaviours in their organisation. There are also responsibilities for diligence, to notice when things go wrong, and for ensuring discipline, but the main mindset should be: "How can I contribute to building an ethical culture in my organisation?"

It is important to constantly make members of any organisation or institution aware of their ethical obligation towards others, their organisation and community. Managing ethics is an ongoing process, and if you really want to make ethics work in practice, then you need to shift your focus to promoting an ethical organisational culture. That is where the real change happens – not just in rules, but in how people think, interact, and make decisions on a daily basis.

4. What is an ethical culture?

Very simply put, <u>an ethical organisational culture is one where it is easier to do the right thing rather than the wrong thing.</u> There is built-in expectation from your peers and from management that you will do your job professionally, and that you will behave ethically.

For example – if there is an organisation where no one keeps track of whether work is done or not, or of what time people arrive in the morning, it is very likely that most people will not be truly productive and will start coming in late. Over time a culture develops where these practices become acceptable and become the norm. As a consequence, it is likely that people will start working in crisis mode, such as a mad rush to spend budgets at the end of the financial year. Because people don't plan, there will be emergencies, and there will then be constant pressure to bypass policies to speed up work. After a while the policies stop being important. The only thing that is important is doing what the manager says – usually when there is an emergency, or damage has already been done.

Now imagine joining that organisation. How easy (or difficult) will it be for you to do the right thing?

On the other hand, in an organisation that spends significant energy on ensuring that it attracts and appoints the right people, and has good leadership committed to the mandate of the organisation, chances are things will be run more professionally. Delivery will be monitored, people will come in on time, and do what needs to be done. Policies will be important and will be followed to the T.

Now imagine joining that organisation. How easy (or difficult) will it be to do the right thing there? You would likely want to be professional, so as to not stand out as an underperformer.

To get a better understanding of ethical culture, watch the following video from the National School of Government.

> ▶ **Why manage ethics?**

When we talk about an ethical culture, it doesn't just mean not being corrupt. We can divide an ethical culture into three parts:

   i.   **Integrity** – People behave in an honest and right way and are always transparent about their actions. They have constructive, positive intentions, and do not engage in any form of misconduct, theft or corruption.

   ii.   **Professionalism** – People are competent to do their jobs, and consistently do it to the best of their abilities and with care and courtesy.

   iii.   **Respect** – People treat each other with respect and fairness.

If even one of these aspects is absent from an organisation, it will not be a positive place to work, and will likely be more susceptible to corruption.
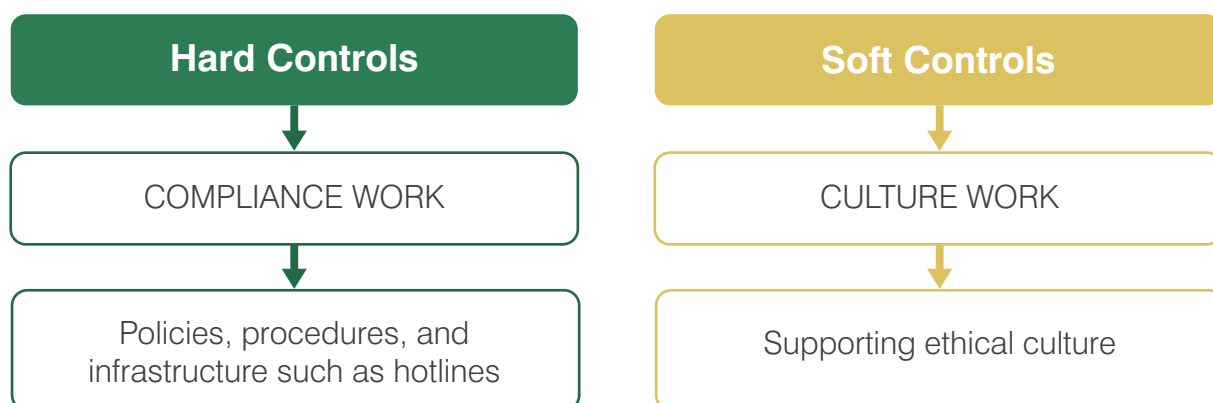
5. Importance of culture work

Any organisation should implement internal controls to manage its risks and ensure good governance. The internal control environment consists of hard controls and soft controls. The hard controls are the policies and procedures, and the soft controls are the ethical culture of the organisation.

Think of it like this. If your organisation has a policy that everybody must be in the office at 8am, but the culture is that people arrive at any time up to 9:30am, then the policy does not mean much. In terms of managing corruption risk, there is a policy that specifies the procurement process that must be followed. In practice, however, you may find that this process is frequently bypassed or manipulated.

As you can see – it does not help to only focus on the hard controls. We also need to focus on the soft controls, or the ethical culture in which these controls are applied.

In the ethics management framework we link the hard controls to compliance work, and the soft controls to culture work – as follows:

Hard Controls	Soft Controls
COMPLIANCE WORK	CULTURE WORK
Policies, procedures, and infrastructure such as hotlines	Supporting ethical culture

According to an Ethics Management Maturity Assessment conducted in the public service in 2024, ethics officers focus more on their compliance work than on their culture work. This is a natural progression. However, given that it has been almost 10 years since the release of the Public Service Regulations in 2016, it is now time for ethics officers to also start focusing on their culture work.

This guide assists ethics officers by providing guidance on how to focus on both the culture work *and* the compliance work.

6. Distinctions between ethics management and other functions

6.1 Ethics management and compliance

We can say that compliance is doing the right thing when someone is watching, while ethics is doing the right thing when no one is watching.

One could also say that compliance has more to do with following rules, whereas ethics has more to do with aligning with values.

Either way, as indicated above, the ethics officer has both compliance work and culture work. In other words, they have to focus on getting people to comply with certain requirements (such as disclosure requirements), and getting people to behave more ethically overall.

Some organisations have separate compliance officers who make sure that all staff abide by all legislative requirements that apply to their organisation. The ethics officer only focusses on those legislative requirements that relate to ethics management. We explore these laws in the section on the regulatory framework.
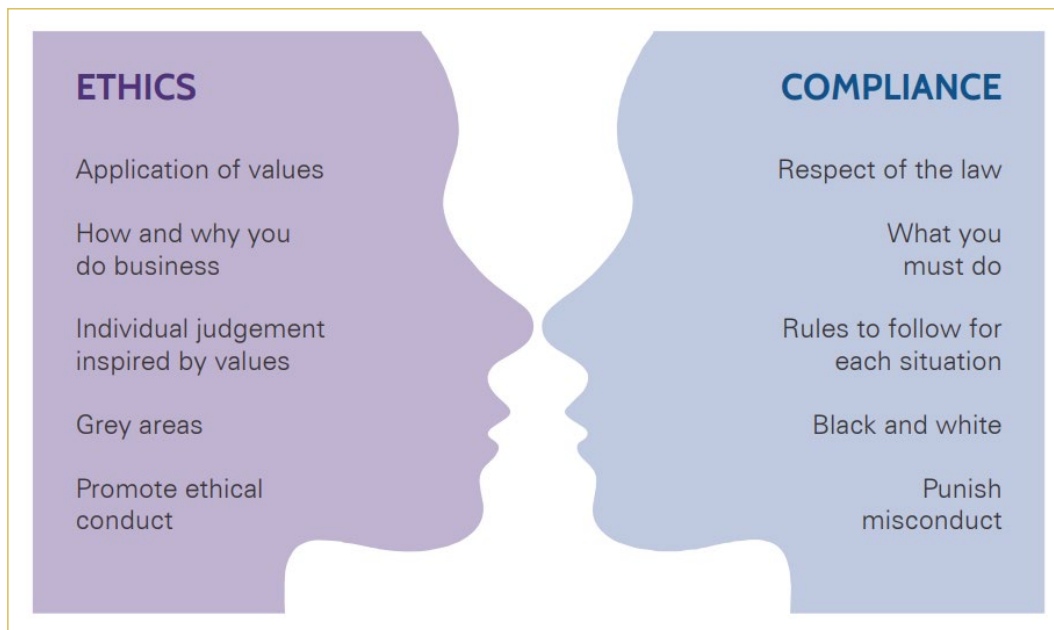
6.2 Ethics management and anti-corruption

The National Anti-Corruption Strategy (2020 – 2030) clearly shows that ethics management plays a key role in anti-corruption work. At the same time, ethics management is not the same as anti-corruption work. This begs the question – what is the difference between ethics management and anti-corruption, and where does one draw the line between them?

Initially, all ethics management requirements flowed from anti-corruption requirements.

This, however, changed in 2013, with the release of the Public Service Integrity Management Framework. This framework was the start of ethics management in the public service as a discipline in its own right. The requirements of the Public Service Integrity Management Framework were almost all taken up in the Public Service Regulations of 2016, so that the Regulations are now the 'bible' of ethics management.

Ethics management, however, still has a role to play in anti-corruption initiatives, as illustrated in the following diagrams adapted from The Ethics Institute's Local Government Ethics Committee Guidebook.
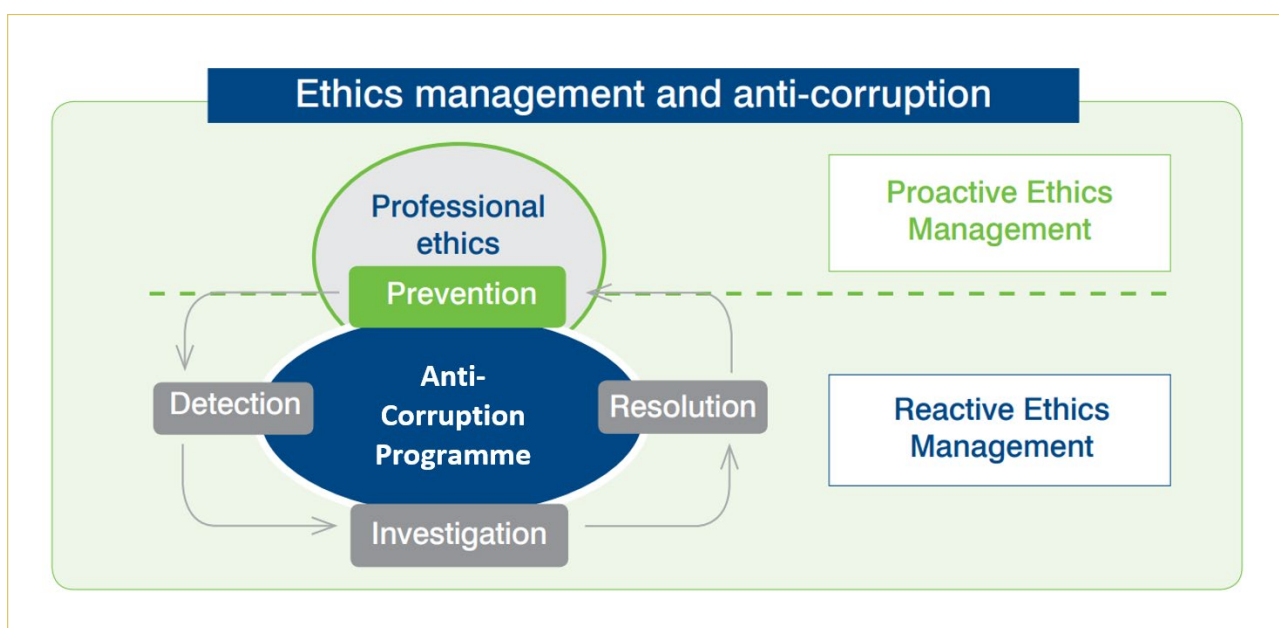
Proactive ethics management focusses on proactively building a professional, ethical culture in the organisation. This is the work of the ethics officer. Building a professional ethical culture is an integral part of anti-corruption initiatives.

Reactive ethics management is more in line with anti-corruption work, and is about managing unethical behaviour (such as corruption) in the organisation. This would be the role of different functions throughout the organisation, such as risk managers, internal auditors, investigators and HR.

	Proactive interventions	**Reactive interventions**
Focus	Contribute to building an ethical culture.	Contribute to the management of unethical behaviour that has occurred
Pillar	1. Prevention 2. Detection	2. Detection 3. Investigation 4. Resolution
Primary driver	Ethics office	Different functions as determined by the organisation

Organisations therefore need to have both proactive as well as reactive ethics management efforts.

6.3 Ethics management and integrity management

For the purposes of the public sector, we generally use these two terms interchangeably. In the public service we tend to talk more about ethics management – the term used in the Public Service Regulations, 2016. In local government, we tend to talk more about integrity management, since these requirements stem from the Municipal Integrity Management Framework.

The overall trend, however, is to move more to talking about ethics management than integrity management.

B. What laws and regulations should an ethics officer know?

Content

1. The Constitution

The South African Constitution is foundational to ethics management. Section 195 specifies that "A high standard of professional ethics must be promoted and maintained". It also sets out the ethical spirit which one should be promoting in public administration.

Chapter 10 of the Constitution deals with Public Administration. It is here that the values expected of public officials are spelled out clearly. And 'public officials' includes everyone in a national department, a provincial office, a municipality, or a state-owned entity. This section is grounded in values such as transparency, accountability, integrity, and service delivery. Public administration must be ethical, efficient, and inclusive. It implores one to use public resources economically and effectively, and to deliver services that are fair and impartial – without favouritism, and without bias.

However, the entire spirit of the Constitution supports the work of ethics officers – starting with human rights. Human rights are not just some fancy ideas written in books and documents. Rather, they are globally accepted, humane principles that apply to everyone, everywhere. In South Africa, you will find those principles firmly placed in Chapter 2 of the Constitution of the Republic of South Africa, under the Bill of Rights. The Bill of Rights gives legal power to the values of dignity, equality, and freedom. It is not a suggestion. It is law. That means everyone living in South Africa is protected under it.

However, the Constitution does not explicitly state 'organisational ethics'. Instead, the Constitution lays the foundation for ethical conduct. The Constitution stipulates a constitutional obligation to practice fair labour practices, to be environmentally responsible, to ensure a safe and conducive environment for human dignity, and to promote community engagement, all whilst being transparent and accountable in conduct and practice. And all of this encompasses the principles of ethical values, norms and standards.

As an ethics officer, you are not just there to tick boxes. Part of your job is to create an environment where the spirit of the Constitution comes to life: where people are listened to, the public is involved in decisions, and trust is built.

Chapter 7 of the Constitution outlines the objectives of local government, including democratic and accountable governance. As per the Constitution, the mandate of local government is to serve communities through democratic and accountable governance. It is responsible for delivering essential services in a way that is sustainable and responsive to the needs of the people. Local government also plays a key role in advancing social and economic development, while working to create safe and healthy living environments. Central to its function is the active involvement of communities and local organisations in decision-making processes, ensuring that governance is inclusive and grounded in the realities of the people it serves.

So, when you think about ethics in government institutions, do not wait for someone to hand you a document titled 'Ethics Policy'. It is already there — in the values, rights, and responsibilities set out in the Constitution. You just have to see it, and more importantly, you have to live it.

Below is an extract from section 195 of the Constitution that speaks to the ethical values and principles that govern public administration in South Africa:

Section 195 of the Constitution of the Republic of South Africa

195. Basic values and principles governing public administration

1. Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

   (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 maximise 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. The above principles apply to:

   (a) administration in every sphere of government;
   (b) organs of state; and
   (c) public enterprises.

---

2. Mandate for ethics management

Here we look at legislation, regulations and frameworks aimed at promoting ethical behaviour in government institutions.

Since the regulatory frameworks differ significantly in this aspect, we separate public service from local government.

Public Service

The mandate and direction for ethics management in the public service is derived from the following legislation:

ACT **Public Service Act, 1994**

Section 3(1)(h) sets out that the Minister (of the DPSA) *"is responsible for establishing norms and standards relating to…integrity, ethics, conduct and anti-corruption in the public service."*

The Minister gives effect to this through:

ACT **Public Administration Management Act, 2014**

– Section 4 – Basic values and principles governing public administration

– Section 8 – Conducting business with the state

– Section 9 – Disclosure of financial interest

– Section 15 – Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit

ACT **Public Service Regulations, 2016** **(Chapter 2 as amended by Public Service Regulations, 2023)**

– Part 1 – Code of Conduct

– Part 2 – Financial disclosure

– Part 3 – Anti-corruption and ethics management

These laws are fundamental to the work of the ethics officer and you MUST read it all. This will help you understand what you need to do. Please download the legislation by clicking on the links above.

While you should read everything, the following extracts will help you understand the basic requirements for ethics management in the public service.

The Public Administration Management Act of 2014, section 4, aims to promote the values and principles concerning public administration. This section largely repeats section 195 of the Constitution.

ACT

Extract from the Public Administration Management Act, 2014, section 4
Each institution must —

(a) promote and maintain a high standard of professional ethics;

(b) promote efficient, economic and effective use of resources;

(c) be development oriented;

(d) provide such services impartially, fairly, equitably and without bias;

(e) respond to people's needs and encourage public participation in policy-making;

(f) be accountable to the public;

(g) foster transparency by providing the public with timely, accessible and accurate information;

(h) ensure good human resource management and career development practices to maximise human potential; and

(i) ensure broad representation 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.

The ethics officer bears the responsibility of being the face of ethics and the main point of contact regarding ethics-related matters. The Public Service Regulations, 2016 outline certain activities that the ethics officer must undertake, frequently on behalf of the Head of Department:

*Public Service Regulations – Part 3 – **Anti-corruption and ethics management***

22. A Head of Department shall—

(a) analyse ethics and corruption risks as part of the department's system of risk management;

(b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;

(c) 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—

    (i) confidentiality of reporting;

    (ii) the recording of all allegations of corruption and unethical conduct received through the system; and

    (iii) mechanisms to ensure that employees and citizens are made aware of such system;

(d) establish an information system that—

    (i) records all allegations of corruption and unethical conduct;

    (ii) monitors the management of the allegations of corruption and unethical conduct;

    (iii) identifies any systemic weaknesses and recurring risks;

    (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and

    (v) records all gifts accepted by employees as contemplated in regulation 13 (h); and

(e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

23. Ethics Officer—

(1) An Executive Authority shall designate or appoint such number of ethics officers as may be appropriate, for the department to—

    (a) promote integrity and ethical behaviour in the department;

    (b) advise employees on ethical matters;

    (c) identify and report unethical behaviour and corrupt activities to the Head of Department;

    (d) manage the financial disclosure system; and

    (e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the relevant department.

(2) The Head of Department shall establish an ethics committee or designate an existing committee, chaired by a member of the SMS, preferably a Deputy Director-General, to provide oversight on ethics management in the department.

The Directive on the institutionalisation of ethics officer function in the public service further clarifies the role of ethics officers:

Local Government

The mandate for ethics management in local government is largely derived from:

SYSTEMS ACT – DISCLOSURES

- **The Local Government Anti-Corruption Strategy (2016)**, which sets out the national objectives to combat corruption in local government.
- **The Municipal Integrity Management Framework (2016)** is linked to the strategy, but sets out the responsibilities of individual municipalities. As an ethics officer you should at least read the Municipal Integrity Management Framework.

The following is also applicable to local government:

Public Administration Management Act, 2014

- Section 4 – Basic values and principles governing public administration
- Section 8 – Conducting business with the state
- Section 9 – Disclosure of financial interest
- Section 15 – Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit
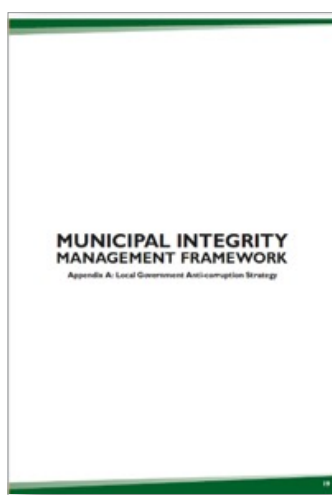
While the entire Municipal Integrity Management Framework is important, and should be read, the following synopsis of the principles of the Framework is useful.

🏛 PRINCIPLES of the Municipal Integrity Management Framework

1. LEADERSHIP COMMITMENT

Municipal leadership should set the tone and drive good governance, organisational integrity, and anti-corruption initiatives.

2. COMMUNITY OWNERSHIP

Communities must be acknowledged as the 'owners' of municipalities and are therefore entitled to transparent and accountable governance.

3. GOVERNANCE STRUCTURES & CAPACITY

Appropriate governance structures should be in place and should effectively ensure good governance and the implementation of integrity and anti-corruption programmes.

There should be sufficient capacity to implement the integrity management requirements.

4. INTEGRITY MANAGEMENT PROGRAMME

Prevention

Municipalities should:

- Promote a professional ethical culture;
- Promote sound governance and risk management;
- Ensure competent employees of integrity are appointed; and
- Manage conflicts of interests proactively.

Detection

Municipalities should:

- Put in place systems and processes to ensure that they detect instances of corruption that may occur; and
- Manage information on cases reported or under investigation and report such information to the MEC and the Minister.

Investigations

Municipalities must ensure that all legitimate corruption allegations are investigated. They may develop internal capacity, make use of external expertise, or draw on provincial or national expertise.

There must be transparency about how investigations are dealt with.

All matters must receive the appropriate level of independent investigation. A multi-agency approach should be promoted.

Resolution

Municipalities should ensure the timely, fair and complete resolution of corruption matters. Perpetrators must be held accountable, losses must be recovered and recurrences prevented.

5. REPORTING

Municipalities must submit reports to appropriate entities to ensure implementation and transparency.

Effective information management systems should be implemented to ensure the appropriate information is kept land reported.

You can also watch the following National School of Government video of the Municipal Integrity Management Framework.

▶ **Municipal Integrity Management Framework.**

3. Codes of conduct

Codes of conduct in the public sector are where most of the 'rules' related to ethical conduct are contained. As an ethics officer you should be an expert on these codes. The codes should inform all of the advice that you give to people to answer their ethical questions.

Public Service

> **The Code of Conduct for the Public Service is published under Chapter 2, Part 1 of the Public Service Regulations, 2016.**

Local Government

The Code of Conduct for Municipal Staff Members is contained in the Municipal Systems Act (Act 32 of 2000).

