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**INSTITUTIONAL CHALLENGES IN MANAGING MISCONDUCT IN
LOCAL GOVERNMENT: CASE STUDY OF AMAJUBA DISTRICT
MUNICIPALITY**

By

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DEDICATION

This dissertation is dedicated to none other than Almighty God who saw me through this difficult journey.

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I want to use this medium to sincerely acknowledge the Almighty Jehovah for His grace and favour throughout my study. To my supervisor Professor P.S. Reddy I also acknowledge, for the guidance and professional advice without compromising the acceptable standard. I cannot forget the kind support and encouragement from my family members, friends and colleagues at Amajuba District Municipality, KwaZulu-Natal Province.

ABSTRACT

The post-apartheid regime in South Africa confronted diverse challenges in a bid to ensure optimum service delivery, at the level of local government administration, to citizens with heterogeneous cultures. Successive governments over the last two decades formulated policies for national economic recovery and redistribution of national wealth. Such efforts also include enacting a legal framework for the Code of Conduct at the municipal arm of government. Such enactments are geared toward defining good governance, accountability, and transparency in public governance for the purpose of ensuring redistribution of wealth, exhibiting professionalism in delivery of service and increasing value for money, to satisfy the needs of South Africans. For instance, in the local municipal sector of the economy, the well-being of the citizens, particularly, the poor masses, are considered as significant to good governance. It is however disheartening that despite government efforts at ensuring good governance; the major impediment remains the issues of misconduct, maladministration and malpractices in the public service. This research among other things is positioned to determine the legislative and policy framework for official misconduct as well as determining the institutional challenges in managing misconduct in local government administration. Such knowledge could provide the municipal management with information on how to deal with workplace discipline in public service.

Consequently, the study is conducted using Amajuba District Municipality as a case study. Amajuba District Municipality is located in Northern KwaZulu-Natal, South Africa. The study explores the information obtained through primary and secondary sources to answer the research questions that are generated in the study. For instance, the primary source of data includes the use of a self-administered questionnaire to obtain quantitative data from one hundred and twenty three (123) staff members and three directors interviewed from Amajuba District Municipality. Similarly, the secondary sources of data are obtained from existing documentary evidence, legislation and laws. The study also engages the use of descriptive statistics, mean and standard deviation, frequency, table or graph and Chi-square using SPSS (version, 24), to determine the ethical conduct mechanisms in the municipality and the significance for municipal service administration. The rationale is to explore acceptable ethics in practice and minimum standards that can regulate the conduct of municipal functionaries. The study is also aimed at determining the respondents' experiences and perceptions regarding misconduct, especially exploring whether they are significantly different in their opinions. The research also determines the extent

by which the local government functionaries comply with the tenets of Code of Conduct as enshrined in the in 1996 Constitution of the Republic of South Africa. Preliminary findings indicated that the respondents were significantly different in their opinions along demographic characteristics, like: gender, age, race, home language and educational qualifications of the staff.

The most important lesson learnt in this research is that, besides the Code of Conduct legislation and other legal frameworks guiding the operations of the local government, the issue of human behaviour, leadership by example and the application of appropriate disciplinary measures are significant to managing misconduct in South Africa. The results also indicated that, inadequate enforcement of the Code of Conduct among other factors as behind misconduct and maladministration in the local municipality. The results also indicated that individual staff members have in-depth knowledge of the responsibilities conferred on them in dealing with misconduct in the course of discharging their official duties. The findings also revealed that members of the management team showed a significant disposition towards attending to only less serious misconduct issues while the serious cases are referred to other statutory agencies of government for appropriate actions. The study therefore offers strict adherence to the tenets of Code of Conduct as the possible solutions to deal with workplace misconduct. In conclusion the study suggests recommendations which are:

- Enforcement of ethics education in local government;
- Encouragement of staff training and capacity building;
- Consistent and equitable enforcement of the code of conduct;
- Senior Management to lead by example in ensuring compliance with the code of conduct;
- Implementation of appropriate sanction for the contravention of the code of conduct;
- Consultation of staff members to ensure understanding of the applicable code of conduct and the corrective action in instances of contravention of the code of conduct;
- Adequate recruitment and vetting of staff;
- Adequate funding, access to data as well as monitoring and evaluation.

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CHAPTER ONE

THE NATURE AND SCOPE OF THE STUDY

1.1 INTRODUCTION

In recent times, advocacies on local government inclusiveness and participation in national development have received global attention. This is closely associated with the argument that national development requires full involvement and participation of grassroots politics (Governder and Reddy 2012:73; Reddy 2016:5). For instance, the process of managing official misconduct in public governance, particularly at the level of local government administration, is one research area which has received global attention in recent times. The significance is due to alleged non-compliance to ethics and code of conduct guidelines in the operations of local government administration, which have remained a challenge both to government and citizens (Ambe, 2012:249; Ababio and Vyas-Doorgapersad, 2010:422). Similarly, such challenges at the level of municipal administration in South Africa is not an exception, especially the reluctance or failure of line managers to implement the prescribed discipline to erring employees according to minimum ethical requirements (Preston, 2007). There is a practical gap in the management and integration of ethical practices in a way that guarantees effective service delivery as well as value for money. The management of misconduct in public service remains a major challenge in the administration of local government and matters affecting official relations.

In practice, Fenley (1998:349) explains that public administration like local municipalities recognised the significance of formalising disciplinary procedures in governance, in such a way that guarantees service delivery. Fenley (1998) further likens the perceptions as to what constitutes good official relations to the specific organisational goals being pursued and the values underlying the attainments of such goals. Similarly, Dobson (1982) also explains the fact that “little attention has been paid to the criteria which can be used to adjudicate whether the industrial relations of a firm or industry are good or bad”. Such understanding provides further concerns such as when can an official be dismissed and, if so, how should this be done? Such questions have been identified as issues confronting employers, officials and their advisors in the course of managing misconduct in public governance.

For instance, the South Africa Constitution of 1996 mandated the Public Service Commission to promote high ethical standards and professionalism in public governance. Section (152) of the Constitution in particular spelt out the need for provision of democratic and accountable governance at the level of local government administration (Govender and Reddy 2012:72). The idea is to ensure effective service delivery in public service as well in facilitating local economic development (Reddy and Wallis, 2013:71). Consequently, Code of Conduct legislation for public service was passed into law in 1997. As part of sensitization and awareness creation, the tenets of the Code of Conduct law in public governance was promoted through seminars/workshops, which were held at provincial and national levels of government. The purpose of these workshops was to create better understanding and application of the legislation as well as the practical guides towards implementation.

The Code of Conduct became a significant measure for the administration of good governance and ethical conduct in public governance. In 2002, an explanatory manual was developed to provide relevant information on the Code of Conduct in Public Services which also includes the participation of the government officials who are working at the public service sector in South African government. The Code of Conduct equally specifies the issues, which constitute respect for human rights, probity, accountability and transparency in public administration. Other issues, as specified by the code, include individual conduct, ethical standards and personal interests in public service. The code also narrates in a clear form the kind of relationship that should exist between public officials among which are the legislature and executive in the local municipality. The relationship among other things also includes the interaction between the general public, officials and government. The code stipulates how the employees of government should behave and interact with the citizens while discharging official duties. For instance, paragraph C.4.8 provides that while performing official duties, public officials must show high level of integrity, honesty and accountability in the course of handling public financial resources. Chapman (1993:18) argues that:

“...a code of conduct is necessary to promote public trust and confidence in the ethical performance of public officials, to decrease, and if possible, to eliminate, unethical practices by discouraging and punishing them, to legitimise the imposition of sanctions for unethical behaviour, to sensitise both current and aspiring public officials to the ethical and value dimensions of bureaucratic decisions, reduce uncertainty as to what constitutes ethical or unethical behaviour, to develop skills in the

analysis of ethical and value issues, to assist public officials, to resolve ethical and value dilemmas, and to promote moral development.”

The main objective of the Code of Conduct legislation according to the *Local Government Municipal Structures Act 117 of 1998*, is to promote responsible behaviour of the public officials and good governance. According to Reddy (2016), good governance denotes the best process which involves formulation and implementation of decisions in public governance. Similarly, a Code of Conduct stipulates guidelines on how public officials should relate with the citizens and the elected government officials. This also includes how the officials relate with the general public as well as provisional guidelines for exercising discretionary power while performing official assignments. In a related discussion, Ndudula (2013) affirms the need for the conduct of public official to conform to the minimum standards, the basic principles and practices governing public administration. In line with the “Public Service Coordinating Bargaining Council Resolution No. 2 of 1999”, it is averred that all public service officials are saddled with the responsibility of adhering to prescribed Code of Conduct, as a measure upon which official disciplinary and other corrective measures revolve.

The employers on their part also have the responsibility of ensuring proper education of staff members on the significance of the Code of Conduct in managing workplace misconduct among public officials. Officials are also expected to be informed of the consequences when the Code of Conduct guidelines are violated. Such measures explain the discipline awaiting public officials when provisions of Code of Conduct are contravened. As a measure of managing misconduct, section 18 to section 27 of the Public Service Law Amended Bill 1997 spelt out how individual public officials are dealt with in line with the provisions of Code of Conduct legislation.

According to Ndudula (2013), the provision of the Labour Relations Act 66 of 1995 was considered to be short of the specific guidelines as to how officials in the public service should be disciplined, hence, the responsibility of the local municipality include how to implement the guidelines in accordance with the statutory legislation. The idea is to protect the rule of law in the context of lawful and unlawful dismissals. Consequently, Resolution No. 1 of 2003, which sets out appropriate disciplinary procedures in dealing with official misconduct, stipulates how acceptable conduct in the public service is realisable. The idea provides both the government and employees of government with quick and easy reference to

disciplinary codes as appropriate. Such provision also provides public officials with common knowledge of how misconduct matters are managed in public governance.

The disciplinary code and procedures, therefore, explain that the idea of enforcing discipline in public governance is to serve as deterrent measures as against being viewed as a punitive measure. Disciplinary measures are expected to be applied promptly, fairly, consistently, and progressively by management as a way of curtailing misconduct among public functionaries. It is therefore noted that despite the Code of Conduct enactment in public service, most public officials are found to be in the habit of conducting themselves in a manner that negates the acceptable standards in line with the requirements of the Code of Conduct.

The research is motivated by the view that despite the enactment of the code conduct at local government level in South Africa, the ethics in practice among municipal functionaries remains contradictory. For instance, studies in the recent time have shown high levels of corruption, maladministration and indiscipline through reported cases of public governance, especially at the local government administration (Ambe, 2012; Govender and Reddy 2014). The breach of codes of conduct by both local government councillors, line managers and other functionaries, appears to be endemic in the 21st Century. All these issues revolve around the guiding research objective of this study, which seek to define those institutional challenges confronting the management of misconduct in local government administration, using Amajuba District Municipality, KwaZulu-Natal Province as a case study.

This research explores relevant literature and past studies to develop an understanding to the issues of institutional challenges in the context of implementation of ethics and good governance at the level of local government administration in South Africa. This will also include exploring the concept of the Code of Conduct and ethics in public administration using consequentialism, deontology and virtue theories to address the research objectives of the study. The aim is to define the theory and identify which one could be appropriate to local government administration, considering the cultural and political structure of the country. There appears to be no specific ethic or code that applies to all people as people tend to differ along heterogeneous lines. Understanding these theories could provide the virtues and models to manage the state of indiscipline in public governance.

The other areas of focus in this study relate to issues such as the policies on misconduct, roles of line managers in minimising such misconduct, the institutional challenges towards managing the official misconduct as well as proffering solutions as part of strategy to deal with official misconduct in the workplace. Apart from the legal perspective, the study also determines the nature and behaviour of the functionaries at the local government along their cultural background, religion, race, educational qualification and language. The findings would allow the study to determine how the individuals differed in the opinions. Understanding such similarities or dissimilarities could be of significant benefit to the line manager in promoting discipline among staff along their individual demographic characteristics. The political efforts on the part of government who have enacted the relevant framework for managing misconduct is an indication of the commitment of government to ethical standards, good governance, transparency and accountability. The guiding frameworks stipulate the guidelines for dealing with misconduct in South African local government administration.

1.2 BACKGROUND TO THE STUDY

In the recent years, research on ethics and the implications for organisational behaviour have received significant attention in the literature. The concept appears strongly evolving, but shrouded not only in controversy but speculation as well. For instance, Kidder (1997:240) explains that ethical consideration is accorded less importance. Lloyd and Mey (2010) warn that *“the society is raising a generation of people without their own built-in sense of ethics”*. The Republic of South Africa as a nation is not exempted from this increasingly pervasive moral decadence. The occurrences around the country indicate consistently reported cases of misconduct not only by ordinary citizens, but also among people in the positions of authority in the community.

Although the word *ethics* means different things to different people while the application differs across different contexts, the meaning as applicable in this research is used as ethical conduct or moral standards. With specific reference to the Republic of South Africa Constitution of 1996, the minimum required standard or formal guidelines for the conduct of public officials are expressly defined and enacted. The Constitution of South Africa 1996 stipulates the direction or course of action public office holders are to adhere to while discharging their official assignments. It is however noted that such enactments in the

Constitution often contain some grey areas and as such ethical standard requires total compliance to Code of Conduct for the purpose of achieving an egalitarian South Africa. The implication is individual conscience as a critical check point when measuring moral standards. The issue of morality becomes a subjective discourse.

In a related development, as a strategy to avoid moral ambiguities and double standards in public governance, it is noted that adequate advocacy and education are required towards achieving moral uprightness (Blakely and Leigh, 2013). The issue of education and awareness creation requires an early age orientation as well as sensitisation in the philosophical aspects of morality. More importantly, such level of orientation is a continuum on the basis of the need for an on-going learning process. This also takes into cognisance the need to instil orientation on staff members about issues that constitute ethical and unethical conduct. It is on this note that the study provides general background information about the study, the selection and justification for the chosen research strategy as well as guiding theoretical framework. As part of the discussion, issues which include the nature and philosophical background of this study, the problem statement of this research, the research objectives as well as adopted research methodology, are discussed under the overview of the chapters.

The first background information is that *the "Local Government Municipal Systems Act No. 32 of 2000"*, provides that public officials at the level of local municipalities have the mandate to serve the interests of local communities in the municipal councils in such a way to guarantee effective service delivery in line with the constitutional mechanisms for accountability to the various local communities. As a measure to cater for community interests as priority, local government functionaries are expected to provide equitable services, sustainable as well as cost effective, in a bid to serve the various communities. For instance, as a strategy to ensure accountability in governance, the elected officials at the local government are required to be accountable while discharging the official duties. It is a legislative requirement that such government functionaries provide at least a quarterly report of their stewardship in the context of established benchmark and indicators for performance. The results are measured alongside the key performance indicators in accordance with the prescribed service delivery.

In the same vein, the provisions of the *Local Government Municipal Structures Act No. 117* of 1998, Section 19 emphasises the significance of the Code of Conduct in managing the ethical conduct of government functionaries. Accordingly, the code prescribes that public officials at the local government level shall be required to execute their constitutional mandate to the respective communities and the general public in a way that ensures the achievement of government objectives. More importantly, the provision of the Code of Conduct legislation stipulates the measures that are required for dealing with cases of unethical conduct ever increasing in the public services, local government in particular. Carrim (2010) advises that a change in human attitude is an antidote to promoting professionalism and positive ethos in public governance within local government services in South African. According to Reddy and Wallis (2013), the issues of reorientation and attitudinal change among public officials are sacrosanct toward achieving ethical environment in public service. The implication is that reliable evidence is required to show that officials of government exhibit ethical standard mostly in all of the official dealings with the public.

As much as these ethical requirements are clearly enshrined, gaps still exist about the awareness between the details of standard conduct required from public office holders and the disciplinary measures appropriate for non-compliance. Such inadequacies pose a serious threat to accountability on the part of local government functionaries as well as the knowledge of how best to handle unethical practices, including acts of indiscipline severally reported across the strata of government. The implication is the fact that public officials have to be seen as the custodians of ethical standards and compliance. Arising from all these background information, the motivation as well as the rationale for this research study is set out in the next sub-heading.

1.3 THE RATIONALE FOR THE STUDY

The research rationale is premised on the understanding that public officials need to exhibit high levels of integrity and impartiality in the course of their official duties. Investigations reveal that misconduct at the level of public administration such as local government, erodes public confidence and trust in government. The public expectation is that of strict adherence to minimum ethical standards by government officials. Similarly, the expectation includes the understanding that workers in the public service should display high levels of ethical

behaviour in a way that guarantees efficient service delivery and good governance. Public institutions have the responsibility of serving the populace with the guide of Code of Conduct. The results of unethical practices lead public institutions to the situation of poor governance, maladministration and unsatisfactory service delivery to the general public (Reddy and Wallis, 2013).

Understanding how the public officials conduct government business is a point of interest to the general public. This is because the general welfare and service delivery performance impact at the local government is closely associated with the extent of the use or abuse of administrative discretion. The implication is that an atmosphere for accountability must always be established for officials at the local government level. The expectation of every community is that public officials must be honest, just, fair as well as professional while conducting government business. Furthermore, public governance is a product of environmental values which are: political, ideological, social, cultural and historical, which all affect the public administration sector (Reddy and Naidu, 2012).

Consequently, the significance of the study is to provide insights on issues of adherence to guiding code in relation to the compliance of municipal functionaries. The understanding provides the platform to determine the extent to which the officials at the local municipality perceived the relevance in the cause of managing misconduct in public governance. In a study conducted by (Blakely and Leigh, 2013), the investigation revealed a positive relationship between organisational compliance to work ethics and effective work performance of public servants. The implication is that local government administrations in South Africa require public functionaries who are loyal to the tenets of the Code of Conduct in the discharge of their official duties. The officials of the public service are expected to be equipped through the introduction the Public Protector institution. Such understanding according to Zikhali (2005), citizens end up not to trust government when little or no information about government programmes and policies are made available.

The inference is that issues such as 'ethical standard in the context of ethical conduct' and ethics are significant in managing accountability and trust at the level of public administration. Arising from this mind set, this study is designed to establish effective

measures that address an upward trend in corruption and unethical conducts in the context of public services in South Africa. This measure is designed in a way that allows identifying those activities that are morally right or wrong could provide leeway by which misconduct can be dealt with at the level of public administration and management. The study will therefore seek understanding to determine the extent of acceptance of the Code of Conduct and the application to diminish misconduct among public servants. Arising from these backgrounds, this study is aimed at determining the attitudes of public officials in the context of the Code of Conduct implementation in administration at the level of local government. The study is also positioned to add to the existing body of literature and theorising managing misconduct through the application of the Code of Conduct in public governance.

Of further significance of the study to academics is the scholarly contribution to information and knowledge in the areas of ethics, policy as well as public governance. The issue of a framework for managing misconduct has been of greater interest to researchers and scholars of public administration studies. Similarly, the focus in this study is beneficial to developing theories as well as testing the theories in the context of local government administration. The findings could be significant in providing the leeway for policies formulation, implementation and control within the local government administration starters. Such knowledge can be useful in the prevention and control of corruption and unethical conduct in public services. The study therefore has the potential towards establishing the extent of compliance with the Code of Conduct legislation in local government. The importance of the study is that it will be of benefit to the government of South Africa and Africa as whole in a bid to strengthen ethical leadership and good governance in the public service. The first step taken in this study is to determine those gaps in the existing literature, which are points of interest to this research as discussed in the next sub-section.

1.4 STATEMENT OF THE RESEARCH PROBLEM

The perception of the citizenry of the government relates to how public officials conduct themselves in the course of doing government business. For instance, the extent of compliance to the acceptable minimum standards during official assignment appears to be of fundamental importance to good governance and service delivery. To a large extent, the public officials are expected to comply with ethical standards and behaviour as part of measures to attract confidence in government. The officials are also expected to be fair, just

and impartial to all categories of the people, irrespective of individual status and personality (Ababio and Vyas-Doorgapersad, 2010: 412). Such expectations are usually embedded in the Code of Conduct which outlines the expected conduct of the government functionaries. In the recent times, the administrations of municipalities in South Africa have witnessed cases of misconduct. Many of these cases ranging from bribery and corruption, stealing public fund, fraud in governance, forgery of annual leave, habitual absenteeism and other criminal offences, are noted to have been reported at the level of regional offices, for the necessary disciplinary measure. In the course of enforcing disciplinary measures, service delivery on the other hand is affected. For example, service delivery is mostly affected at the time when the erring officials are placed on suspension at the time when investigations and disciplinary hearings are being conducted.

For instance, various unethical practices reported at the level of local government administration have increased in recent times in contemporary society (Ababio and Vyas-Doorgapersad, 2010:415). Such happenings in the corridors of power are gradually eroding the confidence of the ordinary citizens in public administration. The mind-set among most public officials is primarily geared toward personal gain, rather than what is best for society as a whole. The antecedent is the conduct of most public officials at the local government council i.e. elective representatives, managers and staffs desire to compromise the standards and seek to gain undue advantage at the expense of the general public. Such windows for misconduct are created as a result of the increased bureaucracy of government policies, centralisation and complexity in the operations of government. The reported cases of public officials engaging in activities to seek benefits or rewards outside of government have suddenly become the order of the day. In some cases, some public officials may demand financial or physical rewards for providing services to the public, thereby using their positions for private benefit (Reddy and Wallis, 2013). The detrimental effect is low rating in the context of public image of the public governance. It appears there are mounting calls for accountability and good governance, while the level of public confidence seems to be gradually eroding.

The Public Services in South Africa specifically at the local government level, are characterised by a variety of irregularities as well as sharp practices. The level of reported cases and allegations of unethical conduct among municipal officials have been on the increase in the recent times. Such development has been generating widespread concern in

public administration. Searching for ways out on how such menace could be addressed has remained critical in public administration research. Research about ethical standard, promotion and maintenance in public service has attracted attention in the Republic of South Africa. For instance, most municipal functionaries appear not to adhere to the tenets of the *Local Government Municipal Systems Act* (Act 32, 2000), which provides for the delivery of equitable, effective and sustainable services to the general public. This is attributed mainly to a lack of organisational commitment and skills required by personnel in the context of ethical practices in public administration. According to (Blakely and Leigh, 2013), this lack of understanding of basic principles and practices in governance and public administration has resulted in the widespread malpractices and loopholes, unethical conduct and corruption, as well as various forms of fraud in public governance. The municipalities within the KwaZulu-Natal province are no exception.

For instance in February 2006, a case was reported about one district municipality in KwaZulu-Natal, where a personal assistant of a Chief Financial Officer (CFO) compromised his official duties. The CFO provided assistance to a syndicate to access privileged information of financial administration system regarding the award of a contract. The detailed information, were later used to the advantage of the syndicate, who obtained four supplies under false pretences. Payment transfer through Electronic Fund Transfers was made to the fraudster's account, worth over R6.3 Million (Anti-Corruption Task Team, 2013). In this process, four individuals involved in the fraudulent acts were convicted by the state prosecution. Among the punishments was the confiscation orders issued on 25 April 2012 and 10 October 2012 of property illicitly acquired by the accused through the proceeds from the fraud. The total amount confiscated in 2012 was R2.8m. A similar scenario was included in a study by Binza (2010), who identified misconduct and institutional framework as among developmental challenges in local government administration in South Africa. It must be noted that research that investigated the issue of misconduct and how instructional framework could be strengthened in the local government services are scanty in the literature. There is no known study that investigates the issues of institutional challenge in management of misconduct among staff members of Amajuba District Municipality in KwaZulu-Natal Province.

This study is therefore aimed at identifying those factors in the municipality responsible for most misconduct at the level of local government administration and the institutional

challenges to managing such misconduct from the point of view of determining ways to mitigate the trend in the public service. This research area in the context of the administration of municipality in Kwazulu-Natal province appears scanty or non-existent in the literature.

1.5 RESEARCH OBJECTIVES

This research study aims to investigate the implication of managing misconduct in local government in South Africa. Furthermore, the specific objectives of the study are:

- To determine the causes of misconduct in Amajuba District Municipality;
- determine the role of management in dealing with workplace discipline in Amajuba District Municipality;
- To explore challenges facing efforts at managing misconduct in Amajuba District Municipality;
- To investigate the understanding of code of ethics within Amajuba District Municipality;
- To determine availability and effectiveness of policies on discipline in Amajuba District Municipality.

1.6 RESEARCH QUESTIONS

In the course of this research study, the research questions that will be considered are as follows:

- What are the causes of misconduct in Amajuba District Municipality?
- What role does the management play in dealing with workplace misconduct at Amajuba District Municipality?
- What are the challenges facing efforts at managing misconduct in Amajuba District Municipality?
- How is the code of ethics understood in the context of local government in Amajuba District Municipality, KwaZulu-Natal Province?
- What policies exist on workplace discipline in Amajuba District Municipality?