The Code of Conduct for Councillors is contained in Schedule 7 of the Municipal Structures Act (Amended 2021). It should be noted that it is not the work of ethics officers to regulate ethical behaviour among councillors. This is the work of the Speaker of Council. However, ethics officers (and all staff) should know the ethical standards that apply to councillors.

Both codes have an introductory section on General Conduct (which happens to be in section 2 of each code).

This section is probably the most important of the code, as it sets out the spirit in which councillors and officials need to do their work. Whatever you do in the municipality must align with these principles.

There are two principles that appear in both codes. These are:

Councillors and staff members must:

- perform the functions of office in good faith, honestly and in a transparent manner; and
- at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

There are some concepts that we need to look at here.

A very important concept is that of good faith. Wikipedia states that good faith is *"a sincere intention to be fair, open, and honest, regardless of the outcome of the interaction".* In other words, I am acting with pure intentions and not selfish ones. I am not misrepresenting anything.

The second principle basically states in whose interest I must be acting when I do my job. It is very clear that councillors and staff members must, at all times, act in the best interests of the municipality. **So, whenever**

there is a conflict between personal, political or factional interests and that of the municipality, they have to act in the best interest of the municipality.

They must also act in such a way that the credibility and integrity of the municipality is not compromised. So, their actions must not reflect negatively on the municipality. **They must act in a way that will cause the community to trust the municipality more, not less.**

All of these principles under general conduct are enforceable, as they fall within the Code of Conduct. In other words, people who do not act in good faith, or who act in a way that brings the municipality into disrepute, can face disciplinary consequences.

The following extract from the **Municipal Systems Act** applies to the Code of Conduct for Municipal Staff Members and places a positive duty on the municipal manager to communicate the code:

70. Code of Conduct to be provided to staff members and communicated to local community
   (1)   The municipal manager of a municipality must—
      (a)   provide a copy of the Code of Conduct to every member of the staff of the municipality; and
      (b)   provide every staff member with any amendment of the Code of Conduct.

   (2)   The municipal manager must—
      (a)   ensure that the purpose, contents and consequences of the Code of Conduct are explained to staff members who cannot read; and
      (b)   communicate sections of the Code of Conduct that affect the public to the local community.

The Code for Ethical Leadership in Local Government, while touching on aspects of personal behaviour, primarily focuses on the responsibilities of leaders in fostering ethical and effective municipalities. It functions more as a governance code. Its purpose is to guide leadership in establishing well-governed, high-performing institutions.

4. Other relevant laws

There are many laws that could potentially be useful to ethics officers. These include the Promotion of Administrative Justice Act (PAJA), the Promotion of Access to Information Act (PAIA), the Public Finance Management Act (PFMA), and the Municipal Finance Management Act (MFMA).

We will, however, not deal with all of these. For our purposes, the following two laws stand out:

ACT   **a) Prevention and Combatting of Corrupt Activities Act (No. 12 of 2004)**

This law sets out the crime of corruption. It also sets out organisations' responsibilities in preventing corruption and dealing with it.

You can watch this video from the National School of Government which gives an overview of the Act:

> **Overview of the Prevention and Combatting of Corrupt Activities Act**

PREVENTION AND COMBATTING OF CORRUPT ACTIVITIES ACT (PRECCA)
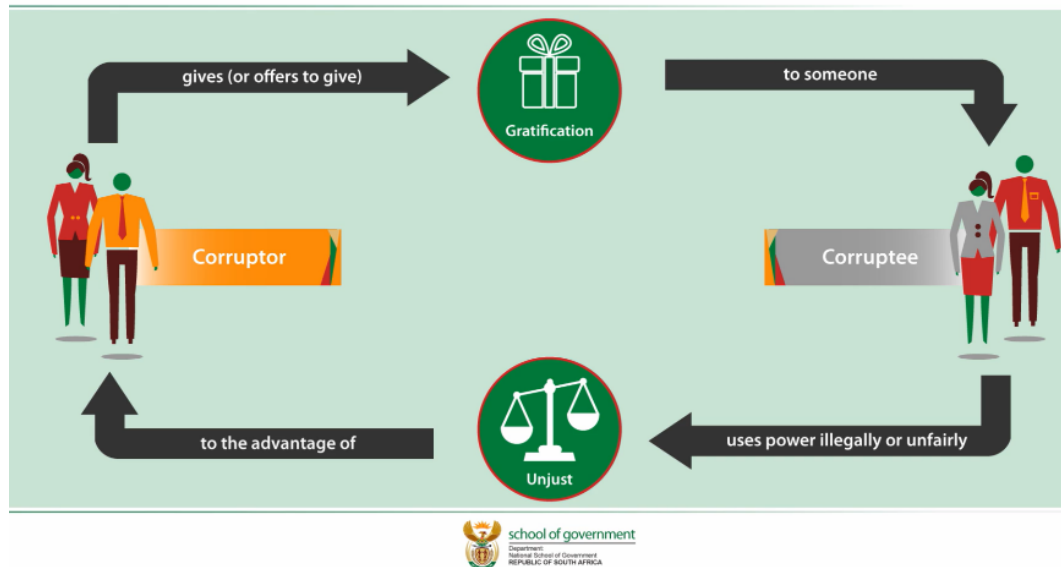
ACT b) Protected Disclosures Act (2000 – Amended 2017)

One of the duties of an ethics officer might include the setting up of the hotline and whistleblowing policy of their organisation.

To do this correctly you would need to know the Protected Disclosures Act.

Extract from the 2000 Protected Disclosures Act, section 6

(2) (a) Every employer must-

(i) authorise appropriate internal procedures for receiving and dealing with information about improprieties; and

(ii) take reasonable steps to bring the internal procedures to the attention of every employee and worker.

(b) Any employee or worker who, in accordance with a procedure authorised by his or her employer, makes a disclosure to a person other than his or her employer, is deemed, for the purposes of this Act, to be making the disclosure to his or her employer.

You can watch this video from the National School of Government which gives an overview of the Act

▶ **Overview of the 2000 Protected Disclosures Act**

The Protected Disclosures Act (PDA) sets out designated disclosure avenues, such as the Public Protector and the Auditor-General (among many). It is important to note that the PDA Regulations, 2018, add significantly more designated disclosure avenues. Among these is the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit.

C. Ethics management framework

Content

Governance of Ethics Framework

Governance of Ethics Framework

The Governance of Ethics Framework as developed by The Ethics Institute provides a structured approach for organisations to proactively work towards the outcome of building an ethical culture.

This Framework sits in the heart of the thinking of King IV when it refers to the outcome of an ethical culture. It also reflects the thinking of the Public Service Regulations, 2016 and the Municipal Integrity Management Framework when these envisage organisations working towards the outcome of an ethical culture.

We will unpack each component of the Framework below so that you can see your role as an ethics officer and where you fit in this bigger picture.

The Framework provides a practical roadmap which sets out how organisational role-players at both the governance and management level in an organisation can work together to support the building of an ethical culture.

1. The first and most important component of the framework is strong **leadership commitment** that sets a clear ethical tone. Leadership should also establish **ethics structures** (such as an ethics office) and **assign responsibilities** for managing ethics (for example, to an ethics champion and an ethics officer).

2. Second, there needs to be appropriate **governance structures** (such as an ethics committee) in place to exercise oversight over the ethics management in the organisation to support the organisation towards the outcome of an ethical culture. This is called the Governance of Ethics.

3. Thirdly, the ethics capacity that has been put in place needs to implement the following **ethics management process**. This is called the Management of Ethics.

    a. *Ethics risk assessment:* An ethics risk and opportunity assessment should be conducted to ensure that the department understands its ethics risk profile.

    b. *Strategy:* A strategy and plan for managing ethics in the organisation must then be formulated.

    c. *Code and policies:* The departmental code of ethics (or values statement), and other relevant policies must be developed, or revised, to ensure that the identified risks are addressed.

    d. *Institutionalisation:* The ethics management strategy and plan must be implemented to ensure that everyone in the department consistently acts in line with the departmental values and standards. *(This makes up the day-to-day work of the ethics office, and therefore has its own section.)*

e. ***Monitoring and reporting:*** The ethics officer should report to the ethics committee on progress with the ethics management plan, and the state of ethics in the organisation.

4. Fourthly, there should be **independent assessment** of the ethics management processes (for example, by internal audit) and of the ethics management reports (for example, by external auditors). This should then be **reported to external stakeholders** in the appropriate reports, such as annual reports.

The end goal is the establishment of **an ethical culture** that supports a professional public service ethos and high standards of integrity in the department.

Governance of Ethics Framework

PROACTIVE			REACTIVE	
CULTURE WORK	COMPLIANCE WORK	DETECTION	INVESTIGATIONS	RESOLUTION

• Training
• Communication & awareness
• Advice & support
• Recognition
	• Conflict of interest management
	  - Disclosures of interests
	  - Other remunerative work
	  - Gifts and hospitality
	• Lifestyle audits
	• Pre-employment screening
	• Information management
		• Managing the hotline/ whistleblower reports	• Investigating allegations	• Discipline and consequence management
				• Reporting to external agencies

The table above falls under the heading **Institutionalisation (Everyday work)**.

The following website structure will help you find the relevant section that you are looking for:

Leadership commitment

What governance structures and capacity do we need?

- Ethics Committee
- Ethics Champion
- Ethics Office
- Other role-players

The work of the ethics officer (Proactive work)

Strategic work (Do once in 3 years)

- Ethics risk assessment
- Developing an ethics strategy
- Code and policies

Institutionalisation (Everyday work)

Culture work

Relationship-building

Training / facilitating ethics discussions

Communication and awareness

Advice and support

Recognition

Compliance work

Conflict of interest management

Lifestyle audits

Pre-employment screening

Information management (including monitoring)

Detection

Managing the hotline / whistleblowing

Analysis of cases

Other role-players (Reactive work)

- Investigation
- Resolution

Other role-players (Independent assessment)

Internal audit

Reporting

- Reporting to ethics committee
- Reporting in annual report

1. Leadership commitment

"Leadership commitment to ethics is the single most influential driver of ethical culture. Where leadership actively supports and models ethical behaviour, the ethical culture strengthens. Where leadership is indifferent or inconsistent, the culture deteriorates."

— Ethical Culture Handbook, The Ethics Institute (2022)

The Governance of Ethics Framework, as explained above, shows us the contributions of a range of role-players who collectively contribute towards building an ethical culture in an organisation.

The first dimension of the Governance of Ethics Framework is 'Leadership commitment'. This means that leaders at all levels of an organisation need to show personal commitment to the ethical standards of that particular organisation.

Principle 1 of the King IV Code provides that "The governing body should lead ethically and effectively". This principle emphasises the critical role of the governing body as the topmost leadership structure of the organisation to set the tone for ethics in the organisation and to lead both ethically and effectively.

Does King IV apply to the public sector?

The King report is a voluntary and aspirational code of good corporate governance practices that organisations in South Africa are encouraged to follow.

The practice recommendations are based on both international best practice and the local South African context. King IV is the latest iteration of the King reports. King IV sets out the role and responsibilities of governing bodies and the standard of conduct expected of governing body members.

King IV can be applied to all organisations incorporated in South Africa irrespective of the nature and size, or the industry and sector in which the organisation operates.

https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/04630F89-33B7-43E7-82B3-87833D1DC2E3/King_IV_Frequently_Asked_Questions.pdf

---

King IV provides that governing body members should cultivate and display the following characteristics in their conduct as leaders: Integrity, Competence, Responsibility, Accountability, Fairness and Transparency, commonly known as the ICRAFT Principles.

It is virtually impossible for any organisation to commence an ethics journey without its leaders being committed to building an ethical culture in the organisation. This commitment needs to trickle down from the governing body to all levels of leadership within the organisation.

What is leadership commitment?
Leadership commitment involves:
- Setting the ethical tone at the top – leaders must actively promote the institution's values and code of ethics in their behaviour and decisions.
- Recognising the strategic importance of ethics and providing the ethics function with support and legitimacy.
- Supporting the ethics function by allocating resources, such as budget and personnel, to fulfil its role.
- Integration into governance structures – ensuring that ethics is embedded in the strategic objectives, policies, and oversight committees.
- Role modelling – leaders must embody ethical behaviour in their conduct and decision-making, reinforcing 'ethics first' over personal or institutional gain.
    Source: TEI's Ethics Office Handbook

What does leadership commitment in the public sector mean?

Section 195 of the Constitution sets out that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including, first and foremost that a high standard of professional ethics must be promoted and maintained.

The role of leadership in the public administration is to set the tone for ethics by being ethical and creating an environment that supports the building of an ethical culture.

Who is leadership in the public sector?

In the public sector, leadership is represented at both the political and administrative levels.

Public Service

At a political level, the topmost leadership position in a public service department would be the political head.

The Public Service Act, 1994 as amended, refers to the political head of a public service department as the Executive Authority and explains that in the case of a national department, the Executive Authority would be the Minister. In the case of a provincial department, the Executive Authority would be the MEC (Member of Executive Council).

Section 3 of the Public Service Act, 1994 sets out the functions of an Executive Authority and explains that the Executive Authority is responsible for the internal organisation of a public service department, including its organisational structure and establishment and the career incidents of employees of the department.

The Executive Authority steers the political direction of the department, and outcomes which the department must achieve to deliver on its mandate.

The administrative head of a department is the Head of Department.

The role of the Head of Department is to implement the policy set by the Executive Authority and achieve the outcomes which have been set. The Head of Department has to do this by ensuring the delivery of the outputs that have been set out or defined in the departmental budget.

Simply put, the Executive Authority determines the political direction of the department, and the Head of Department then ensures the delivery or implementation of this direction within the budget that has been set or defined for the department.

With respect to ethics management, regulation 22 of the Public Service Regulations as amended provides that the Head of Department is responsible for ethics management in the department.

Public Service Regulations

22) A Head of Department shall:

a) analyse ethics and corruption risks as part of the department's system of risk management;

b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;

c) 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:

   i. confidentiality of reporting;

   ii. the recording of all allegations of corruption and unethical conduct received through the system [or systems]; and

   iii. mechanisms to ensure that employees and citizens are made aware of such system;

d) establish an information system that:

   i. records all allegations of corruption and unethical conduct;

   ii. monitors the management of the allegations of corruption and unethical conduct;

   iii. identifies any systemic weaknesses and recurring risks;

   iv. maintains records of the outcomes of the allegations of corruption and unethical conduct; and

   v. records all gifts accepted by employees as contemplated in regulation 13(h);

e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

In the public service, the political leadership (i.e., the Executive Authority/Minister/MEC) is responsible for the strategic leadership and direction of the organisation, and the administrative leadership is responsible for driving and implementing the ethics programme. Building an ethical and professional public service requires ethical leaders at both political and administrative levels.

Local Government

In local government, a municipal council represents the topmost level of political leadership. Section 157 of the Constitution sets out that a municipal council consists of elected members.

Section 11 of the Municipal Systems Act, 2000 then sets out that the executive and legislative authority of a municipality are exercised by council. This means that the council develops the strategic direction for the municipality, sets up its administration and steers the political direction for the municipality.

Section 19 of the Municipal Structures Act, 1998 sets out that the municipal council must ensure that the municipality achieves the objectives of local government as set out in section 152 of the Constitution, which are:

a) to provide democratic and accountable government for local communities;

b) to ensure the provision of services to communities in a sustainable manner;

c) to promote social and economic development;

d) to promote a safe and healthy environment; and

e) to encourage the involvement of communities and community organisations in the matters of local government.

The municipal council is considered the governing body of a municipality. Although the municipality is headed by the Mayor, the municipal council is chaired by the Speaker. Both the Mayor and the Speaker have the responsibility to set the tone for Council.

Council is responsible for setting the strategic direction of the municipality, approving municipal policies, exercising oversight and disclosing on how the strategic direction of the municipality has been achieved.

The municipal manager is the administrative head of the organisation and is responsible for setting the tone for an ethical culture within the municipality. The municipal manager, with support from the executive team, would be responsible for implementing the strategic direction on ethics as provided by Council.

Municipal Integrity Management Framework

Principle One: Leadership Commitment

Municipal leadership should set the tone and drive good governance, organisational integrity, and anti-corruption initiatives.

Councillor responsibilities

Councillors should set an ethical tone for the municipality, ensuring sound governance and strong oversight in the interest of the community.

Accounting Officer responsibilities

The Accounting Officer should:

- *provide ethical leadership to the administration of the municipality;*
- *ensure that the municipality has a strong programme in place to promote both integrity and fight corruption; and*
- *allocate sufficient resources for the implementation of the integrity management requirements.*

Additional resource: Code for Ethical Leadership in Local Government
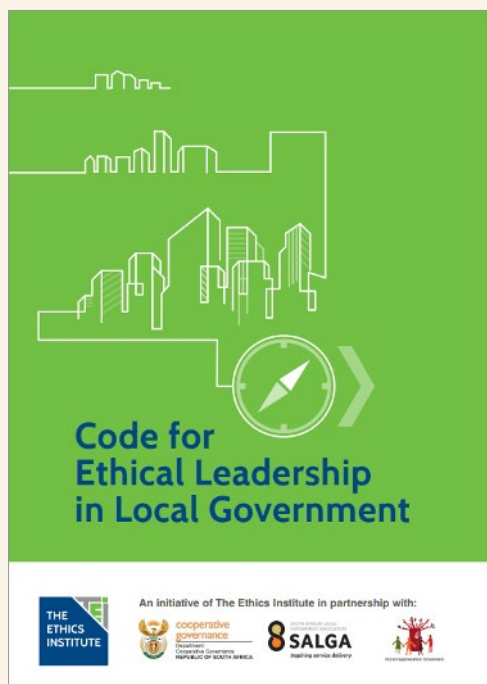
For the effective running of a municipality, it requires that the political and administrative leadership work together and lead ethically to support the building of an ethical culture in the municipality.

However, the political–administrative interface in local government can be challenging. The research conducted as part of the Local Government Ethical Leadership Initiative (insert link to LGELI Discussion document) identified the challenges around ethical leadership in local government.

Based on the findings from this research, the Code for Ethical Leadership in Local Government was then developed to give guidance to local government leaders on how to navigate those issues that have the biggest impact on ethical governance in municipalities based on the research. The Code emphasises that ethical leadership is an absolute prerequisite for successful developmental local government as envisaged by the Constitution.

2. What governance structures and capacity do we need?
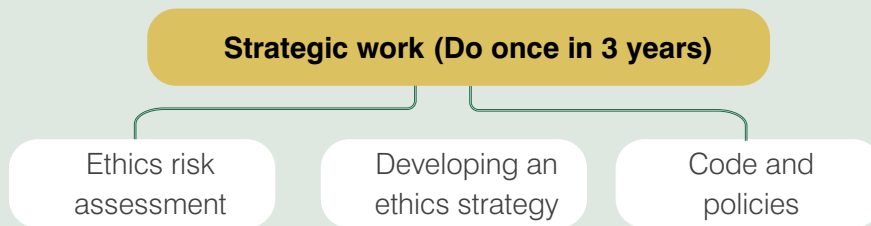
Governance refers to the overall direction and oversight of an organisation. In the private sector, the governing body is the board, and they set strategy and provide oversight. The management team are responsible for implementing the strategy and reporting back to the board. So there are two layers:

- **Governance (sets strategy and provides oversight)**
- **Management (implements strategy)**

In local government the municipal council is the governing body, and they are supported by the municipal management team. In the public service the distinction is not so clear because there is no overarching governing body. To an extent one can say that the Executive Authority is the governing body (as they are responsible for strategy and oversight). In reality, however, it is EXCO that fulfils many of the governance responsibilities.

In ethics management there should also be both governance and management functions.

The picture below reflects the distinction between the governance of ethics and the management of ethics. We will unpack this distinction by looking at what these entail and the relevant role-players.
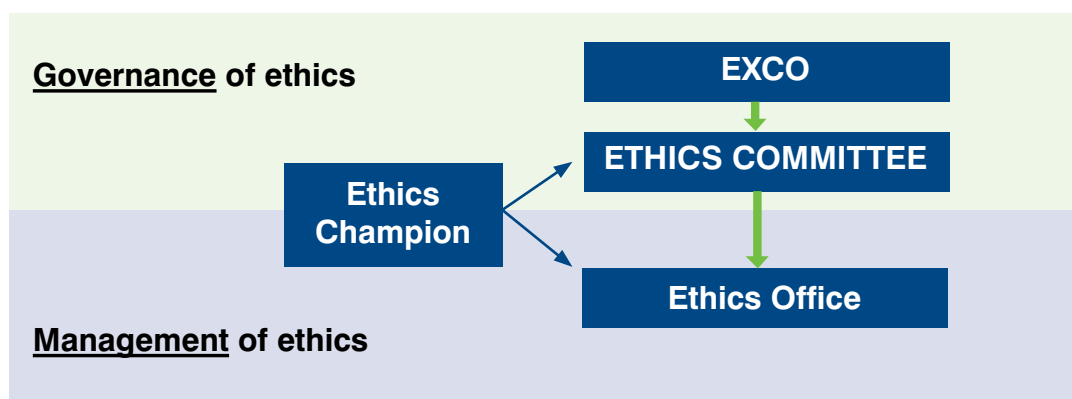
Source: The Ethics Institute

2.1 Ethics Committee

Main resources

While we give a brief overview of ethics committees here, we suggest that ethics officers acquire a more comprehensive understanding by also reading the following:

- Public Service: **Ethics Committee Guide (DPSA, 2019)**
- Public Service: **Ethics Committee Charter Template (DPSA, 2025)**
- Local Government: **Local Government Ethics Committee Guidebook**

The governance of ethics is what happens above the line. This is what is captured in Principle 2 of King IV, which states that: "The governing body should govern the ethics of the organisation in a way that supports the establishment of an ethical culture" (IoDSA, 2016).

In line with Principle 2 of King IV, there should be an appropriate governance committee whose role it is to exercise oversight over the organisation's ethics management programme. This would typically be done by an ethics oversight committee.

The role of the ethics oversight committee is to govern the ethics performance of the organisation to support the building of an ethical culture.

Essentially, this committee must set a strategy for ethics, approve ethics-related policies, exercise oversight over the implementation of the ethics strategy and policies, and disclose how the strategy is being implemented. This should be done towards the outcome of an ethical culture.
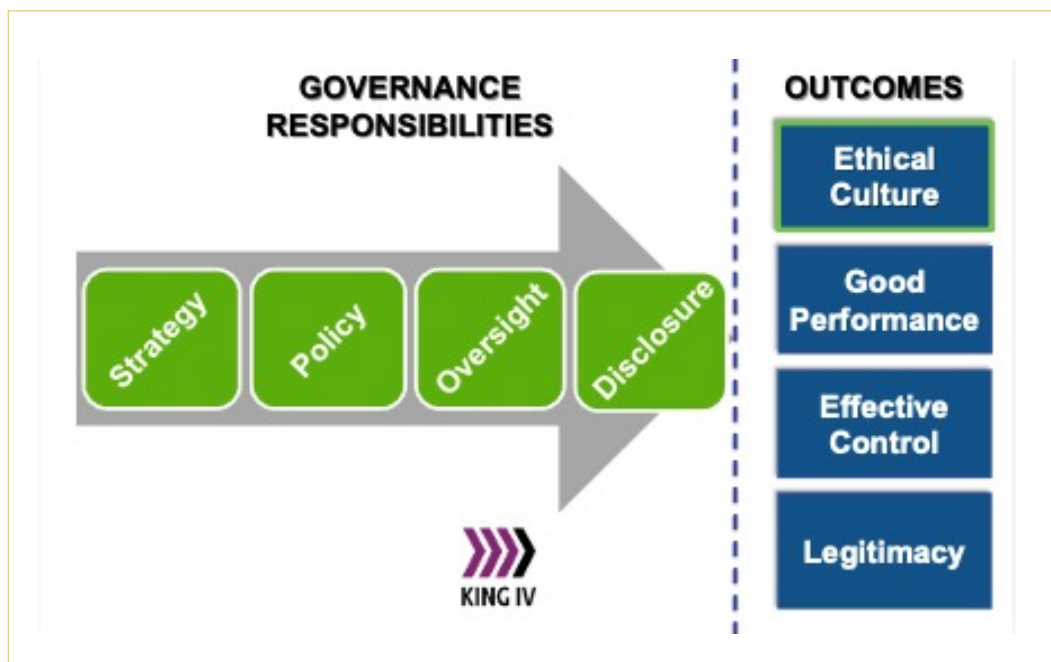
In King IV, ethical culture is an outcome of good governance. This means that ethics must be governed in such a way that over time, people in the organisation think, act and behave in an ethical manner. Culture is defined as "the way we do things around here". Ethical culture means that the way we do things here is ethical; we think, act, behave and respond in an ethical manner and it is easy to do the right thing in this environment.

Public Service

For public service departments, the requirements for an ethics committee can be found in the Public Service Regulations, 2016 as amended, which provide in section 23(2) that *the Head of Department shall establish an ethics committee or designate an existing committee, chaired by a member of the SMS, preferably a Deputy Director-General, to provide oversight on ethics management in the department.*

The Public Sector Ethics Committee Guide developed by the DPSA is a useful guide for public service departments on the functioning of ethics committees.

The ethics committee is mandated to provide strategic direction and to perform oversight on ethics management in the department by setting the strategy for ethics, approving ethics policies, exercising oversight and reporting.

Members of the ethics committee may consist of representatives from various units in the department such as:

- Ethics office
- Risk management
- Human Resource (including labour relations)
- Investigations
- Legal
- Communications
- Governance, etc.

The DPSA guide sets out that the ethics committee has delegated authority from EXCO to:

- Provide oversight and support to the custodians of the ethics and anti-corruption programme
- Meet regularly to assess the strategic plan and direction of the programme
- Mobilise resources for the implementation of the ethics and anti-corruption programme
- Communicate ethics and anti-corruption messages to the rest of the staff
- Take resolution of an instance of violation of the ethics policy, including possible recommendation of sanctions to labour relations
- Elaborate further on policies regarding ethical standards of the department
- Take possible remedial actions due to deficiencies in ethical standards
- Amend the ethics policy when necessary
- The Chair of the Committee shall consult on a regular basis with the EXCO and the chair(s) of other committees of the department to ensure consistent application of the ethics policies across the governance processes.

The ethics committee therefore has a dual role: on the one hand it is to coordinate and take action if necessary, and on the other hand it is also to provide oversight over the ethics programme.

It is important for an ethics committee to have clear terms of reference which spell out its roles and responsibilities as well as accountability lines.

The ethics office would report to the ethics committee. Generally, the ethics committee would be chaired by an ethics champion and the ethics office would be the secretariat as well as provide reports to the ethics committee on its activities in driving the ethics programme.

Local Government

For municipalities, the requirement for an ethics committee can be found in the Municipal Integrity Management Framework.

Municipal Integrity Management Framework – Principle 3

3. Governance structures and capacity:

Appropriate governance structures must be in place and should ensure effective governance, oversight, and the implementation of the integrity management framework. There should be sufficient capacity to implement the integrity management framework.

This principle draws a very strong distinction between the oversight or governance of a municipality's ethics/integrity initiatives by Council and the management or implementation of a municipality's ethics/integrity initiatives by the municipal administration.

This principle is further fleshed out in the MIMF as follows:

Municipal Integrity Management Framework, 2016

Principle Three: Governance Structures and Capacity

1. Oversight committees

a) Each municipality must establish an Audit Committee (in line with the MFMA s.166), which must be effective in fulfilling its mandate.

b) Municipalities should also consider establishing the following committees (in line with section 79 of the Municipal Structures Act as amended):

- *Municipal Public Accounts Committee (MPAC)*
- *Council Disciplinary Committee.*

Note: The 2021 Amendments to the Municipal Structures Act now provide for the establishment of MPAC in terms of s79A (new provision).

2. Oversight of allegations and outcomes

a) The municipal council must provide oversight of allegations and outcomes as set out in the MFMA: Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (2014).

Note: The Regulation refers to this body as a Disciplinary Board.

3. Oversight of the anti-corruption/integrity management programme

a) A relevant committee (such as the Municipal Public Accounts Committee) should provide strategic guidance and oversee implementation of the municipality's integrity promotion and anti-corruption strategy.

Note: We refer to this as a Council Ethics/Integrity Oversight Committee.

The picture below reflects the governance structures described in the Municipal Integrity Management Framework.
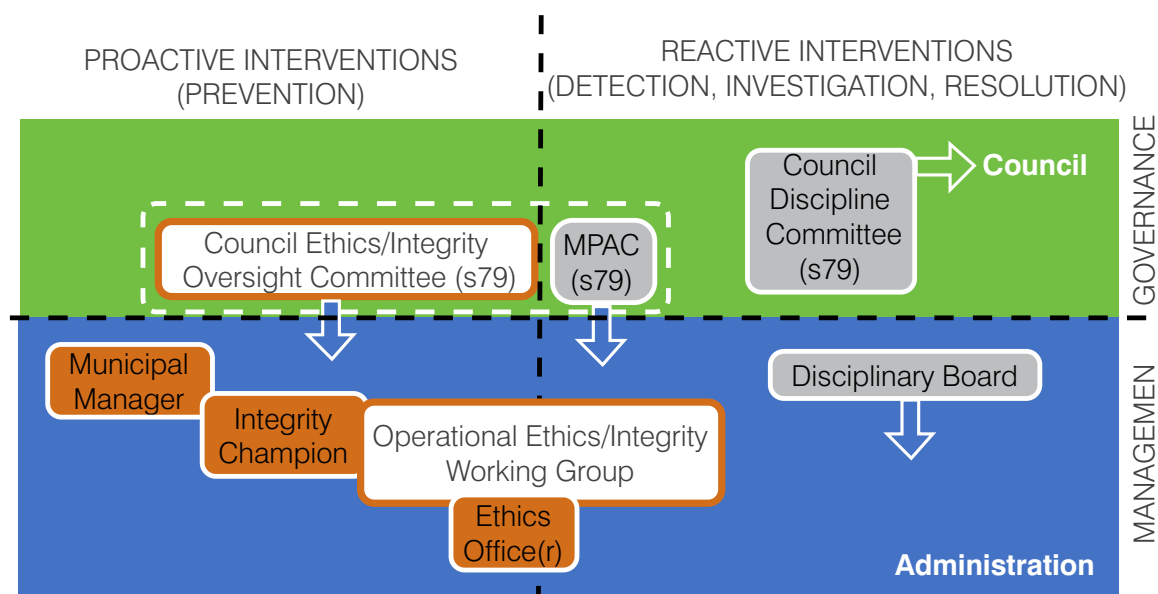
The Local Government Ethics Committee Guidebook explains the link between these committees.

The role of the council ethics oversight committee is to:

a) Provide strategic guidance and oversee the implementation of the municipality's integrity promotion and anti-corruption strategy.
b) Continuously monitor progress with the implementation of the strategy.
c) In instances where there is lack of implementation, there should be a response. This could include improved support and resources or holding non-performing officials accountable.

Whilst not provided for in the Municipal Integrity Management Framework, for practical reasons, municipalities are encouraged to establish an operational Ethics Working Group within the administration as good practice.

The primary purpose of this working group is to facilitate better coordination and integration of ethics initiatives in the municipality. It will also ensure support for the implementation of the municipality's ethics programme. The working group creates a platform for alignment on ethics goals and initiatives across the various role-players in the municipality who are responsible for implementing the ethics programme. (In the public service, there is no need for a working group as the ethics committee serves as both an oversight committee as well as a coordinating structure.)

The working group should have a Terms of Reference which clearly sets out its responsibilities.

Key responsibilities of Ethics Working Group:

- guide the ethics initiatives in the municipality;
- provide direction to, and input on the ethics programme;
- support the implementation of ethics programmes and initiatives;
- ensure that its members act as ethics ambassadors;
- ensure integration and collaboration of various ethics-related functions (such as anti-fraud and anti-corruption, investigations, human resources, etc.);
- ensure that the identification, recording, and effective management of conflict of interest situations take place;
- consider ethics training, ethics risk assessments, codes of ethics and policies, and implementation of ethics standards;
- monitor and report on ethics management in the organisation; and
- report on its activities to the Council Ethics/Integrity Oversight Committee through the Integrity Champion.

Given its coordination role, the Ethics/Integrity Working Group should ideally be a multi-disciplinary group which is chaired by the Integrity Champion. The working group members should ideally be the executive directors or heads representing the diverse units across the municipality. The following are some of the key departments who could form part of the Ethics Working Group: Ethics Office, HR, Legal, Risk, Municipal Manager's Office, Communication, and Speaker's Office.

Following the discussions at the working group meeting, the ethics officer would be able to provide a consolidated picture to the Ethics Committee in terms of what is being done by various role-players across the municipalities to implement the ethics programme.

Ideally, the Ethics/Integrity Working Group should be a dedicated working group whose focus is solely on ethics management, coordination, and integration. It should meet quarterly and *ad hoc* when necessary. Should it not be practically possible to have a dedicated Ethics/Integrity Working Group, it may also form part of an existing operational committee within the administration. It is, however, important to ensure that sufficient time is allocated for the discussions around the coordination and integration of ethics initiatives.

2.2 Ethics Champion

The ethics champion is a person at executive level who advocates or champions for the ethics management programme at the executive level of the organisation. This is not a formal role. The ethics champion is a figurehead for championing the ethics programme.

Typically, a member of EXCO would be designated to be the ethics champion. This means that they are assigned the role within their existing employment. They are not formally appointed into the role.

The ethics champion is the person who advocates for the ethics programme at EXCO and reports on the ethics programme to EXCO, as well as to the ethics committee. The ethics champion is therefore the link between the governance of ethics and the management of ethics.

The ethics champion role includes:

- Providing the vision and energy required to launch/ drive the ethics programme
- Marketing ethics in the organisation
- Ensuring that ethics initiatives gain and retain prominence
- Ensuring that the ethics management function is adequately resourced
- Guiding, mentoring and leading the ethics office
- Strategically guiding the spread/ reach of the ethics management functions

Resource: TEI's [Ethics Office Handbook](#)

Who is an ethics champion in the public sector?

The term ethics champion in the public sector was first introduced in the Minimum Anti-Corruption Capacity Requirements, which called for the appointment of an "ethics champion" in departments who is responsible to drive ethics and anti-corruption initiatives. It should be pointed out that ethics champions are not required by regulations. It is, however, strongly suggested as best practice.

An ethics champion is a well-respected member of top management (or a person who functions close to them) who visibly embodies the department's ethics drive. 'Ownership' of the ethics drive is given to them by

top management, and they then ensure that the ethics and anti-corruption initiative retains its momentum – and that all the different anti-corruption actions in different parts of the organisation are properly integrated.

An ethics champion should be someone with an intimate knowledge of the organisation's business, culture and activities. It should also be someone of high legitimacy and credibility – ideally someone who has facilitated similar initiatives in the past.

So, in short, an ethics champion is a very senior person in a department who strongly advocates and drives the ethics cause in that department. The role includes:

- Driving the department's ethics management programme and ensuring that it retains momentum;
- Chairing the ethics committee (where appropriate);
- Ensuring the coordination and integration of the department's ethics initiative with other related initiatives (such as anti-corruption, policy development, compliance, risk management, and service delivery plans);
- Ensuring procedures are in place to investigate misconduct; and
- Elevating significant ethics issues to the HoD.

Source

While an ethics champion is not formally required, the sentiment was carried into the Public Service Regulations, 2016 as amended, which provides that the ethics committee should be chaired by someone senior such as a DDG or Chief Director, who would report to EXCO. It makes sense that the chair of the ethics committee and the ethics champion be the same person if possible.

Whilst not a formal position, it is important that the ethics champion should be someone who is credible and trustworthy, as they are seen as an ethics role model in the organisation.

Who is an ethics champion in local government?

The Municipal Integrity Management Framework provides guidance as to who an ethics champion is in a municipal context.

> **MIMF Principle Three: Governance Structures**
> **3.4. Integrity Champion**
> A member of the senior management team should be assigned the responsibility to champion the integrity management initiatives of the municipality.

In a municipality, the integrity champion would ideally be a member of the municipality's senior management team (s56 manager) who has been assigned the responsibility by the municipal manager to advocate for, and champion the municipality's integrity management initiatives. This would typically be the senior manager in whose unit or domain the ethics office has been placed.

The integrity champion is not a full-time dedicated function. This person takes on the role of the integrity champion and conducts this role in addition to their primary role in the municipality.

The ethics champion provides guidance and leadership to the ethics office and is the link between the ethics office and the ethics governance structure.

2.3 Ethics Office

> **Main resources**
>
> While we give a description of the roles of ethics officers here, we suggest that ethics officers obtain a more comprehensive understanding by also reading the following:
>
> - General: **Ethics Office Handbook (TEI, 2018)**
> - Public Service: **Directive on the Institutionalisation of the Ethics Officer Function in the Public Service (DPSA, 2024)**
>
> Wherever there is a conflict between these resources, public service ethics officers should follow the DPSA directive.

Within the organisation, there needs to be a unit which is responsible for managing the ethics programme. This is typically called the ethics office.

The ethics office is a dedicated internal function responsible for the implementation of the organisation's ethics management programme. The ethics office drives the organisation's ethics programme and ensures that ethics is integrated into the organisation. It is responsible for the design, implementation and management of the ethics management programme which is informed by the ethics strategy.

The responsibility of the ethics office is to:

- Promote ethics and integrity in the department;
- Advise employees on ethical matters;
- Identify and report unethical behaviour and corrupt activities to the Head of Department;
- Manage conflicts of interest, including:
  - Financial disclosures of employees;
  - Lifestyle audits;
  - Application for other remunerative work;
  - Gifts and hospitality.
- Develop and implement awareness programmes; and
- Keep a register of all employees under investigation and those disciplined for unethical conduct.

The work of the ethics office is typically split into:

- Culture work – work that is aimed at proactively building the ethical culture of the organisation; and
- Compliance work – work that is in compliance of regulatory requirements, such as managing conflicts of interest.

Organisations vary in terms of having an ethics office. Some organisations have a dedicated ethics office, while smaller organisations may have ethics integrated into the function of other units.

In 2024, the DPSA issued the Directive on the Institutionalisation of the Ethics Officer Function in the Public Service to guide public service departments on how to create an environment that would be supportive of an ethics function. It includes guidelines, as set out in the table below, to help departments determine what kind of ethics and integrity capacity should be put in place.

To better understand the table, it is useful to know the distinction between appointed and designated ethics officers.

Given that departments have different capacity and resources, in smaller departments which may not be able to afford to appoint a full-time ethics officer or where the ethics risk profile is low, the Executive Authority

may designate employees to perform the ethics function temporarily. This would be done in addition to the functions which these employees have been carrying out in terms of their existing posts. (It must be emphasised that even in such cases, the responsibilities cannot be assigned to someone without adding it to their key performance areas (KPAs). In other words, if you are designated to do the work of the ethics officer, this should be reflected in your KPAs.)

In cases where the ethics risk profile is high, or the context is such that ethics is a serious issue of concern and the department has the capacity and resources, it may be prudent to rather appoint a dedicated ethics officer whose role would be to focus completely on the ethics programme in the department.

Description of size of department	Value of annual goods & service plus capital budget (R million)	Total number of employees (headcount)	Guideline in terms of internal anti-corruption, ethics & integrity capacity to be established
Small	Typically, a goods and services + capital budget of less than R1,000,000,000	Typically, less than 1 000 employees	Designate at least 1 official to perform the ethics, integrity and anti-corruption functions on an add-on basis. If, despite its small size, a department has a high aggregate risk profile and the workload justifies this, then a full-time official can be appointed to perform the ethics, integrity and anti-corruption functions and/or (an) existing unit can be assigned these functions.
Medium	Typically, a goods and services + capital budget of between R1,000,000,000 - R5,000,000,000	Typically, between 1 000 – 10 000 employees	Designate the ethics, integrity and anti-corruption functions to one or more officials on a full-time basis or two or more officials on an add-on basis. The decision whether or not to appoint officials on a full-time basis would depend on the risk profile of the department and the workload attached to these functions.
Large	Typically, a goods and services + capital budget of over R5,000,000,000	Typically, over 10 000 employees	Create (a) unit/s or assign to (an) existing unit/s the ethics, integrity and anti-corruption functions, including two or more full-time officials who can perform these EO functions - the number of units and officials required to be informed by e.g. level of centralisation/decentralisation of the department, its risk profile and the workload.

Table: Guidance on ethics capacity per organisational size

Given that every public service department is unique with its own budget and capacity, it is within the powers of the Executive Authority of the department to structure the department.

In terms of the location of the ethics office, generally, ethics, integrity and anti-corruption functions are located within administration/support functions of departments.

Ethics officers

The ethics office is staffed by ethics officers. The ethics officer function has been included in the 2024 Public Service Occupational Dictionary as a distinct occupation, and defined as "Promotes and implements code of conduct, including anti-corruption, ethics and integrity management".

As such, Regulation 23 of the Public Service Regulations, 2016 provides that:

23 (1) An Executive Authority shall designate or appoint such number of ethics officers as may be appropriate, for the department to:	
a) promote integrity and ethical behaviour in the department;	Culture work
b) advise employees on ethical matters;	
c) identify and report unethical behaviour and corrupt activities to the Head of Department;	Detection
d) manage the financial disclosure system; and	Compliance work
e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the relevant department.	

For purposes of clarity, we have divided the work of the ethics officer into three categories which will be used throughout this guide:

- Culture work;
- Compliance work; and
- Detection.

Local Government

The Municipal Integrity Management Framework (MIMF) sets out all the work that has to be done to manage ethics and prevent corruption in a municipality, but it is less clear about who has to do the work. This is because there are many small municipalities who may not be in a position to appoint a full-time ethics officer. The MIMF therefore sets out the following:

> **Municipal Integrity Management Framework (2015)**
>
> MIMF Principle Three: Governance Structures
>
> 3.5. Integrity Management Capacity
>
> a) An official or unit should be delegated the responsibility for coordinating or implementing the municipality's integrity management initiatives.

We therefore recommend that municipalities use the guidance provided to the public service on setting up ethics offices.

In practice, it is found that the work of ethics officers is frequently conducted by risk managers in local government.

It should also be pointed out that the work of ethics officers in local government is not to manage the ethics of councillors. That is the work of the Speaker. Ethics officers' focus will remain on municipal staff members.

2.4 Other role-players

Ethics is everyone's business, and not just the business of the ethics office. In most cases, the ethics office is a small unit with very little capacity, or ethics functions are implemented by people who have other responsibilities to take care of as well. There is a range of other role-players in an organisation who can support the ethics office. In this section, we look at the role of ethics ambassadors and ethics enablers.

a) Ethics Ambassadors (Optional)

Some organisations choose to designate ethics ambassadors in their different divisions or regions.

Ethics ambassadors are often described as "the hands and feet of the ethics office". Their primary role is to be the 'go-to' person regarding ethics in their particular division, region, department, cluster or section of the organisation. In many cases the ethics office is small and does not have the capacity to disseminate ethics messages across the organisation, or to get a sense of the ethics issues in the departments across the organisation. The ethics ambassadors are advocates for the ethics office in their departments. They can spread messages or information from the ethics office to their units and can also then report back to the ethics office regarding ethics issues and concerns arising within their departments.
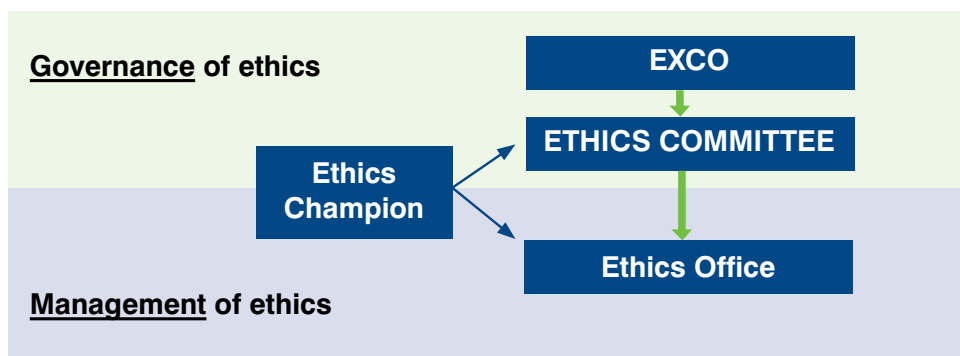
Source: The Ethics Institute

Ethics ambassadors are staff or people within different levels of the organisation who support the ethics office in addition to their regular jobs. Ethics ambassadors are not dedicated ethics staff; rather, they are informal promoters, advocates and guardians of the ethics in their particular division, region, department, cluster or section of the organisation. Ethics ambassadors support the ethics management function and report to it.