1.7 SCOPE OF THE STUDY

As explained under the problem statement, despite the introduction of the Code of Conduct which is aimed at regulating the conduct of public servants in government, the issues of misconduct and unethical practices in public governance remain a noticeable challenge in South Africa. There are reported cases of unethical practices and corruption perpetrated by municipal personnel and councillors ((Blakely and Leigh, 2013). The study is aimed at exploring effective strategies in managing misconduct at the level of local government administration. Causes of misconduct will also be investigated, while the impact will be determined in the context of service delivery in local government. Furthermore, the study is also designed to spell out the role of management as well as the mechanisms in place for dealing with non-compliance to the Code of Conduct in the workplace, especially at the level of the local municipality. The study includes a literature review whereby views of different scholars and researchers will be explored with regard to the chosen topic. The study will further focus at reviewing previous researches in a bid to determine past empirical findings. The study is poised to adopt a mixed quantitative and qualitative research design to address the stated research objectives.

There are nine provinces that make up the Republic of South Africa, each with its own provincial government. The provinces are also governed differently along geographical location by inhabitants occupying a particular territory. These provinces are not totally independent; rather they are controlled under the authority of the government at the national level. For the purposes of this research a focus will be the province of KwaZulu-Natal Province, which is one out of the nine provinces in South Africa. The province of KwaZulu-Natal comprises eleven government departments and ten district municipalities and one metro (Ethekwini). These districts are further divided into 43 local municipalities. On the other hand, the government departments in the province of KwaZulu Natal are categorise differently as: Office of the Premier; Agriculture and Rural Development; Arts and Culture; Community Safety and Liaison; Education; Co-operative Governance and Traditional Affairs; Economic Development Tourism and Environmental Affairs; Health; Human Settlement; Provincial Treasury; Public Works; Social Development; Sports and Recreation and lastly Transport.

One of the districts, Amajuba District, is selected for the study. Amajuba District Municipality is surrounded by the following areas: Gert Sibande in Mpumalanga province,

Zululand, and Thabo Mofutsanyane in the Free State. Similarly, the district comprises the following local municipalities comprising Dannhauser municipality, Emadlangeni municipality and Newcastle municipality. This study reviews the adoption and implementation of the Code of Conduct with specific reference to KwaZulu-Natal Province. The scope of the study will be to determine theories related to the application of Code of Conduct in public administration and the effects on ethical behaviour of organisational employees (Binza, 2010; Zikhali 2005:163).

1.8 RESEARCH DESIGN AND PARADIGMS

This research will employ documentary review of primary and secondary source documents including books, journal articles, policies, government publications, statutes, case law, theses and electronic materials. The aim is to outline the key values and interests which underlie the existence and fundamentality of the need to adhere with the *1996 Constitution of South Africa* and related legislation formal guidelines for ethical conduct for employees in the public service. This dissertation also applies a qualitative case study methodology. This approach is important in this study as provision of basic services and maintenance of ethical conduct at a local government level is an inter-departmental and inter-governmental competency whose success depends on co-operation between national, provincial and local governments; and coordination of various government departments.

As a result of the nature of this research, a methodological paradigm that combines the use of quantitative and quantitative research strategies will be adopted in this study. Muijis (2012) describes such a paradigm that allows the combination of the duo of quantitative and qualitative research strategies as appropriate in contemporary management and behaviour control research such as this study intends to investigate. The data obtained from the study, in addition to data from official gazettes and other reliable published sources, will afford the information obtainable through these strategies to be triangulated. Hussein (2009) explains data triangulation as a process that involves a combination of multiple methods in the study of the similar phenomena, to address the identified research problems. By implication, a mixed method will be applied to seek to understand the arrays of misconducts that exist in the public service as well as the measures put in place that mitigate malpractices in the public service, in line with the international best practices. Creswell (2014) describes a mixed-

method approach as combining quantitative and qualitative research techniques to seek to understand the phenomena under investigation. Mixed method is relevant in social and behavioural research with greater significance in elements of the public administration.

The use of a qualitative approach in this research provides a framework that allows inductive research model. This methodology is found to be appropriate employing such research strategy intended to provide such understanding to different dimensions of studied phenomenon or subject matter (Merriam 1998). This approach is congruent with the 'bottom-up analysis' that places weight on the views and lived experiences of the recipients of policy implementation. Nevertheless, a top-down quantitative approach was also used to analyse factors that relate to policy objectives, resources and socioeconomic factors (Merriam 1998) so as to benchmark policy goals and targets.

An exploratory case study was used in this research through a process that seeks to analyse some entity in qualitative and comprehensive terms over a period of time (Wilson, in Merriam, 1998:29). This qualitative case study is chosen for its novelty as no previous research with the same focus has been conducted in South Africa before. This type of case study is used to answer questions that seek to explain the presumed causal links in real-life interventions that are too complex for a survey or experimental strategies.

A questionnaire will be administered to conduct semi structured interviews. Semi structured interviews as adapted (Fontana and Frey 2005, Longhurst 2005, Marshall and Rossman 1995), will be conducted with key informants. A total of one hundred and twenty-three (123) respondents constituted the target population in this study, out of which ninety (90) participants completed and returned the interview questionnaire, representing 73% of the total population. Similarly, only eighty-two (82) of the returned questionnaires were validly completed by the local government functionaries, which translate to a response rate of 67% of the given respondents. Eight (08) other questionnaires represented 7% of the sample population; either returned the questionnaire empty or cancelled the contributions after the completion of the questions.

1.9 LIMITATIONS OF THE STUDY

It is a bit difficult to define the word ethics in a specific way. Ethics is a sensitive matter of discussion and description in empirical studies. In an attempt to interpret ethics, caution has to be taken. This is in recognition of the fact that names of individuals who participate in research on ethics be maintained as anonymous. The essence is to ensure that the rule of privacy is adopted to protect the right of individual participants. It is also expected that adequate caution must be taken in the course of interpreting and discussing the research findings, so as to guarantee the anonymity of the research participants. Given the sensitive nature of this research, however, one may not be able to guarantee the extent of data that could be achieved in the course of this investigation. However, through anonymity and confidentiality being ensured, the collection of adequate data which is reliable, valid and consistent stands achievable.

The available records indicate the available nomenclature to have included 'public servant or public official'. In the recent amendment to the *Public Service Act 147 of 1999* this nomenclature is emphasised. In this research, the term '*municipal functionary(s)*' will be used for the sake of consistency. The Code of Conduct nomenclature as outlined in the *Local Government Municipal Systems Act 32 of 2000* and the *Local Government Municipal Structures Act 117 of 1998* are therefore the adopted entities in this study.

Another limitation to this study is the issue of case research design and the extent by which the research findings can be generalised. A study conducted in a local government district such as Amajubal cannot assume representativeness of all other districts outside the study area. The implication is that the findings of this study can be best considered within the context of the study area (Descombe, 2010). A similar contemporary study might therefore be required from other municipalities in the country, for determining those institutional challenges to managing misconduct based on the style of administration, cultural practices as well as other demographic characteristics as applicable.

1.10 DEFINITION OF CONCEPTS

The study provides definitions of the concepts that feature in the research as follows:

1.10.1 Absenteeism

Absenteeism connotes the habit or failure of workers to report at the official duty posts. According to Grogan (2007:291-292), absenteeism occurs when workers deliberately stay away from office or the complete physical absence of officials from the workplace. This is also a situation when workers are at work but not at official duty posts.

1.10.2 Conflict

Conflict relates to antecedent conditions which are generated to disagreement in individual behaviour or point of interest (Siegle and O'Mahoney, 2006). Conflict also can also arise as a result of policy differences, objectives and goals as well as scarcity of resources. Thomas (1976:891) also explains conflict as frictions arising from the perception of one party of visible frustrations or noticeable opposition to set goals.

1.10.3 Corruption

Corruption involves taking advantage of the official position at the expense of the public. It can also be explained as individual or groups of people, who take advantage of his or their official position/s with the aim of abusing their public office position for financial personal benefit. The public services Anti-Corruption Strategy of 2004 describes "corruption as any conduct or behaviour in relation to persons entrusted with responsibility in public office which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves or for others". The act of corruption relates to behaviour which deviates from standard code of conduct of public office holders by creating advantage for family, close private clique, with the purpose of extending personal or private advantage. (Reddy and Naidu, 2012) also described corruption as any action that violates the established rules or the act of compromising official position to attract undue influence contrary to the standard procedures.

1.10.4 Discipline

Discipline is a kind of corrective measure that regulates human behaviour for any wrong doing. It is also a way of supervising personnel in correcting the abnormalities or deficiencies in behaviour. The aim is to ensure strict compliance to the standard or rules of engagement. Most of the time, the disciplinary actions are adopted to penalise an individual or group of people as a response to the behaviour found unacceptable or contravening the already established code of conduct of any given organisation (Bezuidenhout, Garbers and Potgieter, 1998:199). The idea is to encourage, promote, assist or force employees to comply with goals and objectives of a company. This intervention can be by way of training, counselling, warning, verbal reprimands or final written warnings for any serious official misconduct. Formal disciplinary action is also described by Salamon (1992:592) as any “action taken by management against an individual or group who has failed to conform to the rules established by management within the municipality”.

1.10.5 Fraud

Fraud involves taking undue advantage of a system or process by compromising standards for personal gain. Fraud also involves a deliberate misrepresentation which can result in another party suffering damages or losses. Grogan (2007:305) is of the opinion that fraud is illegal with an intention of deceiving, or a misrepresentation that results in authentic prejudice or is potentially prejudicial to another.

1.10.6 Municipal Managers

Workers at the managerial level represent the officials who have the authority to discipline, hire and fire erring officials. According to Du Plessis, Fouche and Van Wyk (2002:35), municipal managers in their official capacities can also represent an organisation in any kind of internal or external affairs.

1.11 RESEARCH STRUCTURE

The structure of this study is delineated into different sections which include: the nature and scope of the study, the literature review in the context of policy framework that guides the issues of official misconduct in public administration. This also includes related theories and definitions of concepts. The structure of the study also includes the adopted research

methodologies, designs and justifications. Parts of the structure of the study deal with the demonstration and analysis of the results of the research findings while the last parts review the issues of contribution to body of knowledge and the need for further study of research. For the purpose of coherence in the structure of this research, the study is therefore categorized into five thematic areas as follows:

Chapter 1: Background and scope of the study

Background information relating to such issues like the scope and nature of the study are well captured and discussed in this chapter. The chapter also provides detailed background information including historical review of the study. Other issues relating to problem statement, objectives, research questions and research design and research methodology adopted in the study, are also defined in this chapter.

Chapter 2: Overview of legislative and policy framework

In this chapter, those issues relating to the legislative framework by means of a review of policies and legislation that relate to misconduct, discipline or ethics in the workplace, are presented. Similarly, the chapter also reviews the level of autonomy that is enjoyed by municipalities as institutions of local government and the interdependence of various public sector functionaries at the national, provincial or local levels of administration. The chapter also reviews the theoretical and empirical literature for managing misconduct in public governance. Such levels of discussion help to understand the level of responsibilities of municipalities in relation to the issue of discipline in the workplace.

Chapter 3: Institutional framework for managing misconduct at Amajuba District

This chapter takes stock of Amajuba District Municipality in the context adoption and implementation of ethical standards. Such ethics include the operations of the municipality and the Code of Conduct governing government businesses. This chapter further determines the issues of probity and accountability in public administration with specific reference to statutory legislation and other administrative procedures in the public service.

Chapter 4: Data Collection and Analysis

The chapter explains various research methodology designs adopted for the purposes of this research. This includes the use of case study design, justification of the design, research approach, multi-methods approach. It substantiates the quantitative and qualitative mix,

sample and sampling techniques, and data analysis techniques used, and ensures validity and reliability of the research instrument as well as ethical standard requirements and compliance.

Chapter 5: Presentation and Data analysis

In this chapter the research deals with the presentation of collected data obtained by way of interview questionnaires of the study, which accounts for its lengthy content as compared to other chapters. Misconduct is explored in detail, although not exhaustively, in this chapter. Also reviews in the chapter are the issues relating to efforts at creating ethical culture in local government, the role of discipline in the workplace, responsibility for carrying out disciplinary measures, various approaches to discipline for the effectiveness of disciplinary policies will be explored.

Chapter 6: General Conclusion and recommendations

This chapter of the study summarises key themes that emerged during the investigation. Finally, it makes recommendations for ways in which discipline can be administered in local government in dealing with misconduct in all its various forms.

1.12 CONCLUSION

This chapter provided background information on the issue of misconduct management in the public sectors of the economy. It also explains the values as dictated by the code of conduct. The implication is that effective service delivery at the local municipality is consistent with the operational framework and official code of conduct in the context of managing misconduct of the grassroots. The expectation of the general public is equitable distribution of national wealth, community participation, fairness and efficient public services. Hence good governance is a product of in-built systems that guard against corrupt practices in public administration. The implication is that where there is abuse of power, the municipal functionaries attract a poor public image to the detriment of public service. The issue of trust and prudence in public service as well as integrity of municipal functionaries promotes public confidence in public administration. In a bid to achieve an effective public administration, the government enacted a number of laws aimed at promoting due diligence in public administration.. Some of the regulatory administrative frameworks are also aimed at promoting an ethical public service environment in the country. The next chapter therefore

reviews various laws, enactments and policy frameworks towards managing official misconduct at the levels of local government administration in the country.

CHAPTER TWO

LEGISLATIVE AND POLICY FRAMEWORK FOR MANAGING MUNICIPAL MISCONDUCT

2.1 INTRODUCTION

The chapter reviews literature relating to the issue of ethical practices in the context of the Code of Conduct in public governance, particularly at the level of local government administration. The Chapter also explores specific concepts in the context of understanding how the Code of Conduct is applied in the public services. Consequently, issues such as the legislative framework, laws and enactments, ethical conduct, discipline, ethics and theories, unethical conduct, demographic characteristics and values, are reviewed. Others reviewed include accountability, communication moral leadership, performance management, decision-making and institutional mechanisms in the local government service.

Relevant research materials were consulted in the process of this research, which included the conducted research i.e. dissertations, theses and reports of some universities in South Africa. Similarly, South African indices and information from the internet including published journal articles formed substantial parts of documentary review in this study. This research noted with emphasis that it seemed unlikely that the existing literature could be supplemented with the interview questions to achieve a robust result. This is realisable through the use of structured interviews questionnaires administered to municipal functionaries in the selected local government area. Consequently, some legal and legislative frameworks moderating ethical standards in the public service, are discussed under the next subsequent headings.

2.2 SOUTH AFRICAN CONSTITUTION OF 1996

There have been successive Constitutions at different stages of governance in the Republic of South Africa. The country's 1996 Constitution, signifies an end of the apartheid government and ushering in of a democratically elected government era. The 1996 Constitution is not the first constitution operated in the country (Govender and Reddy, 2012:76). One major area of difference between 1996 Constitution and other earlier promulgated laws is that the legal framework was the product of a democratically voted government as pointed out by Fennimore *et al*, (2000:250). The Constitution of 1996 becomes the supreme law of the

country in the contexts of legislations and governance. Since the Constitution is regarded as a very important document, the Constitution paved way for formulation of Government of National Unity (GNU), which comprised the federal, state and local government nomenclatures. Each of these tiers of government has distinctive powers at different spheres of governance (RSA 1998:16). The operations of all these spheres of government are different but co-ordinate as a single system towards providing service quality for the benefit of the nation. According to Govender and Reddy (2012), the provincial government on one hand enjoyed the goodwill of GNU and ANC political party leading to a white paper and resolution for the review of district municipality administration in South Africa. The idea is devolution and distribution of power between national government and the grassroots.

The white paper was meant to facilitate an efficient and effective synergy between provincial and local government administration for state development (ANC, 2010). Like the Republic of South Africa, most advanced democratic engaged referendum as an instrument to secure the approval of the public for law enactments. All other legislation, including labour relations matters in South Africa emanated from the Constitution according to the *Constitution of the Republic of South Africa Act, 1996* (Act 108 of 1996). The Constitution however remains supreme over other legal instruments in the nation. It is noted that whenever the tenets of other legal instruments contravene the Constitution, the supremacy of the national Constitution overrides such other contradictions. This understanding also explains that the tenets of labour rights are protected under Section 23 of the Constitution. the Section 23 of the “Constitution” and further stipulates the available rights of labour group to include “the right of officials to form or join a union, and to participate in its activities; the right of employers to form or join employer’s organizations and participate in its activities; the right of unions and employers’ organisations to organize, form and join a federation and the right of unions and employers’ organisations to engage in collective bargaining”.

In compliance with the provision of the Constitution, most employers of labour endeavour to acknowledge the rights and privileges of their employees as clearly set out in the various provisions of the country’s Constitution. For instance, the right of employees to strike is protected especially in when workers are dissatisfied with the condition of service or where all avenues for collective bargaining have been exhausted without any meaningful success.

- **The Labour Relations Act (Act No. 66 of 1995)**

Another similar legal framework that guides officials or employees is the Labour Relations Act. The Act is designed to enhance industrial harmony through social fairness, labour tolerance and democratic governance, in the workplace. While in the same vein, among the cardinal objectives of the Labour Relations Act directly related to workplace discipline includes realising and regulating worker-employer fundamental rights in the Constitution (Section 23). Others include providing trade unions and officials' with a framework. The Act also stipulates the conditions required for collective bargaining in terms of the condition of service from employee and organisational perspectives. Such industrial policy according to Binza (2010: 58) is expected to create industrial harmony and peaceful coexistence in the workplace. Such mechanism can also promote quick resolution of disputes and conflicts in public administration. Similarly, Bezuidenhout *et al* (1998:44) narrates that the Labour Relations Act is making a provision for the protection of workers against unfair conduct throughout the entire employment history beginning from the stage of recruitment to the stage of retirement or other exits from the public service.

- **The Basic Conditions of Employment Act (Act No. 75 of 1997)**

“The Act is designed to point out the fundamental conditions and the terms under which employees must be recruited. The idea is to allow individual employers to enter the employment contractual agreement without fear of contracting the guiding laws affecting the fundamental rights of the workers. The Act is likewise aimed at propelling the socioeconomic development of regional government and social equity through the establishment of basic conditions of public service. “The Basic Conditions of Employment Act” explains the inclusion of considerable numbers of employers and employees from the public service. The Act likewise covers other conditions, for example, recruitment policy, fringe benefits, annual leave, working hours, termination of appointment and employee development (Ndudula, 2013).

Similarly, it also expresses that the motivation behind the Act is to ensure social and financial development, social justice and equity by guaranteeing the employee working conditions especially those of unorganised labour. These individuals according Du Plessis, Fouche and Van Wyk (2002:33), are those who do not have a place within the unions and thus are vulnerable.

- **The Occupational Health and Safety Act of 1993**

The Act aims to provide basic guidelines which regulate the health and safety of both employer and employees at the workplace and in addition to that for the health and safety of people utilizing plant and machinery in any business organisations. In the same vein, Section 12 of the Act contains the organisational obligations and commitments of the labour groups while Section 14 of the Act also specifies the obligations of management. According to Du Plessis *et. al*, (2002:169) the obligations of employees are to be seriously concerned about the duty of looking after security of himself and different workers, and co-workers within the business organisations on issues bordering on the health and safety matters. Others incorporate complying with the health and safety standards and methodology set around the business; report any perilous or unfortunate circumstance or any occurrence, which may affect employee's wellbeing or security in the course of official duties.

- **The Compensation of Occupational Injuries and Diseases Act (Act No. 130 of 1993) (COIDA)**

The "COIDA" aims to empower employees of any business organisations in the context of how they are compensated or remunerated in the event of any mishap, exceptional commission or loss of income as a result of injuries sustained within the working environment or during the scope of employment of the employee. It is a type of protection against injuries and suggests a protection relationship (contract) between the employer and employees as well as their dependents. The remuneration is given just for real damage, disablement or agony experienced in the course of official assignments.

Since compensation is provided for the workers who sustain injury in the course of carrying out official activities, it is now and again hard to determine if such employee was acting in their official capacity. For instance, the official who is injured while making use of a company elevator after the official working hours, might be difficult to ascertain if the injury sustained was during official assignments. In the decided case of **Rauff vs Standard Bank Properties 2002 (6) SA 693(W)**, the court held that the premises (namely, the place of the business) where the injury or incident happened, isn't the deciding component. The enactment additionally held that the act of using company elevator after the official working hours was outside the agreed term of employment.

- **The Public Service Act (No. 103 of 1994)**

The enactment of this legislation affects the general organisation and structure of the working people both at the private and public services. The Public Service Act covers the terms and condition of employment in the context of retirement of workers employed in the public sector, the termination as well as payment of their due benefits. The Act regulates the general perspectives relating to public administration and control in the public service (Reddy and Wallis, 2013). It should be clearly stated that the power to regulate or conduct government business resides in some executive authority including the ministers of different departments or agencies of government. The Act particularly stipulates the arrangements for appointment, promotions and transfers of different cadres of employees within public service while legislations like the Basic Conditions of Employment Act as well as the Labour Relations Act are not explicit on such issues. When dealing with the appointment, promotions and transfers in the public service, the principle of fairness and equitable distribution must be followed as suggested by Ndudula (2013).

- **The Public Finance Management Act (No. 1 of 1999)**

The Act guarantees that government income and expenditures are managed effectively and efficiently. This also includes effective allocation of government resources, management assets and liabilities of government. Section 10 of the Act obviously demonstrates what constitutes the money laundering and official financial crimes in the public service as well as how to manage financial irregularities in the public sectors.

- **The Employment Equity Act, (No. 55 of 1998)**

The idea behind promulgation of this Act is to facilitate a balanced work environment. The also stipulates the advancement of equity, fairness and reasonable workplace environment. This is achievable through the separation of power as well as check and balance among organs of government for the promotion of equitable distribution of social services to the general public. These measures are aimed at addressing imbalances in the employment of the most privileged at the expense of less advantaged and the vulnerable groups in the workforce. For instance, the vulnerable groups are referred to black individuals, women and individuals with disabilities in the society (Ndudula, 2013).

2.3 CODE OF CONDUCT IN LOCAL GOVERNMENT

The dispensation of the post-apartheid local government era witnessed guiding legislation including the Code of Conduct legislation. One basic characteristic of the era is the legislative and policy development that foster growth at the grassroots levels (Reddy and Wallis, 2013:78). This is derived from the “Republic of South Africa Constitution of 1996”, (Act 108), which provides for effective service delivery, local government administration must be structured and managed in such a way that the processes of administration, budgeting and planning make the community development a matter of priority. The implication is that such level of discipline in public administration can facilitate local economic development. For instance, the government of South Africa also provides the Protected Disclosure Act (26 of 2000), which supports the exposure of unethical behaviour in public service, and to give protection against persecution or discrimination from government officials or workers who have exposed or whistle blow any wrong doing in the public service. A whistle blower is a man who uncovers lawful infringement, a gross misuse of assets, and misuse of authority, or a peril to general wellbeing or security, regardless of whether the divulgence of authorised information is made inside or outside legal power or authority.

In the same vein, Holtzhausen (2007:131) states that diverse individuals have their own specific intentions in whistle blowing any kind of unethical conduct among government functionaries. The understanding is in the fact that it is unethically not to blow a whistle while public misconducts are seen being committed in the public service. A progression of malpractices or compromises including rewards, abuse of public assets, illicit requesting of data by recording email informing and mobile phone discussions, abuse of official vehicles by public servants. Such activities as mentioned earlier included unlawful granting of tenders by public functionaries and abuse of open assets to encourage personal benefits. All these have been reported by the media in the recent time. Uys (2011) attests to the fact that whistle blowers regularly pay a substantial cost for uncovering what they perceived as administrative wrongdoings in the public service. As soon as the whistle is blown, either through internal or external channel or through examining newscasting or research units, the indicting bodies will regularly have to react by following the procedures laid down in the Rule of Law.

2.3.1 Statutory Guidelines and the Codes of Conduct

Imparting a moral consciousness includes a more noteworthy devolution and culture in the public service, budgetary provision and new understanding. There appears to be no uniformity in the application of Code of Conduct at the level of local government administration. The important schedules that manage councillors and other metropolitan functionaries are enshrined in the Local Government: Municipal Systems Act, (No. 32 of 2000). The Constitution also specifies the task of the public officials at maintaining the Bill of Rights. This also includes the principles of co-work in public governance as well as inter-administrative relations. Public officials at the level of local government administration are required to know and comprehend what constitute ethical essential standards in public administration as well as the ethical working environment. There is a need for a clear division of authority in the workplace and the limits as specified by the official Code of Conduct. These standards ought to be clarified, reiterated at official meetings and seminars as a strategy to remind public servants of their duties and obligations, once in a while.

Section 195 of the 1996 Constitution explains that effective public administration has the responsibility of administering law based on ethical standards, for example,

- The application of ethical moral standards and professionalism in the course of official conduct;
- The effective allocation and utilization of public resources or the assets of government in a cost-effective manner;
- That transparency in governance encourages timely, open and exact information without any discrimination or bias; and
- That the public officials must be accountable and transparent in the conduct of official duties.