Ethics ambassadors are generally nominated by their peers or their supervisors. Depending on the size of the organisation, there could be a number of ethics ambassadors appointed to assume their roles across the different divisions in an organisation.

> **Additional resource:**
> The Ethics Institute's Ethics Ambassador Handbook provides guidance to organisations on how to set up an ethics ambassador programme.

b) Ethics Enablers

An ethics office cannot exist on its own. Building an ethical culture is a collective responsibility of all units across the organisation. The ethics office needs active support from other functions to achieve its mandate. As such, it is important that the ethics officer builds relationships with all units across the organisation and ensures that everyone understands the role and mandate of the ethics office and how it can be supported.

Enabling partners is the term used to describe those units in the organisation who can contribute special skills and perform highly specific roles in the process of managing ethics. They act as a support partner for the ethics office.

Ethics enablers are therefore internal support functions who collaborate with the ethics office to:

- Build core ethics into key HR, procurement, compliance, and training programmes or initiatives
- Monitor ethics performance in their functions and report on progress
- Help identify and manage ethics-related risk in their functions.

The following table from the TEI Ethics Office Handbook sets out some of the functions which typically enable the ethics function and their interface with the ethics office:

Function	Interface with the ethics office
Company secretariat	· Clarifies the governing body's ethics responsibilities · Ensures that ethics is included in governing body agendas · Acts as custodian of corporate governance · Often acts as custodian of the organisation's code of ethics (or conduct)
Risk management	· Collaborates with the ethics office to design, implement and maintain the organisational ethics risk management process · Assigns risk owners responsible for managing ethics risks · Monitors implementation of ethics risk mitigation measures
Internal audit	· Provides information to the ethics office on cases of wrongdoing as identified · Keeps the ethics office in the loop regarding the application and monitoring of controls · Audits the adequacy and effectiveness of the ethics office and its programmes
Forensics	· Collaborates with the ethics office in fraud prevention · Provides information obtained from forensic investigation activities to inform the ethics office of ethics risks
Legal	· Promotes organisational buy-in to policies through conveying the spirit of the law · Aligns ethics-related documents and procedures to local and international laws and guidelines · Ensures that ethics-related documents and procedures are devoid of legal risk
Compliance	· Informs the ethics office of minimum standards for adherence to regulatory requirements
Corporate communication	· Designs ethics communication strategies in conjunction with the ethics office Disseminates internal ethics-related information · Conducts ethics communication campaigns · Collaborates with the ethics office to manage critical incidents and to communicate on these fairly, accurately and timeously
Human resource management	· Performs screening and selection of potential employees for integrity · Makes ethical behaviour part of performance management · Integrates ethics training in new employee induction · Ensures that HR policies cater for ethics-related HR risks · Ensures the ethical and consistent application of human resource policies, systems and procedures
Employment relations	· Ensures compliance with human rights laws and codes · Investigates ethics transgressions such as sexual harassment, conflicts of interest, and discrimination · Ensures the fair treatment of employees at disciplinary hearings · Consults with trade union representatives regarding ethics issues

Ethics enablers can actively support the ethics function through conversations and joint planning. The ethics strategy and implementation plan are opportunities for the ethics offices and enabling functions to co-create how they can work together to implement ethics initiatives in the organisation.

D. The work of the ethics office

Content

Governance of Ethics Framework

1. Strategic work (Do every three years)

2. Institutionalisation (Everyday work)

The work of the ethics officer (Proactive work)

Strategic work (Do once in 3 years)

Ethics risk assessment

Developing an ethics strategy

Code and policies

Institutionalisation (Everyday work)

Culture work

Relationship-building

Training / facilitating ethics discussions

Communication and awareness

Advice and support

Recognition

Compliance work

Conflict of interest management

Lifestyle audits

Pre-employment screening

Information management (including monitoring)

Detection

Managing the hotline / whistleblowing

Analysis of cases

The work of the ethics officer is to manage the ethics programme of the organisation. This requires the ethics officer to undertake:

- Strategic work

- Culture work

- Compliance work

- Detection/hotline-related work

1. Strategic work (Do every three years)

```
                    ┌─────────────────────────────────────┐
                    │  Strategic work (Do once in 3 years) │
                    └─────────────────────────────────────┘
              ┌────────────────┼────────────────┐
      ┌──────────────┐  ┌──────────────┐  ┌──────────────┐
      │ Ethics risk  │  │ Developing an│  │  Code and    │
      │ assessment   │  │ethics strategy│ │  policies    │
      └──────────────┘  └──────────────┘  └──────────────┘
```
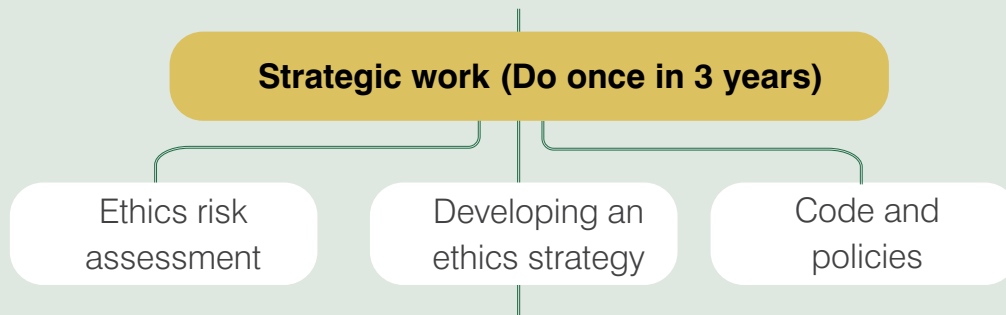
The strategic work of the ethics office integrates ethics into the organisation's long-term vision, governance systems, decision-making, and stakeholder engagement.

> *Public Service Regulations – Part 3 – Anti-corruption and ethics management*
> 22. A Head of Department shall—
> (a) analyse ethics and corruption risks as part of the department's system of risk management;
> (b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption.

1.1 Risk Assessment

An ethics risk assessment is a well-planned activity that each department should undertake to understand their specific ethics risk profile.

During a risk assessment the department should not only focus on its ethics risks, but also its ethics opportunities. These opportunities are the benefits that an improved culture might bring to the department. It might include improved trust in the department, a more attractive working environment for skilled professionals, better staff retention, and, ultimately, improved service delivery.

There might already be things that the department is doing very well that it can build on to improve its reputation. These should also be seen as opportunities that need to be harnessed.

Typical ethics risks in public sector environments include conflicts of interest, maladministration, corruption, being unresponsive to the public, absenteeism, unprofessional behaviour, and abuse of government resources.

A risk profile allows departments to understand such risk areas better. For example – in which part of the department is the issue most pronounced, and what are the contributing factors?

The profile is not just dependent on the operational activities of the department, but also on the organisational culture.

For example – two separate health departments in two provinces can have similar operational activities, but their risk profiles can differ. There may be significant issues around theft of medicine in one province, while staff absenteeism or non-performance may be more critical in the other. These risks may be made worse by the fact that employees think there is no accountability for perpetrators, or that there is a culture of managers interfering with procedures.

Departments should consider their operational areas and how the organisational culture impacts on delivery in those areas. Understanding the risk profile allows the department to design much more structured interventions.

A structured ethics risk assessment should be conducted every three to five years.

How do we determine our risk profile?

Desktop analysis

For most departments there is already a lot of information available that they can assess to get a sense of their ethics risks profile. Some sources of information are:

- Auditor-General reports

- Internal audit reports (Where are controls being bypassed? Where do we have governance problems?)

- Hotline reports (What are the most common reports? Which units are implicated?)

- Records of disciplinary hearings and grievance procedures (What are the most common issues?)

- Media reports (For what reason has the department been in the media? Which of these issues were positive and which were negative?)

These reports will, however, only tell you about issues that have already been uncovered. There may be many other issues, specifically on organisational culture, which you would not find here. For this reason it is important to also speak to stakeholders.

Stakeholder engagement

We learn the most about a department's ethics risks from people who have dealings with the department – in other words, the stakeholders.

These can be:

- *internal stakeholders*, who are predominantly employees; or

- *external stakeholders*, such as the communities or the public we serve, the relevant parliamentary portfolio committee, contractors and suppliers.

External stakeholders will be able to speak of their positive and negative experiences of the department, while employees will be better suited to speak of the inner workings of the department and the organisational culture.

These discussions with stakeholders should take place in a structured way. Good techniques for stakeholder engagement are focus group interviews, personal interviews and survey questionnaires.

The findings of the stakeholder engagement should be captured in an ethics risk profile of the department. This ethics risk profile will not only inform the ethics strategy of the organisation, but also serves as a benchmark against which an organisation could measure its ethics performance in future.

Additional resources:

To get a better understanding of typical public sector ethics risks, have a look at the latest edition of the Public Sector Ethics Survey – available on The Ethics Institute's website.

For a detailed view on how to conduct an ethics risk assessment, have a look at TEI's Ethics Risk Handbook.

1.2 Strategy

The department should formulate an ethics management strategy and plan in response to the ethics risk assessment. An ethics management strategy is a document that sets out the broad approach that the depart-ment will take in improving the ethical culture, while the plan sets out the detail of how this will be achieved.

The outcomes of the ethics risk profile should inform the strategy. In other words, the department should consider where they currently find themselves by asking questions such as: What is the current organisational culture, and what contributes to that culture? Which positive elements need to be harnessed? Which practices, behaviours or attitudes pose ethics risks and need to be proactively managed? Which units in the department are most susceptible to negative ethics risk?

A strategy should then be formulated to address those concerns.

It should include:

- Proactive elements for building a strong organisational culture of professional ethics, and preventing misconduct (or other ethics risks); and

- Reactive elements for detecting, investigating and resolving misconduct.

The strategy will be compiled by the ethics office, deliberated by the ethics committee, and will on their recommendation be approved by the HoD.

The strategy will give a broad outline of the focus areas and activities of the ethics programme. To ensure that the strategy is implemented the ethics office will also need to develop an ethics management plan (or implementation plan) that:

- Sets measurable targets;

- Assigns specific roles and responsibilities;

- Provides timeframes and target dates; and

- Indicate what human, financial and other resources are required.

The ethics management plan can be used to monitor progress of implementation, and should form the basis for reporting on ethics performance, as part of annual reporting. The department should also try to identify specific indicators to see whether the ethics programme is effective.

In some organisations the ethics management plan may form part of the fraud and corruption prevention plan. While it is acceptable to include a reference to ethics in this plan, it is discouraged for your entire ethics programme to sit there. The risk in this regard is that ethics is limited to fraud and corruption, and the focus on positive and professional ethics is reduced or removed.

1.3 Code and policies

Code

Having defined the ethics strategy for the department, it is important to also clearly set out:

- Our ethical identity as an organisation. In other words, what kind of ethical organisation do we want to be, and what principles should guide our actions and decisions? This would be done in a values statement (which is also sometimes called a code of ethics). It is typically based on the organisation's values and is intended to inspire and shape the culture of the organisation.
- Behavioural guidelines. In other words, what behaviour is acceptable and what is not acceptable. This is done in a code of conduct. It is generally directional, or rules-based.

These are both critical components of any ethics management programme. Together, they communicate the organisation's ethics standards and expectations and help employees navigate ethical dilemmas, understand organisational expectations, and act in ways that are both principled and compliant.

A values statement is like the 'constitution' of the organisation.

It sets out a framework of values, or principles to guide employees' decisions. It is usually short, easy to

remember and allows for employees to use discretion in their decision-making. On the downside, it is vague about specific behaviours required, and therefore difficult to enforce.

At a national level, the Constitution sets the spirit and foundation for all other legislation. In the same way, the code should set the spirit for all organisational policies.

Values are deeply held beliefs about what is good, important or desirable – for example: respect for others, fairness, and honesty.

The **Batho Pele principles** can be considered a values-based approach to guide the behaviour of all public servants. You can also watch the following National School of Government video.

▶ **The Batho Pele principles**

A code of conduct is generally longer, because it lists a number of specific rules that employees should follow. It will therefore be clearer about specific behavioural requirements, but will not allow for much discretion. Because it is so clear it will be more enforceable, and easier to use in disciplinary cases.

It is also possible to combine values- and rules-based elements in an organisation's code, using the strengths of each. Departments have to consider what the best approach would be for them, based on their challenges and ethics strategies.

Public Service

Chapter 2 of the Public Service Regulations (2016) sets out the **Code of Conduct** for the Public Service. This is predominantly a rules-based code which applies to all public service departments. It outlines the standards of professional and ethical conduct expected from public servants.

Because it has to apply to all departments it does not necessarily deal with issues specific to each department. It is clear that educators will face different ethical challenges than police officers or employees working for the Department of Agriculture, Forestry and Fisheries.

(As the employment and service conditions for teachers, police officers, members of the judiciary, members of the South African National Defence Force, and intelligence service members are governed by separate legislation, rather than just the Public Service Act, they would also have their own code of conduct in terms of their applicable legislation.)

Departments may therefore supplement the Public Service Code in line with their ethics risk profile.

Supplementing the Code of Conduct for the Public Service

Departments can supplement the Public Service Code in a number of ways. Here are a few examples:

1. A department may find that the Public Service Code covers their risks sufficiently. However, merely adopting this code does not indicate that the department has set themselves a department-specific ethics vision or identity. For this reason it is recommended that departments at least develop a <u>values statement</u> that speaks to their mandate and ethics risk profile. This will not replace the Public Service Code, but will form the values-based component to supplement it.
2. A department may find that besides the values statement there are a few areas that are not covered in the Public Service Code, and they may add some further behavioural prescriptions to the code.
3. A department may find it a better option to develop a code that integrates values and rules in one document. It may align with the provisions of the Public Service Code, but it could have a totally different structure.

Whichever approach is taken, there should always be clarity on the code's standing in relation to the Public Service Code.

Local Government

In local government the following codes apply:

The Code of Conduct for Councillors is contained in Schedule 7 of the [Municipal Structures Act (Amended 2021)](#).

The Code of Conduct for Municipal Staff Members is contained in the [Municipal Systems Act (Act 32 of 2000)](#).

Both codes have an introductory section on general conduct (which happens to be in section 2 of each code).

> **This section is probably the most important of the code, as it sets out the spirit in which councillors and officials need to do their work. Whatever you do in the municipality must align with these principles.**

There are two principles that appear in both codes. These are:

Councillors and staff members must:

- perform the functions of office in good faith, honestly and in a transparent manner; and
- at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

There are some concepts that we need to look at here.

A very important concept is that of good faith. Wikipedia states that good faith is *"a sincere intention to be fair, open, and honest, regardless of the outcome of the interaction".* In other words, I am acting with pure intentions and not selfish ones. I am not misrepresenting anything.

The second principle basically states in whose interest I must be acting when I do my job. It is very clear that councillors and staff members must, at all times, act in the best interests of the municipality. **So, whenever there is a conflict between personal, political or factional interests and that of the municipality, they have to act in the best interest of the municipality.**

They must also act in such a way that the credibility and integrity of the municipality is not compromised. Therefore, their actions must not reflect negatively on the municipality. **They must act in a way that will cause the community to trust the municipality more, not less.**

All of these principles under general conduct are enforceable, as they fall within the Code of Conduct. In other words, people who do not act in good faith, or who act in a way that brings the municipality into disrepute, can face disciplinary consequences.

Policies

Depending on the level of detail to which ethics risks are addressed in the code or values statement, it may be necessary to develop separate policies for specific issues.

Policies are often developed for, amongst others:

- Conflicts of interest / declaration of interests;

- Gift acceptance;

- Other remunerative work by employees;

- Sexual harassment;

- Whistleblowing; and

- Investigations.

You will notice that many of these areas are already covered in public service policies. It may, however, still be necessary to develop departmental policies to give effect to the public service policies. For example, the public service Code of Conduct may specify that approval must be obtained for gifts of over R500. The departmental policy must align with this, but will go further in saying how an employee is to go about obtaining the permission.

A departmental code of ethics could also include reference to these additional policies and where they can be found.

Even if the department doesn't have additional procedures to communicate, it is still helpful to employees to have all the ethics-related policies in one place for ease of reference.

Review

Both the code and the policies should be reviewed from time to time to ensure they are still up to date, appropriate and effective.

Local Government

Extract from the Municipal Integrity Management Framework

4.2. Develop relevant policies to promote integrity in the organisation

a) Municipalities should develop policies to promote ethics and integrity in the organisation. These may include a values statement and policies that deal with:

- Integrity management
- Fraud and corruption prevention
- Supply chain management
- Conflicts of interest
- Recruitment, selection and appointment
  - Including vetting and pre-employment screening
- Whistle-blowing

Care should be taken not to duplicate policies and some policies may therefore cover more than one aspect mentioned above.

b) Processes / resources must be put in place to ensure that it is easy for employees to adhere to the policies.

For example – where employees need to get permission for external remunerative work there should be:

- A standard form to be completed
- A resource person to contact for assistance
- Examples of how the form needs to be completed
- Trained staff to ensure that the forms are assessed and that appropriate recommendations are made.

c) Policies must be easily accessible by employees and the public.

d) Policies must be communicated to employees and they must be trained on their implementation.

2. Institutionalisation (Everyday work)

```
                    ┌──────────────────────────────────────────┐
                    │   Institutionalisation (Everyday work)    │
                    └──────────────────────────────────────────┘

┌─────────────────────┐   ┌─────────────────────┐   ┌─────────────────────┐
│    Culture work     │   │   Compliance work   │   │      Detection      │
│                     │   │                     │   │                     │
│ Relationship-building│  │ Conflict of interest│   │ Managing the hotline│
│                     │   │ management          │   │ / whistleblowing    │
│ Training / facilita-│   │                     │   │                     │
│ ting ethics discus- │   │ Lifestyle audits    │   │ Analysis of cases   │
│ sions               │   │                     │   │                     │
│                     │   │ Pre-employment      │   └─────────────────────┘
│ Communication and   │   │ screening           │
│ awareness           │   │                     │
│                     │   │ Information manage- │
│ Advice and support  │   │ ment                │
│                     │   │ (including monitoring)│
│ Recognition         │   │                     │
└─────────────────────┘   └─────────────────────┘
```
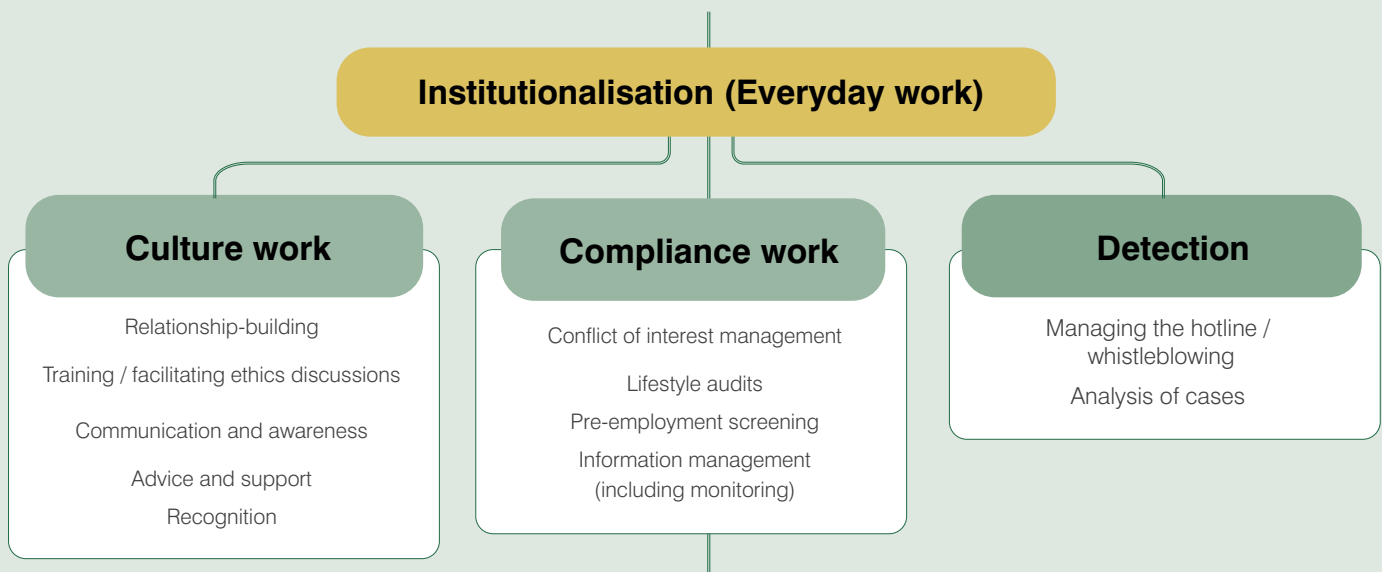
The institutionalisation of ethics is the core role of the ethics officer or the everyday work. The focus of institutionalisation is on how to make ethics real in the organisation so that it becomes part of the organisational culture.

The ethics officer has to work with a range of other role-players to institutionalise ethics.

> **Institutionalisation: The responsibilities of the ethics office**
>
> - Facilitate all institutionalisation interventions in collaboration with enabling partners
> - Design and implement ethics awareness programmes
> - Provide ethics advice
> - Provide ethics training
> - Administer the gift register
> - Manage conflicts of interest
> - Ensure that HR systems and policies such as reward and recognition are aligned to ethical standards

Source: Ethics Office Handbook (TEI, 2018)

The ethics officer's day-to-day work can be broken down into:

- Culture work
- Compliance work
- Detection/ Hotline-related work

2.1 Culture work

Institutionalisation (Everyday work)		
Culture work	**Compliance work**	**Detection**
Relationship-building	Conflict of interest management	Managing the hotline / whistleblowing
Training / facilitating ethics discussions	Lifestyle audits	Analysis of cases
Communication and awareness	Pre-employment screening	
Advice and support	Information management (including monitoring)	
Recognition		

As you know, there have been numerous corruption scandals and cases of misconduct in the public sector. Frequently, this goes hand in hand with unprofessional environments and poor service delivery. This leads to a loss of taxpayer money and loss of trust with the communities who are dependent on our organisations for services.