The Public Finance Management Act, (Act No. 1 of 1999) (PFMA) also regulates the activities of the Tender Boards to include monitoring processes of awarding contracts, and inventory in the context of supply chain in the public service. The medium-term expenditure framework (MTEF) likewise constrains public service to have a control budget based on the specified goals. In a similar manner, government functionaries are expected to avoid tolerating compromise through accepting gifts in exchange for services. Moral direction at

the public administration is also promoted through coaching programs; where senior managers capacitate their sub-ordinates and other stakeholders at work through different procedures and methodology. Correspondingly, ethical administration implies that public service should imbibe moral standard and compliance as core aspects of corporate governance.

Public service therefore requires that the Code of Conduct is maintained by municipal functionaries, while political office holders in districts are relied upon to comply with the dictates of the legislation. This is also enshrined in the Local Government: Municipal Systems Act. The Code of Conduct at the level of local government administration is categorised according to such an understanding including ethical standards in public administration as the general code of conduct, responsibility, serving people in general , individual pick up, exposure of advantages, unapproved revelation of data, undue influence, rewards, blessings and favours, board property, instalment of unpaid debts, support in decisions, announcing obligation of staff individuals as well as the breach in Code of Conduct legislation.

2.3.2 Guiding Values for Ethical Conduct.

The commencement of ethical values in public administration in South Africa is derived from the democratic Constitution of 1996. As enshrined in the Section 195 of “the Constitution (1996)”, part of the important values and principles directing operations of public service include factors such as openness and accountability, fairness, equity, effective service delivery, efficient resource allocation and professionalism. The commencement of democratic values suggests there is the likelihood of local government functionaries and political representatives to maintain ethical standard and fairness in a responsive way. Local government officials are relied upon to focus on democratic principles in the course of official duties to the general public. The rewards of due diligence in public service can be reflected later through service quality offered to the general public.

2.3.3 Ethical Training and Awareness Creation in the Workplace

The essence of training is to create awareness about ethical environment in the public service; whereby public officials can acquire orientation or moral education through training and

development programmes (Govender and Reddy 2012). It is basic for senior managers to set up acceptable benchmark through which effectiveness and efficiency can be measured in public service.

A voluntary moral survey can be achieved when surveys of all workers at various levels of governance are conducted. Results after information gathering should be disseminated to the staff members. Ethical standards and morals preparation for local government functionaries at all levels is important to guarantee that everybody with similar standards is knowledgeable about how to react to moral problems. The outline of preparing public officials necessitates various levels of representatives and particular duties of their situations, without redirecting from the mission and the vision of the public service. Effective morals training requires the support of the management and the chief executives. Regular implementation of monitoring and evaluation of compliance to ethical standard can yield better outcomes (Govender and Reddy, 2014). The understanding is that ethical consideration can operate more effectively when high standard is created in the workplace. Such standards can be achieved through appropriate incentives designed to motivate ethical standard in the public service.

2.3.4 Formal Mechanisms

The Section 188 (1) of the 1996 Constitution provides the duties and responsibility of Auditor General (AG). The duties among other things include the review and write of records, monetary explanations, budgetary administration, management and control. Cloete and Thornhill (2012:46) state the duties of AG to include control mechanisms in public administration. The duties of financial administration including management and control activities of the different establishments or departments of government are monitored and reported by AG office. Morals in this manner can be imparted as a mechanism for preventing or correcting fundamental gaps identified by auditors' reports. The AG office supports municipal administration in South Africa to the extent of complying with the "Public Financial Management Act" (2001), including the Treasury Guidelines and the Audit benchmarks. This also includes the mind-set for the need to produce clean audit reports for management decision, probity and accountability. Right now, most municipal authorities struggle to react to audit reports. Findings show that only 3% of municipality districts in South Africa could produce nearly perfect audit reports between 2010 and 2011 (AG report, 2010-2011).

Similarly, another body known as the Standing Committee on Public Accounts (SCOPA) is established in their advisory capacity. The committee represents the interest of the Parliament, as it reviews the annual reports of the AG on the money related issues to the public in general establishments including municipal administration. The SCOPA has an obligation to explore whether the tenets of accountability and transparency are adherent to by government departments or agencies. The mandate includes identifying if the state finances are properly appropriated and budgeted before expenditures take place. In this way, SCOPA assumes an essential part to guarantee responsibility and accountability exists in the public service. The Constitution 1996 of the Republic of South Africa makes a provision for the establishment of the Office of the Public Protector (OPP) as the Ombudsman. This includes investigating corrupt practices and misconduct of public officials at all circles of government. Be that as it may, the OPP's success in evacuating debasement relies upon its capacities (assets) and capacities.

Up until now, the OPP has gained ground in examining cases of corruption including the abuse of public office, government assets, taking bribes, divulging information for personal gains, gift, unlawful awarding of tenders by local government authorities, unscrupulous conduct and other mal-administration in the public service. The agencies of government charged with the responsibilities of enforcing policies are mandated to prosecute and charge local government authorities or functionaries engaging in unethical conducts or extortion of the public. Some of these government institutions include the South African Police, Public Services Commission, Special Investigation Unit, Revenue Services Department and National Intelligence Agency. The constitution concedes the privilege of the South Africa President to choose these bodies or choose to follow up on the guidance.

2.3.5 Implication for Service Delivery

The tenets of laws and regulations, the Batho Pele standards in particular as adapted from the Public Service Act” No. 147 of 1999 highlights the public conduct in the context of the ethical standards in public administration. More importantly, the tenets dictate the direction of the extensive group, local authorities and how the public servant are expected to provide quality service to the general public. Those activities in the local government which comprise representatives in relation to the work position and authority are also considered as critical to public administration. The issue of morale, standards and ethical practices are considered as

having significance influence on effective service delivery. This also includes provision of leadership by example and efficient service delivery to the community. Morals and Batho Pele tenets support probity, fairness, and accountability in public administration as well as value for money.

Despite the various mechanisms put in place for regulation and to check abuse of public power in the “Republic of South Africa, case of corrupt practices and abuse of power remain on the increase at the level of local government administration. There is a need therefore to embrace local government administration in the context of leadership by example in the area of governance especially public officials who are entrusted with the state resources. It is therefore the desire of this study to determine what constitutes corrupt practices in public administration and how such menace can be addressed for effective governance in public administration in South Africa.

2.4 ROLE OF DISCIPLINE IN WORK ENVIRONMENT.

The importance for the understanding of roles of discipline in workplace is to guarantee that individual public officials participate proficiently to the objectives of public governance. Effective service delivery will be hampered in the public service if the officials were allowed to absent from work or work at their own pace, to disobey the constituted authorities, or to ignore their management directives (Grogan, 2007: 130). In the local government administration and constitutional development, public officials have specified responsibilities towards achieving the goal of effective service delivery. Some of these disciplinary measures are highlighted as follows:

2.4.1 Responsibility for discipline

The idea of responsibility in discipline among specific scholars and business pioneers emphasised the need for disciplinary activity as the obligation officials and management representatives acting in advisory capacities. In such cases, management does not have a monopoly of authority. The Labour Relations Act, 1995 for instance is relevant in this regard. This Act seeks to identify the individual, who is to be specified if a dismissal is to be considered reasonable (Blakely and Leigh, 2013). Likewise, “Resolution No. 1 of 2003” in the context of “Public Service Co-ordinating Bargaining Council” views discipline as an

administration mechanism for dealing with misconduct in public service. For instance, in the local government administration, the constitutional provision spells out disciplinary cases as reasonably determined by supervisors or management in accordance to the provision of investigation and appropriate sanctions.

It is also pointed out in the same manner that the conventional philosophy is, in any case, practised by business organisations, and hold that disciplinary measures are determined by the management as stated by (Blakely and Leigh, 2013). Further to that, according to Bendix (2000:220), disciplinary process requires certain individual taking certain disciplinary action. Warning notices are usually issued by line supervisors or managers to the subordinates, while disciplinary hearings which are preceded by investigation as and other instances suspensions pending disciplinary hearing are directed under the supervision of senior managers or councillors. Bendix (2000:315) further says that the non-authoritative substance of work force administration is not the role exclusively reserved for the industrial relations department or human resources (HR) administration division.

Employees in HR divisions perform the role of being the consultants, facilitators and organizers in light of the fact that in the last investigation, it is the capacity of line administration to oversee, persuade and fulfil the individuals who are attached to their supervision, in the same manner according to Bezuidenhout *et al.* (1998:196) the privileges afforded to management in order to discipline junior government officials are progressively restricted in light of the fact that it is a requirement that senior managers at all levels of public administration comprehend disciplinary codes and techniques. Disciplinary measures against officials are to be for legitimate reasons. There must also be arrangements that are compelling as well as techniques to administer its provision. In the same manner, Grogan (2000:91) points out the fact that the obligations of public officials include among other things to obey the laid down rules in the context of employee relationship. In this manner, staff obedience connotes discipline, guidelines for discipline as well as the principles of sanctions appropriate for the violation of the rules of engagement and practices.

2.4.2 Employment relations and training of employees

Employment relations, which also includes training, has become an important factor for effective execution of various work relations approaches and strategies. The proper levels of administration and management in the context of official representatives should be equipped with skills for understanding the rules of engagement. In a unionised situation, management is expected to bear the cost of training the officials preparatory to the exercise of workplace rights and duties as advanced by Blakely and Leigh (2013).

2.4.2.1 Approaches to Discipline.

Several officials of government view administrative discipline as negative and undermining the instruments in the hands of the management. Notwithstanding, it must be stated that disciplinary measures could as well have a positive angle and as such it can boost the morale of the employees, improve revenue and produce a satisfied and proficient workforce in general. For instance of the processes that lead to discipline in public service are appropriately followed, it might lead to achieving the objectives and goals of public services at the grassroots. As indicated by Binza (2010) there are two ways to deal with discipline related matters which are negative and positive approaches.

2.4.2.2 The Negative Approach

The negative approach to an extent is concerned with discipline as a measure in the hands of the administrators to threaten employees. The management embracing this approach will be based on the evidence on material facts that may include misleading statements and take subjective choices with respect to discipline and dismissal (Binza, 2010). An action is in this manner not made to act in a deterrent or restoring path or to acquire the participation of the officials. This approach puts pressure on people and will quite often develop mechanical distress. It is further contended that such an approach is in fact negative because the aim of exercising discipline is to be corrective as opposed to it being punitive, and with this approach in light of the fact that the system is not willing to rehabilitate. The implication is that management would like to expel employees in respect of minor offences, for instance dismissing an employee who was absent from work without a valid leave of absence for a day without offering the chance to affording to such an employee a chance to defend himself or

herself. In South Africa, this method is probably not going to be used in the local government administration in the face of strong unionism and the administration of disciplinary code. The government officials are in fact cognisant of the operations of the relevant labour laws.

2.4.2.3 The Positive Approach to discipline

This approach to discipline commences with the promotion of fair and equitable job advertisements and proceeds through to the relationship (Uys, 2011:161). The implication is that public officials operate in an atmosphere in which leadership and authorities exerted by the management are expected to be just and positive. Employees are motivated to comply with the tenets of the rules of engagement, since they comprehend the principles and acknowledge the roles of the constituted authority. The risks of frequent industrial disputes are therefore put at rest. In South Africa, the conduct of officials of government are regulated by the Code of Conduct legislation. For instance, there are Codes of Conduct for the Public Service that each and every government official should conform with. The code should be conveyed to all officials at the time of staff recruitment and also to become part of the induction programme in respect of all new staff members. The code will then guide the employees of government on the kind of ethical behaviour expected of them. Likewise, such orientation enables the employers to deal with official misconduct in case of any violations by anyone under the employment contract.

2.5 THE PURPOSE OF DISCIPLINARY ACTION

Bezuidenhout *et al.* (1998:196) are of the view that that disciplinary actions initiated in respect of any public official must be fair and just. Furthermore, there must be compelling arrangements to ensure its enforcement as well as its utilization. Such strategies as well as methodology could serve to help those people charged with implementing disciplinary measures. This could guarantee that authorities will get reasonable and valuable treatment in the process. The motivations behind the Code of Conduct are stated as follows:

- To make arrangements. The region, similar to each organisation, requires tenets and congruity keeping in mind the end goal to work effectively.

- To make officials be mindful of what is worthy or unethical conduct in the work environment. In this manner, they figure out how to stay away from issues and protect themselves from committing any form of misconduct.
- To persuade the official, who can act in a satisfactory way yet abstains from doing as such keeping in mind the end goal to comply with norms set for conduct and execution.

Just as and when there is a possibility that an employee would not change his or her unethical conduct, at that point serious disciplinary measures can be applied so as to spare the organisation from further workplace disruptions as argued by Verdina (2011:1).

2.5.1 Factors to consider in implementing discipline and in executing punishment

There are essentially three elements to be considered in executing discipline and deciding on appropriate punishment in particular, the nature and scope of encroachment as well as the conditions of public officials and the idea of the activity.

2.5.2 The seriousness of the infringement in disciplinary action

As indicated by Rossouw and Conradie (1999:250), ethical conduct good practice spells out that dismissal for the offence committed at the first instance will be unacceptable unless such misconduct is of a serious nature or in the same vein, if such act of misconduct is so serious that it renders working relationship intolerable. For instance, expelling an administrator in charge of switchboard for answering a telephone call mistakenly, that could result in making work relationship impossible or intolerable. Similarly, this cannot be equated with an official who commit fraud. Dismissal can be supported for offences bordering on fraudulent acts on the grounds that the employer will never again trust such an official.

2.5.3 The circumstances of the official

The following circumstances should be considered while ascertaining the conditions of the official, individual conditions, and length of service in the context of past disciplinary record of the official being subjected to the disciplinary process. Grogan (2007:285) contends that the official's disciplinary record should be put into consideration in determining whether or

not the employees found guilty at the disciplinary tribunal should be dismissed for the misconduct he or she has committed. In some instances, the official's mitigating factor could be considered by the management as aggravating factors in deciding on the sanction to be imposed in a matter. For instance, if an official functioning as a financial clerk was discovered to have stolen a calculator in the office, while he or she has been with the municipality for a long time such as 15 years, the employer may as well contend that it is conceivable that for 15 years the official must have stolen numerous calculators, as permitted by the labour relations. The conditions of the official must however be considered, for instance an official who resorts to the drinking of alcohol due to loss of a relative. In this kind of circumstance, a rejection will influence authorities in various ways. Employees of advanced years of service may have more trouble getting other work, and they may lose their entitlement. Dismissing employees who have a number of dependents could influence a more prominent number of individuals than the rejection of a youthful generation. It is also argued that the loss of individual status as a result of expulsion for unethical behaviour may influence top officials more than general workers or low-level employees (Grogan, 2007:290).

2.5.4 The nature of the official's job

Every public official has his or her capacities, limits and the capacity to comprehend. Likewise, unique occupations put distinctive requests and additionally extraordinary levels of duty on the officials. An official who possesses a place of trust in a municipality and who is liable of deceptive nature will be managed more cruelly than other officials. In spite of the fact that Grogan (2009:208-209) concurs with other scholars such as Rossow and Conradie with their opinion which suggests that the conditions encompassing offences when committed, factors such as the past disciplinary record and length of administration of public officials ought to be put into consideration. It is also expressed that a clean disciplinary including long service record might not generally rescue employees. In the decided case of **“De Beers Consolidated Mines (Pty) Ltd v Commission for Conciliation Mediation and others” (2000) 9 BLLR 995 (LAC)**, the Labour Appeal Court went further to state that that such elements are not by any means moderating conditions at all in the sense in which a perfect record in the work setting, it is the degree that it demonstrates an employee is probably going to repeat the offense.

Though with the case of De Beers, the workers concerned did not show any remorse nor any regret for their actions in order to demonstrate that they would not repeat their demonstrations, so there was no motivation behind why the business ought to have indicated tolerance.

Uyis (2011) is of the opinion that that the conditions of the business should likewise be considered to guarantee decency. For instance:

- Did the business endure misfortunes because of the official's conduct? There are wrongdoings where a business likewise endures a misfortune.
- Can a business in decency be relied upon to proceed in an unfortunate administrative relationship? A few employees come to work late and that influences benefit conveyance, managers of those authorities will issue notices, yet in the event that the direct proceeds with it can achieve a point where a business can't endure the conduct any longer.
- Has the relationship of trust broken down irretrievably to such an extent that such trust relationship can never be restored? In the local government there are workers who are found guilty of fraud and theft of government money. In the event that such workers are not dismissed subsequent to a disciplinary hearing, their conduct would result in the breakdown of trust.

2.6 DISCIPLINARY POLICY AND CODES

In a study by Bezuidenhout *et al.* (1998:199) focus is on the fact that the goal in building up an arrangement for staff discipline, is directly proportionate to the goal of setting administrative mechanism upon which disciplinary actions are implemented. Such mechanism also furnishes the management with defined rules in the context of how discipline is administered in the public service. It might be a different arrangement consolidated into the prelude of the disciplinary methodology. The consideration is also higher in the understanding that it is very advisable to consider the disciplinary processes and expectations while formulating disciplinary policies.

Uyis (2011) together with Bezuidenhout *et al.* (1998:199) explain further that, the essential goal of the disciplinary process is to determine the corrective measures at which work

execution is unbecoming or official conduct is unsatisfactory. Bendix (2000:180), further contends that it is the responsibility of the office for labour relations to start and work on the approach to labour relations matters. According to Blakely and Leigh (2013:48) assertion, “the overriding objective of any industrial relations policy must be to assist management to establish an ordered and consistent framework for the conduct of industrial relations within the enterprise. This means a formulation of principles or settled rules of action to which operating management is subjected to”. An arrangement proclamation on the disciplinary issues could incorporate accompanying standards fundamental in the disciplinary process:

- It the responsibility of Management to implement disciplinary process against employees.
- The organisation’s disciplinary code and disciplinary regulation should be applied fairly and consistently to all employees
- Officials are expected to adhere to the institutional framework and administrative working techniques.
- Taking disciplinary actions is the obligation administration and is assigned descending to the primary level of administration.
- It is the responsibility of management to review employee's conduct through casual advising and remedial measures rather than discipline.
- Management officers are bound to apply formal processes in conducting discipline just as when casual directing is noted to be unsuccessful, or the activity of the employee is to such an extent that advising is wrong.

2.6.1 The Disciplinary Process

Disciplinary procedure involves principles and controls, disciplinary processes and techniques. The principles of disciplines and techniques are important for the purpose of advancing fairness and equity in public governance. The principles and techniques help an organisation to work viably in light of the fact that tenets are the set measures at work, while systems help to guarantee that the norms are observed. The procedure can be summarised as follows: the accessibility of the ethical code, the discipline as well as notification, investigation as well as the attendance by the accused employee to the disciplinary hearing.

2.6.1.1 Organisational Rules, Regulations or Code of Conduct

As per customary law, the public officials at the local municipality have the obligation to abide by all lawful and legitimate directives " and a duty to refrain from misconduct," in this way joining tenets, controls and sets of accepted rules. The setting of authoritative tenets is the establishment for a viable disciplinary framework. The standards oversee the kind of conduct and execution anticipated from public officials as advanced by Bezuidenhout *et al.* (1998:200-201). Rules in executing administrative tenets are as per the following:

- The rules must to be generally applicable and be recognised by all employees. This can be best achieved by providing each authority a duplicate of the principles as well as clarifying such principles through the word of mouth.
- The explanations behind a control ought to dependably be clarified.
- Rules ought to dependably be in a composed organization.
- Rules must be sensible and identify with the sheltered and productive task of the organisation.
- If administration has been careless in the implementation of a run, the control must be repeated alongside the outcomes of its infringement before disciplinary activity can start.

Public officials could as well be made mindful of the consequences of violating the standing rules and regulations. Specifically, the officials should be accorded with straight instruction as to actions which constitute unethical behaviour (Sherman, Bohlander and Snell, 1996:586).

2.7 DISCIPLINARY PROCEDURE

As indicated by Bendix (2001:252), the procedure of discipline is not only planned to guarantee employees proper orientation. Applying disciplinary codes guarantees that all public officials are given equal treatment when it comes to discipline. The implication is that no official should be subjected to disciplinary action or dismissed at the discretion of the supervisors or managers. In terms of the Code of Good Practice: Dismissal particularly given that procedures that are formal might not be applicable every time there is a breach in rules or when certain conditions are not met. In the same manner, Bezuidenhout *et al.* (1998:207) contend that, the motivation behind a disciplinary process is to offer an adequate mechanism

by which managers or supervisors can exert authority when certain standards are not met. Procedures additionally guarantee that disciplinary proceedings instituted must be consistent, uniform as well as fair, through giving rules to managers and supervisors to apply at their discretions. In the LRA, the managers or supervisors must act fairly. In the event that a dismissal is procedurally, or substantively unlawful, such action can very well be overturned by the Labour Court. In such circumstances, not exclusively will the organisation be confronted with the costs of procuring legal services but may also have to pay damages or claims to compensate the affected employees.

2.7.1 Procedural Fairness

Disciplinary methods ought to take their course across board rather than in a selective or inconsistent manner. The inconsistency will result in employees not being treated fairly. The following perspectives are in this way significant in guaranteeing procedural fairness. Bezuidenhout *et al.* (1998:207-2010) advance that an official is qualified for the following procedures: i) earlier learning of principles and directions, the disciplinary code or set of principles; ii) earlier warning of the request and a timeous hearing; iii) adequate time to plan (no less than 24 hours); iv) composed notice of affirmations; v) putting officers' case before an impartial administrator; vi) taking public officials from within the organisation; vii) right of the officers to call witnesses; viii) the privilege to cross-examine witnesses; ix) the privilege to hear prove and to react to the claims.

In a like manner, Basson *et al.* (2006:126-129) described the above procedures as components of the procedural fairness including: notice given to the official about allegations, examination and allowance of reasonable time to prepare a defence. Officials must be qualified to present a case accordingly, the official is entitled to seek assistance of his her choice to assist in preparing for the case including leading of evidence during the disciplinary hearing. The official must be informed of the reasons behind the dismissal. The official must also be advised of the right to file an appeal or not following the pre-dismissal procedures.

2.7.2 Substantive Fairness

Findings from the literature reveals that the concept of substantive fairness is related to the reasons behind disciplinary measures as imposed on employees. The basic rule of substantive fairness and the tenets stipulates that the official is liable for maladministration and due for punishment to such an extent of misconduct. The punishment must be commensurate to the offence. Item No. 7 of the “Code of Good Practice” contained in the LRA stipulates that the rules as applicable while deciding the substantive fairness of an expulsion for wrongdoings:

- Can it be established that the official actually contravenes the standing rule and regulations?
- Can it be established that the rule exists which regulates conduct of individual in the workplace?

As indicated by Grossett (2002:13), the concept of substantive fairness identifies the fundamental explanation behind disciplinary actions, and has two components that must be fulfilled, for such to be acceptable, adequate and legitimate. This suggests there must be legitimate reasons behind discipline. The organisation must give adequate evidence that the employee has committed breach of certain procedure of public service rules and regulations. The employer has the responsibility of showing the proof that the employee is guilty of offence. Validity also implies that the reasons why the employer treated the employee actions as misconduct should be properly justified. The official must not be seen to act under pressure, compulsion or being intimidated in committing the offence for which he or she was charged (Bezuidenhout *et al.*, 1998:212).

2.8 DISCIPLINARY HEARING (INQUIRY)

The essence in achieving procedural fairness in disciplinary measure is targeted towards ascertaining right decision for dealing with misconduct in business organisation. When an investigation is conducted on allegations of misconduct, the officials are provided with the opportunity to explain the reasons behind his or her action are. Grossett (1995:27) also explains that the management is under obligation to allow the employee involved in the misconduct to present his or her side of events during the investigation. Among such

mechanisms include a situation where public officers are given the opportunity to be given a warning. The warning could either be written or just a verbal reprimand for petty forms of misconduct. On the other hand written warnings could either be a first written warning or final written warning.

In the event that the organisation has informed the official that he is being accused of a specific misconduct and that he / she is expected to attend a disciplinary hearing, the official may respond to the instruction and attend the hearing. In other instances the official may elect not to attend the scheduled disciplinary hearing, management perhaps looked with one of the circumstances: either the worker may advise administration that he will not go to the disciplinary hearing or decides not to attend the hearing (Bezuidenhout *et al.*, 1998:231). In the event where the official decides to be absent from such hearing investigation without a valid reason, the hearing may proceed in the absence of the official being charged. Forms of disciplinary activity are talked about as per the directions of the government. Bezuidenhout *et al.* (1998:216) argue that a disciplinary tribunal can impose either one of the four sanctions in a disciplinary tribunal which are short of dismissal; these are verbal reprimand, verbal warning, written warning and final written warning.

2.8.1 Verbal Reprimands

A verbal reprimand from time to time constitutes a formal cautioning. Oral reprimand for the most part constitute a preparatory stage to disciplinary activity and are gone for advising the official about required norms of execution and redressing minor occasions of unethical behaviour, instead of filling in as a formal cautioning. Ordinarily this process is conducted by the supervisor.

2.8.2 Verbal Warnings

These are the administrative mechanisms which are used to deal with issues that are considered as minor cases of misconduct. This disciplinary measure involves the initial phase when workers are placed on notice for subsequent action in case of repeat action. .

2.8.3 Written Warnings

This mechanism involves official documentation of warnings in a situation when there are issues of genuine infractions. This is also followed by cases of previous oral reprimand or verbal warning has been established. This is meant to serve as a caution and evidence that employees are prone to more serious disciplinary action. A duplicate of such a composed cautioning ought to be recorded in the official's close to home document. Full subtle elements of the transgression ought to be recorded together with any applicable written warning. The first of the protest shape must be given to the employees. On the off chance that the employee declines to acknowledge the activity, witnesses to affirm that they were present when the written warning was given to the employee concerned.

2.8.4 Final Written Warnings

In the event that there is persistent unethical behaviour or more genuine wrongdoings many prompt the management to issue a final written warning as a measure preceding expulsion. Despite the fact that Jokipii (2010:295) argues that there are three (3) sorts of notices which are: verbal, written and then final written notice are involved. These scholars further agree that notices can be reviewed and coordinated to the conditions, a less extreme cautioning being utilized as a part of a less genuine demonstration of unfortunate behaviour. They additionally express that in certain constrained conditions, notices for various offences are total, in that a notice given for one offence can likewise be substantial for certain different offences.

Grogan (2009:136) agrees with Bezuidenhout as well as with Garbers and Potgieter (1998:218) in calling attention to the last final warning letters directed for cautioning employee and what can be expected by or follow expulsion. Further to that they say that their motivation is to afford an employee a chance to correct their conduct. Finally they caution management that the sanction of final written warning should never be used lightly or in a hasty manner. To yield later may undermine the rationale of the disciplinary framework.

It should further be emphasised that numerous disciplinary codes provide that written and final written notices remain in force for a specified limited period; normally a half year. The districts have supported this period, the method of reasoning being that offences of workers

should not be held against them interminably. Regardless of whether this implies a passed cautioning can't be considered while considering the suitable punishment for a later offence is questionable. Nonetheless, depending on slipped by disciplinary notices is impermissible if the appropriate code provides that particular conduct as being unacceptable in the workplace. That was the situation in the case of “NUMSA and others v Atlantis Forge (Pty) Ltd” (LC308/03) [2005].

2.8.5 Suspension

Suspension implies that an employee is prevented from being at the workplace as part of the sanction for the misconduct committed. The suspension is limited in time. The sanction of suspension must also clarify whether the employee is suspended with or without pay.

2.8.6 Suspension pending disciplinary process

The employer is under an obligation to pay employees in return for the services rendered, yet is not constrained to do so. In this way, under custom-based law a business is allowed to place an employee on suspension, giving that the said employee pays the other employee a wage as long as the official keeps on making his services accessible. As per Resolution No. 1 of 2003, of the Public Service Coordinating Bargaining Council, this method of suspension is a pre-cautionary step and cannot be construed as being tantamount to a judgment. It is generally utilized in instances where the accused employee has committed serious misconduct which has result in the trust relationship being jeopardised and the employer is of the opinion that continual presence of the employee at the workplace will prejudice the investigation or the disciplinary proceedings including jeopardizing the prosperity or wellbeing of any potential witnesses or the government assets. Suspension is legitimized just if there is a risk to different employees, the peril of treachery or a plausibility that the employees could mess with the process.. Suspension of an employee is a genuine advance which could bias the authority or cause superfluous mental pressure (Bendix, 2001:363).

2.8.7 Demotion

Downgrade is the turnaround of advancement, implying that an accused employee is moved to a lower employment rank or title. The sanction of demotion can be utilized as a disciplinary measure where an employee is found guilty of misconduct, but on the other hand

is a practical contrasting option to termination of employment due to operational reasons by the employer (Bezuidenhout *et al.*, 1998:220). Downgrading of an employee ought to be considered as an alternative to dismissal.

2.9 LABOUR RELATIONS IN THE PUBLIC SECTOR

The expression "work relations" alludes to all perspectives and matters associated with the connections amongst manager and employees. It incorporates matters such as transactions in regard of compensation and different states of business, the anticipation and settlement of debate, the application, elucidation and impact of enactment and aggregated understandings, managers' organisations, organizations and mechanical chambers (Bezuidenhout as well as Garbers and Potgieter, 1998: 4). According to Jokipii (2010) labour relations, is the foundation, improvement and upkeep of a worthy, commonly favourable organisation framework amongst businesses and government authorities As per Van der Waldt (2015:20) who argues that labour relations is therefore designed to be the procedure of managing employment relationships.

Through the foundation of occupational direction and the procedures of control over labour relations, efforts are made to improve disputes arising from management and officials. Labour relations include managers and staff as interrelated partners and the government as regulating employees. Moreover, the government together with its institutions clearly lay out the part of a business in labour relations. Attributes of the relationship's dynamic are its regular linkage to conflict amongst government officials. Employees tend to be occupied with a power struggle with management. This contention requires foundations and procedures to have the capacity to manage and regulate power and conflict.

2.9.1 Nature and development of public sector labour relations

For quite a long time, the Labour Relations Act of 1956 had been the legal framework to regulate and manage collective bargaining in South Africa. The Act was principally pertinent to managers and officials in the private sectors. A few officials were excluded from the sphere of the Act, government employees, teachers, academics at the colleges and schools, farm workers and domestic workers were among those sectors which the Act did not properly cater for. It was therefore imperative to provide similar legislation to protect rights which are

same as those already protected under the Labour Relations Act of 1956 including the other excluded sector groups such as the local government sector. This has therefore led to the promulgation of the Public Service Labour Relations Act as well as the Education Labour Relations Acts (Du Plessis, Fouche and Van Wyk, 2002:383).

The public sector environment is known for its peculiar nature. This has therefore resulted in the introduction and implementation of labour relations policies in the public sector which are different to those found in the private sector. Such policies have placed restrictions on the principle regarding collective bargaining which includes the right of employees to strike in the public sector. Similarly, it is an established fact that the employment contract between the government as the employer and its officials entails fundamentals regulated through the normal employment contract, statutory provision as well as principles of common law which are administrative in nature. The employment principles as well as the motive for its existence differ significantly between public sector employers and those employers in the private sector, in particular with regard to the profit driven motive or lack thereof. The implication therefore is that employment takes diverse dimensions in so far as the structures of remuneration as well as the rights to strike are concerned. Public Service and Administration at the level of municipality therefore usually represents the government as an employer in the Public Service Coordinating Bargaining Council during negotiations with recognized trade unions.

2.10 INDEPENDENCE OF MUNICIPALITIES IN SOUTH AFRICA

In the system of public administration in South Africa, local government operates within the purview of provincial and national government structures. The national government, for instance, is responsible to create a wide national structure for advancement, including policies and sectoral programs (Van der Waldt 2015:20). Provincial government thus encourages, monitoring and evaluation of programmes or public service, for example, water provision.

Provincial government is likewise in charge of oversight functions civil oversight and interventions in the operations of local municipality (Van der Waldt 2015:20). In a similar manner, local government puts into action national and provincial activities in consultation with various non-administrative offices and the private arena. Since local government operates closer to the general population and interrelates consistently with the public,

particular accentuation is by and large set on its formative administration and service delivery roles (Van der Waldt 2015:20).

The system of co-operative governance also ensures the integration and alignment of development activities in all three spheres. At the national level, the Government's Programme of Action as encapsulated in the State of the Nation Address, and the South African National Development Plan: Vision 2030 which establish an all-embracing framework establishing of the development of "Provincial Growth and Development Strategies" and sectorial plans (Van der Waldt, 2015:20). The local government sphere, is therefore responsible for the alignment of their integrated development plans to ensure that they are in line with provincial growth and development plans. There are various other mechanisms aimed to facilitate intergovernmental relations which also guide these interfaces (Van der Waldt, 2015:20).

The 1996 "Constitution of South Africa" makes a provision for the duties and responsibilities of local municipalities (Chapter 7 of the Constitution of 1996). For instance, it is a challenge to ascertain the degree to which the integration of local government functions allows total independence in administrative structures. This is as a result of the synergy between the local, provincial and national cooperation in terms of service delivery to the public. Within this setup, the local government administration operates as an institution that exists independently and not as an integrated system of national and provincial governments (White Paper on Local Government of 1998). Similarly, the level of local government independence to the extent of operating as structures existing separately from the privilege that the national government enjoys. For instance, in the area of revenue collection and distribution, to other structure of government according to the Division of Revenue Act" No. 5 of 2015, the local municipalities are not completely independent since in terms of the Constitution municipalities have the right to manage and administer their own affairs subject to national and provincial legislation.

2.10.1 Ineffective Internal Control Systems

Look (2006) advised that an inward control framework suggests that "the local government process and strategy that has been built up with the point of target accomplishment. In terms of Section 125 of IAG (2008) states that "local government ought to provide a sound

arrangement of internal control systems which should help towards the achievement of goals. In a similar manner, the internal control systems further fills in as a procedure that aides government towards accomplishing its goals (Amudo and Inanga, 2009; Baltaci and Yilmaz, 2006 and Jokipii 2010).

The internal systems of control mentioned above can plainly be understood in that it is about the arrangements that will help with achievement organisational goals. In this way, the desired outcome of the investigation, viable inward controls framework indicates that powerful control measures built up by an organisation with the purpose of defending their benefits and ensuring the dependability of records both financial and non-financial as well as also consistency with important approaches and system that will ensure the achievement of authoritative destinations. In such a unique situation, local government ought to guarantee that internal control systems are in place so as to help inward review towards accomplishment of the objectives of the organisation. So also, the nature of an organisation's internal control system has a beneficial effect on administrative direction. In the similar manner, organisations that uncover poor and ineffective internal controls framework have bigger inclination to encounter administration blunders in their duty than those organizations that report effective and efficient systems of internal controls (Feng, Li and McVay, 2009).

It is further argued that it is the management's duty to warrant that a successful internal control framework is in place to guarantee the achievement of authoritative targets. This is on account of the fact that the supervision of actual internal control systems is the duty of the management and, not the auditors (Changchit, Holsapple and Madden, 2001). It must be noted that effective internal controls mechanisms are key drivers towards service quality in the public service (Church and Schneider, 2008). At the same time, a viable internal control system has a critical role to play in a organisation's prosperity (Jokipii, 2010). In line with the above understanding, effective internal control systems could likewise assume a significant role in the viability of internal auditing with particular reference at the level of the local government administration.

Government departments and agencies are expected to enhance their internal control mechanisms, internal auditing as well as organisational commitment to achieve good governance and effective delivery of services (Eko and Hariyanto, 2011). Also, such compelling internal control systems can give data to management about the progress in

governance or reveals where there are bottle necks toward achieving sustainable development (Changchit *et al*, 2001; Jokipii, 2010; Nilniyom and Chanthinok, 2011; Vijayakumar and Nagaraja, 2012; Verdina, 2011). In this way, Baltaci and Yilmaz (2006) saw that setting up a system of internal control as well as audit practices at the level of a local municipality has received slight or no attention at all in the public service. In the absence of a viable internal control system at local government level of administration, detection and control of ethical conducts would be impossible. Consequently, executing and keeping up with effective internal control systems will guarantee compliance with the laws and regulations in the sphere of public service (Amudo and Inanga, 2009; Gundling, 2000).

It is critical for the local government sphere to improve the effectiveness of its internal control framework bearing in mind the purpose of upgrading the internal audit system. Furthermore, the importance of internal control system in the local government administration is to protect the assets of the local councils, ensure appropriate utilisation of resources of government, legitimate authorisation of income and expenditure, and checking any form of financial misconduct in public administration (Kwanbo, 2009).

Despite the acknowledgment of the significance of internal control systems all over the world as control mechanisms in local government administration, many nations of the world still have weak internal control mechanisms to check official misconduct. For example, Baltaci and Yilmaz (2006) found that a portion of the world nations have weak internal control frameworks at the level of municipality administration. The perspectives are similar to other research conducted in places like Argentina; Bosnia; China; Columbia; India-Karnataka State; Indonesia as well as Philippines. The same could also be stated to the studies conducted by Kuta (2008), Kwambo (2009) and Musa (2012) which in addition found that most local government administrations have poor internal control systems. Such organisations need to enhance their internal control systems (Nilniyom and Chanthinok, 2011). Also, Vijayakumar and Nagaraja (2012) reflect on the concern that management of local government should improve the internal control systems since this remains the critical factor that drives the accomplishment of organisational objectives. It is not enough for an organisation to have internal controls system over its core business processes but has also to ensure that such controls are effective (Candrea, 2006).

Al-Twajjry *et al* (2004) also found that an effective internal control framework may result in external auditors to rely on the work of the internal control system. Consequently, internal control systems are the important part of administration procedures to ensure effective and efficient service delivery in the public service. Internal controls systems are the basis to the activities of local government administration since it controls the exercises or systems that are designed to give affirmation that activities are performing as per design and these can have the impact on the work of audit review.

COSO additionally gives the essential standards relating to the central ideas of effective inner control in five parts of the organisation (Candreva, 2006; Sudsomboon and Ussahawanitchakit, 2009). Amudo and Inanga (2009) submit that the shortcoming in the COSO instrument relates to its inability to consider Information Technology as one of the real control components for internal control framework and that Information Technology becomes critical for internal control structure. That is the basis upon which most organisations today make use of Information Technology for authorisation, start, recording and handling of exchanges – the reason for that being that it guarantees activities of internal controls. Currently, headways in innovation have enhanced the significance put on internal control mechanisms in public administration (Rezaee *et al*, 2001). These mechanisms must be readily available and working properly for any internal control system to achieve the objectives of public administration:

- A control environment: becomes the important part of dealing with organisational misconduct. This is on account of it is an impression of the policies of management in the context of the significance of internal audit units (Theofanis, *et al* 2011). It has impacts on the achievement of organisational objectives (Aldridge and Colbert, 1994). In a similar manner, it is the establishment for alternative segments of internal control and structure (Sudsomboon and Ussahawanitchakit, 2009). The control environment helps in decreasing the level of misconduct in governance. The quality of internal control determines the capacity and quality of the control environment as argued by Amudo and Inanga (2009). Providing adequate control systems for local government is very crucial to the effectiveness of its operation.
- Risk assessment: This entails the identification and examination of risks as it relates to the achievement of set targets by the organisation (Theofanis, *et al*. 2011). Sudsomboon and Ussahawanitchakit (2009) view risk assessments as managing relevant risks related with

the preparation of financial statements that would be presented fairly in compliance to the general accepted accounting principles. In this way, local administration must carefully decide the levels of risk that are acceptable, and also ensure such of risk levels are kept within the acceptable standards. In this way, local governments are required to carefully evaluate the level of risks they encounter in order to make necessary provisions to minimise such risks.

- Control activities: This involves strategies, methodology and instruments which ensure the administration's mandates are properly executed (Aikins, 2011; Rezaee, Elam and Sharbatoghlie, 2001). Appropriate and relevant documentation of strategies and procedural prescripts assist in deciding not just how the control exercises are to be carried out yet in addition give satisfactory data to auditor's examination of the general control outline over financial management practices (Aikins, 2011). These control procedures ensure that every critical decision ought to be made with the intention of accomplishing organisational objectives. By way of example: segregation of duties, daily deposit of cash receipts, bank reconciliations and limiting access to check stock, are among such control activities.

- Information and communication: this relates to the process of recognising, capturing, and communicating relevant information in a proper manner and within the stipulated timeframe so as to accomplish financial reporting objectives (Aldridre and Colbert, 1994). In the meantime, effective communication should happen in a more extensive manner within the segments or sections in a given organisation (Theofanis *et al*, 2011). Further review of literature on internal control system structures reflects concerns about information and communication mechanisms of internal control system, in light of their importance in affecting the working relationship within an organisational set up. (Amudo and Inanga, 2009). Henceforth, such information must be communicated across the whole organisation in such a manner that allows employee to carry out their official duties in accordance with the objectives of the organisation.

- Monitoring: it is generally accepted that internal control systems should be adequately checked against a specific end goal to survey the quality and the adequacy of the framework over a specific period. Monitoring provides confirmation that the findings of auditors and other reviews are promptly determined (Theofanis *et al*, 2011). Also checking of tasks guarantees effective working of internal controls framework (Amudo and Inanga, 2009).

Henceforth, monitoring determines if approaches and methods developed and implemented by the administration are being completed adequately by employees.

Several studies have been conducted on internal control systems, but none of this research investigates the effect of successful internal control system in the context of local government administrations (Aikins 2011; Baltaci and Yilmaz, 2006; Eko and Hariyanto, 2011; Feng *et al*, 2009; Kwanbo, 2009; Nilniyom and Chanthinok, 2011). For example an examination done by Eko and Hariyanto (2011) on the connection between internal control systems, internal auditing, and organisational commitment with good governance: Indonesian Case. The examination thinks about local administration of Central Java territory, Indonesia, which comprises 35 regions. Through surveys, it was discovered that internal control system, internal audit, and organisational commitment are positively related with good governance.

Likewise there is the research by Baltaci and Yilmaz (2006) on sub national government perspectives on internal control and audit at municipality levels. In spite of the fact that the examination is reasonable, it further found that internal control system and audit are the critical components of public financial management for expanding proficiency at the local government administration. In another similar report by Nilniyom and Chanthinok (2011) regarding accounting system innovation and development, it is acknowledged that some selected Thai firms, concentrated on mediating effective internal control system as surveys questionnaire. The results of the study discovered that internal control system effectiveness had a positive relation with stakeholder acceptance.

Feng *et al* (2009) additionally did an examination on internal control and administration direction utilizing polls and found that inner control quality has a financially huge impact on the precision of administration direction. So also, Aikins (2011) investigated the examination of government inner reviews' part in enhancing money related execution, in which he utilized the local government budgetary execution as needy variable and free factors of; the impacts of years between reviews, inside control sufficiency, inward control framework adequacy, and assessment of monetary execution observing. The investigation utilized online studies, 387 review office heads and polls for approach. The examination comes about demonstrated critical connections between years between reviews, inner control sufficiency, inside control viability and assessment of monetary execution checking on local government fiancé related execution. In any case, taking a gander as criteria for

investigations above, dictates a compelling inner control framework, nothing unless there are other options which relate to the connections between an inward control frameworks. And inside review adequacy at local government level in particular. Consequently this examination enhances the past research through investigation of the connection amongst viable internal control system and inner review viability at local government level.

2.11 THEORETICAL REVIEW OF LITERATURE

In this study, grounded theory and its principles were adapted to further review the research objectives. Grounded Theory which was introduced by scholars Frederick (2007) is classified into two independent ideas as constant comparison as well as theoretical sampling. In one case, the constant comparison method refers to the “iterative process of comparing data incidents and categories continuously and repetitively with one another during the stages of data analysis which are in operation simultaneously throughout the analysis” (Strydom, 2011). The implication is that the Grounded Theory engages standard comparisons of data continuously persistent through new data obtained from the elements of the study; where the new data collected, actions observed as well as perceptions recorded of the subjects are constantly compared with those of new subjects in order to generate theory.

The aim of the theory is designed to provide new understandings and understanding to the reaction accorded to the Code of Conduct as part of mechanisms for managing misconduct at the level of local government administration. Specifically, the research construct is delineated into ethics and culture as factors for measuring ethical standards as well as management in public service. Due to the understanding of Grounded Theory orientation, the research interpretation and findings are grounded in the participants' social reality. This also is with a specific end goal to show a substantial impression of the morals in the context of a Code of Conduct by municipal authorities. In an endeavour to further comprehend the thought of grounded hypothesis, Frederick (2007) points out a few focal points and detriments. The benefits include the following:

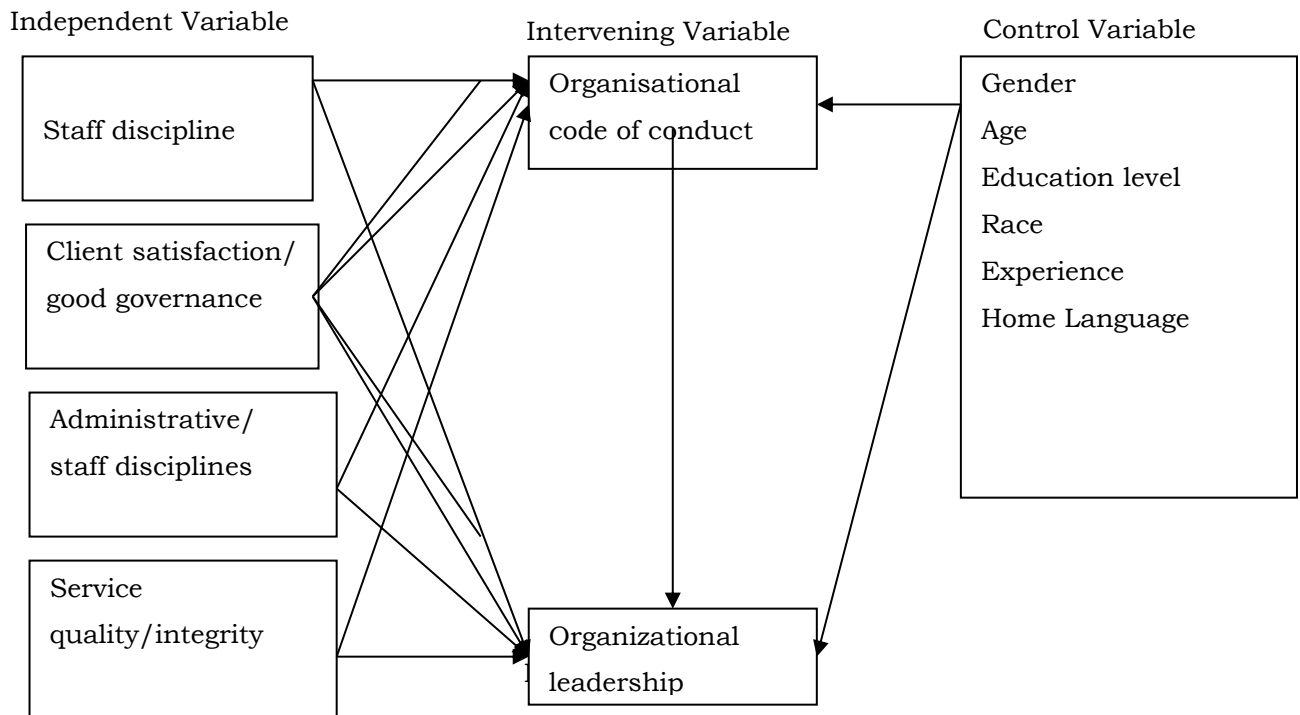
- The technique is a socially oriented research study method which embraces real-life data in a social environment.
- Grounded theory allows the researcher room for flexibility.
- It has high face rationality.
- Grounded theory yields to speedy results when used.

- It is a cost effective way of conducting research.

The application of a Grounded Theory in an empirical study explains the justification that a theory can only be developed after data collection and analysis thereof. (Holtzhausen 2007:21). The implication is that the Grounded Theory provides a platform for building new theory which is grounded on both primary and secondary data (Van Wyk, 2009:252). For the purposes of this study, a comprehension of a reception of a Code of Conduct by municipal authorities at Amajuba District municipality can be viewed as a innovative approach towards refining and enhancing compliance to ethical standards. This innovative approach will be suggested in chapter six, after an empirical data collected will be analysed as explained (see segment 1.6.3 of Chapter one of this proposition). Likewise, it is critical to distinguish techniques for data gathering and methodology that are significant in Public Administration research. The research strategies incorporate the information gathering methods, in particular a writing audit and additionally organized meeting surveys. The methods utilised in this study include the data collection techniques, in the form of literature review and structured interview questionnaires. The study engaged the use of structured research interview questionnaires as an investigative method of research in order to supplement the literature review. The main means utilised to conduct research for this study was, therefore, literature review.

The accessible research materials consulted in this research reviewed a wide range of subjects – far reaching writing on viewpoints, for example, speculations, characterizations, approaches, newspaper reports and archival materials. Significant numbers of these research materials represent the literature sources for data collection with respect to morals in local government administration. The three – part model of hierarchical responsibility (Kolbs, 2014) has gained considerable popularity in empirical research in the recent time. Kolbs (2014) implied that an employee’s commitment specifies a want, need and commitment to keep up membership of a given organisation. Subsequently, responsibility shows itself in three unmistakable conducts: (i) Affective commitment; (ii) Continuance commitment; and (iii) Normative commitment.

Figure 2.1: Organisation ethics and code of conduct model



Source: Adapted and modified from Kargar (2012)

The framework in figure 2.1 describes the organisational Code of Conduct and managerial involvement as required to mediate between staff discipline, provision of client satisfaction and delivery of service quality. The framework also explains the control variables in the context of gender, age educational level, race, work experience and culture of individual as having consequential effects on the managing of misconduct at the local municipality. Similarly, the result of the effect can result in affective commitment, continuance of commitment, normative commitment, organisational commitment and effective factors.

Affective commitment can be referred to as the level at which an individual identifies or enjoys being involved in, and enjoys membership in a given organisation. Employees with emotional responsibility need to stay with the organisation. Continuance commitment includes an employee's attach to an organisation in view of what it would cost if such worker is to leave the organisation. Normative commitment includes a sentiment moral commitment to keep working for a specific organisation. For any number of reasons, for example, a sentiment obligation, requirement for correspondence or hierarchical socialization,

normatively dedicated workers feel that they should stay with the organisation (Meyer and Allen, 1990).