To address these issues, the Public Service Regulations 2016 and Municipal Integrity Management Framework require that every department and municipality has an ethics officer. The purpose? To build an ethical culture in every public sector organisation.

This is an important point. The purpose of an ethics officer is not just to ensure compliance with ethics requirements (such as disclosures of interest). More importantly, the purpose is to build an ethical culture that is not tolerant to corruption, and that requires professionalism.

How do we create an ethical culture?

There is a saying that leaders create a culture by who they hire, who they fire and who they promote.

This is because these things will give staff a sense of what is really important to the leader.

If I appoint someone who is competent and has integrity – it indicates that it is important for me to fulfil the mandate of the organisation. If I then continue to promote more people who have these characteristics, it reinforces this view. Things become predictable. Employees know that if they behave ethically and get the job done, they may be promoted. If they don't, they won't. Then, if I, as the leader, hold people consistently and fairly to account, I will be sending a strong message that the performance and ethics standards are important. I may even have to fire those who are clearly not committed to doing their work, or who break the rules of integrity.

The reverse would also be true. If I appoint or promote people to whom I owe political favours, and who can't do the job – clearly the mandate of the organisation is less important to me than other external factors. If I don't hold people accountable, this also sends a message: You can get away with misconduct in this organisation.

This seems simple enough, but notice how most of these things fall within the mandate of the leadership and management of the organisation. It may seem that ethics officers can have limited impact here. But is this true?

Not really. As ethics officers we can engage with leadership through formal and informal means to get them to understand these driving forces better. It may not be that leaders or managers are bad people, but simply

that they don't quite understand the impact of their actions. It is important not to preach to them, but to get them to reflect on these issues for themselves.

So, what tools do we as ethics officers have to influence culture? We will focus on the following:

- Relationship-building
- Training / facilitating ethics discussions
- Communication and awareness campaigns
- Providing advice and support
- Recognition
- Influencing the appointment process.

a) Relationship-building

Relationship-building might seem quite abstract. It does not come from any legislation or regulations, and will probably not be in your performance scorecard. But if you want to build an ethical culture, you will need to engage with other organisational role-players – both formally and informally.

Some of the role-players that you will engage with are the other 'ethics enablers' (hyperlink popup to C2.4b) – for example, risk management, internal audit, HR, legal, communications, and investigations functions. Remember, you don't only have to wait for formal meetings to engage with leaders – you can also engage informally.

Informal engagement

- The idea is to become known in the organisation. The more people associate you with the ethics message, the better. It is good if staff trust you and see you as an ethics resource.
- You can also liaise with senior managers to ensure that you have access to their staff, and that they are open to training and awareness.
- Speak to your ethics champion to help you access the right people. You may want them to go along for some discussions.

Formal engagement

- Part of your work will likely be to report to the ethics committee. Always make sure that you are prepared and that you give them information relevant to the mandate of the organisation. The better your reporting, the higher your legitimacy will be in the organisation.

b) Training (facilitating ethics discussions)

| Introduction | Approach | Suggested lesson plan | Practical considerations |

i. Introduction

Probably the most important tool in the ethics officer's toolbox is ethics training. This is one way to engage with people in person and to reach their hearts and minds.

We mention two concepts here: training and the facilitation of ethics discussions. This is because every training session should also be about getting people to talk about ethics. Training should not be a one-way conversation.

While not everyone is a born trainer, most people can learn to be better trainers and facilitators. The most important thing is to think about how you yourself respond to various training styles and activities.

ii. Approach

If you keep the following three points in mind, your ethics **training is likely to be far more successful.**

1. Ethics workshop – not ethics preaching

   While we want participants to leave with enhanced ethics awareness, we should be careful not to preach to them. If you start out with the assumption that your audience is a group of bad people who need to have their behaviour corrected, you will not make much progress. People will get defensive and will disengage. Instead, start with the mindset that most people want to do the right thing, and will do so with a little guidance. In other words, we are not trying to 'convert' bad people into good people. We are rather collectively thinking how we (as a group of good people) can be more aware of ethical pitfalls, and create a more ethical organisational environment.

2. Ethics workshop – not ethics training

   You know how bored you get when someone just talks *at* you for hours – where the presenter simply reads the text off a slide and people can't wait for the end of the session. This type of training is not very effective at getting knowledge across, or at engaging people's moral will (their hearts).

   The truth is that adults learn through participation and conversation. They will take in a little bit by listening, but overall, need to be engaged, and need to talk through the issues. Ethics training can be very rewarding to participate in – and to facilitate.

   Get participants to talk about their beliefs and challenges. Use activities, case studies and exercises that get them to engage with the policies rather than reading them the policies. The goal is to get participants to do most of the talking. You want to facilitate learning. All the learning that takes place should be in a fun and engaging way.

3. Ethics workshop – not compliance workshop

   While we do deal with policies and rules, these are not the major focus. It is more important that participants understand *why* something is right or wrong than merely getting them to minimally adhere to rules. If we only deal with rules, people tend to look for ways to circumvent the rules (to find loopholes). They also think that if there is no rule against something it must be acceptable. So even when you deal with policies, make it clear that ethics goes beyond the rules and that the rules must always be applied in an ethical way.

iii. Suggested lesson plan

Here is a suggested outline for an ethics awareness session:

Introduction to ethics

Instead of jumping into the code of conduct, first reflect (in conversation with the group) on things such as:

- What is ethics?
- What are values?
  - o What are your personal values?
  - o What is the organisation's values?
- What are ethical dilemmas?
- Why do good people do bad things?

Code of conduct

An easy way we have found to familiarise people with their relevant code of ethics or code of conduct is to get them to practically engage with it. Try the following exercise:

i. Ask people to discuss with the person sitting next to them what ethical dilemmas or challenges they have observed in the workplace. You can also ask:
   o What ethical dilemmas do you face in your work?
   o What ethical issues are you worried about in this organisation?
ii. Now ask people to tell you what they have discussed. Make a note of the topics that emerge on a whiteboard if you have one. Otherwise, just capture it on a notepad.
iii. Each person should have a copy of their code of conduct. Ask them to bring theirs along, or print copies that you carry with you for the training. If you don't have resources to print for every occasion, just print 30 and reuse them again and again. (You need to make sure that you are VERY familiar with the content of the code.)
iv. Next, you ask them to go to the code and see where the ethical issues they discussed are covered in the document. In other words, they are matching their real-world ethical challenges with the content of the code. Instead of you reading them the code (which they will not remember), they are now reading it and familiarising themselves with the content.
v. Again, ask them for feedback. Are all of their issues covered in the code? What is covered and what is not? Are there other relevant policies that might give guidance on the topic?
vi. If there are any important issues that they missed, you can point those out.

Conflicts of interest

Disclosures of interest is an important part of the work of ethics officers. It is very easy for ethics officers and other public servants to fall into the habit of just going through disclosure processes and losing sight of the big picture. The big picture is that we want to build a culture where people are sensitive to their conflicts of interest, they disclose their conflicts proactively, and the department helps them to manage the conflicts responsibly.

People should not only disclose annually, they must also disclose at any time when they feel they have a conflict of interest. They must therefore completely understand what a conflict of interest is. Use The Ethics Institute's Conflict of Interest Handbook, and the Guide on the prevention and management of conflicts of interest in the public service (DPSA, 2023) to talk about what conflicts of interest entail. Also make use of case studies to help people to better understand what is a conflict of interest, and what is not.

Reporting misconduct

You want to leave participants with an awareness of their responsibility to report misconduct, how they can report misconduct, and what will happen when they report misconduct.

Please see the following resources that you can use in your training:

- Guide on the reporting of unethical conduct, corruption and non-compliance
- WB material for DPSA

You can also watch the following National School of Government videos

IV. Practical considerations

How long should a training session be?

Short awareness sessions – 1 hour

Discussion sessions – 2 to 4 hours (or a morning)

What resources will I need?

It is good to have a presentation. For this you will need a laptop and a projector.

Have copies of the relevant code of conduct. As indicated above – if you do not have resources to print for every group, then keep a set of codes with you that you re-use for your sessions.

How many people should be in a session?

A comfortable group size for training – especially longer sessions where you facilitate conversations – is about 20 to 25 people.

If you are only doing an awareness session of an hour, where it is mostly you presenting and then Q&A, you can include as many people as you want.

C) Communication & awareness

Internal communication	Downloadable resources (emailers and posters)	External communication

Internal communication

To keep the ethics message top of mind between training sessions you will need to communicate regularly. This can be done with posters, or even easier – emailers.

A communication calendar is useful to specify what will be shared and when. Ideally, at least one communiqué should go out each month.

You can align content with relevant dates throughout the year, for example:

World Whistleblower Day	23 June
Public Service Month	September
Global Ethics Day	15 October
Fraud Awareness Week	Generally in November
16 Days of Activism Against Gender-Based Violence	25 November to 10 December
International Anti-Corruption Day	9 December

Always consult your internal communications division to assist with planning and ensure alignment with their calendar.

The following dates are particularly important in the public service, as they set out disclosure requirements for specific individuals:

Ensure disclosure by all SMS members by…	30 April
Ensure disclosure by designated employees by…	30 June – 31 July

Communicate at least a month before each disclosure deadline to prompt submissions. Send weekly follow-up emails, and in the final week, daily reminders to those who have not yet submitted.
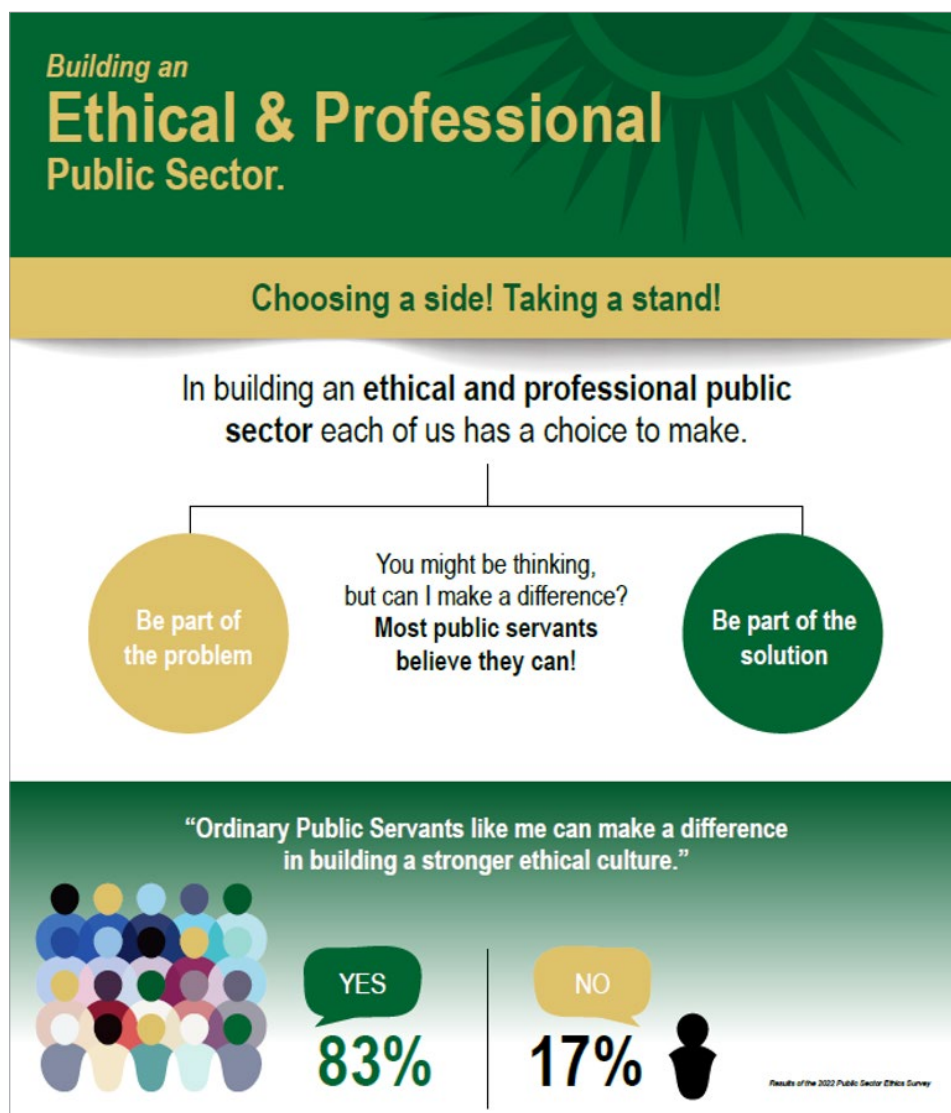
Enhancing engagement

- Build two-way communication channels, such as short surveys or anonymous suggestion boxes, to identify where more guidance is needed, and actively collect and act on feedback to measure effectiveness and refine future efforts.
- Share real-life 'ethics in action' stories that demonstrate ethical decision-making and provide managers with talking points and resources to discuss ethics in team meetings.
- Use visual reinforcement through screensavers, intranet banners, short video clips, infographics, and appealing visuals – engaging communication is often overlooked but crucial for effectiveness.
- Send concise 'ethics tips of the month' – practical reminders linked to real scenarios, keeping content short and to the point as people prefer brief, focused messages.
- Make communication interactive by using quizzes, questionnaires, 'guess what happens next' games, self-assessment tools, and other engagement methods to make learning engaging and measure understanding.
- Use customisable templates (e.g., reminder emails, WhatsApp graphics), FAQs, and quick-reference guides for common ethics questions for quick deployment by ethics officers.
- Ensure messages reach all staff: for those without computer access, provide printouts or posters in prominent areas, and use clear, simple, jargon-free language to ensure accessibility for everyone.
- **Have a plan for urgent or sensitive updates – be prepared to quickly communicate changes such as hotline numbers or key ethics alerts.**

Downloadable resources

The DPSA has developed communication materials specifically aimed at promoting whistleblowing in the public sector. The material is relevant for the public service and local government.

Building an
Ethical & Professional
Public Sector.

Choosing a side! Taking a stand!

In building an **ethical and professional public sector** each of us has a choice to make.

Be part of the problem

You might be thinking, but can I make a difference? **Most public servants believe they can!**

Be part of the solution

"Ordinary Public Servants like me can make a difference in building a stronger ethical culture."

YES **83%**   NO **17%**

Results of the 2022 Public Sector Ethics Survey

These resources include:

- Twelve mailers – one can be sent out each month.
- Four posters.
- One guidebook on 'Reporting and addressing wrongdoing in the Public Sector'.

Practical considerations

Use a communication calendar to plan messages around important ethics dates and organisational milestones. Evaluate the effectiveness of your communications by checking if staff are opening emails, noticing posters, and using the resources provided. Apply these insights to make future communications more effective.

Local government

The following is a formal communication requirement in local government:

Municipal Systems Act
70. Code of Conduct to be provided to staff members and communicated to local community
(1) The municipal manager of a municipality must—
    (a) provide a copy of the Code of Conduct to every member of the staff of the municipality; and
    (b) provide every staff member with any amendment of the Code of Conduct.

(2) The municipal manager must—
  (a) *ensure that the purpose, contents and consequences of the Code of Conduct are explained to staff members who cannot read; and*
  (b) *communicate sections of the Code of Conduct that affect the public to the local community.*

Extract from the Municipal Integrity Management Framework

External communications

4.1. Promote a professional ethical culture

The spirit and letter of the Code of Conduct for Councillors, and the Code of Conduct for Municipal Staff Members (Schedules 1 and 2 of the Municipal Systems Act) should be promoted and upheld in the municipality.

a) Councillors and officials should receive a copy of the code applicable to them;

b) Councillors and officials should receive induction training on the codes applicable to them;

> **Guidance:**
>
> Senior managers and councillors (e.g. the Speaker and chairpersons of council committees) could contribute to induction training and ongoing training sessions by clarifying:
> - Councillors' and managers' responsibilities in building an ethical organisation;
> - How employees should react when pressurised by unethical councillors or managers; and
> - How to raise concerns and what to expect if they do.

c) Councillors and officials should be required to sign annual commitments to the principles and provisions of the codes.

d) Councillors and officials should participate in interactive ethics workshops at least once every two years. Such workshops should include discussions on:
  - Professional and organisational values
  - Relevant workplace ethical dilemmas / challenges
  - The relevant code of conduct
  - Organisational policies and procedures related to:
    - Conflicts of interest
      (e.g. disclosure of interests, and external remunerative work)
    - Whistle-blowing

e) Councillors and senior managers are not exempt from ethics sessions.

f) Officials should be clear on the limits of councillors' involvement in administration. A trusted avenue must be created for officials to escalate matters if they feel that this line is being crossed.

g) The Code of Conduct for Councillors, and the Code of Conduct for Municipal Staff Members must be made available to the public (e.g. on the website, noticeboards, etc.)

h) Continuous awareness campaigns should be run which could focus on the following:
  - Required ethical standards
  - Batho Pele Principles
  - Boundaries, rights and responsibilities when engaging with councillors
  - Relevant policies and procedures: e.g. whistle-blowing, conflicts of interest, disciplinary code, etc.

i) Municipalities should require their suppliers to sign an 'Ethics commitment for suppliers' prior to contracting with them.
  - This should form part of all bid documents

You may also want to communicate with external stakeholders. For example, if staff are frequently asked for bribes, distribute pamphlets or use social media to publicise reporting avenues and clarify rights.

Consider sharing statistics or success stories to demonstrate that reports are acted upon. Community outreach can be achieved through:

- Community newsletters or bulletins, distributed at public spaces such as clinics, libraries, and community centres
- Local community meetings or forums, partnering with ward councillors or community leaders to raise awareness
- Information stands or kiosks at municipal offices, markets, or events
- Posters and flyers in prominent public areas such as government offices, transport hubs, and schools
- Digital channels such as WhatsApp groups popular in many communities for quick, direct communication. Social media campaigns can continue to reinforce these messages and expand your reach.

Extract from the Municipal Integrity Management Framework

- **External communications**

2.2. Awareness raising

a) Municipalities should raise awareness among communities of (among others):

- Their rights to transparent and accessible information when engaging with the municipality
- Their right to just administrative action
- Recourse if they do not believe these rights have been fulfilled
- Avenues to raise concerns or report corruption
- Service standards
  - Including clarity on procedures and costs for transactions.

b) Ward councillors and community development workers should play a key part in awareness raising.

d) Advice and support

Ethics advice refers to instances where the ethics officer will provide advice to an employee to help make an ethical decision.

Whilst codes of ethics and ethics policies provide guidance on expected behaviour, they do not provide guidance on every situation that employees may encounter in the workplace. The role of the ethics officer includes being available to provide ethics advice to employees in situations when they are not sure how to act or navigate.

As an ethics officer you may find that employees approach you for advice on navigating ethical dilemmas.

In some organisations, the ethics office may set up an ethics advice desk to provide this advice – this could be an email address, website or a telephone number, or the ethics officer him/herself.

To provide ethics advice an ethics officer should be empathetic, non-judgemental, a good listener, and also be aware of the ethics policies and procedures to provide ethics advice.

Unlike ethics advice, ethics support generally refers to instances where an employee will approach the ethics officer for help with existing policies and procedures. Questions could include:
- Which policy contains…
- Where should I look for…
- How should I report…

The ethics officer's role is to support the employee by guiding them on where and how to access the available resources. In order to do this the ethics officer will need to be aware of the formal and informal ethics standards in the organisations, such as what policies are available, what do they say and how to access them, etc.

c) Recognition

Whilst the ethics officer is not responsible for the rewards and recognition processes, the ethics officer provides input into these processes to ensure that the organisation recognises and encourages ethical behaviour. After all, what gets recognised, gets repeated.
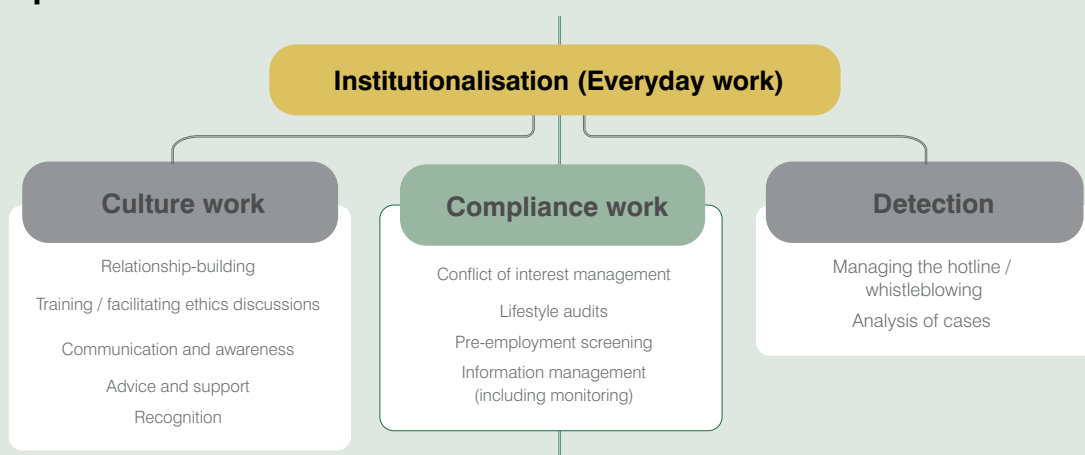
Difference between recognition and reward?

Recognition	Reward
Recognition means providing positive feedback on an employee's ethical behaviour that goes beyond the 'standard' job-related expected behaviour.	Reward could mean financial or non-financial appreciation for ethical behaviour that has been recognised.

One of the quickest ways to build an ethical culture is by recognising employees who act ethically – and the easiest way to do that is through verbalising praise of employees.