2.12 CONCLUSION

It is common knowledge in research that every literature review to an extent has its limitations, and this research is no exception. The researcher consulted a number of published research materials; none the less, time and resource constraints will always remain an obstacle in the pursuance of research effort. The significance of literature review is broad. For instance, the review of public enactments and a diverse legal framework provided a broad perspective on tenets of Code of Conduct and ethics in the context of local government administration. Such background information available on ethics both in local and international publications indicated a high frequency of academic research, particularly in two periods in current history: the time amid decolonisation and autonomy of numerous African nations amid the 1960s.

The available research in the literature also indicated that even though there are many publications on ethics and corruption at the level of local government administration in South African, most of these efforts remain more of normative as well as theoretical in their nature with a focus on the measures to improve ethical conduct so as to include statutory and policy prescriptions. Similarly, most available publications tend towards understanding the significance of a code in government. Similar research efforts relating to empirical findings understanding the operation of Code of Conduct law in the context of moral attitude as well as ethics compliance among local government functionaries have remained scanty in South Africa. This study identifies such gaps in the existing literature and attempts to define tenets of the Code of Conduct legislation and ethics as avenues for further research.

The review of relevant literature further explained labour relations matters and how the tenets developed from the post-apartheid South Africa to the present dispensation. Other laws regulating the employment relationship in the public governance were also reviewed in this chapter. For instance, issues relating to various existing disciplinary measure were discussed in line with global best practices. The review of literature further demonstrated that an effective discipline framework is rather more of a punitive measure, than being a corrective measure. The Code of Conduct, disciplinary code as well as disciplinary procedures were

extensively reviewed. The literature review also covered areas such as disciplinary code and procedures including procedural and substantive fairness in human relations. Other aspects discussed from the literature included various forms of disciplinary measures suitable for dealing with misconduct in public governance. Among such actions discussed are issues relating to verbal warning and reprimands; written warnings and reprimands; final warnings in writing; staff suspension; staff demotion or outright dismissal.

CHAPTER THREE

INSTITUTIONAL FRAMEWORK FOR MANAGING MISCONDUCT IN AMAJUBA DISTRICT MUNICIPALITY

3.1 INTRODUCTION

Due to diversify in the culture and values of the citizens across local government strata in South Africa, issue such as how public service deals with compliance to ethical standard has become a significant factor in local government administration. For instance, citizens are essentially different along their culture, race, values and norms as well as religious beliefs. Such differences in demographic characteristics are found to have significantly influenced how public administration is conducted under local government authority in South Africa. Particularly, it is interesting to note that differences in demographic factors have a substantial influence on how the issues of misconduct in public services are managed. However, for the sake of uniformity on how the Code of Conduct as well as the ethical standards is administered across public administration, this chapter takes stock of Amajuba District Municipality in the context of adoption and implementation of ethical standards. Such ethics include the operations of municipality and the Code of Conduct governing the conduct of government businesses. This chapter further determines the issues of probity and accountability in public administration with specific reference to statutory legislation and other administrative procedures in the public service.

The administrative organogram obtainable at Amajuba District Municipality shows different organs of government at the local government in the context of line of authority, synergies and interrelationship in the public service. As presented in figure 3.1 below, the information indicates the line of authority from the office of the municipal managers across other administrative offices in the context of service delivery to the general public.

FEB 2015

OFFICE OF MUNICIPAL MANAGER

Posts:	22
Post Filled:	18

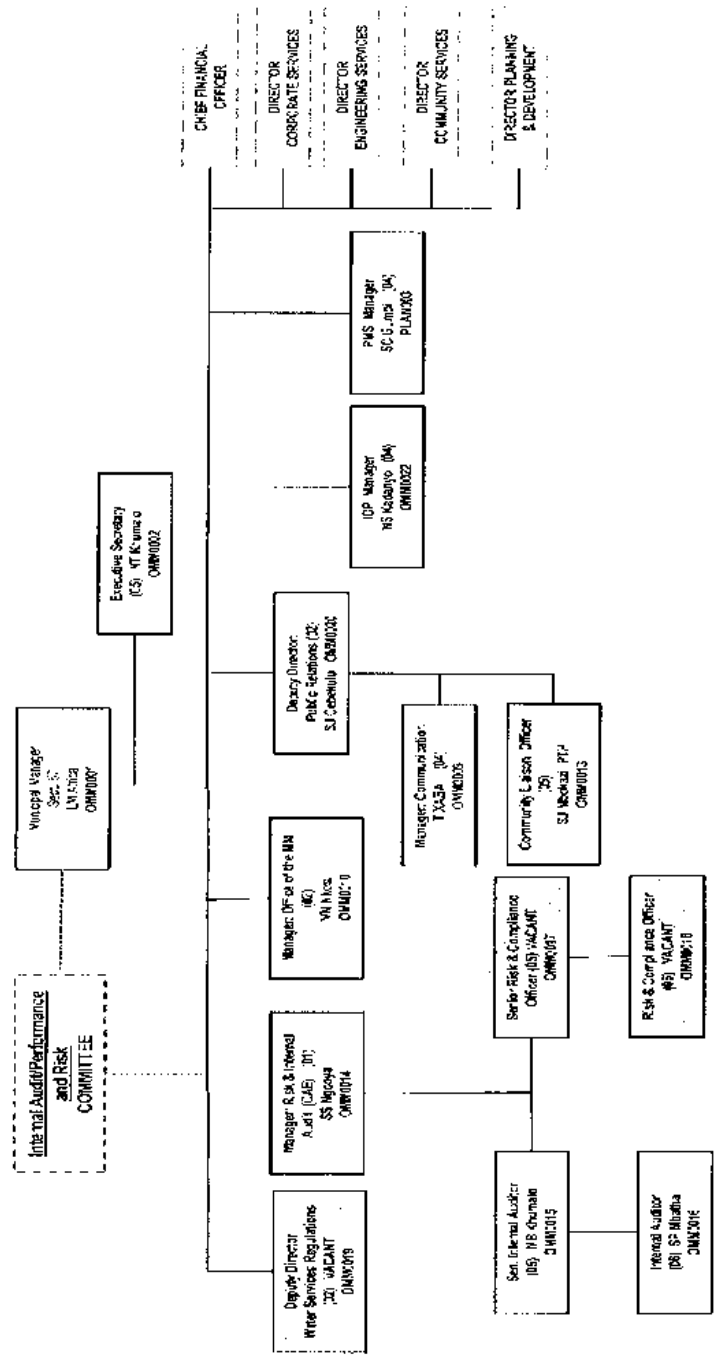


Figure 3.1: Administrative Organogram of Amajuba District Municipality

Source: Amajuba District Municipality Approved Staff Organogram (2015)

As reflected in Figure 3.2 above, the head of administration in a municipality is the Municipal Manager. The powers afforded to the Municipal Manager as the head of municipal administration are conferred to him in terms of Section 66 of the “Local Government:

Municipal Systems Act No. 32 of 2000. Enforcement of discipline and to ensure that members of staff abide by the municipal code of conduct is entrusted with the municipal manager.

While the enforcement of discipline and compliance with the code of conduct vests with the municipal manager, however, in the context of the Section 59 of the “Local Government Municipal Systems Act” of the year 2000 Cap No. 32, it is explained that the municipal manager can delegate such powers conferred to him by the Act to the Director: Corporate Services who then through the line managers ensure that the code of conduct is enforced. Human Resources Department ensures that the Labour Relations office enforces the code of conduct and that the staff members comply with the tenets. In the event of transgressions of the code the labour relations office must ensure that proper disciplinary processes unfold in order to implement corrective measures against those staff members who are in breach of the code. The Act recognises that the delegations must always be in writing.

In the case of Amajuba District Municipality, the municipal council has approved a policy regulating how the system of delegations should be implemented. The purpose of the delegation system when it comes to the implementation and enforcement of the Code of Conduct the Heads of Departments in their respective departments ensures absolute enforcement and compliance to statutes as provided in the code of conduct. For instance, where a staff member has in some way breached the Code of Conduct, the Heads of Departments ensure that proper procedures in line with the standard practices as recognised by the law of the land. The implication is that all activities towards the enforcement and compliance must be within the ambit of law as enshrined in the constitution.

At the local government sphere the employer and employee component has agreed on a set of legal frameworks which should regulate the code of conduct. The legal framework referred to herein is the “Disciplinary Procedure and Code Collective Agreement”. It should further be noted that the “disciplinary procedure and Code Collective Agreement” should be read in conjunction with the rules and procedure dictated by Code of Conduct legislation both for the staff members at the municipality and the general public in line with the Cap 2 of Municipal Government Systems Act 1992 as enshrined.

Following hereto is the process plan by which Amajuba District Municipality disciplinary process and procedure unfolds:

Step 1

An allegation of misconduct is reported to the supervisor or manager

Step 2

The Supervisor reports the matter to the Municipal Manager, who will then, refers the complaint to the Human Resources Department for investigation

Step 3

The human resources department compiles an investigation report. The investigation report must outline whether there is a misconduct committed by the accused employee. The human resources must further ascertain whether the allegations levelled against the accused employee are serious or not to warrant that the accused employee be place on suspension pending disciplinary hearing.

Step 4

In the event of serious misconduct which warrants that a suspension be recommended, the municipal manager must constitute a pre-suspension tribunal where the accused employee is invited to make representation before the municipal manager or his nominee on why he / she should not be suspended pending disciplinary action. The accused employee must be given forty-eight (47) hour notice to appear before the pre-suspension for him or her to make representations. The accused employee must be advised of his rights to representation during the pre-suspension hearing. At the end of the pre-suspension hearing the presiding office must make report based on the submissions made by the accused employee. Where the pre-suspension hearing was chaired by one of the head of departments, the report of the investigation must be made available to the municipal manager. Thereafter, the municipal manager on his part has five (5) days to make his decision on whether to suspend the employee. In the event where the employee is suspended, the employee must be accordingly advised of his / her suspension. The suspension must be with full pay.

Step 5

Where the accused employee is not suspended, the Municipal Manager must instruct the human resources department to constitute a disciplinary tribunal to hear and determine on the matter. In appointing the presiding officer for the disciplinary tribunal, the municipal manager must appoint a staff member who is at least two levels senior to the employee being charged to act as the presiding officer of the disciplinary tribunal. The municipal manager must also appoint the evidence leader whose responsibility will be to draft the charges against the accused employee. The charges must be in line with the recommendations as contained in the investigation report.

Step 6

The evidence leader must formulate the charges which must be in line with the forms of misconduct as set out in the Disciplinary Procedure and Code Collective Agreement.

Step 7

The prepared charge sheet must be served to the accused employee. What must be contained in the charge sheet is the following:

- The detail of the Chairperson
- Details of the evidence leader
- Date of the disciplinary hearing
- Venue for the disciplinary hearing
- The charges
- The right of the accused employee, :
- The charge sheet must be signed by the Municipal Manager
- Right to be represented by either union or fellow employee
- Right to call and cross examine witnesses
- Right to an interpreter

In terms of the “Disciplinary Procedure and Code Collective agreement” which is applicable at Amajuba District Municipality the disciplinary hearing must commence not earlier than seven (7) days and not later than 14 days from the date of the service of the charge sheet. The rationale behind these time frames is to afford the accused employee ample opportunity to prepare for the case.

Step 8

At the commencement of the disciplinary hearing the charges are read to the accused employee and the employee must either plead guilty or not guilty. In the event where the plea is that of not guilty the employer has a duty to begin and lead its evidence. Each witness who is called to lead evidence is subject to being cross examined. The purpose of cross examination is to test the credibility of the evidence being presented as well as the defence which the accused employee has on the matter.

Step 9

After both the employer and employee have led their evidence before the chairperson of the disciplinary tribunal, the chairperson must make a finding in the matter. In other words, the chairperson must either find the accused guilty or not guilty.

Step 10

In the event where the accused staff member is proven not guilty, that should be the end of the case. In the event, however, where the accused employee is found guilty of the offence, the chairperson of the disciplinary tribunal must invite the employer to make submission in aggravation. Aggravation submissions or arguments as they are mostly referred to are the arguments which the evidence leader presents to the chairperson on the type of sanction which the chairperson must hand down in the matter.

On the other hand, the employee or through his or her representative is also expected to present arguments in mitigation of sanction. Mitigation arguments are those arguments presented before the chairperson where the accused employee or his / her representative pleads with the chairperson to impose not such a harsh sentence against the accused.

Both the employer and employee may lead evidence in support of their arguments in aggravation and mitigation respectively.

Step 11

After having considered the arguments in aggravation and mitigation respectively, the chairperson of the disciplinary tribunal must deliver the sanction within ten (ten) days. As part of the chairperson's finding on sanction the chairperson must advise the employee of his right to file an appeal against the finding. In terms of the Disciplinary Code applicable at Amajuba District Municipality the employee who is not satisfied with the finding of the

chairperson must file the appeal within seven working days starting from the day the outcome of the sanction is received.

Step 12

The presiding officer must furnish the Municipal Manager with the copy of the sanction in order for the municipal manager to implement the finding of the presiding officer. The “Disciplinary Procedure and Code Collective agreement” provides that the presiding officer can impose the following sanctions as appropriate:

- Written warning to erring member staff. Such model remains valid for the period of six months from the date it is imposed by the presiding officer;
- Suspension without pay up to a maximum of ten days;
- Dismissal.

Further information reveals the administrative structure including internal audit performance and risk management in the context of administration of public service such as in a local municipality. The organogram also shows risk and internal audit offices, compliance and community liaison departments. There are risk financial offices, corporate services, engineering and community service, public communication and enlightenment as well as planning and development units. These units and departments have the mandate of upholding ethical procedure in discharging the official responsibilities to the public. The units are also guided by other legislative and regulatory framework for the purpose of providing efficient service quality guided by Code of Conduct as explained in the next sub-headings.

3.2 REGULATORY FRAMEWORK IN AMAJUBA DISTRICT MUNICIPALITY

The existence of statutory legislations and frameworks that guide the conduct of government business has never been a guarantee that a corruption free public administration could be achieved. Even though such statutory legislation and frameworks exist in the administration of public services in South Africa, the issues of misconduct persist across local municipalities. Like every other local municipality in the Republic of South Africa, Amajuba District Municipality is one that is governed by similar tenets and framework for managing public conduct as applicable to the rest of the local district municipalities in the country. For instance, the “Local Government Municipal Systems Act”. 2003, Schedule 2 deals with the

Code of Conduct for Councillors and Municipal Staff. At Amajuba District Municipality, each staff member is expected to give his or her consent to the provisions of the Code of Conduct during staff induction exercises. As pointed out above that the local government as an independent sector of its own has the Disciplinary Procedure and Code Collective Agreement which is signed by all stakeholders (the employer component through South Africa Local Government Association (SALGA) and the two trade unions IMATU and SAMWU. These codes specify the kind of conduct expected from municipal staff. The procedure set out above indicates the process flow that unfolds in situations where a staff member has breached the disciplinary code and the corrective action that is followed by the municipality. Similarly, public governance is regulated by the provision the Constitution of 1996 as enshrined in the Republic of South Africa. Other regulatory frameworks include the Public Service Act 103 of 1994; “Public Finance Management Act” 1 of 1999; Code of Conduct legislation and the Public Audit Act No. 25 of 2004 as discussed in the following sub-headings:

3.2.1 The Constitution of the Republic of South Africa, 1996

As explained in chapter two of this dissertation that the “Constitution of South Africa” 1996 as applicable to Amajuba District Municipality, narrates the conduct of public officials including local government functionaries. The Constitution and its provisions state that functionaries must comply with the values and principles governing administration of Code of Conduct as enshrined in the Constitution (South Africa, 1996). The Constitution of South Africa 1996 is also regarded as the benchmark for regulating the conduct of public officials. As such any violation of the tenets is punishable under the Constitution as appropriate. The implication is that the 1996 Constitution regulates the conduct of government officials in Amajuba District Municipality in the context of expected service delivery. The Constitution of 1996 therefore remains the foundation of the provision of effective services delivery and excellent public service (Constitution 1996, section 2). It is expected that all other legislation and laws are to comply with the tenets as enshrined in the Constitution of 1996 such as the operation of government business in Amajuba District Municipality. For instance, exercising government authority is limited to the purview of the Constitution while discharging official duties.

Where other laws are found to have contravened the Constitution, the tenets of the 1996 Constitution shall prevail. In the same vein, the principles of separation of power among the three arms of government (the executive arm, legislative arm and the judiciary arm) of Amajuba District Municipality are expressly stated in the 1996 Constitution of South Africa, Sections 43, 85 and 165). In the course of carrying out official duties, the 1996 Constitution emphasizes the need for municipal functionaries to exhibit high professionalism, observe ethical standard and due diligence. Such activities also cover the effective and efficient allocation of public resources, equality, impartiality and fairness in the official conduct to all citizens irrespective of age, sex, status, race or colour. The 1996 Constitution also encourages participatory decisions making processes and management system as well as citizen inclusiveness in public administration. The 1996 Constitutions also spells out the need for accountability and transparency in public governance. All these tenets are geared towards managing official misconduct at the level of municipal administration like Amajuba District Municipality.

3.2.2 The Public Service Act 103 of 1994

The idea behind the “Public Service Act” 103 of 1994 (PSA) as applicable to Amajuba District Municipality, is to regulate the conduct of public officials in the course of carrying out their official assignments. The tenets of PSA stipulate the acceptable procedures to be followed while dealing with erring government officials, who have in one way or the other compromised the integrity of their offices. The implication is that PSA does not only regulate the conduct of government officials but also spells out disciplinary measures for the violation or misconduct as deemed appropriate. According to the report as obtained from Webb and Auriacombe (2006), PSA remains the most relevant legislation that regulates the behaviour or conduct of public officials. This is closely linked to the understanding that Section 20 of the Act explains how best to deal with maladministration and misconduct in the public service.

According to Holtzhausen (2007), the PSA is promulgated with the sole aim of curtailing corruption in the public service. For instance, Section 21 of PSA narrates what constitute malpractices or misconduct in the public service and the appropriate prosecution or sanctions for the violation. Among the malpractices as applicable to Amajuba District Municipality and as punishable under the Act are listed as follows:

- Failure of the municipal officials to comply with the provision of PSA particularly in the area of public procurements;
- Negligence of duty or failure to exhibit due diligence in the course of carrying out official duties;
- Exerting government power without prior permission to do so;
- Using a government position to take undue advantage at the expense of the system for personal gain;
- Government functionaries making inappropriate use of government property for private purposes;
- Disclosing authorised information purposely to compromise the acceptable standard and personal gains.

3.2.3 The Public Audit Act 25 of 2004

The Public Audit Act 25 of 2004 (PAA) empowers the office of local government audit to function independently without interference from other government agencies. For instance, as applicable to Amajuba District Municipality, Section 46 of the PAA provides that public officers in the office of the local government audit are forbidden to participate in active party politics. Such activities however do not include public gatherings or other activities. The aim is to avert a situation whereby public officers are compromised for undue pecuniary advantage. Similarly, Section 41 of the Act disallows the officials of local government audit from effecting any payment whatsoever on behalf of government. Where such law is violated, the law mandates that such erring officer would be made to pay back or refund any money misappropriated from his or her salary and other personal emoluments. According to Du Plessis (1993), the organisation or institution that benefits from such payments could also be mandated to make a refund of such authorised payments.

3.2.4 Public Finance Management Act 1 of 1999

The law regulating public financial management including the operations of Amajuba District Municipality is the Public Finance Management Act 1 of 1999 (PFMA). The Act also encompasses other legislations of the public financial administration and management in the local district municipality. The legislations include: Treasury Act regulating the financial activities of government departments and agencies and the Municipal Financial Management

Act 56 of 2003, the Tax Regulatory Act of 2001. All these laws as applicable in Amajuba District Municipality provide that public officers should disclose personal interest in any financial dealing. The Act also addresses issues relating to financial crime and mismanagement in public governance. PFMA emphasises the need for probity, accountability and transparency in public financial administration. The Act stresses the need for proper financial management and records in public administration of the local municipality. In addition to this Act, Amajuba District Municipality engages the use of the Local Government Municipal Finance Management Act, No. 56 of 2003.

3.2.5 Code of Conduct

The Code of Conduct legislation as discussed under chapter two of this dissertation comprises the Public Service Regulation of 2001, the Code of Conduct as set out in Schedule 2 of the Local Government: Municipal Systems Act 32 of 2000. Others are the Executive and Legislative Ethics Act 117 of 2000 and 1998 respectively. As the case to Amajuba District Municipality, the Code of Conduct legislation requires that public officers in the local government should disclose their financial status annually to appropriate government agencies. The employees at all levels of the public service are expected to comply with the provisions of the code. The importance of the Code of Conduct to a reasonable extent stipulates the relationship that exists between executive, legislature and judicial arms of local government service. Similarly, Section 7(3) of the Code of Conduct stipulates the roles that are required of the executive members, heads of departments and agencies in the context of maintaining discipline among municipal functionaries. The provision of the Code of Conduct at Amajuba District Municipality maintains that employees should comply with the rules and regulations of public administration.

The significance of the Code of Conduct is the extent of how best to deal with corruption and mal-administration at the level of local municipality such as Amajuba District Municipality. Reddy and Wallis (2013) explains that the Code of Conduct Act is positioned to regulate unethical behaviour in public service. In Amajuba District Municipality, the Code of Conduct legislation narrates what constitute the minimum acceptable behaviour or ethics in the public service. At the level of the district municipality, the Code of Conduct is administered at the entry level into the public service as part of the conditions of service. The implication is embedded in the understanding that public officials are expected to follow stipulated

guideline for public service and administration. The strategy includes individual orientation in the area of participative management through training and development. Ethical training is important as a way by which employee conduct is regulated.

3.2.6 Prevention and Combating of Corruption Activities Act 12 of 2004

Among the frameworks operational at Amajuba District Municipality for dealing with misconduct in public service is the provision of “Prevention and Combating of Corruption Act” of 2004 (PCCA). The tenets of PCCA promote the fight against corrupt practices in the course of discharging official duties among municipal functionaries. Among such offences is the issue of receiving gratifications before, during or after discharging public services. The effect is to compromise the integrity of public service for personal advantage among municipal officials. Such practices are also found culpable of compromising the integrity of service delivery at the level of local government services. The promulgation of PCCA is therefore aimed at promoting effective service delivery and preventing public officials from taking advantage of their official power purposely to extort the vulnerable citizens. As part of the investigative mechanism and fight against corruption, PCCA also promotes the fight against corrupt practices and other related offences. According to South Africa (2004), the provisions of the Act place restrictions on any individual or organisation found to have been convicted for official misconduct or compromising the integrity of the public service.

3.2.7 The Intergovernmental Relations Framework Act 13 of 2005

The “Intergovernmental Relation Act” of 2005 is another legal provision in place in Amajuba District Municipality for managing official misconduct and practices among government departments. The provisions of the act promote the integration of public services among departments with the aim of checking maladministration in the public service. Similarly, the Intergovernmental Relation Act of 2005 remains a legal framework designs to address issues bordering on dispute resolutions among government departments. The Act also promotes the integration of public services, policies, legislations and implementation to encourage cost-effective service delivery (South Africa, 2005). In the same vein, the provisions of the Act also underscore the significance of pioneering leadership role as a model for emulating best practices. The implication is that leadership within the local municipality has a lot of influence on ethical behaviour of the other employees of government. Leadership by example

is noted to be an antidote towards managing official misconduct among functionaries of government at the level of local municipality.

3.3 ENHANCING ETHICAL CONDUCT THROUGH LEADERSHIP POSITIONS

The roles of leadership or top government functionaries like managers, directors and councillors cannot be under-estimated in a bid to achieve the ethical environment in public service. For instance, at the levels of local municipality, leadership position is a significant factor that influences ethical standard among local government functionaries. The implication is that attitudinal change can significantly be influenced when leaders display ethical standards and communicate such standard loudly and repeatedly to other members of staff in the public service (Landman and Punt, 2006). Ethical behaviour displayed by leaders can persuade the followers to emulate good practices. This could significantly influence ethical public service in local government. Managing misconduct at the level of public governance could be a mirage if leaders fail to comply or display ethical standard in public service. Govender and Reddy (2014) lately stressed the fact that leadership has significant influence to establish and maintain the ethical business environment, particularly in public service. The implication is that realising ethical standards in public service requires the cooperation of top government functionaries.

In Amajuba District Municipality, the idea is that if leaders can demonstrate high ethical conduct and promote interpersonal relationship among staff, then ethical standards can quickly be achieved in public service. This understanding is also supported by Landman and Punt (2006) that ethical standards require that leaders in public service display high ethical standards in the course of discharging public services. Other employees would benefit from such practices, if well provided and communicated. Among such practices are probity, transparency and accountability in governance. These also include interaction and interrelationship with the general public. For ethical standards to evolve in public service, the concept of leadership by example remains one significant framework to address misconduct among government functionaries like Amajuba District Municipality.

From the assertion credited to Gottlieb and Sanzgiri (1996), leadership in public governance sets the pace for either ethical or unethical environment in public services. Similarly, Kelly 1989 in Llyod and Mel (2010:2) in research conducted by Gottlieb and Sanzgiri (1996,

p.1278), it was reported that of about 8000 respondents that participated in a study, which sought to understand factors that motivate ethical standards among employees in business organisation, about 75% of the respondents supported the fact that the leadership factor plays the most significant role. Consequently, Gottlieb and Sanzgiri (1996:1278) were of the view that only the disciplined leadership could drive ethical policy. Leaders also have the capacity to formulate the strategy in term of training and communicating ethical standards to other workers. The capacity of leaders to lead by example is sacrosanct to achieving of ethical environment in the public sectors of the economy.

3.4 WHISTLE BLOWING AS MEANS OF REPORTING UNETHICAL CONDUCT

Part of the framework operational at the level of local government administration involves a whistle blowing reporting system. Whistle blowing is a framework which involves reporting illegal or illicit activities of officials of government or individuals (Holtzhausen 2007:163). In Amajuba Municipal District, a whistle blowing framework is not an exception, but a part of strategy for dealing with misconduct in the public service. Whistle blowing framework attempts to expose any fraudulent activities or compromises in the course of doing government business. The strategy remains anonymous or confidential so that the identity of the whistle blower is kept secret. Reported dubious activities in governance are therefore investigated while the culprits are apprehended and convicted. In most cases, government recovers any gratification received by individuals or organisations through such wrongdoing. The approach requires communicating the wrongdoing or illegal activities and remaining silent. The practice compels individual staff members to practise what they preach.

As a step towards engaging a whistle blowing strategy in the operations of local government in Amajuba Municipal District, the management takes caution. The essence is to ascertain if the cases reported actually amount to wrongdoings. The implication is that a thorough investigation must be conducted promptly to ascertain the genuineness of material evidence. According to Govender and Reddy (2014), it is reported that the involvement of a whistle blowing framework at the level of local government administration is critical to the effort at dealing with misconduct in the public service. There is therefore the need for an appropriate mechanism through which cases of maladministration can be channelled in the public service.

3.4.1 Protection of Whistle blowers in the South African Public Service

Procedure requires effective whistle blowing activities, and quality material evidence must be provided to establish wrongdoings in public service. The Protected Disclosure Act 26 of 2000 is designed to protect individual or organisation that has reported the cases of malpractices in governance. The Act specifies that whistle blowing activities represent freedom of speech. The aim is to create transparency, probity and accountability in government. Whistle blowing sources may be internal within the public service or external when information is coming from the general public.

According to the review of the report credited to King (1997:131), there are prescribed steps that are required while reporting or treating information received through whistle blowing activities. Among these activities are listed as follows:

- Whistle blowing activities have the chance to minimise malpractices in the public governance.
- The organisation is expected to establish whether the reported cases actually amount to malpractices or wrongdoings.
- Strict adherence to organisation procedures is required in how wrongdoings are reported, investigated and prosecuted. There is the need to give fair hearing to the culprits implicated.

The effect of whistle blowing may either be negative or positive as the case may be. For instance, organisation in which malpractice cases are reported stands to earn negative public image. According to Govender and Reddy (2014), it is reported that whistle blowing activities may impact negatively on the image of public service. In the same vein, the government office where cases of malpractices are reported may incur public condemnation and in a way bring down the image of the office. On the other hand, management may be greatly assisted in taking decisions that could lead to cost reduction, theft blockage and activity of economic saboteurs as well as achieving greater results if timely information is provided about maladministration in public service management.

3.5 INSTITUTIONAL MECHANISMS TO COMBAT UNETHICAL CONDUCT

In Amajuba District Municipality, there are a variety of institutional measures vested in the local council which are targeted at combating wrongdoings or unethical practices in the public service. Among such mechanism include the activities of the Public Protector; Office of the Auditor General; Public Service Commission; South Africa Police; South Africa Revenue Services; Special Investigation Unit; National Intelligence Agency as well as Anti-Corruption Committee. For instance, the office of Public Protector is affirmed by Frank in the report compiled by Zikhali (2005) and advised that it is an office which is aimed at averting injustice in public service and any other form of conducts which are frequently inflicted upon the members of the public by those who hold positions of power. Such acts could either be intentionally or intentionally. (Frank 1976 cited in Zikhali 2005:139) also enumerated some of the injustices among other things to include the followings:

- Negligence in the course of duty;
- Unfair policy implementation;
- Partiality or favouritism in the course of duties;
- Unfairness, unreasonableness and arbitrariness
- Arrogance, inefficiency and violation of laws or regulations
- Abuse of office;
- Discrimination;
- Lack of due diligence;

Similarly, the office of Auditor-General (AG) undertakes an independent performance audit to the activities of local municipality. The performance audit is poised to promote probity and accountability in the operation of the municipal district. The AG office undertakes periodic monitoring and oversight to observe ethical compliance in the course of doing government business at the local municipal council. This is in line with the provisions of Auditor General Act 5 of 1989, which empowers the office of Auditor General to ascertain the extent of compliance to ethical standards in the public service.

In another development, the Public Service Commission (PSC) framework according to the Constitution of 1996, Section 196 provides that the commission shall conduct periodic enquiries to the activities of the legislative arm of the local municipality. Part of the mandate

of the commission is to monitor the personnel matters in the context of legislative matters and appointment, promotion, discipline and training of staff members. The commission is also charged with the responsibility of monitoring the condition of service of legislative arm of the local municipality. The commission also ensures that members of legislative matter and the employees fully comply with the Code of Conduct as provided under the 1996 Constitution.

In a related development, the Anti-corruption Co-ordinating Committee of the local municipality is an institutional framework designed to checkmate corrupt practices in the local government administration including Amajuba District Municipality. The committee members cut across specialists and experienced personalities from chosen careers on advisory capacity to the local government administration in South Africa. The committee is empowered to conduct training and learning mechanism through which Anti-Corruption Training Network that supports district municipality campaign against corrupt practices. The committee also designs strategies through government policies on anti-corruption purposely to monitor, appraise and enforce discipline at the level of local government administration.

Other mechanism involved in managing misconduct as subscribed by Amajuba District Municipality is the intervening roles of South African Revenue Service (SARS). The agency of government is mandated to ensure effective tax collection and compliance to tax laws. SARS also tracks tax invaders and fraudsters in the public service through \the hotline dedicated for Anti-Corruption Campaign. The agency is also mandated to prosecute offenders including individuals or corporate organisation. Similarly, any local government functionary involving in any form of complicity with the offenders is also prosecuted.

In a related area, the National Prosecuting Authority (NPA) represents a mechanism through which corrupt practices are addressed in the local municipality. The framework as applicable in Amajuba District Municipality is according to the dictates of 1996 Constitution. The agency is empowered to institute legal proceedings against criminal activities involving individual or corporate organisations engaging in corrupt practices.

The activities of the Special Investigating Unit (SIU) involve measures designed to combat maladministration in the public service. The agency is empowered by 1996 Constitution, Section 2(1) to institute investigation to reported cases of corruption at the level of local municipality in South Africa. Other mandates of the unit as applicable in Amajuba District

Municipality involved investigation of maladministration or malpractices at the local government level. Such investigations cover issues of unlawful expenditure or appropriation at the local government service. Other offences include budget padding and unauthorised virement of local government approved budget purposely to compromise the integrity of public service.

3.6 REWARD SYSTEM IN ETHICAL ENVIRONMENT

The issue of organisational reward system is a critical factor in achieving ethical environment in public service (Govender and Reddy, 2014). The idea of a reward system is to promote ethical standard and due diligence in public service. Rewarding ethical behaviour among local government officials is significant to how best to promote ethical culture among workers. The reward system spells out what is expected and what reward packages are available for best practices. Focusing on ethical reward systems in the local government administration has the tendency to achieve ethical behaviour among municipal functionaries. It has the capacity to bring about healthy rivalry and desire to do more. In a bid to understand what constitute ethical conduct among local government functionaries, it important to study which ethical conduct are rewarded or sanctioned. The essence is to be able to measure and evaluate ethical standards at the level of local government administration.

Among performance reward systems for measuring ethical standard in Amajuba District Municipality is the white paper on “Reconstruction and Development Programme” (RDP) of 1994 as well as the “Transforming Public Service Delivery White Paper” of 1997. The provisions of the two white papers spell out the performance reward system for the sake of service standard at the grassroots. The roles of the National Treasury Board (NTB) form part of the performance measurement and management at Amajuba District Municipality of KwaZulu-Natal. The significance of the NTB is to the extent of using a Medium Term Expenditure Framework for budgeting purposes in the local municipality. The framework spells out goals and Key Performance Indicators (KPIs) to measure compliance as well as budget performance (National Treasury, 2007). The performance rating assists the local municipality to identify any variations in service delivery. The essence is to address such variance for the sake of achieving optimum service delivery.

Similarly, the advantage of performance measurement as a factor for promoting probity, accountability and good governance in the public service, is to such an extent of the desire of the management to determine how performance standards are set and monitored if such system leads to employee commitment in public service. The implication is that an effective reward system will lead to employee commitment to ethical standards if the leadership take proper stock of ethical performance and such performances are rewarded.

3.7 ETHICS TRAINING AND EDUCATION

The purpose of the education and training mechanism is to maintain ethical standards in the workplace. For instance, local government functionaries require adequate information regarding ethical standards and organisation core values. Such information consists of the do and don'ts in the course of discharging official assignments. Through ethical training activities, the local government functionaries are made to understand the skills, experience and knowledge to possess in the task of imbibing ethical culture in the public service. According to Preston (2007), ethical education is designed to impart the knowledge about the processes involved in ethical standards in the public service. The education and training mechanism therefore enhances individual capacity to develop ethical culture. Individual colleagues are given the privilege to share their experience and lessons learnt in the course of service delivery to the general public. Ethics education is therefore aimed at fostering individual autonomy in the context of understanding the ethical standards. Similarly, training mechanisms provide skills that are required for imbibing organisation values. Through an ethical training model, individual employees at the level of local government administration are exposed to ethical requirements in the context of the Code of Conduct and ethics in the public service. Through discussions and idea sharing, training mechanisms also provides dissemination of the prerequisites for compliance into the acceptable standard.

3.8 CONCLUSION

In this chapter, it is demonstrated that understanding strict adherence to legal requirements has significant influence on ethical behaviour in the public service. The chapter also reviewed the influence of leadership roles in the context of human behaviour and nature of ethics in the local government administration. Issues such as ethical infrastructure including the use of whistle blowing are noted to be corrective measures available in the local government

management as an institutional framework for managing misconduct in the public service. The chapter also outlined those statutory frameworks and regulations that direct ethical conduct in the public service. The experience in Amajuba Municipal District demonstrates differences in social characteristics of the local government functionaries. The likelihood of such relationship influences ethical behaviour among public officials in the local municipality. The chapter therefore evaluated the significance of reward system in the context of motivating best practices among the functionaries in the local council area. This also includes identifying KPIs that allows the measurement of compliance to the ethical standards.

CHAPTER FOUR

RESEARCH METHODS AND DESIGN

4.1 INTRODUCTION

In empirical research, the scientific significance of the chosen methodology is embedded in the adopted research tool, the appropriateness and relevance to the objectives of the study (Sekaran and Bougie, 2016). These efforts include what research tools are relevant and what data collection method is required, the validity, reliability and how the data analysis is conducted. In this chapter of the dissertation, such issues relating to research methods and designs adopted are discussed. Some of these methodologies include research approach, the research design, sampling techniques, data collection techniques, data analysis and presentation. The chapter also considers data collection instruments, the study population and justifications for the selection of the methodologies, limitations of the methods and other issues relating to research ethics. Research efforts may be in vain if appropriate methods are not applied or when information is not obtained from the right set of studied participants.

4.2 RESEARCH DESIGN

The research design involves a roadmap or a set of sequences that spelt out the method of data collection, analysis and interpretation in a way that addresses the research objectives of a study (Bhattacharjee, 2012). Similarly, research design enables researchers to determine the validity of the research tools and measuring variables in a way that explains the interrelationship between dependent, moderating and independent variables (Webb et al. 2006). The implication is linked with the understanding that research design is also embedded in the ability of researcher to anticipate the appropriate methodologies and how to validate the results of the research. It is reliably noted that a research design involves a set of approved guidelines and procedures around which identified research problems can be addressed. For example, this study adopted a case study research design to address the research objectives of the study.

The use of a case study research design focuses on a social phenomenon in a given defined context such as the use of Amajuba District Municipality, KwaZulu-Natal Province as a study site (Creswell, 2012). The other guidelines discussed in this chapter include the research

approach, quantitative research and the used of semi-structured interviews questionnaires to elicit responses from the research participants. Others include exploratory study, grounded theory, pilot testing, and sample and sampling techniques, are also discussed as contained in the next sub-headings.

4.2.1 The use of exploratory case study research design

Yin (2011) describes the use of case study research design as a common practice in social sciences research. The use of case study allow social researchers to describe the phenomenon from the perspective of what is obtainable, how and why in a given study area. Creswell (2012) explains that the use of a case study design provides in-depth understanding of a given number of people in a given place, processes or event in the context of individual practices or process. For instance, the study was conducted in the municipal offices of Amajuba District Municipality. Amajuba District Municipality is located in Northern KwaZulu-Natal. It is made up of three local Municipalities which are: Newcastle; eMadlangeni and Danhauser. The eMadlangeni and Danhauser Municipalities are mostly rural with rudimentary infrastructure and many people from the districts rely on the relatively developed Newcastle Municipal Area for access to basic services and employment opportunities.

An exploratory case study was used in this research through a process that seeks in-depth understanding through qualitative study. According to Wilson, in Merriam (1998:29) an explorative case study tends to provide comprehensive results over a given period of time. This qualitative case study is chosen for its novelty as no previous research with the same focus has been conducted in South Africa before. In an exploratory case research design, the relationship that relates to situations in which the evaluation of research outcomes has no single set of results. The standard evaluation provides a link between programme implementation and the effects (Yin 2003), which invariably paints the picture of what constitute the successes as well as the shortcomings in meeting policy goals. The idea is therefore embedded in the use of case study to seek answers to questions about those issues or causes linking to real-life interventions and presumed to be complex in a survey or experimental setting.

There has been frequent criticism of research design that uses a case study, particularly in the area such as the generalisation of findings or results of the investigation. Nevertheless, it is often argued that significant lessons can be derived from any case study research design (Denzin and Lincoln, 2003), which can be applied in another settings as precedence accordingly. Some theorists also view the use of case study designs as having ‘microscopic’ outlooks. This is closely associated with the belief that such a design lacks study participants who are sufficient in number. However, Yin (1994) explains that the issue of generalising research results, either from single or multiple designs is directed to speak to the theory as against the study population. The implication is that using a single case can even be considered sufficient, provided such a case is relevant to the phenomenon under investigation as well as addressing the research objectives. In this case, findings help cast light on theories about workplace ethical conduct, approaches to dealing with misconduct at local government level in South Africa.

The use of a case study research design in this research enables the study to discover the significant and reaction to the Code of Conduct at local government administration. The case study design also enables the researcher understands the nature of ethics and compliance as well as moral standards among the municipal functionaries. This also includes how this collaboration can be supported and be made more fluid by municipal administration and councillors in the course of governing local government. The study further explores the existing gaps in the existing literature and creates new knowledge, insights, understandings and thinking as well as exploring various factors which are related to the subject matter (Brink and Wood, 1998). This research study adopted an exploratory research design in that the study seeks to understand misconduct practices at the level of municipality administration, ethics as well as related theories to issues of ethics, effective service delivery and good governance in local government administration. These also include the manner in which misconduct become manifest. The design also enables the study to determine other related factors that could influence continuous unethical practices among municipal officials. Yin (2009:19) explains that the importance of case study research is that it enables the researcher to describe the study phenomenon in a way that contributes to developing theory and a conceptual framework for managing institutional challenges in the context of misconduct at the level of local municipal administration.

4.2.3 Justification of the choice of research design

In this study, using a case study research design as applicable in this research is justified on the premise that such design enables the researcher to concentrate on a particular subject i.e. Amajuba District Municipality. Among the aims is to seek understanding of institutional challenges affecting misconduct among the local government functionaries. Such design also enables the researcher to focus on a particular studied participant or group of individual by determining their perceptions or opinions about the research problems formed in the context of the public organisational management. Cohen, Manion and Morrison (2011:298) affirm that using a case study in an empirical research is suitable for determining the richness of the studied participant. It is further stated that the results of findings produced through the use of case study design are likely to be more realistic and believable. However, one shortcoming associated with the use of case study research design, is the issue of generalisation of the research results. According to Cohen *et al.* (2011:293), it might be difficult, if not impossible, to generalise the results of findings obtained from cases cited in empirical research. The implication is that the results obtain from the case study's nature of research design can best be considered within the context of this case.

There is also the problem of bias, over-simplification or subjectivity of the results of the research associated with the use of case study research design (Cohen *et al.*, 2011; Descombe, 2010). In a bid to mitigate the gaps associated with case study research, this study strives to attain flexibility in term of combining the characteristics of both quantitative and qualitative research approach. For instance, the study engages specific decision steps including the use of an interview questionnaire that is semi-structured and open ended in outlook. Such interview questionnaires provide the research participants with an opportunity for their opinion in a written format. Other research approaches or strategies that are significantly considered in the study are explained in the next headings.

4.3 RESEARCH APPROACH

In the context of social research, social scientists are poised to generate truthful knowledge and one way to attain such level of development is through the use of research methods as well as procedures suitable to validate the phenomenon under investigation (Webb and Auriacombe, 2006). The area of concern to the social scientists, thus, is the quest for

determining how best the understanding the society and the associated goals can be attained. The implication is that identifying the research design, research methodology and research techniques suitable to attain desired goal or validate knowledge, has become an area of concerted effort. In the literature, Wessels (1999) identifies the research contribution in public administration as significant in the 21st Century knowledge economy. In the same vein, Mahlangu (1987) explains the scientific nature of research in public administration as an innovation in the modern day methodological research.

For instance, the research process or processes required to execute a given research projects, involves a number of stages. Such stages among other things include project conceptualisation; determine what constitutes key terms in the research; selecting appropriate research methods, designs and operationalization. The stages also include identifying concrete techniques for measurement, population sample and sampling techniques. The decisions also involve what could be described as observations of phenomenon; data collection procedures; data processing and analysis in empirical researches (Babbie, 2007; Mouton, 1996). The final stages include drawing conclusions from the collected data, analysis, discussion of the findings, application as well as communicating for strategic decision making. In any case, each of these stages must be planned and determined to validate the outcomes of the research findings. Mahlangu (1987) as well as Brynard and Hanekom (1997) describes the research design as well as method adoptable in a study as systematically and carefully planned enquiry in such a way that it gives attention to the research approach utilised in order to ascertain the level of validity, consistency and frankness of data collected in empirical research. The study therefore considered the feature of both quantitative and qualitative research approaches as significant in this research.

4.3.1 The research paradigms

The methodological paradigm adopted in this study therefore considered the attributes of both quantitative and qualitative strategies. Such a paradigm is more appropriate in a study that deals with the investigation of human behaviour especially in the public service. Similarly, the identified research problems in this study, the research objectives as well as the population of study gave credence to the choice of the data collection methods. The aim specifically is to determine the extent of compliance as well as the reception accorded code of

conduct in the local government administration. The use of mixed methods or multiple research strategies attempt to express the areas of convergence of available data (Creswell, 2014). Hence, this study made use of human behaviour, orientation, and characteristics as units of observation and judgement. The unit of observation constituted the perceptions and experiences of municipal functionaries especially public servants in Amajuba District Municipality.

4.3.2 Quantitative vs. qualitative research approaches

Two research approaches are relevant in academic research. These are the quantitative and qualitative research approaches. Quantitative research methods are a scientific approach that deals with testing the research variables in the context of the existing theory (Creswell, 2012). The aim mostly is to determine intrinsic and extrinsic factors under scientific investigation. Quantitative research approaches are also suitable while determining the cause and effect relationships that exist between variable under investigation and the point where relationship can be established (Sekaran and Bougie, 2016). The approach provides researchers with the opportunity to determine the cause and effect relationship existing between the variables under investigation. The qualitative research method on the other hand deals with understanding of the phenomenon under investigation in a natural setting (Bryman and Bell, 2011) in the context of the existing theory. Such an approach is deductive in nature in that the researcher seeks to gain an in-depth understanding to human behaviour in the immediate social environment. According to Creswell (2012) there are disagreements about which of the approach is more suitable in social research. Similarly, Bryman and Bell (2011) contends that the approaches have limitations, thus making it a task when determining the one that is most suitable for collecting data in an empirical study.

In this study, the quantitative data collection is done through a self-administered questionnaire. The questionnaire as applicable in this research has the characteristics of both open-ended and close-ended structures. For instance, the uses of questions that are tagged open-ended accommodate free ranging responses informing written opinions from the respondents. This approach, sometimes called verbatim response, is suitable while obtaining an in-depth understanding of the phenomena under investigation in the context of respondents' points of view. This is useful in corroborating the responses received from

administered questionnaires in addition to the document reviews. Babbie (2007) explained that a questionnaire is an instrument or a document design that contains questions aimed at obtaining information from a particular study group. The use of the questionnaire allows researchers to ask multiple questions to determine the extent of the perceptions hold by the research participants. The objective mostly is to obtain facts and opinions of informed respondents in the context of the phenomenon under investigation.

This data triangulation method ensures the reliability and validity of the collected data. Closed-ended questions limit respondents' responses to given options, thereby ensuring that the most appropriate responses are given to the questions asked in order to ensure that data collected is relevant to the research. The questionnaire is divided into two broad parts. For instance part A contains those demographic features of the respondents who participated in the data collection while part B comprises those questions that are aimed to address the objectives of the study. Under the background information section in the questionnaire, issues relating to biographic profile of the participants in term of age, race, home language, gender, position presently occupying at the municipality, year of service and educational qualifications are presented. The first section deals with the causes of misconduct in the municipality.

The section determines the level of awareness of the local government functionaries as well as the lines of communication within the municipality. The rationale is to explore the perspectives of individual staff on the factors influencing ethical conduct in the public administration as well as in local government. Section two of the questionnaire addresses the roles of the line managers in minimising misconduct. The understanding is targeted at identifying the insights of municipal functionaries on the acceptance of a Code of Conduct dealing with misconduct in the public and municipal services. Similarly, section three of the questionnaire addresses the issue of challenges and possible solution in managing workplace misconduct particularly public administration. This section deals with ethical conduct mechanisms that enhance municipality and public service administration in South African.

This research includes a documentary review of primary and secondary sources of documents including books, journal articles, policies, government publications, statutes, case law, theses

and electronic materials. The aim is to outline the key values and interests which underlie the existence and fundamentality of the need to adhere with the constitution. This also relates to the issues of formal legislation and guidelines as well as ethical conduct of the public servants in public administration.

This study also applies a qualitative case study methodology. This methodology is noted to be relevant in providing researchers with tools to deal with complex phenomena within a given context. Such an approach, when appropriately applied, becomes valuable to social science researchers in theory development, programmes evaluation and interventions. Merriam (1998) describes qualitative case study research as a suitable method which involves multiple sources of data to explore the phenomenon under investigation. The implication is that this approach enables social researchers to understand research phenomenon through a variety of lenses rather than focusing on a single approach. This approach is important in this study as provision of basic services and maintenance of ethical conduct at a local government level is cut across both the interdepartmental and intergovernmental structure of public administration. Service quality in this regard largely depends on successful interactions between local, provincial and national government structures as well as coordination among various departments and agencies of government.

This study takes the advantages embedded in the use of qualitative research design which provides social researchers with the inductive understanding of different dimensions to the subject matter of investigation in a social context (Merriam, 1998). The justification for the adoption of such methods in this dissertation lies in the understanding that having an in-depth knowledge of the respondents' points of view can be achieved in a qualitative research designed model in addressing the established research questions. In a bid to achieve the understanding of what these issues are, a qualitative research design was adopted with the aim of capturing both objective and subjective implementation of the ethical conduct policy in the workplace. Understanding such subjectivity in the participants' perspectives is found to be suitable when determining policy implementation at different stages of the life of the policy. The implication therefore is that individual personal experience is crucial at determining the extent of public acceptability of policy and compliance. Understanding such an approach is closely related to the 'bottom-up analysis' that places weight on the

perceptions and experiences of the recipients or end users of the public policy. Nevertheless, a top-down quantitative approach is also suitable as a benchmark for measuring goals and targets as well as the analysis of those factors that relate to socio-economic policies, resources and socioeconomic factors (Merriam, 1998).

The rationale is to explore the ethical environment in the context of Code of Conduct design to regulate the conduct of employees in local government. Section four of the questionnaire focuses on the issues relating to understanding misconduct in the context of the respondents' experiences and perceptions regarding public and municipal administration. The last part of the questionnaire seeks to understand the policies and legislations guiding misconduct and the extent by which the municipal functionaries comply with the tenets of Code of Conduct.