The ethics officer's role would be to work with other relevant role-players such as HR to ensure that ethical behaviour is recognised through the organisation's performance management processes and that the good employees are recognised in an appropriate manner. (Of course, at the same time there should also be a focus on discipline management for 'bad' employees.)

2.2 Compliance work

Institutionalisation (Everyday work)

Culture work
- Relationship-building
- Training / facilitating ethics discussions
- Communication and awareness
- Advice and support
- Recognition

Compliance work
- Conflict of interest management
- Lifestyle audits
- Pre-employment screening
- Information management (including monitoring)

Detection
- Managing the hotline / whistleblowing
- Analysis of cases

While the overall purpose of the ethics programme is to build an ethical culture, there are some aspects of an ethics officer's job that are carried out to comply with specific regulations and requirements.

As set out earlier, any organisation should implement internal controls to manage its risks and ensure good governance. The internal control environment consists of hard controls and soft controls. The hard controls are the policies and procedures, and the soft control environment consists of the ethical culture of the organisation.

In this section the focus is on the hard control environment – or the compliance work.

We will divide this into:

- Conflict of interest management
    o Disclosures of interests
    o Other remunerative work
    o Gifts and hospitality
- Lifestyle audits

a) Conflict of interest management

Conflict of interest: A situation where an individual is confronted with choosing between the requirements of his/her official function and his/her own private interests."
– Global Reporting Initiative

There is generally a link between conflicts of interest and corruption. A conflict of interest could potentially cause me to abuse my entrusted power for private gain. In other words, if I don't manage my conflict of interest I may be acting corruptly.

Some people also purposefully exploit situations to create conflicts of interest with the sole purpose of acting corruptly.

For this reason, managing conflicts of interest is clearly linked to preventing corruption, and can be a fairly large part of an ethics officer's job.
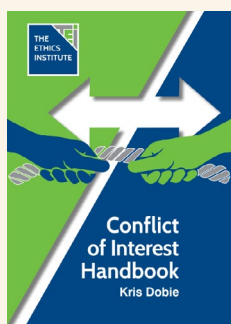
Useful resource

The Ethics Institute released the Conflict of Interest Handbook.

This handbook is practically written specifically for ethics officers. It is divided into three sections:

1. Understanding conflicts of interest

This section provides definitions and a vocabulary for discussing different types of conflicts of interest. It also explains the legislative and regulatory environment for dealing with conflicts of interest.
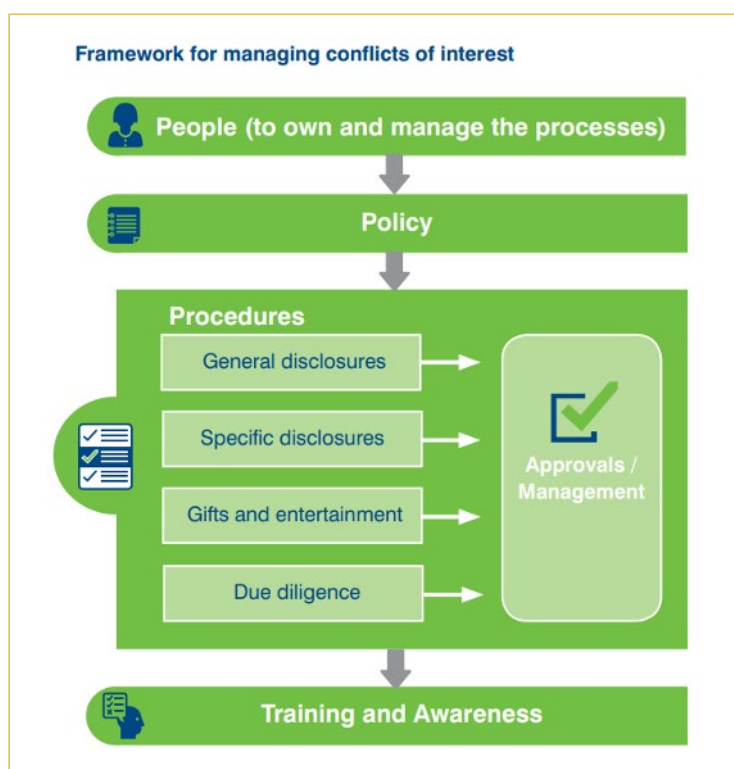
2. Managing conflicts of interest

This section provides guidance on how to manage conflicts of interest in organisations. It covers policies, procedures, and systems for managing conflicts of interest.

3. Making conflict of interest decisions

This section considers the thinking process of evaluating individual conflict of interest situations. It might be useful to both ethics officers and employees.

The Ethics Institute's [Conflict of Interest Handbook](#) sets out the following framework for managing conflicts of interest in organisations.

Source: TEI Conflict of Interest Handbook

1. To start with, there should be people (i.e., staff members) to manage conflicts of interest. In the public sector this responsibility frequently falls on ethics officers.

2. A suitable policy should be developed. This policy should set out the organisation's stance on conflicts of interest. It should ideally be principle-based, and should give examples of what is acceptable and what is not. In the public sector the policy must align with the relevant legislation, which we will clarify below.

3. Procedures should be put in place to give effect to the policy. The procedures should include means for making potential conflicts transparent, including through:

   - General disclosures of interest. These are the financial disclosures that are made whether or not there is a conflict of interest. You are just required to generally disclose your interests on an annual basis. In the public service this is done through the eDisclosure system.
   - Specific disclosures of interest. These are disclosures that people make throughout the year whenever they face a conflict of interest. This might, for example, be where I am in a bid committee meeting and realise that my brother's company is tendering. I will then have to say something and recuse myself. Or when I need to apply for other remunerative work.
   - Disclosure of gifts and entertainment. These must be disclosed on an ad hoc basis in line with the gift policy.
   - Due diligence procedures. This is a process by which one checks whether one's service providers have conflicts of interest with staff members or their families.

   Once interests are transparent, they should be either approved, or actively managed. It must be emphasised that the disclosure of a conflict does not make the conflict disappear. Once it is disclosed, it must still be dealt with responsibly. Disclosure is just the first step.

4. Lastly, one should consider a training and awareness approach to influence the organisational culture on conflicts of interest.

> **The following is an extract from the TEI Conflict of Interest Handbook related to public sector officials. The handbook contains a separate section on politicians.**

Public sector – Officials

ACT **⚖** **Public Service**

The Public Service encompasses all those government employees who fall under the Public Service Act and the Public Service Regulations. It includes employees in national and provincial departments, but excludes those in local government.

Most of the standards on conflicts of interest relevant to this sphere are contained in the Public Service Regulations (2016).

While there is a separate section on financial disclosures, one should first look at Chapter 2 Part 1 of the regulations which contains the Code of Conduct for Public Servants. The following is an extract of some of the most applicable broad principles that indicate the duty of good faith and objectivity:

11. *An employee shall:*

    (a) be faithful to the Republic and honour and abide by the Constitution and all other law in the execution of his or her official duties;

    (b) put the public interest first in the execution of his or her official duties;

12. *(b) serve the public in an unbiased and impartial manner in order to create confidence in the public service;*

13.   *(b) not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties;*

Furthermore, the Code contains rules on:

- Receiving 'gratification' (which is prohibited)
- Conducting business with an organ of state (which is prohibited)
- Declaration of conflicts and recusal from such decisions
- Favouring friends and relatives
- Gifts (where everything above R500 requires permission)
- External remunerative work (which requires permission and may not be done in work time)

When managers decide whether something constitutes a conflict of interest they should first use the principles, and then consider the rules. In other words, the rules cannot trump the principles.

> *Private sector companies should note that politicians and public servants are not allowed to be directors of companies who do business with an organ of state, so they should not be appointed to these positions if the company wants to do business with government or state-owned entities.*

Chapter 2 Part 2 of the Public Service Regulations deals specifically with Financial Disclosures. It sets out predominantly who needs to disclose, what needs to be disclosed, and other procedural issues.

Importantly, it also sets out that the Public Service Commission will verify the interests of all senior managers in the public service. Potential conflicts of interest will be directed back to departments who need to manage any conflicts and disciplinary matters arising from these.

A different process is followed for 'designated employees' who have to disclose but are not senior managers. Here the department has to do the verification itself, to identify possible conflicts of interest, and manage them appropriately.

According to the Regulations, it is the responsibility of ethics officers in the department to manage the disclosure system and also any processes related to external remunerative work.

Interestingly, there is a specific section on 'Decision-making in cases of conflict of interest' which comes into play when a 'functionary' has to take a decision but has a conflict. While not clearly stated, it seems that this relates to specific senior functions, such as heads of department, who are assigned responsibilities, but may be conflicted.

Municipalities

The majority of the principles and rules for municipal staff members related to conflicts of interest can be found in the Code of Conduct for Municipal Staff Members, which is contained in the Municipal Systems Act.

The relevant principles are contained in section 2 on General Conduct:

A staff member of a municipality must at all times-

a. *perform the functions of office in good faith, diligently, honestly and in a transparent manner;*
b. *act in such a way that the spirit, purport and objects of section 50* (of the Municipal Systems Act dealing with basic values and principles governing local public administration) *are promoted;*
c. *act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and*
d. *act impartially and treat all people, including other staff members, equally without favour or prejudice.*

Furthermore, there are more specific rules related to conflicts of interest. Among other things, municipal staff members may not:

- Abuse their position for personal gain (for themselves or someone else);
- Do business with the municipality;
- Unduly influence other functionaries to their own benefit or the benefit of others; and
- Accept or request gifts or favours for abusing their powers.

There is no requirement for general annual disclosures of interest, but staff members must disclose if they, or their *"...spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality…".*

What legislation appllies?

Public Service

- Code of Conduct for Public Service Employees
- Public Service Regulations – Chapter 2, Part 2 – Financial Disclosure

- Directive on other categories of employees designated to disclose their financial interests (2021)
- Directive on other remunerative work outside the employee's employment in the relevant department (2024)
- Directive on conducting business with an organ of state (2024)

Local Government

- Code of Conduct for Municipal Staff Members
- Code of Conduct for Councillors

Guidance

Public Service

- Guide on the prevention and management of conflicts of interest in the public service (DPSA, 2023)
- Guide on managing other remunerative work in the public service (DPSA, 2025)
- Guide and procedures on managing conducting business with an organ of the state (DPSA)
- Guide on Managing Gifts in the Public Service (DPSA, 2019)
- Guide to implement lifestyle audits in the Public Service (DPSA, 2021)
- Explanatory manual – My guide to completing the financial interests disclosure form (DPSA)

Local Government

Extract from the Municipal Integrity Management Framework

What should ethics officers do?

i. Policy on conflicts of interest

Each and every organisation should have a clear policy on conflicts of interest. It should ideally set out the following general principles:

4.6. Conflict of interest management

Municipalities should ensure that conflicts of interest are pro-actively managed.

a) A conflict of interest policy needs to be developed that deals with.

- Declaration of interests
- Disclosure of interests
- Gifts
- External remunerative work

Roles of other parties:

- For declarations of interests the Minister should give clarity on what information should be made public and what should remain confidential.
- DCoG should consider moving municipalities to a single e-disclosure platform which gives municipalities access to their own information and allows national oversight. The DPSA has developed such an e-disclosure platform and should be consulted to explore synergies or the sharing of technology.
- DCoG to consider making disclosure compulsory for all municipal officials (not just senior managers).

b) Supporting systems and processes should be developed for:
   - Declaration of interest (in line with the Code of Conduct for Municipal Councillors s.7, and the Code of Conduct for Municipal Staff Members, s.5a.)
   - Checking the declarations for potential conflicts of interest during procurement processes.
     - Declarations should ideally be in electronic format to allow for accessibility of information.
   - External remunerative work
   - Gift registers
c) All suppliers must be screened against the municipality's financial declaration database, CIPC database, National Treasury's register for tender defaulters and the List of Restricted Suppliers, and with the South African Revenue Service to ensure that their tax matters are in order.

Relevant regulation:

Accounting Officers are required to email the details of the recommended bidder to the National Treasury prior to awarding a contract. A response will generally be provided within one (1) working day confirming whether the name provided has been listed as a person or company prohibited from doing business with the public sector. This is not a public service so the request must be emailed from a person authorised by the Accounting Officer. These enquiries should be forwarded by e-mail to restrictions@treasury.gov.za.

- National Treasury MFMA circular no. 46

Each and every organisation should have a clear policy on conflicts of interest. It should ideally set out the following general principles:

Elements	Principles to manage them
Official function	We deal in good faith with the organisation and make decisions in its best interest and in line with our official duty.
Private interest	We are proactively transparent in order to manage conflicts of interests.
Action, decision-making or influence	We apply ourselves objectively in the best interest of the organisation and ensure that there are no conflicting interests that can impact on this objectivity.

The policy should also align with the relevant legislation. Organisations can put in place policies that go beyond what is contained in the legislation if it serves a purpose of managing risk in the organisation.

Policies generally also contain procedures around the disclosure of various types of interest, and the management of conflicts.

Besides managing disclosures, ethics officers should conduct training and awareness to build a culture where people proactively disclose when they have a conflict of interest. It is very easy for ethics officers and other public servants to fall into the habit of just going through disclosure processes and losing sight of the big picture. The big picture is that we want to build a culture where people are sensitive to their conflicts of interest, they disclose conflicts proactively, and the department helps them to manage the conflicts responsibly.

ii. Disclosure of financial interests

Guidance
Public Service

- Directive on other categories of employees designated to disclose their financial interests (DPSA, 2021)
- Explanatory manual – My guide to completing the financial interests disclosure form (DPSA)

What should ethics officers do?

As set out above, the purpose of disclosure of interests is to ensure transparency.

The TEI Conflict of Interest Handbook sets out good practice with regard to disclosures of interest.

The minimal responsibility of ethics officers with regard to disclosures of interest differs significantly between the public service and local government.

Public Service

In the public service there is a mature Financial Disclosure Framework set out in the Public Service Regulations.

- Certain 'designated employees' must disclose their interests on an annual basis using the eDisclosure system hosted by the DPSA.
- Specific disclosures of interest are where employees disclose a specific conflict as it happens. In other words, this is different to a general disclosure, which happens annually.
- While there is no formal requirement for a system to promote specific disclosures of interest, the following prescripts indicate that conflicts of interest should be avoided and there should be a way for employees to indicate when they are conflicted:

Public Service Regulations
An employee shall –
12(b)   serve the public in an unbiased and impartial manner in order to create confidence in the public service;
13(b)   not engage in any conduct that is in conflict with or infringes on the execution of his or her official duties;
13(d)   recuse himself or herself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;
13(f)   refrain from favouring relatives and friends in work-related activities and not abuse his or her authority or influence another employee, nor be influenced to abuse his or her authority;

All public service financial disclosures should be made electronically on the eDisclosure system.

If a department believes they have certain employees who are at a high risk of conflicts of interest, and should actually be required to disclose their interests annually, they can simply write to the Minister of the DPSA and ask the Minister to designate these employees to disclose.

All disclosures must be verified.

The Public Service Commission does the verification for SMS members, which means that the department doesn't have to do this. It is, however, still good practice in case there are oversights.

The department must therefore do the verifications of disclosures made by other designated employees.

This means:

- Checking whether the forms are complete. Has everything been submitted?
- Confirming the submission by cross-checking with the CIPC, ENatis, and the deeds office.
- Cross-checking with the gift register and requests for approval of external remunerative work.
- Applying your mind to determine if there is a possibility for a conflict of interest. Speak to the employee in question if you are not sure about their submission.

Compliance checklist

Public Service Regulations – Chapter 2, Part 2 – Financial Disclosure	
Disclosures of interest and managing conflicts of interest	
Start communication to SMS members by 1 April informing them of the need to disclose and the process to follow	
Ensure disclosure by all SMS members by 30 April each year	
Ensure disclosure by new employees within 30 days of joining	
Submit electronically to the Public Service Commission (PSC) by 31 May	
Ensure confidentiality of forms submitted	
Act on referrals of potential conflicts from the PSC	
Report back to the PSC on any actions taken	
Institute disciplinary action if relevant	
Lifestyle audits	
Conduct a risk analysis on disclosed interests and income of all disclosures. (See Guide to implement lifestyle audits in the Public Service for more detail on how to do this)	
Consult employees for explanations where discrepancies exist	
Investigate whether disciplinary action must be taken where explanations do not sufficiently explain discrepancies AND institute disciplinary action	
Refer to law enforcement agencies on suspicion of a criminal offence	
Directive on other categories of employees designated to disclose their financial interests (2021)	
Start communication to relevant employees by beginning of June informing them of the need to disclose and the process to follow	
Relevant employees disclose in June and July of relevant years (see directive)	
Keep a register of relevant employees' interests (Public Service Regulations 17(2))	
Disclosures verified by 30 November	
Take appropriate steps to manage conflicts of interest identified	
Deal with non-compliance	
Report to MPSA: Number of employees who failed to disclose, and steps taken against them	
Report to MPSA: Number of employees found to have conflicts and consequent actions	

Directive on conducting business with an organ of state (2024)	
Policy developed on conducting business with the department in line with the directive	
Ensure all employees are not registered on the Central Supplier Database	
SCM policy should prohibit employees from conducting business with an organ of state	
Register kept of all entities that conduct business with the department	
Register kept on all persons who are engaged in supply chain management on behalf of the department	
Reports submitted to Executive Authority on the policy and registers	
Central Supplier Database is checked for all suppliers before contracting	
HoD reports contraventions to SAPS and Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit	
EA reports Annexure B to the Minister of Public Service and Administration through the Public Administration Ethics, Integrity and Discipline Technical Assistance Unit	

Local Government

In local government there is a duty to put in place a system allowing Section 56 managers and municipal managers to make general disclosures of interests in line with section 5(a) of the Code of Conduct.

While there is no formal requirement for a system to promote specific disclosures of interest, the following prescripts indicate that conflicts of interest should be avoided and there should be a way for employees to indicate when they are conflicted:

Municipal Systems Act
Schedule 2 – Code of Conduct for Municipal Staff Members
A staff member of a municipality must at all times –
2(b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;
2(d) act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
2(e) act impartially and treat all people, including other staff members, equally without favour or prejudice.
4(1)(b) take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.
5(1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

Compliance checklist

Section 5A of the Code of Conduct for Municipal Staff Members requires the disclosure of interests by section 56 managers and municipal managers.

Code of Conduct for Municipal Staff Members – s.5A. Declaration of Interests	
Set up a process and forms for disclosure of interests for s56 managers and municipal managers.	
Manage the information that has been disclosed.	
Make public the information as determined by council.	

iii. Other remunerative work

What legislation applies?

Public Service

- **Directive on other remunerative work outside the employee's employment in the relevant department (2024)**

Guidance
Public Service

- **Guide on managing other remunerative work in the public service (DPSA, 2025)**
- **Guide and procedures on managing conducting business with an organ of the State (DPSA)**

Most organisations prohibit their employees from doing other remunerative work, because this can cause them to focus on their other work to the detriment of their main job. There are also other conflict of interest concerns, such as the abuse of confidential information, intellectual property, or employees contracting with the organisation itself.

Many organisations manage other remunerative work applications together with their other conflict of interest processes.

Both the Public Service and Local Government Codes of Conduct state that conducting other remunerative work is prohibited, unless the employee has obtained permission.

There should therefore be a policy and process that sets out:

- How employees should apply for such permission;
- What information should be submitted in the application;
- What guiding principles should be considered when deciding whether to give someone permission or not;
- Who makes the decision;
- Whether the decision should be reviewed from time to time;
- What constraints should be placed on the decision.

Section 4 of TEI's Conflict of Interest Handbook gives guidance on how to make conflict of interest decisions. The following table from the handbook can be particularly useful when it comes to making decisions about whether or not to grant permission for other remunerative work.

		Yes	No
1	Will the employee be competing with the employer?		
2	Is the employee seeking to do business with the employer?		
3	Is there a potential to abuse organisational influence to benefit the employee?		
4	Is there the potential for the abuse of confidential information?		
5	Will the employee be conducting work with employer's clients?		
6	Is there a possibility of reputational damage to the employer?		
7	Will the employee be using organisational time and resources to further their own interests?		
8	Will the employee still have sufficient time and energy to do their job?		
9	Is the employee's current work performance up to standard?		

Public Service

The **Directive on other remunerative work outside the employee's employment in the relevant department (DPSA, 2024)** provides detailed guidance on how the system should work in public service departments.

Also see:

- **Guide on managing other remunerative work in the public service (DPSA, 2025)**
- **Guide and procedures on managing conducting business with an organ of the state (DPSA, 2025)**

Compliance checklist

Directive on other remunerative work outside the employee's employment in the relevant department (2024)	
Develop a policy on other remunerative work application in line with the directive	
Institute a process for application of other remunerative work in line with the directive	
Send a reminder to employees who have permission, by 15 January, reminding them that they need to ask for re-approval by 1 February	
Report quarterly to the HoD in line with 9.3 of the directive	
Cases of non-compliance must be captured on PERSAL	
HoD to report cases of non-compliance to Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit by 30 April each year	

Local Government

The Code of Conduct for Municipal Staff Members says that:

"Except with the prior consent of the council of a municipality a staff member… may not be engaged in any business, trade or profession other than the work of the municipality."

While the **Directive on other remunerative work outside the employee's employment in the relevant department (2024)** does not apply to local government, it is recommended that local government ethics officers also read this directive for guidance.

Much of what is contained in this directive can be applied to the management of other remunerative work applications processes in local government.

iv. Gifts and hospitality

Gifts are another area linked to conflicts of interest. The concern is that employees' influence may be 'bought' with excessive gifts. In this way excessive gifts may be considered as bribes. To manage this perception, most organisations have gift policies in place. These are sometimes contained in the conflict of interest policies.

> **Additional resource:**
> **Guide on Managing Gifts in the Public Service (DPSA, 2019)**

Public Service

Public Service Regulations
Code of Conduct

An employee shall -

13(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), in return for performing or not performing his or her official duties;

(h) not receive or accept any gift in the course and scope of his or her employment to the cumulative value exceeding R500 per year, unless approval is obtained from the relevant Executive Authority;

You therefore have to put in place a process for employees to obtain permission for receiving gifts. You should also keep a gift register. It is best to allow employees to disclose via email and to keep the register digitally, for example in Excel.