4.3.2 Justification of the research approach

The process which leads to the selection of methodology appropriate in a study is crucial in empirical research. The success or otherwise of any research effort is strongly dependent on how appropriate the research approach adopted is. The first task is to weigh the options of whether to engage either a quantitative or qualitative research approach. Having considered the dissimilarity associated with the approach, this study takes advantage of mixed method research design that combines triangulation of both quantitative and qualitative data. This is recognising the fact that a research conducted within the context of multi-method research approaches stand to produce more objective results. Sekaran and Bougie (2016) also describe such use of a multi-method approach as suitable for a case study research design. The understanding of a multi-method research approach creates the opportunity for this study to design an interview question, interface with local government functionaries and adopt various existing legislations relating to a Code of Conduct in South Africa.

Sekaran and Bougie (2013) explain the multi-method research strategy as the model that captures data collection, analysis, integration of research findings and drawing inferences through a mixed method research approach, and methods, in a single study. This model allows researchers to triangulate the data collected by combining qualitative, quantitative and other documentary evidences from primary data. The use of a multi-method approach as applied in this study obviates the limitations found with the use of a single research

technique. Sekaran and Bougie (2013) identified such dimensions including treatment integrity participant enrichment, significance enhancement and instrument fidelity as four critical paths or multi-method research around which an empirical study can be conducted in social sciences. This study therefore canvassed the use of multiple-methods research strategies to determine the research concepts of this study, including determining the population of the study.

4.4 POPULATION OF THE STUDY

The idea of population deals with a boundary class that makes up study units in a given study. According to Strydom (2011), population is described as individuals or group of people who possess relevant demographic profile required in a study. This is also regarded as a sampling frame around which a study is conducted. The implication is that a population of a given study represents the totality of persons, or other sampling suitable to deal with the identified research problem. In this research, in a bid to ensure that relevant data are collected from relevant study groups, the sample and sampling techniques are determined. For instance, the target population of 185 municipal functionaries was obtained from the record of municipal functionaries of the municipality. The rationale for choice of the respondents was premised on the need to capture an overview of ethics in practice in the chosen local municipality.

In this study, the issue of sampling is noted as process of researching an adequate portion from a given total population (Denscombe, 2010; Sekaran and Bougie, 2013). The implication is that the unit that is obtained from the total population must be seen as representative and satisfied the required level of precision. This understanding does not suggest that the sample drawn from a given population is perfectly representative. Rather, it is assumed that such a sample can be considered as deemed to have been representative enough. It is therefore important that the understanding of concepts such as representativeness, randomisation as well as generalizability of the research population is sacrosanct in empirical research of this nature. The implication according to Sekaran and Bougie (2016) is that the research findings can ultimately be generalised, particularly when it is assumed that that the population size of a given population group is representative enough. The generalisation of research results is appreciable only when there is an assumption that

whatever result that is observed from a given sample under investigation might be similar to what would be observed from other groups that form the total population.

4.5 SAMPLING TECHNIQUES

The best way to ensure that a sample from a given population is representative is to ensure randomisation of the population. The understanding is hinged on the fact that the optimum chance of drawing a population that is a representative is very high through random sampling technique. This study considers those characteristics embedded in the combination of the duo probability and non-probability sampling techniques. In the first instance, the probability sampling design involves random selection of a given population in such a way that gives all elements within the population group an equal chance of being selected. This method is considered as capable of producing more representative results (Struwig and Stead, 2007). Non-probability sampling, on the other hand, can be purposive in outlook. The study engages non-probability sampling design with the use of purposive sampling techniques delineated into semi-structured personal interviews.

For instance, the members of staff of the municipality were purposively selected because they are the local government functionaries under the Code of Conduct and legislation in public administration. Such a population group as applied in this study involves the selection of municipal functionaries: managers, supervisors and other members of staff purposively from Amajuba District Municipality, KwaZulu-Natal Province. The study makes use of interview questionnaires administered to the staff population group of the local council personally by the author of this research. This study adopts a sample size table as in Singh and Masuku (2014) as presented below to guide the sample of this study as follows:

Table 4.1: Sample size for $\pm 5\%$ and $\pm 10\%$ Precision levels

$\pm 5\%$		$\pm 10\%$
500	222	83
1,000	286	91
2,000	333	95
3000	353	97
4000	364	98
5,000	370	98
7,000	378	99
9,000	383	99
10,000	385	99
15,000	390	99
20,000	392	100
25000	394	100
50,000	397	100
100,000	398	100
>100,000	400	100

Source: Adapted from Singh and Masuku (2014)

The idea of a sample presumed to be representative is presented in Table 4.1. The implication is that past studies in the literature have provided substantial benchmark for the minimum population sample size representative in empirical studies. The argument is the fact that the larger the population in a given study, the smaller the percentage sample that could be required and vice versa (Neuman, 2003). Similarly, when a given population is considered relatively small as in this research, the chosen population sample is expected to be reasonably large (Descombe, 2014). In this scenario, such a large sample could provide more representativeness as well as accuracy in research findings, and to make much more precise forecasts than smaller samples, however this is much more expensive. A sample between 123 and 127 is deemed to be representative, when the total population figure is between 180 and 190 people (*see appendix 5*). The published table of the sample size of a given population by Sekaran and Bougie (2013:268) is therefore used to determine the sample of one hundred and twenty-three (123) municipal functionaries from the total population of 185 staff members available in Amajuba District Municipality, KwaZulu-Natal Province.

The study involves the use of semi-structured questions administered to obtain in-depth understanding of the studied phenomenon. The nature of such semi-structured interview questionnaires (Sekaran and Bougie, 2013) is targeted at obtaining information from key informants or actors in the public service. Three directors and senior managers at the municipality tasked with enforcing the Code of Conduct were purposively selected for interviews. Research was carried out between the third and fourth quarters of 2017. In the study, a face-to-face interview was conducted with senior directors with aim of exploring their experience and skills of Code of Conduct over a number of interviews were conducted face to face with directors as part of data collection..

4.6 DATA ANALYSIS AND INTERPRETATION

The study engages multi-method data analysis techniques to address data collected from the research respondents using descriptive statistics (means and standard deviations), determined by the use of Statistical Package for the Social Sciences (SPSS). The SPSS is adopted because of its proficiency in data categorisation along tabularised descriptive statistics, central tendency reports, distribution plots, charts, and its ability of multiple statistical coefficients for any type of data (Pallant, 2010). In this research, descriptive statistics are used to describe the demographic attributes of the selected sample. The study also makes use of factor analysis components to determine the fitness of the collected and analysed data to the model of the study.

For analysis, a statistical test of parametric and non-parametric data is combined here to address the research objectives. For instance, as part of the strategy for data presentations and analysis in this study, distributions of sample according to the responses or statements are adopted to illustrate the findings as provided by the participants. The aim is to determine the level of compliance of the municipal functionaries with the Code of Conduct as an institutional strategy towards managing misconduct in the public services. The use of parametric tests: analysis of variance (ANOVA) and t-test spell out normally distributed of a given population. The implication is that parametric tests generally assume that measures are derived from an equal-interval scale.

The non-parametric tests include the use of the Chi-square test for independence. In the same manner, Pearson's chi-square test would be adopted to determine the organisation between variables in the study. This parametric is used in statistics to determine the relation between categorical variables. The study intended to conduct some correlations tests on the collected data. A correlation analysis describes the extent of relationships between two variables in an experimental research. Regression analysis determines the cause-effect relationship that exists between two or more variables. Correlation analysis on the other hand determines the relationship and inter-relationship among variables under investigation. The Pearson correlation evaluates the linear relationship between two continuous variables. Similarly, critical discourse and content analysis were to be done for the interview questionnaires to obtain the in-depth understanding of the perspectives of the three directors in the study who responded to the interview questions. Weninger (2008:145) explains critical discourse analysis as including understanding and reviewing of discourses in such a way that salient perspectives are explored. Boyatzis (1998) explained content analysis as a process which involves coding the interviews into themes according to the objectives of the study.

4.7 DATA CONTROL ANALYSIS

To carry out measurement of the relationship that exists between variables in the study, the research made use of extensive literature (Aikins, 2011; Bota and Palfi, 2009; Eko and Hariyanto, 2011; Musa, 2012; Unegbu and Kida, 2011) and others. This is to enable the study to exploit the origins and mechanisms of the identified variables in cognitive and non-cognitive theories. Other data control analyses in the cause of the study include validity and reliability tests discussed as follows:

4.7.1 Validity of the research instrument

The understanding of the validity of research instrument describes the extent or the degree to which research instruments measure what it is designed to measure. This degree of relationship authenticates the cause-and-effect relationship and applicability of the variables to the immediate environment (Sekaran and Bougie, 2009). The construct, content and criterion validity of the research instruments in this research is assessed by means of exploratory factor analysis. The interview questionnaire adopted in this study is designed in line with the objective of the study. The questionnaire was validated by three selected experts

in the field of public administration and the supervisor for the purpose of content and face validity.

4.7.2 Reliability of the research instrument

A pilot study was conducted among a few staff of local government service commission (test-re-test reliability method at interval of one week before it is re-administered). The essence of reliability tests on the instrument is to ascertain the extent of consistency and simplicity of the instrument. Where some level of inconsistency or ambiguity is noted, some modification would be necessary to place the research instrument in a right state. This is because some modifications and adaptations made on the research instruments may cause the former reliability and validity to be altered (Creswell, 2011). Pilot testing is therefore conducted to determine the level of consistency and simplicity of items contained in the modification. The idea is to ensure that all queries and estimations are properly addressed before the final data collection exercise is carried out. As in this study, the instruments reliability was evaluated by using Cronbach's Dominance in order to establish alpha consistency.

4.8 ETHICAL REQUIREMENTS

The study complied with the ethical requirements as stipulated by the University of KwaZulu-Natal by obtaining official approval of the Ethics Committee of the university. The researcher subjected the study to ethical standard and regulations guiding integrity check. The researcher obtained the necessary gatekeeper's permit from the authorities of Amajuba District Municipality, KwaZulu-Natal Province. The researcher obtained informed consent of the respondents. The aim was to ensure that the respondents are ethically informed about the issues relating to the nature of the research. The respondents are also informed of the extent of their involvement in the study. This is to also give assurances that the information provided by the respondents would be anonymous and treated with adequate confidentiality. The study therefore adopted the use of pseudonyms to protect the identities of the respondents. For instance, the three directors of the municipality who attended to the interview questions would be represented as *Director 1, Director 2 and Director 3*. Ogden (2008, p. 16) describes the use of pseudonym as fictitious names given to individuals with the aim of keeping their identity secret. Similarly, the participants were properly informed that the research was purely for academic purposes and a requirement to fulfil conditions leading to the award of a Master Degree in Public Administration. The researcher therefore promised

to submit all information: print, audio and visual to the School of Management, IT and Governance of the University for proper safe-keeping after the study.

4.9 CONCLUSION

This chapter highlights research methods and the other components as applicable in this study. The research design as explained in this chapter includes the choice of research strategies. Similarly the rationale or justifications for selecting the research methods are well discussed in this chapter. The research will attempt to interpret data and clarify discussions with municipal personnel in the context of data obtained. The interest of this study is to harmonise the views of the selected local government functionaries and the extent at which the existence of the Code of Conduct moderates ethical behaviour in the public service. The study is also positioned to determine what constitutes unethical practices; what the causes of these practices are; and what disciplinary measures are required for their violation.

The background structure of this research, the study is poised to adopt unstructured and structured questionnaire interviews to address the research objectives. Similarly, multiple research strategies including probability and non-probability research designs will be adopted to deal with the research questions of the study. Structured interview questionnaires, which combine both quantitative and qualitative research approaches, are adopted in this study. The use of the like of structured interview questionnaires is suitable for data collection in social research surveys. The interview questionnaires also contain the characteristics of a list of questions printed in a document format. Similar feature of structured interview questionnaires contain the design that allows researchers to administer some highly structured questions to all the research participants in a given survey.

The use of structured interview questionnaires provide the research participants the required freedom to attend to the interview questions with little or no involvement of the interviewers, just like same case in postal surveys or email messaging. The ways by which the administration of a questionnaire is implemented largely depends on the nature of the survey. The structured interview questions comprised the use of questionnaires in this research, and this provides the research participants the opportunity to share their experiences as well relate their frustrations as expressed. The next chapter in this study will analyse the data (quantitative and qualitative) with the aim of presenting the results obtained from the study.

CHAPTER FIVE

DATA PRESENTATION AND INTERPRETATION

5.1 INTRODUCTION

This chapter analyses and presents the data gathered from respondents in this study. Each question in the questionnaire is analysed using suitable statistical tests for accurate representation of results. Pie-charts, bar-graphs and tables will be used to provide analysis of demographics and frequency distribution of participants. A total of one hundred and twenty-three (123) respondents constituted the target population in this study, out of which ninety (90) participants completed and returned the interview questionnaire, representing 73% of the total population. Similarly, only eighty-two (82) of the returned questionnaires were validly completed by the local government functionaries, translated to a response rate of 67% of the given respondents. Eight (08) other questionnaires represented 7% of the sample population; either returned the questionnaire empty or cancelled their inputs,

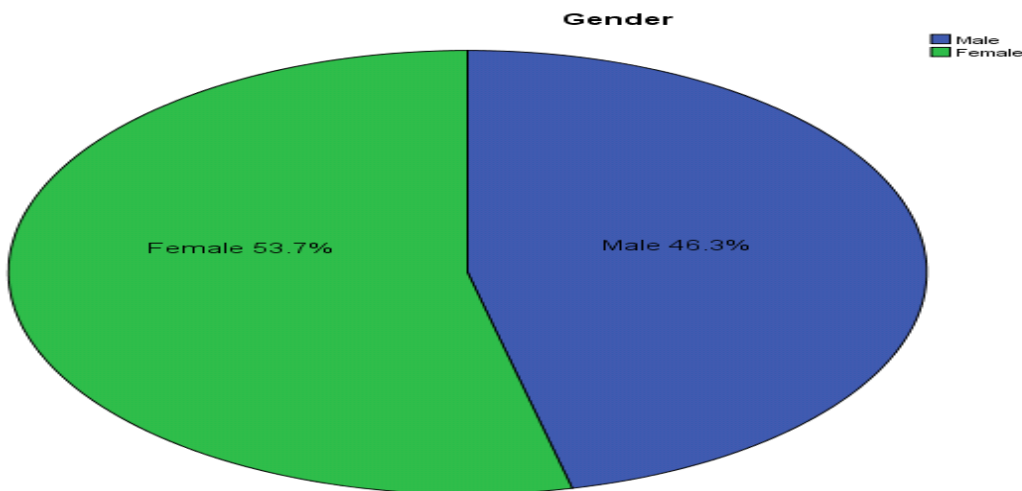
The implication is that some of the respondents perhaps decided to discontinue their participation in the study at a particular stage of the investigation. Such freedom to participate or discontinue their participation at any stage of the study was expressly communicated to the respondents as part of the ethical requirements. As part of the strategy for data presentations and analysis in this study, distributions of the sample according to the responses or statements are adopted to illustrate the findings as provided by the participants. The aim is to determine the average score per question as found in the findings of the research. These processes enable the study to determine the level of municipal functionaries' compliance with the Code of Conduct, as an institutional framework for managing misconduct in public governance. The following are the results of the analysis as obtained from valid responses of the respondents.

5.2 DEMOGRAPHIC REPRESENTATIONS OF THE PARTICIPANTS

The first section of the questionnaire identifies the demographic data of respondents. The questions addressed in this section include respondents' age, race, home language and gender. The respondents include both males and females. Thirty eight respondents were male, accounting for 46.3% of the total sample size, while 44 were female which accounted for

43.7% of the sample size. The presentation indicates a higher female participation compared with male participation. These show nearly even participation in respect of gender. The results can therefore be assumed to be gender sensitive and not biased towards a particular gender representation. Similarly, three directors (two male and one female) were interviewed.. Figure 5.1 represents the gender participation of the respondent group within the local municipality as follows:

Figure 5.1: Demographic status by gender



Similarly, the frequency rate of the participants was determined along the racial background of the respondents. Public service in South Africa is delineated along diverse races that comprise the blacks, white, indian, and coloured, which make up the race of the participants of this study. The results of the analysis indicated that amongst the eighty-two (82) respondents who validly participated in the study, sixty-two (62) representing 75.6% of the sample is black. In the same vein, ten (10) of the participant representing 12.2% are white, the Indians are six (6) representing 7.3% of the sample while four (04) of the staff, representing 4.9% of the total participants are coloured. Table 5.1 provides graphic representation as illustrated as follows:

Table 5.1 Frequency distribution of race of respondents

Race	Frequency	Percentage
Black	62	75.6
White	10	12.2
Indian	6	7.3
Coloured	4	4.9
Total	82	100

The results in the table show that all racial backgrounds that make up the Republic of South Africa are represented in this study. The personnel structure in the municipality, however, appears predominately dominated by the black population.

Part of the results indicated the frequency distribution of the age of respondents of participants in the study. For instance, the respondents' age ranged between 18 and 65 years and was categorised into the following age ranges: sixteen (16) representing 19.5% of the participants were aged between 18 and 25 years of the total sample. Eighteen (18) of the respondents representing 22% were aged between 26 and 35 years. Similarly, thirty-two (32) of the respondents aged between 36 and 45 years, and accounted for 39% of the population. Whereas, ten (10) of the respondents were aged between 46 and 55 years, and accounted for 12% of the sample size. Only four (04) respondents representing 4.9% were aged between 56-65 years while two (02) of the respondents were above sixty-five (65) years, and accounted for 2.4% of the sample in this study. Further information is provided in the table 5.2 below.

Table 5.2: Frequency distribution of age of the participants

Age	Frequency	Percentage
18-25	16	19.5
26-35	18	22.0
36-45	32	39.0
46-55	10	12.2
56-65	4	4.9
Others	2	2.4
Total	82	100

The analysis from table 5.2 indicated that a great number of municipal functionaries are youth, grouped between the 18 and 45 age brackets. The participation also reflected distributions of the respondents across various age groups. The study also determined the demography of the respondents along educational qualifications.

The results of the analysis indicated that sixteen (16) of the respondents possessed Grade 10, Standard 8 or Form 3 as their highest qualification and this represented 19.5% of the total population. Similarly, eighteen (18) of the respondents have qualifications in Grade 12, Standard 10 or Form 5 as their highest qualification and this represented 22%, of the sample. Thirty-two (32) of the respondents have post-matric technical qualifications as their highest degree. This represented about 39% of the population and ten (10) respondents have a Degree, Diploma, Masters or PhD as their highest qualifications, representing about 12.2% of the population.

Table 5.3: Frequency distribution of educational qualification

Qualification	Frequency	Percentage
Grade_10__Standard_8__Form_3	16	19.5
Grade_12__Standard_10__Form_5	18	22.0
Post-matric technical qualification	32	39.0
Degree/Diploma/Masters/Ph.D.	10	12.2
Total	82	100

The data as presented in table 5.3 indicates the level of education of the respondents who participated in this study. The overall findings indicated that the respondents were fairly educated. The implication is that the respondents could interpret and decode the content of the research instrument with minimal or little interference from any third party. This means that the results could be a product of independence and individual choice without interference. The study also identified the respondents by their years of experience in public service of local government administration.

Indications from the findings are that sixteen (16) of the respondents in this study possessed an average of 0 to 3 years relevant experience at managerial or supervisory levels in local government administration. The results further revealed that thirty-eight (38) of the respondents had 4 to 6 years relevant experience having worked differently in either managerial or supervisory capacities. Eighteen (18) of the respondents had between 7 and 10 years relevant experience having worked differently in either managerial or supervisory capacities while only ten (10) respondents have >10 years of work experience as either managerial or supervisor as presented in table 5.4 as follows:

Table 5.4: Frequency of Managerial or Supervisory distribution of position

Years of Experience	Frequency	Percentage
0-3 Years	16	19.5
4-6 Years	38	46.3
7-10 Years	18	22.0
>10 Years	10	12.2
Total	82	100

Information available in table 5.4 indicates that eight (08) of the respondents representing 9.8% possessed interpersonal skills which could assist in the management of misconduct. Similarly, four (04) of the respondents representing 4.9% of the population possessed interpersonal and management skill, two (02) respondents representing 2.4% of the population possessed interpersonal, management skill report and disciplinary chairing skills, the number of two (02) of the respondents representing 2.4% of the population also possessed interpersonal, management skills and disciplinary chairing skills.

Table 5.5: Frequency distribution of Experience by theoretical skills

Theoretical Skills possessed	Frequency	Percentage
Interpersonal	8	9.8
Interpersonal, Management	4	4.9
Interpersonal, Management, report, Chairing a disciplinary committee	2	2.4
Interpersonal, Management, Chairing a disciplinary committee	2	2.4
Interpersonal, Report	6	7.3
Interpersonal, Report, Chairing a disciplinary committee	10	12.2
Management	10	12.2
Management, Report	2	2.4
Report	12	14.6
Chairing a disciplinary committee	6	7.3
Does not possess any theoretical skill	20	24.4
Total	82	100

As presented in table 5.5, six (06) of the respondents representing 7.3% of the population possessed interpersonal and reporting skills while ten (10) respondents representing 12.2% of the population possess Interpersonal, Report, and disciplinary chairing skills. Other characteristics include ten (10) respondents representing 12.2% of the population who possessed management chairing skills, two (02) respondents representing 2.4% of the population possessed management and report skills. The results further indicated that twelve (12) respondents representing 14.6% of the population possess reporting skills, six (06) respondents representing 7.3% of the population possess report skills, and twenty (20) respondents representing 24.4% of the population do not possess any theoretical skills.

The analysis which indicates the practical skills possessed by municipal functionaries are determined in this research. The idea is to provide information about the extent at which skilled possessed could influence the management of misconduct in the municipality. The results indicated that twelve (12) respondents representing 14.6% of the population possessed interpersonal skills, four (04) respondents representing 4.9% of the population possessed interpersonal and management skills, sixteen (16) respondents representing 19.5% of the

population possess interpersonal, management and report skills, six (06) respondents representing 7.3% of the population possessed interpersonal and disciplinary chairing skills. Similarly, sixteen (16) respondents representing 19.5% of the population possessed management skills, two (02) respondents representing 2.4% of the population possessed management and reporting skills.

Table 5.6: Frequency distribution of experience by practical skills

Practical Skills possessed	Frequency	Percentage
Interpersonal	12	14.6
Interpersonal, Management	4	4.9
Interpersonal, Management, report	16	19.5
Interpersonal, Chairing a disciplinary committee	6	7.3
Management	16	19.5
Management Report	2	2.4
Management Chairing a disciplinary committee	4	4.9
Chairing a disciplinary committee	12	14.6
Does not possess any theoretical skill	10	12.2
Total	82	100

The analysis depicted in table 5.6 further showed that four (04) respondents representing 4.9% of the population possessed management skills for chairing a disciplinary committee while twelve (12) respondents representing 14.6% of the population possessed disciplinary committee skills and ten (10) respondents representing 12.2% of the population possessed disciplinary committee skills. The implication is that the categories of the respondents in this study possessed requisite experience enough to determine those institutional challenges to issues of misconduct in the local government administration.

Further analysis conducted in this study indicated the total number of staff under supervision of respondents. The results of show that six (06) respondents representing 7.3% of the population have had two staff members under their supervision, ten (10) respondents representing 12.2% of the population have had three staff members under their supervision,

two (02) respondents, representing 2.4% of the population have had zero staff under their supervision. Similarly, twelve (12) respondents representing 14.6% of the population have had six staff members under their supervision.

Table 5.7: Frequency distribution of total number of staff under supervision

Number of staffs under supervision	Frequency	Percentage
Two	6	7.3
Three	10	12
Four	2	2.4
Six	12	14.6
Seven	2	2.4
Eight	4	4.9
Nine	2	2.4
Twelve	2	2.4
Thirteen	4	4.9
Fourteen	4	4.9
Fifteen	8	9.8
Twenty Two	2	2.4
I do not have any staff under my supervision	24	29.3
Total	82	100

From table 5.7, the analysis also indicated that two (02) respondents representing 2.4% of the sample had seven staff members under their supervision, four (04) respondents representing 4.9% of the population have had eight staff members under their supervision and two (02) respondents representing 2.4% of the population have had nine staff members under their supervision. These also include two (02) respondents representing 2.4% of the population that had twelve staff members under their supervision, four (04) respondents representing 4.9% of the population who had thirteen staff members under their supervision as well as (04) respondents representing 4.9% of the population who also had fourteen staff members under their supervision. Others are eight (08) respondents representing 9.8% of the population who have had fifteen staff members under their supervision, two (02) respondents representing

2.4% of the population have had twenty two staff under their supervision while fourteen (14) respondents representing 17.1 % of the population have had twenty two staff under their supervision and twenty-four (24) respondents representing 29.3 % of the population had no staff under their supervision.