Local Government

Municipal Systems Act
Code of Conduct for Municipal Officials
8. Rewards, gifts and favours

(1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for—

(a) persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;

(b) making a representation to the council, or any structure or functionary of the council;

(c) disclosing any privileged or confidential information; or

(d) doing or not doing anything within that staff member's powers or duties.

(2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of subitem (1).

This implies an obligation to put in place a process for employees to obtain permission for receiving gifts.

b) Lifestyle Reviews

Lifestyle reviews (also sometimes called lifestyle audits) are an extension of the disclosure of interest process.

After the disclosure process, it is possible to check if there are discrepancies between people's assets and their income. This can be based on the disclosure, or it can be due to reports raised by other employees.
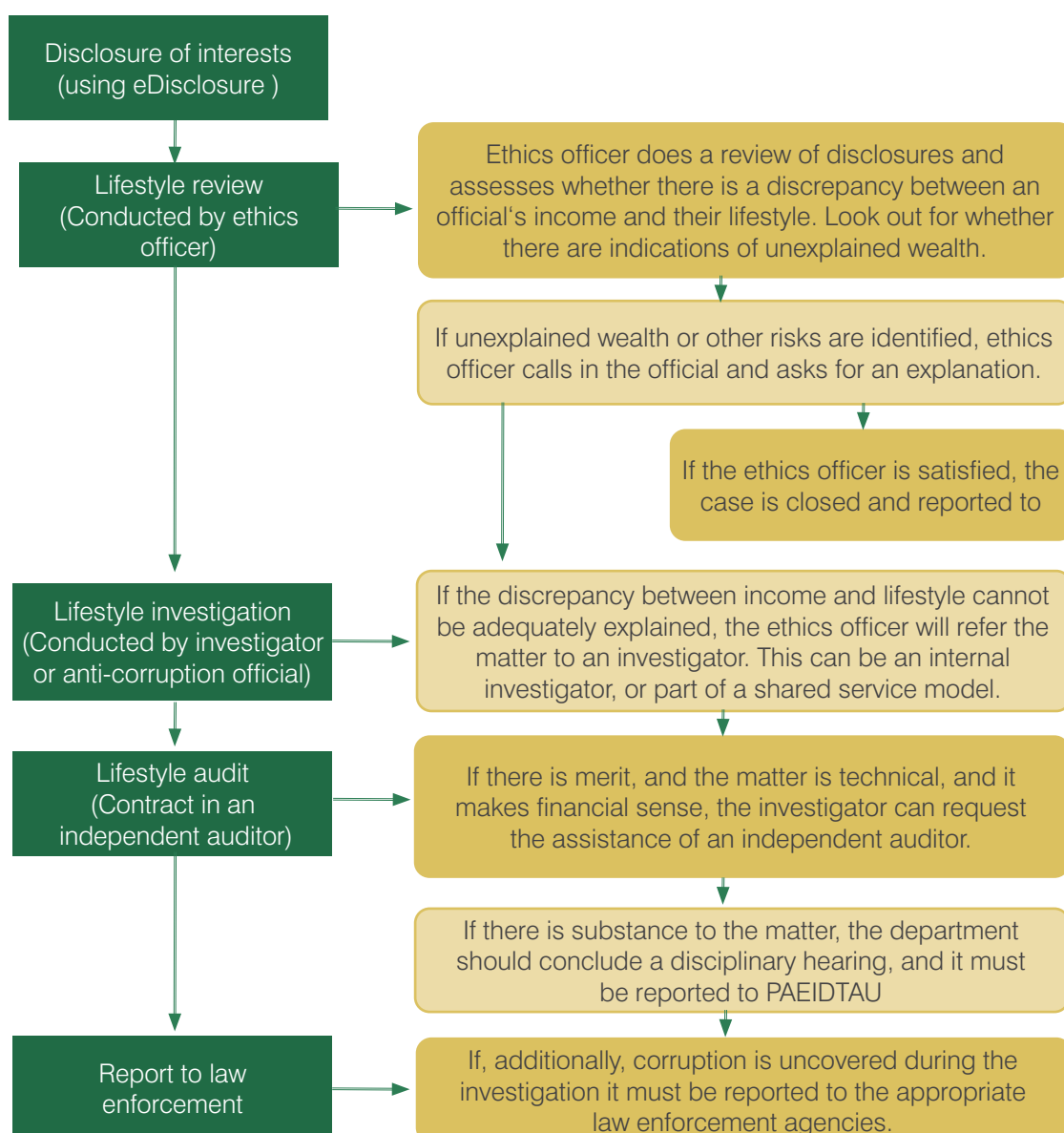
Public Service

Guidance
Guide to implement lifestyle audits in the Public Service (2021)

Compliance requirements	
Public Service Regulations – Chapter 2, Part 2 – Financial Disclosure	
Lifestyle reviews	
Conduct a risk analysis on disclosed interests and income of all disclosures. (See Guide to implement lifestyle audits in the Public Service for more detail on how to do this.)	
Consult employees for explanations where discrepancies exist.	
Investigate whether disciplinary action must be taken where explanations do not sufficiently explain discrepancies AND institute disciplinary action.	
Refer to law enforcement agencies on suspicion of a criminal offence.	

Schematic representation of the 'lifestyle audit' process in the public service.

Disclosure of interests (using eDisclosure)

Lifestyle review (Conducted by ethics officer)

Ethics officer does a review of disclosures and assesses whether there is a discrepancy between an official's income and their lifestyle. Look out for whether there are indications of unexplained wealth.

If unexplained wealth or other risks are identified, ethics officer calls in the official and asks for an explanation.

If the ethics officer is satisfied, the case is closed and reported to

Lifestyle investigation (Conducted by investigator or anti-corruption official)

If the discrepancy between income and lifestyle cannot be adequately explained, the ethics officer will refer the matter to an investigator. This can be an internal investigator, or part of a shared service model.

Lifestyle audit (Contract in an independent auditor)

If there is merit, and the matter is technical, and it makes financial sense, the investigator can request the assistance of an independent auditor.

If there is substance to the matter, the department should conclude a disciplinary hearing, and it must be reported to PAEIDTAU

Report to law enforcement

If, additionally, corruption is uncovered during the investigation it must be reported to the appropriate law enforcement agencies.

Local Government

There is currently no requirement for lifestyle audits in local government.

c) Pre-employment screening

When appointing new staff into the organisation we want to ensure they are people of integrity and competence. They must be able to do the job well, and must be ethical.

While job-specific assessments can be carried out for competence, it is very difficult to test for the trait of integrity. This means that the best we can frequently do is to try to ensure that we don't get bad apples coming into the organisation. This is done through pre-employment screening.

This is generally performed by the HR function, although some ethics functions have been assigned this task.

Public Service

What should be verified during a pre-employment screening?

> Resource: **Directive on Human Resources Management and Development for Public Service Professionalisation (DPSA, 2024)**

See specifically section 1.37 to 1.41, which deals with personnel suitability checks.

1.38   The personnel suitability checks contemplated in Regulation 57(1)(c) of the Regulations shall consist of the following:

1.38.1 Criminal record checks;

1.38.2 Citizenship or Permanent Residency verification;

1.38.3 Financial record checks;

1.38.4 Qualification/ Study verification;

   a) The verification of a national senior certificate is not a requirement, where a national senior certificate is not the minimum inherent requirement of the post.

   b) Departments may verify qualifications using verified academic records where applicants do not possess certificates.

1.38.5 Registration with professional bodies where it is part of the inherent requirements of the post;

1.38.6 Verification of any dismissal for misconduct; and

1.38.7 The qualifications of selected candidates for a Deputy Director-General post shall be verified by the South African Qualifications Authority to determine the NQF level and validity.

Departments frequently use external service providers to conduct these checks on their behalf. If you don't have access to this, verifications can be done as follows:

What to check	Where to check
Criminal record check	SAPS
Citizenship or Permanent Residency verification	Home Affairs
Financial / asset record checks	State Security Agency
Qualifications/study verification	SAQA / Institution where study was completed
Previous employment (Reference checks)	Applicant will give references whom you can contact. You can also write to / call the previous employer.
Registration with professional bodies (if required)	With the relevant professional body
Verification of any dismissal for misconduct	Central register for verification of dismissals and resignations pending disciplinary case https://www.dpsa.gov.za/resource_centre/peverification1/

Remember that as part of the application process, the applicant needs to consent to background checks.

While pre-employment checks are only required on appointing new candidates, it is good practice to also do checks when promoting candidates.

These pre-employment checks must be conducted separate from the vetting process, which only takes place after employees have been appointed, and is only for certain positions.

Local Government

Municipal Systems Act: Regulations on appointment and conditions of employment of senior managers, 2014.

Extract from the Municipal Integrity Management Framework

4.5. Pre-employment screening

a) Municipalities must ensure that competent employees with high standards of personal integrity are appointed and promoted.

b) Senior manager appointments must comply with the minimum competency requirements as set out in the Regulations on appointment and conditions of employment of senior managers' (Municipal System Act: Regulations on appointment and conditions of employment of senior managers – Annexure B)

Roles of other parties:

- DCoG should verify compliance with competency requirements.
- DCoG should develop a national competency testing centre for senior managers.

c) Pre-employment screening should be conducted for all new appointments to verify:

- Qualifications
- Previous employment
- Disciplinary record
- Criminal record
- Credit record
- Any outstanding investigations or disciplinary matters at previous employers

d)   Municipalities must consult the record on dismissed employees kept by the Minister and must abide by the prescribed periods.

e)   Employees should be re-screened when they are promoted, especially if different levels of qualifications are required by the new position.

f)   Municipalities should conduct a once off qualifications audit on senior managers and other officials key positions.

d) Information management

Managing information on the work of the ethics office should not be left as an afterthought – it is an integral part of the work. Information management is important for structuring your work, and helps you keep track of disclosures of interest, gifts, and training stats. It is also essential for compiling reports to the ethics committee or management.

What is an information management system?

It is simply a way to manage information related to a specific topic. The simplest and most widely used information management systems are spreadsheets. Most people use a system such as Excel to keep their information safe and structured. More advanced systems would be databases that are specifically designed to suit the purpose you want to use them for. For most departments a spreadsheet should be sufficient, but if you have the internal resources you may want to speak to your IT department about customising a solution for you.

While there is currently no official format for managing data, ethics officers should consider having information management systems for the following:

- Training statistics
   o   Dates of training sessions
   o   Number of people who participated
   o   Unit that participants are from
   o   Duration of training
   o   Topics covered
   o   Evaluation score of training session

- Disclosures of interest
   o   Who has disclosed
   o   When did they disclose
   o   Highlight disclosures that were flagged
   o   Highlight disclosures where lifestyle assessments were conducted
   o   Capture the outcome of the lifestyle assessment

- Lifestyle audits
    - o Number of lifestyle reviews launched
    - o Why was the lifestyle review launched (e.g., risk identified during the disclosure process, or report from a whistleblower)
    - o Number of lifestyle reviews referred for investigation
    - o Number of lifestyle audits passed/failed

- Gifts and hospitality
    - o Gifts disclosed
    - o Permission sought
    - o Permission granted / declined
    - o Gift value
    - o Gift giver
    - o Gift recipient

The above is just indicative of some examples, and a spreadsheet will contain much more information than this.

> Another approach may be to keep a list of all employees in the department. You can then indicate which employees have:
>
> - Acknowledged reading the Code of Conduct
> - Disclosed their interests
> - Been sent for a lifestyle audit
> - Attended training

Case management system

Public Service Regulations – Part 3 – Anticorruption and ethics management
22. A Head of Department shall—
d. establish an information system that—
   (i) records all allegations of corruption and unethical conduct;
   (ii) monitors the management of the allegations of corruption and unethical conduct;
   (iii) identifies any systemic weaknesses and recurring risks;
   (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and
   (v) records all gifts accepted by employees as contemplated in regulation 13 (h).

The most important information management system that a department needs to keep is the case management system. This logs all cases reported or detected, and tracks their progress through investigation to resolution.

As a minimum, public service departments should keep data on the issues set out in Regulation 22 of the Public Service Regulations as shown above.

- Case management system
    - o Allegations of misconduct
    - o Type of misconduct
    - o Where reports were received from
    - o Organisational unit involved
    - o Who is the investigating officer?

- o How long has the investigation been ongoing?
- o What was the outcome of the investigation?
- o How many allegations were referred to SAPS or other law enforcement agencies?

The data should periodically be assessed to see if any systemic weaknesses can be identified. For example, where one sees that the same type of issue occurs consistently, and that one might need to address this through specific interventions.

This will be further discussed in the section on whistleblowing.

Compliance requirements The following are some of the main compliance requirements related to information management. There is significant overlap with other sections of the document.	
Public Service Regulations – Chapter 2, Part 3 – Anti-Corruption and Ethics Management	

(d) establish an information system that—
    (i) records all allegations of corruption and unethical conduct;
    (ii) monitors the management of the allegations of corruption and unethical conduct;
    (iii) identifies any systemic weaknesses and recurring risks;
    (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and	

(d) establish an information system that— *(v) records all gifts accepted by employees as contemplated in regulation 13 (h);*	
Directive on other categories of employees designated to disclose their financial interests (2021)	
Keep a register of relevant employees' interests (PSR 17(2)).	
Report to MPSA: Number of employees who failed to disclose, and steps taken against them.	
Report to MPSA: Number of employees found to have conflicts and consequent actions.	
Directive on conducting business with an organ of state (2024)	
Register kept of all entities that conduct business with the department.	
Register kept on all persons who are engaged in supply chain management on behalf of the department.	
Reports submitted to EA on the policy and registers.	
HoD reports contraventions to SAPS and Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU).	
EA reports Annexure B to the MPSA through PAEIDTAU.	
Public Administration Management Act (2014)	
Issues of misconduct emanating from criminal investigations must be reported to PAEIDTAU and DG: DPSA.	
Issues of misconduct emanating from criminal investigations must be reported to the HoD for initiation and institution of disciplinary proceedings.	
The HoD must report to PAEIDTAU and DG: DPSA on disciplinary steps taken.	

🏛 **Extract from the Municipal Integrity Management Framework**

E) Reporting

5.3. Analysis of information / Data analytics

a) Information should be analysed to detect possible conflicts of interest or other fraud or corruption red flags. This includes information obtained from:
- Disclosures of interests;
- External remunerative work applications;
- Gift registers;
- The municipal vendor database;
- Financial management system; and
- The Companies and Intellectual Property Commission (CIPC) database.

b) Transactional information should also be analysed by using information technology to highlight red flags.

c) Data analytics can be technical and municipalities should consider getting external expertise if it is not available in-house.

5.6. Data management

a) Municipalities must establish a case management system that :
- Keep records of all reported cases and cases under investigation.
- Tracks progress
- Allows for trend analysis
- Aligns with the reporting requirements of national and provincial government.

Relevant regulation:

MFMA: Municipal regulations on financial misconduct procedures and criminal proceedings, 2014.

- Section 14 of the regulations require municipalities to prepare an information document on any alleged financial misconduct or offence stating:
  - Name and position of person alleged to be involved;
  - Summary of facts.
  - Monetary amount involved.
  - Disciplinary steps taken or to be taken.
  - If no disciplinary steps are taken, the reason for this decision.
  - Case number issued by SAPS if it is a financial offence.
  - Steps taken to recover unauthorized, irregular or fruitless and wasteful expenditure.

This information must be submitted to a number of entities. The information management system must therefore keep data at least on these aspects.

Section 34 of the Prevention and Combatting of Corrupt Activities Act requires persons in positions of authority to report acts of corruption, or acts of fraud involving more than R100 000 to the SAPS. The information management system should keep proof of these reports.

---

b) The information should be kept in electronic format.

c) Steps should be taken to ensure that the information is secure and remains confidential in line with the Minimum Information Security Standards (MISS).

d) Regular reports must be submitted to the Municipal Manager and the Audit Committee.

e) Reports must also be submitted to external entities as set out in section 8 of this document.

The ethics office will at some point need to report information to other stakeholders. This will include the ethics committee (inside the organisation), as well as government structures outside the organisation.
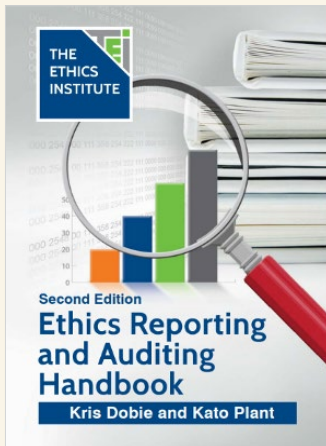
Useful resource

See The Ethics Institute's Ethics Reporting and Auditing Handbook (2022).

This handbook contains a section on the monitoring of ethics programmes, and also the reporting that is done by the ethics office to the ethics committee. These sections of the handbook can be useful to ethics officers when it comes to the information management and reporting.

A good information management system is critical for ensuring that the information that is required is logged in time, and is accurate when it comes to reporting.

Local Government

Extract from the Municipal Integrity Management Framework, 2016

Relevant legislation:

Municipal Systems Act – s.57A

8. Reporting

Principle:
- Municipalities must submit reports to appropriate entities to ensure implementation and transparency.
- Effective information management systems should be implemented to ensure the appropriate information is kept and reported.

Implementation:

8.1. Reporting on implementation of the Framework

a) Those responsible for implementing the Framework (i.e. integrity management practitioners) should report quarterly to the Municipal Public Accounts Committee (MPAC).

b) A report must also be submitted to council.

c) A report on integrity management and corruption response must also be made public on an annual basis.

8.2. Reporting of allegations and outcomes (Internal reporting)

Municipal regulations on financial misconduct procedures and criminal proceedings, 2014.

These regulations require:

a) The mayor or accounting officer to table an allegation of financial misconduct before the council not later than 7 days after receipt thereof or at the next sitting of the council.

b) Speaker to report on a monthly basis to Council on:
  • How many misconduct issues were brought to the attention of councillors and how these are being addressed.
  • All actions being taken to address fraud and corruption.
c) Municipal manager to report on a monthly basis to Council on:
  • The overall operations of financial management and all reported instances of fraud and corruption, including actions being taken.

8.3. Reporting of allegations and outcomes (External reporting)

MFMA: Municipal regulations on financial misconduct procedures and criminal proceedings, 2014.

These regulations stipulate:

a) The responsibility of the accounting officer (or the council if the accounting officer is involved) to report alleged financial offences to the South African Police Service.
  ○ *This is also required by the MFMA s.32(6) and (7);*

b) That, when investigating a councillor, 'the designated official' must submit completed investigative reports to council and make it available to the public. In five days from submitting it to council the report must also be submitted to the:
  • MEC for finance in the province;
  • MEC for local government in the province;
  • Minister of Finance; and
  • Minister responsible for local government.

c) Municipalities must prepare an information document on any alleged financial misconduct or offence stating:
  • Name and position of person alleged to be involved;
  • Summary of facts
  • Monetary amount involved
  • Disciplinary steps taken or to be taken
  • If no disciplinary steps are taken, the reason for this decision.
  • Case number issued by SAPS if it is a financial offence
  • Steps taken to recover unauthorized, irregular or fruitless and wasteful expenditure.

d) This information should within 5 days of finalizing investigation documents be reported to:
  • The mayor
  • The MEC for local government in the province
  • The national department responsible for local government
  • The provincial treasury
  • National Treasury; and
  • Auditor General.
    ○ *This aligns with the s.32(4) of the MFMA which requires all losses and consequent steps to be promptly be reported to the Auditor General and MEC for local government in the province.*

e) All suspensions, disciplinary and criminal proceedings for financial misconduct must be reported in municipalities' annual reports.

Municipal Systems Act

f) Section 57A of the act requires municipalities to report certain information on disciplinary proceedings to the MEC for local government, as set out below.

*(6) A **municipality** must maintain a record that contains the prescribed information regarding the disciplinary proceedings of staff members dismissed for misconduct.*

(7) A copy of the record referred to in subsection (6) must be submitted to the MEC for local government on a quarterly basis.

*(8) The **MEC for local government** must, within 14 days of receipt of the record referred to in subsection (6), submit a copy thereof to the Minister.*

*(9) The **Minister** must maintain a record of all staff members that have-*

(a)   been dismissed for misconduct; or

(b)   resigned prior to the finalisation of the disciplinary proceedings,

which record must be made available to municipalities as prescribed.

2.3 Detection/whistleblowing work

While the focus is on the preventative work, it is still possible that unethical conduct and corruption might occur. In those cases, it is important that organisations detect the misconduct. Since most misconduct is perpetrated in secret, we are frequently dependent on ordinary public servants who happen to observe, or discover the misconduct, to report it to the organisation.

Additional resources:

For organisations who want to set up whistleblowing systems:
See the "Whistleblowing Management Handbook"

For those responsible for receiving reports of misconduct (e.g., managers or ethics officers):
See the "Whistleblowing First Responder Guide"

For employees who are considering blowing the whistle, or are afraid of retaliation:
See:
-    "Whistleblowing Non-retaliation Toolkit"
-    Reporting and addressing wrongdoing in the Public Sector
-    Guide on the reporting of unethical conduct, corruption and non-compliance to the Public Service Act, 1994 and Public Service Regulations, 2016 in the Public Service (2018)

For those who want to know more about witness protection:
See the "Guide for public service employees who require witness protection (2024)"

a) Managing the hotline / whistleblowing

While the first prize is for employees to come and speak to you directly, we do know that employees are frequently afraid of retaliation, and one therefore needs to have ways for them to make anonymous reports. Many organisations have therefore established 'whistleblowing hotlines' through external service providers. Those organisations who have not established their own hotlines can promote the use of the National Anti-Corruption Hotline (0800 701 701) which is run by the Public Service Commission.

It is important to note that the work of running/managing the hotline is very often conducted by other organisational role-players, and not the ethics office. There are, however, some organisations where the ethics office is responsible, and we therefore provide this guidance.

This section should be useful for anyone responsible for running the hotline.

Keep in mind that whistleblowing is defined by the Protected Disclosures Act. Your whistleblowing system and policy need to align with the requirements of this act. Have a look at that section of the guide for more information.

Witness protection vs whistleblower protection
It is important to note that whistleblowers can only be protected against occupational detriment through the protections given by the organisation and the Protected Disclosures Act. Once whistleblowers turn into witnesses they can also be protected physically through the Witness Protection Programme. This should be clearly communicated to employees, as there is a distinction between witnesses and whistleblowers as far as protection is concerned.

Who can I contact?
If you want to request witness protection you can contact the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit at the DPSA using witnessprotection@dpsa.gov.za. For more information, see the "Guide for public service employees who require witness protection".

Public Service

Public Service Regulations – Part 3 – Anticorruption and ethics management
22. A Head of Department shall—
c. 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—
    (i)   confidentiality of reporting;
    (ii)   the recording of all allegations of corruption and unethical conduct received through the system; and
    (iii) mechanisms to ensure that employees and citizens are made aware of such system;
d. establish an information system that—
    (i)   records all allegations of corruption and unethical conduct;
    (ii)   monitors the management of the allegations of corruption and unethical conduct;
    (iii) identifies any systemic weaknesses and recurring risks;
    (iv)   maintains records of the outcomes of the allegations of corruption and unethical conduct; and
    (v)   records all gifts accepted by employees as contemplated in regulation 13 (h); and
e. refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

Managing the hotline

Managing the relationship with hotline service providers.

The ethics office may be the unit receiving reports from the external hotline and thus has the responsibility to ensure that the reports received have as much information as possible. Without sufficient information it will be very difficult for investigators to investigate cases.

You must therefore engage with the service provider to ensure that when they receive calls they ask as many probing questions as possible. They need to try and ascertain: What, Who, When, Where, How and Why – and also who else is aware of the allegations they are reporting. If, for example, the reporter is the only one aware, the investigation must be conducted sensitively so that their identity will not be uncovered by a process of elimination.

<u>Educating employees</u>

Employees need to be educated about:

- How to report (what are all the reporting channels available)
- What to report (e.g., distinguish between grievances and ethics reports)
- What information to give when they report (what, who, when, where, why and how)

The quality of reports received will tell you how well employees are trained on reporting. Remember, there might be reporting options such as email and SMS that do not allow for follow-up questions – so employees need to know what information to give.

You will also have to make sure that the whistleblowing process is trusted. Therefore, be transparent with employees about who will be investigating. Sometimes employees think that the external service providers are the ones responsible for the investigation. This is not the case. The external service provider is merely the reporting avenue. The case is then reported back to the organisation who will do the investigation. It needs to be very clear to employees that the investigation is done internally, although it is reported to an external party.

To retain confidence in the system it is crucial to have a solid process in place in terms of how the report will be handled when it comes into the organisation. For example, you may have a rule such as: whoever the accused is, the investigator needs to start the investigation by questioning the employee's superior, which is two levels above them. So, it might not be the immediate superior but the one above that immediate supervisor. This kind of rule gives some assurance to the employees that the investigation process is not tainted and that the investigator will eventually speak to the accused on the allegations.

(It is good practice, if an EXCO member is reported, for the report to go to the independent chairperson of the Audit Committee. They will decide if the investigation should be done internally or independently.)

<u>Allocating the whistleblower report</u>

It is encouraged that the ethics function and the investigation function are separate.

The ethics officer needs to ensure that they go through the report as carefully as possible. The external service provider may not always know the nuances within your organisation, and it is therefore important that you read the reports very carefully to understand what the allegations are and how many allegations there are.

Once you have understood the allegations, the report then needs to be allocated to an investigator. As previously indicated, there should be a case management system where reports are uploaded, and only a limited number of people should have access to the system. The cases have to be regularly updated with the investigation progress. Remember to also update the external service providers so that the reporter can be updated if they call again.

<u>Quality assurance of cases</u>

Once the investigator has completed their investigation the ethics officer needs to go through the initial report as well as the investigation report to ensure that all the allegations have been addressed. For example, if there were five allegations, the ethics officer needs to ensure that all five of those elements were investigated and each outcome of the allegation is stated clearly. There may be a report of misuse of funds, abuse of company resources and fraud. Out of all the allegations it may be possible that only one has merit and this should be captured accordingly. Should there be gaps, the ethics officer needs to return the case to the investigator to address them. It is therefore important to maintain a good relationship with the investigations unit, as the manner in which they conduct their investigation either builds or breaks the credibility of the ethics office.

<u>Trend analysis</u>

It is important to conduct regular trend analysis on the following:

1. The turnaround time of investigations. It adds to the credibility of the office if cases are concluded within a short space of time, depending on their complexity. The ethics office also has to follow up if the case is taking too long and find out reason for delays and offer support.

2. The quality of the reports received. This will inform the awareness interventions that are required. If reports have a lot of missing information, it is important for the ethics officer to continue further awareness raising to show the difference between a good report and a vague report. Vague reports are often unfounded, not because they don't have merit but because they lack important detail.

3. Types of cases reported and where they emanate from. For example, if reports are received repeatedly from one unit with bullying allegations that are founded, this indicates to the ethics office that there is a problem in that unit and an intervention is required. The intervention may not be solely by the ethics office. They can collaborate with HR or the responsible unit.

4. Number of reports received. Try and ascertain why there is an increase or a decline. For example, there may be an increase of reports of employees receiving gifts from external service providers and not declaring them between November and January, which indicates to the ethics office that awareness/ training intervention on gifts needs to be intensified from October. A decline in reports may indicate a lack of trust in the reporting system and the ethics office needs to try and ascertain the reason for the decline.

5. Comparative analysis of the trends and reports received. These highlight where the gaps and successes are. If there is no longer an increase of reports on gifts between November and January, this indicates that the interventions have been successful; however, there may now be an increase of abuse of company time during the festive season, and thus the interventions will have to address the 'new' gap. Comparative analysis gives the ethics office a sense of the trajectory of the culture in the organisation.

6. Outcomes of investigations. The organisation should know what percentage of cases are legitimate and are proven. This trend should be monitored over time.

7. Most used reporting channel. This gives an indication on the preferred channel, and the organisation may increase awareness of the various other channels available to employees.

8. Anonymous, confidential and 'normal' reporting. The decline in anonymous reporting indicates trust in the reporting system and investigation process. The ethics office needs to continuously explain the difference between the two and what measures employees need to take to protect their identity if reported anonymously.

9. **Resolution of cases. It is extremely important not only to track cases up to investigation, but also past the resolution, which can include disciplinary processes and recovery of losses. It is important to ensure that the recommendations from the investigation and the outcomes of disciplinary processes are implemented.**

These trends need to be reported to the various committees or management structures.

Compliance checklist

Public Administration Management Act (2014)	
Issues of misconduct emanating from criminal investigations must be reported to PAEIDTAU and DG: DPSA.	
Issues of misconduct emanating from criminal investigations must be reported to the HoD for initiation and institution of disciplinary proceedings.	
The HoD must report to PAEIDTAU and DG: DPSA on disciplinary steps taken.	

Local Government

Extract from the Municipal Integrity Management Framework

5.4. Whistle-blowing and reporting mechanisms

a) The municipality should have a mechanism to allow for the anonymous reporting of fraud and corruption.

b) As far as practical and effective municipalities should utilise the National Anti corruption Hotline which is managed by the Public Service Commission.

Roles of other parties:

DCoG will, together with the Public Service Commission and other role-players, review the efficacy of the National Anti-corruption Hotline to ensure it provides timely and trusted reports to municipalities.

The possibility should be explored for municipalities to receive reports directly from the Public Service Commission to avoid long communication channels.

c) The municipality must have a whistle-blowing policy in place which at a minimum specifies:
  • Avenues for reporting misconduct;
  • What will happen when reports are received;
  • Commitment to not retaliating against those who report; and
  • Disciplinary consequences for those who do retaliate.

Relevant legislation:

- Protected Disclosures Act (26 of 2000)
- MFMA: Municipal regulations on financial misconduct procedures and criminal proceedings, 2014.
  • These regulations (s.17) require the establishment of confidential reporting procedures and specify to whom allegations of financial misconduct may be reported (s. 9).

The whistle-blowing policy should align with the Protected Disclosures Act and these regulations.

5.5. Community reporting avenues

a) The municipality must create trusted avenues for residents / community members to report corruption or suspicions of corruption.
  • Such avenues may include the use of ombudsmen / integrity commissioners.
  • The MFMA: Municipal regulations on financial misconduct procedures and criminal proceedings, 2014 (s17) specifies that the community must be made aware of confidential reporting procedures in relevant media.

E. Other role-players' responsibilities

Content

1. Investigations

Once corruption or unethical conduct has been detected, it is critical that it be properly investigated. It should be pointed out that investigations is an expert area, and should not be attempted without the relevant knowledge and experience.

Departments have a few options open to them:

- Conduct their own internal investigations, utilising their own specialised and qualified staff;
- Conduct an independent investigation, utilising external service providers, such as forensic investigators, law firms, or accounting firms;
- Referring the matter to the provincial government for investigation; or
- Requesting the Special Investigations Unit to conduct the investigation.

The ethics committee should ensure that an Investigation Policy or Procedure is in place for the organisation.

This guide does not aim to give an overview of the investigations process, as it is deemed outside of the work of the ethics office. That said, ethics officers should use their judgement to determine when a matter needs to be handed over for investigation. For example, if you have questions about someone's financial disclosure, this can perhaps be easily addressed by simply talking to them. If you instead go and give simple matters to investigators it can delay the process by months. So the rule of thumb is to wrap up matters as simply as you can – but don't investigate beyond your field of knowledge.

Local Government

Extract from the Municipal Integrity Management Framework, 2016

6. Investigations

Principles:

- Municipalities must ensure that all legitimate corruption allegations are investigated. They may develop internal capacity, make use of external expertise, or draw on provincial or national expertise.
- There must be transparency about how investigations are dealt with.
- All matters must receive the appropriate level of independent investigation. A multi-agency approach should be promoted.

Remember – it is not the job of officials to investigate councillors, unless they are requested to assist by the Speaker. The Speaker is the one responsible for councillor conduct.

2. Resolution

Successful resolution of matters is the critical last step in the process. It doesn't make sense to invest in preventative work and investigations, if one does not also invest in good resolution capacity.

This is again outside of the scope of the ethics officer, but should be on the eyeline of the ethics committee.

The Municipal Integrity Management Framework refers to the following as ways of resolving cases of unethical conduct:

- Disciplinary action
- Recovery of losses
- Individual accountability
- Criminal prosecutions
- Cancellation of contract
- Prevention of recurrence
- Communication of successes

Collectively, these can also be referred to as consequence management.

Consequence management

The ethics office is not the one responsible for consequence management, however, it is in your interest to ensure that consequences based on the investigations are followed through.

In this case, it is important to have a good relationship with the Human Resources (HR) department (and specifically the labour relations officers) and continue the relationship with the investigators. Investigators are usually responsible for reporting a crime to the police and labour relations are responsible for internal disciplinary processes.

The ethics office should follow up to see if there has been consequence management. The difficulty with internal HR processes is that the reporter will not always be privy to consequences the accused may have received, unless it is a dismissal. For example, the reporter may have believed that the consequence should be immediate dismissal, but the disciplinary process found, in line with policy and context, that that employee should get a final written warning. The reporter may therefore think that no action has been taken, and may lose faith in the process. It becomes important when you update your system for feedback to the reporter that it gives some indication that something was done. For example, the feedback may be: "Investigation has been concluded, and action has been taken", or if there was no wrongdoing, it also has to state that "Investigation was conducted and the allegations were unfounded". Again, this adds to the credibility of the ethics office and the management of the hotline.

There are some instances where the investigation may recommend action and line management or labour relations, or the responsible party, does not institute the consequences of the reports. This poses a challenge to the ethics office, because when there are no consequences, employees get the impression that they can get away with things.

Sometimes it also happens that you receive a report against an employee and because no action was taken, you then receive repeated reports on the same allegation. In these cases, the ethics officer should intervene to highlight the damage/implications to the ethical culture if consequences are not instituted, as this creates a negative perception and highlights the waste of resources when multiple investigations have taken place on a repeated offence by the same employee.

It should again be pointed out that disciplinary action is not the work of the ethics officer. It is the work of management in collaboration with the labour relations officers. They do their work in line with the Labour Relations Act.

When someone faces disciplinary action, the following questions will be asked:

- Was there a rule in place against the action (i.e., was it clear that this action is wrong)?
- Was this rule communicated and therefore known by the employee?
- Has the rule been consistently enforced?

The role of the ethics officer is therefore crucial in ensuring that the Code of Conduct addresses all possible negative behaviours, and that employees are trained on the code.

The ethics officer may also be called to provide evidence in some matters. It is important to align with the labour relations officer for guidance on what information will be needed for successful resolution.

Also be sure to hand over matters to investigators and labour relations officers when the matter moves into their field of expertise.

Remember – as the ethics officer you should always try to remain objective. The purpose of consequence management is to determine the facts, not to find someone guilty.

> **The ethics office should track the completion of all cases that have been detected and keep accurate data on them – <u>especially about how they have been resolved.</u>**

The following extract from the Municipal Integrity Management Framework gives some further guidance on the resolution of matters.

7. Resolution

Principles:

- _Municipalities should ensure the timely, fair and complete resolution of corruption matters. Perpetrators must be held accountable, losses must be recovered and recurrences prevented._

7.1. Disciplinary action

a) The municipality must have competent labour relations capacity to ensure swift, fair and procedural disciplinary action.

Roles of other parties:

The South African Local Government Bargaining Council should review the Disciplinary Procedure and Code to ensure it support anti-corruption efforts.

b) The municipality should make use of trained and experienced presiding and prosecuting officers for corruption cases.

c) The municipality may make use of external capacity where they don't have the internal capability or in sensitive or high profile cases.

Relevant legislation:

The Public Administration Management Act establishes the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit which will, among other things, "provide technical assistance and support to institutions in all spheres of government regarding the management of ethics, integrity and disciplinary matters relating to misconduct in the public administration."

The Unit may perform its functions in respect of: "a municipality with the concurrence of the Municipal Council or upon the request of the relevant Municipal Council, or upon the request of the relevant Member of the Executive Council in respect of an investigation contemplated in section 106(5) of the Municipal Systems Act."

7.2. Recovery of losses

Municipalities must recover all unauthorised, irregular or fruitless and wasteful expenditure.

a) The municipality must recover losses from the responsible individuals in line with section 32 of the MFMA.
   - Council may not write off losses without valid reasons.

Roles of other parties:

The Auditor General should review all losses written off.

b) All losses and consequent steps must promptly be reported to the Auditor General and MEC in line with section 32(4) of the MFMA.

c) Criminal Procedures Act
   - Where criminal matters go to court the municipality should request prosecutors to ask for restitution in terms of section 300 of the Criminal Procedures Act (51 of 1977). The municipality may in this way recover losses without legal fees.
   - The municipality should also explore recovery from the employee's pension fund in terms of section 37D(b)(ii) of the Pension Funds Act (24 of 1956). This can form part of the restitution order described above.

d) Civil recovery
   - The municipality should institute civil recovery proceedings to recover losses due to unlawful acts.

e) Asset forfeiture
   - Where the Asset Forfeiture Unit is involved the municipality must request them to pay recovered proceeds back to the municipality. (This can be done at the discretion of the Asset Forfeiture Unit – alternatively it will be paid into the Criminal Assets Recovery Account.)

7.3. Individual accountability

a) Section 173 of the Municipal Finance Management Act provides for the following people to be held criminally liable in their individual capacity for among other things:
   - Accounting officer – for deliberately or due to gross negligence not implementing certain provisions of the MFMA;
   - Finance managers with delegated responsibilities – for deliberately or due to gross negligence not implementing requirements of their delegations;
   - Councillors – for interfering with the implementation of the MFMA.

b) The municipality should bring criminal charges against individuals who wilfully corrupt the municipality.

7.4. Criminal prosecutions

a) Cases that have been reported to the SAPS must be followed up to track the outcome of criminal prosecutions.

b) The municipality should collaborate with law enforcement agencies to bring about successful prosecutions.

7.5. Cancellation of contracts

a) The municipality should consider cancelling contracts that were fraudulently or corruptly obtained where it is in the municipality's interest. (In line with s.38 of the Municipal Supply Chain Management Regulations.)

7.6. Prevention of recurrence

a) The municipality should take appropriate steps to prevent recurrences of specific types of corruption. The implementation of these steps must be monitored by the Internal Audit Unit.

b) The municipality should report blacklisted suppliers to National Treasury for inclusion in the List of Restricted Suppliers.

c) The municipality should report dismissed employees to the Minister for inclusion in a national database.

7.7. Communication of successes

a) Municipalities should communicate its successes in combatting corruption. This should deter perpetrators and build confidence in the governance of the municipality.

Local Government

Extract from the Municipal Integrity Management Framework, 2016

3. Independent assessment

Independent assessment refers to the role generally performed by internal auditors where they review (or independently assess) the adequacy and effectiveness of the ethics programme.

Internal auditors have a role to play in improving governance in organisations, and this extends to the ethics programme of the organisation – as is shown in the following extract from the Institute for Internal Auditors' International Professional Practices Framework:

IIA – International Professional Practices Framework – Extract

Duties of the internal audit function –

To assess and make appropriate recommendations for improving governance processes, which includes:

- *promoting appropriate ethics and values within the organisation;*
- *evaluating the design, implementation and effectiveness of the organisation's ethics-related objectives, programs and activities.*

(Institute of Internal Auditors, 2016: 12)

Again – this is not the role of the ethics office to fulfil this function. Ethics officers can, however, direct internal auditors to the following resource:

Useful resource

The Ethics Institute released the Ethics Reporting and Auditing Handbook.

This gives guidance to internal auditors on how to assess the organisation's ethics performance.

F. Reporting to stakeholders

The ethics office will have to report to the ethics committee on progress with work. Have a look at the section on information management and reporting for more guidance on this.

Also ensure that there is a section on ethics management in your organisation's annual report.

G. Resource shortcuts

Topic	Generic	Public Service	Local Government
	Constitution		
General	**National Anti-Corruption Strategy, 2020 – 2030**	**Public Administration Management Act, 2014** - Section 4 – Basic values and principles governing public administration - Section 8 – Conducting business with the state - Section 9 – Disclosure of financial interest - Section 15 – Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit **Public Service Regulations, 2016 (Chapter 2 as amended by Public Service Regulations 2023)** - Part 1 – Code of Conduct - Part 2 – Financial disclosure - Part 3 – Anti-corruption and ethics management	**Municipal Systems Act, 2000**, as amended. **Public Administration Management Act, 2014** - Section 4 – Basic values and principles governing public administration - Section 8 – Conducting business with the state - Section 9 – Disclosure of financial interest - Section 15 – Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit Local Government Anti-corruption strategy, 2016 Municipal Integrity Management Framework, 2016

Topic	Generic	Public Service	Local Government
	Constitution		
Ethics Committee		Ethics Committee Guide (DPSA, 2019)	Local Government Ethics Committee Guidebook (TEI, 2021)
Establishing the ethics office/ designating ethics officers	Ethics Office Handbook (TEI, 2018)	Directive on the Institutionalisation of the Ethics Officer function in the Public Service (DPSA, 2024)	
Ethics ambassadors	Ethics Ambassador Handbook (TEI, 2021)		
Ethics Risk Assessments	Ethics Risk Handbook (TEI, 2020)		
Communication material		Downloadable material on whistleblowing in the Public Sector - Twelve emailers. These can be sent out one per month - Four posters - Guidebook on "Reporting and addressing wrongdoing in the Public Sector"	Downloadable material on whistleblowing in the Public Sector - Twelve emailers. These can be sent out one per month - Four posters - Guidebook on "Reporting and addressing wrongdoing in the Public Sector"
Conflict of interest management and financial disclosures	Conflict of Interest Handbook (TEI, 2023)	2016 Public Service Regulations - Part 2 Guide on the prevention and management of conflicts of interest in the public service (2023) Directive on other categories of employees designated to disclose their financial interests (2021) Directive on other remunerative work outside the employee's employment in the relevant department (2024) Directive on conducting business with an organ of state (2024) Guide and procedures on managing conducting business with an organ of the state	The Code of Conduct for Municipal Staff Members is contained in the Municipal Systems Act, 2000, as amended
Gifts		Guide on Managing Gifts in the Public Service (DPSA, 2019)	
Financial dis-closures		Explanatory manual – My guide to completing the financial interests disclosure form	
Lifestyle reviews and lifestyle audits		Guide to implement lifestyle audits in the Public Service (DPSA, 2021)	

Topic	Generic	Public Service	Local Government
	Constitution		
Whistleblowing Establishing safe reporting channels	**For organisations who want to set up whistleblowing systems:** See the Whistleblowing Management Handbook (TEI, 2020) **For those responsible for receiving reports of misconduct (e.g., managers or ethics officers):** See the Whistleblowing First Responder Guide (GIZ, 2023) **For employees who are considering blowing the whistle, or are afraid of retaliation:** See: - Whistleblowing Non-retaliation Toolkit (TEI, 2022) - Reporting and addressing wrongdoing in the Public Sector (DPSA, 2025) Protected Disclosures Act, 2000, as amended.	Guide on the reporting of unethical conduct, corruption and non-compliance to the Public Service Act, 1994 and Public Service Regulations, 2016 in the Public Service (DPSA, 2018) Guide for public service employees who require witness protection (DPSA, 2024)	
Investigations			Municipal Systems Act, 2000, as amended. - Section 106 on Non-performance and maladministration (Talks about MEC's responsibility to investigate corruption in municipalities)

Conclusion

The work of the ethics office may appear to be rather daunting – but, as the saying goes, you eat an elephant one bite at a time. We hope this resource is useful in this regard, as it breaks down the work of the ethics office into manageable chunks. Don't try and do everything at once. Get to grips with one thing and then move on to the next.

Important to also remember is the importance of relationships. There are many committed public servants who share your desire of wanting to make the public sector a more professional and ethical environment, and who would be willing to assist you. By working with all the role-players indicated in this guide, your work will be made a lot simpler.

Finally, remember the big picture. The overall intention is not only to establish good compliance processes, but rather to build a professional ethical culture. We want to make a public sector that citizens trust, and that employees want to work in.

Good luck on this journey!