Table 5.8: Frequency distribution of total number supervisors

Number of supervisors	Frequency	Percentage
One	22	26.8
Two	12	14.6
Three	2	2.4
Five	2	2.4
Six	2	2.4
I have no supervisors	42	51.3
Total	82	100

Analysis in Table 5.8 revealed the total number of supervisors under which the respondents are managed. The findings revealed that twenty-two (22) respondents representing 26.8% of the population have only one supervisor, twelve (12) respondents representing 14.6% of the population have two supervisors and two (02) respondents representing 2.4% of the population have three supervisors. Similarly, two (02) respondents representing 2.4% of the population have five supervisors while another set of two (02) respondents representing 2.4% of the population have six supervisors. The analysis further showed that forty-two (42) respondents representing 51.3% of the population have no supervisors.

Table 5.9: Frequency distribution of total number of supervisors

Number of second supervisors	Frequency	Percentage
One	10	12.2
Two	8	9.8
Four	6	7.3
I have no second supervisors	58	70.7
Total	82	100

Similarly, the total number of second supervisors as presented in Table 5.9 showed that ten (10) respondents representing 12.2% of the population have one second supervisor, eight (08) respondents representing 9.8% of the population have two second supervisors, six (06) respondents representing 7.3% of the population have four second supervisors, and fifty eight (58) respondents representing 70.7% of the population have no second supervisor.

Table 5.10: Number of committees served in as member

Number of committees served in as member	Frequency	Percentage
One	46	56.1
Two	2	2.4
Four	4	4.9
Eight	2	2.4
I have not served in a committee as a member	28	34.1
Total	82	100

From Table 5.10, the number of committees served by the staff member as presented indicated that forty-six (46) respondents representing 56.1% of the population have served as member in one committee, two (02) respondents representing 2.4% of the population have served as member in two committees, (04) respondents representing 4.9% of the population have served as member in four committees, (02) respondents representing 2.4% of the population have served as a member in eight committees, and twenty-eight (28) respondents representing 34.1% of the population have not served as member in any committee.

Table 5.11: Total Number of committees served in as Chairperson

Number of committees served in as chairperson	Frequency	Percentage
One	26	31.7
I have not served in any committee as a chairperson	56	68.3
Total	82	100

The data in table 5.11 indicated the total number of committees served in as chairperson showed that twenty-six (26) respondents representing 31.7% of the population have served as chairperson in one committee, and fifty-six (56) respondents representing 68.3% of the population have not served as chairperson in any committee.

5.3 CAUSES OF MISCONDUCT IN THE MUNICIPALITY

In this study, distributions of the sample according to the responses or statements are adopted to illustrate the findings as provided by the participants. For instance, when asked to determine if the issue of misconduct had been reported in the last three months in the municipality, the respondents were varied in their opinions and therefore provided diverse responses. The responses are provided in table 5.12 and are as follows:

Table 5.12: Reported cases of misconduct in the municipality

Number of misconduct in the past 3 months	Frequency	Percentage
Yes	42	51.2
No	40	31.7
Total	82	100

Analysis revealed that forty-two (42) of the respondents representing 51% of the population explained that misconduct related cases have been reported in the last three months in the municipality. Similarly, forty (40) respondents representing 31.7% of the population claimed they were not aware of any reported case of misconduct practices in the past three months. In an attempt to compare the level of agreement of the respondents, it is observed there is only minor difference between the two statements. The results indicated that employees of the municipality comprehended the ethical standards requirement of their professional services to the general public. The response rate of 51.2% established the fact that misconduct cases are often reported and showed significant levels of staff awareness of the issue of misconduct practices. Even though 51.2% of the respondents established their awareness, the level of unawareness as reflected in 32% response rate indicated that much more is needed to be done in term of information dissemination and staff awareness.

Similarly, the distribution of responses to the question: *what are the causes of misconduct in your municipality and why?*, showed that fourteen (14) respondents, representing 17.1% of the population are of the opinion that poor management is a cause of misconduct at the municipality, ten (10) respondents, representing 12.2% of the population are of the opinion that age discrimination is a cause of misconduct at the municipality. Also, ten (10) respondents, representing 12.2% of the population are of the opinion that racial discrimination is a cause of misconduct at the municipality. Ten (10) respondents, representing 12.2% of the population are of the opinion that lack of knowledge is a cause of misconduct at the municipality, ten (10) respondents, representing 12.2% of the population are of the opinion that policies not put in place is a cause of misconduct at the municipality.

Table 5.13: Ranking the causes of misconduct in the municipality

Opinion on what are the causes of misconduct	Frequency	Percentage
Poor Management	14	17.1
Age Discrimination	10	12.2
Racial Discrimination	10	12.2
Lack of Knowledge	10	12.2
Policy not put in place	10	12.2
Not aware of what is expected of them	10	12.2
Attitude	10	12.2
Gender Inequality	8	9.8

From Table 5.13, it is important to underscore the fact that ten (10) respondents, representing 12.2% of the population, are of the opinion that employees not being aware of what is expected of them is a cause of misconduct at the municipality, ten (10) respondents, representing 12.2% of the population are of the opinion that attitude is a cause of misconduct at the municipality, and eight (08) respondents, representing 9.8% of the population are of the opinion that gender inequality is a cause of misconduct at the municipality. The implication of the finding is that poor management remains the basic factor that causes misconduct in local government. These findings agree with the research conducted in recent years (Ambe, 2012:249; Ababio and Vyas-Doorgapersad, 2010:422; Madame, 2015:162) which identified lack of capacity to deliver effective service delivery in local government in South Africa.

On a related issue, the distribution responses to the question asking: *what do you think need to be done to minimise misconduct in your municipality* indicated that fourteen (14) of the respondents representing 17.1% of the population think that education and team building about racial tolerance can minimise misconduct at the municipality.

Table 5.14: How to minimise misconduct at the local municipality

What do you think can be done to minimise misconduct in your municipality	Frequency	Percentage
Education and Team building about racial tolerance	14	17.1
Hiring on merit as opposed to cadre deployment	14	17.1
Being strict on discipline	16	19.5
Hold people accountable	14	17.1
Teach employee about the code of conduct	10	12.2
Enforcement of code of conduct	14	17.1
Total	8	9.8

More importantly, the analysis in Table 5.14 revealed that fourteen (14) respondents representing 17.1% of the population think that hiring on merit and not popularity can minimise misconduct at the municipality while sixteen (16) respondents representing 19.5% of the population think that being strict on discipline can minimise misconduct.. Another set comprising fourteen (14) of the respondents representing 17.1% of the population said that holding people accountable can minimise misconduct at the municipality while ten (10) respondents representing 12.2% of the population explained that teaching employees about the Code of Conduct could minimise misconduct at the municipality. Fourteen (14) respondents representing 17.1% of the population accepted that enforcement of Code of Conduct could minimise misconduct at the municipality. The implication of the finding is the mind-set that education and team building as well as racial tolerance are the mechanisms required to manage misconduct in public administration (AG report, 2010-2011; Bruce, 2014)

5.4 ROLES OF LINE MANAGERS TO MINIMISE MISCONDUCT

This section is aimed at determining if the municipal functionaries have a good understanding of strategic processes of maintaining ethical standards in the local government administration. For instance, the first distribution of responses about the question: “*have you been assigned to act as employer representative or representative of a chairperson /presiding officer in any disciplinary case related to misconduct in local government administration?*” provided the responses as contained in table 5.15 as follows:

Table 5.15: Determining the level of experience of municipality officials

Have you ever acted as employer representative or chairperson/presiding officer in any misconduct disciplinary case	Frequency	Percentage
Yes	34	41.5
No	48	58.5
Total	82	100

Analysis as presented in Table 5.15 revealed that thirty-four (34) respondents, representing 41.5% of the population have played the role of acting as representative of employer or chairperson / presiding officer in cases related to misconduct or disciplinary issues in the local government administration, and 48 respondents, representing 58.5% of the population have not played the roles of acting as representative of employer or chairperson / presiding officer in cases related to misconduct or disciplinary issues in the local government administration. The finding established that the employees at the local municipality are made to pass through leadership processes that could be training platforms for future public administrators. Such mechanisms could be relevant in providing awareness, orientation and experience suitable for Code of Conduct management in the context of misconduct .

Another distribution of responses to the question: “*what role do you play in respect of management of workplace misconduct at your institution?*”, indicated that most municipal functionaries sampled in this study showed average awareness of the need to exhibit high moral standards in the discharge of official responsibilities. This is further explained in Table 5.16 as provided below:

Table 5.16: Determining the level of experience in managing misconduct

What is your role and responsibilities in respect of the management of workplace misconduct at your institution?	Frequency	Percentage
To follow the code of conduct	16	19.5
To enforce behaviour and employee diligence	22	26.8
To ensure people are hired on merit	22	26.8
Chairing disciplinary committee appropriately	22	26.8
Total	82	100

The responses as provided by the respondents in Table 5.16 indicate that sixteen (16) of the respondents representing 19.5% of the population have their role to follow the code of conduct in the management of misconduct in their institution while twenty-two (22) respondents representing 26.8% of the population see their role to enforce behaviour and employee diligence in the management of misconduct in the institution. Similarly, another group of twenty-two (22) respondents representing 26.8% of the population have their role to ensure people are hired on merit in the management of misconduct in their institution. Also, another set of twenty-two (22) respondents representing 26.8% of the population see their role as chairing disciplinary committees appropriately in the management of misconduct in the institution. The level of application and compliance to the code of conduct can be seen as attracting the least recognition by respondents. Only 19.5% attempted to explore the Code of Conduct guidelines in dealing with workplace misconduct in the public service.

The study also sought the perspectives of the municipal functionaries on the question: “do you see yourself carrying out your roles as expected in management of misconduct and why?” The results of the analysis are presented in the table 5.17 as follows:

Table 5.17: Determining the level of intention towards managing misconduct

“Do you see yourself carrying out your roles as expected in management of misconduct?” Why?	Frequency	Percentage
Yes Because respondent has not been accused of misconduct	52	63.4
No	30	36.6
Total	82	100

The findings as presented in table 5.17 indicated that as much as fifty-two (52) of the respondents who participated in this research, representing 63.4% of the population, see themselves to be carrying out their roles as required of their positions in the management of misconduct because respondents have not been accused of any misconduct. However, thirty (30) other respondents representing 36.6% of the population honestly stated that they did not see themselves carrying out their roles as required of their position in the management of misconduct because respondents have not been accused of any misconduct and did not give reason for this.

The other distribution of responses in this investigation determined the perspectives of the municipal functionaries in respect of the question: “*in your opinion, do the supervisors carry out their roles and responsibilities as expected of them in the management of misconduct?*” The aim is to determine the extent of compliance of the local government staff to ethical standards and the Code of Conduct in managing misconduct. The responses illustrated in Table 5.18 provided detailed information.

Table 5.18: Determining the role of supervisor in managing misconduct

In your opinion, do you agree that supervisors duly carry out their responsibilities as expected of them in the management of misconduct?	Frequency	Percentage
Yes	74	90.2
No	8	9.8
Total	82	100

Analysis in Table 5.18 explained that as many as seventy-four (74) respondents representing 90.2% of the population believed that the supervisors duly discharged their responsibilities as expected in bid to scale up the management of misconduct in the public service. Only eight (8) representing 8.9% of the population shared the view that the most supervisors do not discharge their responsibilities towards managing misconduct in the local municipality administration. The analysis as presented by the respondents indicated that the senior management team of the municipality are part of strategic decision makers. Similarly, the respondents shared the opinion that employees in local government should be made to understand the issues of the Code of Conduct in the context of managing misconduct in the public service. One strategic model identified is individual orientation and training in the activities enshrined as misconduct. This related to knowing what is to be done and understanding how to maintain ethical standards in line with policies, while delivering public services (Ababio and Vyas-Doorgapersad, 2010:422).

Another question related to whether or not “*the Municipal managers carry out their roles and responsibilities as expected of their position in the management of misconduct*”. The results of the analysis are further presented in the table 5.19 as follows:

Table 5.19: Determining the role of managers in managing misconduct

In your opinion, do the municipal managers carry out their roles and responsibilities as expected of their position in the management of misconduct?	Frequency	Percentage
Yes	58	70.7
No	24	29.3
Total	82	100

Analysis in Table 5.19 revealed that fifty-eight (58) respondents representing 70.7% of the population said that the municipal managers duly discharge their duties as expected in a bid to scale management of misconduct in their local municipality. The total number of twenty-four (24) representing 29.3% of the population also shared the view that the municipal managers do not perform the assigned responsibilities towards managing misconduct in public service. The implication of the finding is that even though as much as 71% of the respondents established the fact that managers and supervisors carry out their responsibilities well according to the guidelines, the level of contraction as reflected in 29.3% response rate, indicated that much more is needed to be done in terms of strict adherence to the guidelines by the managers and supervisors.

Other distributions of responses in this investigation determined the perspectives of the municipal functionaries in respect of the opinion whether or *not* the labour relations managers execute their roles and responsibilities as expected of them in the management of misconduct. The results indicated a mixed reaction showing a marginal disparity in the average number of the respondents as presented in Table 5.20.

Table 5.20: Determining the role of labour relations managers

In your opinion, do labour relations managers carry out their roles and responsibilities as expected of their position in the management of misconduct?	Frequency	Percentage
Yes	44	53.7
No	38	46.3
Total	82	100

Analysis in Table 5.20 indicates that forty-four (44) of the respondents representing 53.7% of the population said that the labour relations managers do execute their roles and responsibilities as expected in the management of misconduct while thirty-eight (38) respondents representing 46.3% of the population believed that the labour relations managers do not carry out their roles and responsibilities as expected in the management of misconduct. The implication of the analysis showed parity between the opinions as formed by the respondents. Even though as much as 53.7% of the respondents had the opinion that labour relations managers discharge necessary duties in the context of managing misconduct, a quantum rate of 46.3% disagreed with the extent of such roles. The implication is that labour relation managers need to do more in the areas of guideline interventions for education, sensitising and appeal mechanism to guarantee the rights of the workers.

Another question determined the perspectives of the municipal functionaries in respect of “*whether or not the labour relation carry out their responsibility as required or not and what can be the reason for such*”. The analysis as contained in Table 5.21 provided graphic details of the responses of the respondents as follows:

Table 5.21: Determining the reason for role of labour relation actions

If your answer is No in previous question, what can be the reason for such?	Frequency	Percentage
Not Applicable	42	51.2
If policies are not in place	16	19.5
Because of favouritism and nepotism	12	14.6
Managers believe they are above the law	12	14.6
Total	82	100

From the analysis as contained in Table 5.21 above, forty-two (42) respondents representing 51.2% of the population formed the opinion that the labour relations managers do execute their roles and responsibilities as expected of their positions in the management of misconduct, sixteen (16) respondents representing 19.5% of the population informed that the labour relations managers do not execute their roles and responsibilities as expected in the management of misconduct and stated their reason as policies not being in place, twelve (12) respondents representing 14.6% stated the reasons as favouritism and nepotism, and twelve (12) respondents representing 14.6% stated their reason as managers believe they are above the law.

In this course of this investigation, another question asked: “*are you of the opinion that management of misconduct poses a risk to your municipality?*”. The responses provided by the respondents showed various institutional challenges and demonstrated that the beliefs of most staff in respect of the risk of misconduct are average.

Table 5.22: Determining the challenges to management of misconduct

Are you of the opinion that management of misconduct poses a risk to your municipality?	Frequency	Percentage
Yes	42	51.2
No	40	48.8
Total	82	100

From Table 5.22 above, forty-two (42) of the respondents representing 51.2% of the population are of the opinion that the management of misconduct poses a risk to their municipality. Similarly, forty (40) respondents representing 48.8% of the population are of the opinion that the management of misconduct does not pose a risk to their municipality. The implication is that the issue of misconduct posed a high challenge to the image of the municipality. This understanding is similar to the problem as identified in this research that the concerns in contemporary society as a result of various misconduct and unethical practices have increased in recent times (Ababio and Vyas-Doorgapersad, 2010:415). Such cases at the level of public governance are gradually eroding peoples' confidence in public administration.

In the course of this investigation, other distribution of question determined the perspectives of the municipal functionaries in respect of what are the factors that constitute a challenge to managing misconduct at the local municipal administration. The question determining the possible the participants who believed that management of misconduct is a challenge in the local municipality, were then asked to identify the challenges.

Table 5.23: Determining the challenges to management of misconduct

If your answer is No in previous question, what can be the reason for such?	Frequency	Percentage
Not Applicable	40	48.8
Strike actions that are violent	8	9.8
Non-behaviour and not abiding with code of conduct	8	9.8
Inadequate information from employer on rules and penalty	8	9.8
If not combated poses a risk	6	7.3
Favouritism will cause harm	6	7.3
Enforcing rules makes you an enemy	6	7.3
Total	82	100

The analysis in table 5.23 indicated that forty (40) respondents representing 48.8% of the population answered yes to the previous question agreeing that management misconduct poses a challenge to the municipality. Eight (08) respondents representing 9.8% of the population answered no and gave their reason as strike actions that are violent pose a challenge to the municipality and not management of misconduct. Another eight (08) respondents representing 9.8% of the population answered no, and gave their reason as non-behaviour and not abiding with the Code of Conduct which poses a challenge to the municipality and not management of misconduct while eight (08) respondents representing 9.8% of the population answered no and gave their reasons as inadequate information from employers on rules and penalties poses a challenge to the municipality and not management of misconduct.

Six (06) respondents representing 7.3% of the population answered no and gave their reason as if not combated poses a risk poses a challenge to the municipality and not management of misconduct. Another set of six (06) respondents representing 7.3% of the population answered no and gave their reason as favouritism poses a challenge to the municipality and not management of misconduct. Similarly, another group of six (06) respondents representing 7.3% of the population answered no and gave their reason as enforcing rules

makes you an enemy and poses a challenge to the municipality and not management of misconduct

In the course of this research, similar distribution of questions determined the perspectives of the municipal functionaries in respect of whether or not misconduct posed a challenge to the municipality officials. The question was asked as follows: “do you think management of misconduct also poses a challenge to you as the municipal official?”. The responses provided by the respondents are contained in table 5.24 as follows:

Table 5.24: Determining the challenges to misconduct to municipality officials

Do you think management of misconduct also poses a challenge to you as the municipal official?	Frequency	Percentage
Yes	16	19.5
No	66	80.5
Total	82	100

Further analysis as provided in Table 5.24 indicated that sixteen (16) respondents representing 19.5% of the population think that the management of misconduct also poses a challenge to one who is a municipal official, and sixty-six (66) respondents representing 80.5% of the population think that the management of misconduct does not pose a risk to the municipal officials.

Further analysis in the course of this research showed similar distribution of responses determining the perspectives of the municipal functionaries in respect of those challenges misconduct posed to municipality staff. In the question, *if yes, what are the challenges?*, the respondents provided diverse views as presented in the table below:

Table 5.25: Determining the challenges to misconduct to municipal officials

If your answer is No in previous question, what can be the reason for such?	Frequency	Percentage
Not Applicable	66	80.5
Strike actions that are violent	4	4.9
Enforcing rules makes you the enemy	4	4.9
If not combated poses a risk	4	4.9
Non-behaviour and not abiding with code of conduct	4	4.9
Total	82	100

Analysis in table 5.25 showed that sixty-six (66) respondents representing 80.5% of the population answered no in the previous question, supporting the claim that management of misconduct does not pose a risk to the municipal officials. Four (04) other respondents representing 4.9% of the population gave strike actions that are violent as a reason to support their answer that management of misconduct does not pose a risk to the municipal officials. Similarly, four (04) respondents representing 4.9% of the population stated that enforcing rules makes one an enemy as a reason to support their answer that management of misconduct does not pose a challenge to municipal officials.

Another four (04) respondents representing 4.9% of the population stated that if not combated poses a risk as a reason to support their answer that management of misconduct does not pose a risk to you as the municipal officials. In the same manner, another group of four (04) respondents representing 4.9% of the population stated that on-behaviour and not abiding with the Code of Conduct poses a risk as a reason to support their answer that management of misconduct does not pose a risk to the municipal officials.

Further analysis in the course of this research showed similar distribution of questions on the perspectives of the municipal functionaries in respect of the need for education and training as the tool for effective management of misconduct practices in the local municipality. The question asked the respondents: *“have you attended any training as far as managing workplace misconduct is concerned?”* The responses are presented in table 5.26 as follows:

Table 5.26: The need for education and training in managing misconduct

“Have you attended any training as far as managing workplace misconduct is concerned? “	Frequency	Percentage
Yes	14	17.1
No	68	82.9
Total	82	100

The data analysis as presented in table 5.26 indicated that fourteen (14) respondents representing 17.1% of the population have attended training with regards to managing workplace misconduct. The report further showed as manias sixty-eight (68) of the respondents representing 82.9% of the population have not attended training on workplace misconduct.

On another issue, investigation conducted showed similar distribution of responses determining the perspectives of the municipal functionaries in respect of their development needs required for understanding misconduct management. The question asked: “*what development needs, if any, do have or have you indicated is your personal plan?*” The analysis as presented in the table 5.27 below indicated the responses of the respondents as follows:

Table 5.27: Determining the individual development plan among municipality officials

“What development needs, if any, do have or have you indicated is your personal plan”	Frequency	Percentage
No developmental needs	58	70.7
To be trained in Human Relations	4	4.9
Human relations	4	4.9
Labour relationship	2	2.4
Providing trainings to employees	4	4.9
Capacity building	2	2.4
IT Literacy	2	2.4
Non-related to misconduct or disciplinary committee	2	2.4
Total	82	100

Analysis as presented in table 5.27 explained that fifty-eight (58) of the respondents representing 70.7% of the population have no development needs or personal plans while four (04) respondents representing 4.9% of the population have development needs or personal plans to be trained in human relations. Similarly, another group of four (04) respondents representing 4.9% of the population have development needs or personal plans in human relations while two (02) respondents representing 2.4% of the population have development needs or personal plans in labour relations. Further analysis showed that four (04) respondents representing 4.9% of the population have development needs or personal plans in providing training to employees, two (02) respondents representing 2.4% of the population have development needs or personal plans in capacity building and another set of two (02) respondents representing 2.4% of the population have development needs or personal plans in IT literacy. Lastly, two (02) respondents representing 2.4% of the population have development needs or personal plans not related to misconduct or disciplinary committee.

Further analysis in this course of this research showed similar distribution of responses determining the perspectives of the municipal functionaries and their knowledge of

misconduct practices in the local municipality. As presented in table 5.26, the respondents' perspectives were explained in relation to the question: “*what is your understanding of misconduct?*”

Table 5.28: Determining the challenges to misconduct to municipal officials

What is your understanding of misconduct?	Frequency	Percentage
Unaccepted behaviour by an employee or professional person	48	58.5
Not following set rules	34	41.5
Total	82	100

The presentation in table 5.28 revealed that forty-eight (48) respondents representing 58.5% of the population explained their understanding of misconduct as unaccepted behaviour by an employee or professional person. Similarly, thirty-four (34) respondents representing 41.5% of the population explained their understanding of misconduct was not following set rules. The analysis further justifies the earlier argument in this study that misconduct practices are unacceptable behaviour which erodes public confidence in administration and service delivery in local government. These results aligned with other research (Bruce, 2014) that identified issues such as control, discipline and punishment as local government challenges in recent times.

Further analysis showed a similar distribution of responses to the question: “*in your opinion, officials commit misconduct because of?*” The analysis presented in table 5.29 further determines why misconduct is carried out by the local government functionaries.

Table 5.29: Determining the causes of misconduct in the municipality

If your answer is No in previous question, what can be the reason for such?	Frequency	Percentage
Poor Management	14	17.1
I will never get caught attitude	22	26.8
Peer pressure	2	2.4
Not aware of what is expected of them	2	2.4
Poor management, “I will never get caught” attitude	2	2.4
Poor management, Peer pressure	2	2.4
Poor management, “Not aware of what is expected of me”	2	2.4
Poor management, Personal circumstances	12	14.6
“Not aware of what is expected of me”, Personal circumstances	4	4.9
Poor management, “I will never get caught” attitude, Peer pressure	4	4.9
Poor management, “I will never get caught” attitude, Not aware of what is expected of them	2	2.4
Poor management, “I will never get caught” attitude, Personal circumstance	2	2.4
Poor management, “I will never get caught” attitude, Others	6	7.3
Poor management, “Not aware of what is expected of them”, Personal circumstances	4	4.9
Poor management, “I will never get caught” attitude, “Not aware of what is expected” of them, Personal circumstances	2	2.4
Total	82	100

Table 5.29 indicated that fourteen (14) of the respondents representing 17.1% of the population are of the opinion that officials' misconduct occurs as a result of poor management, twenty-two (22) respondents representing 26.8% of the population were of the opinion that officials misconduct themselves occurs because the perpetrators assumed that they would never caught in the act. Similar results showed that two (02) respondents representing 2.4% of the population said that official misconduct happened because of peer pressure and influences while two (02) respondents representing 2.4% of the population were of the view that officials' misconduct occurred because they are not aware of what is expected of them. Similarly, a group of two (02) of the respondents representing 2.4% of the population agreed that officials' misconduct happened because of poor management and because the perpetrators believed they would never be caught.

In the same vein, two (02) of the respondents representing 2.4% of the population are of the opinion that officials misconduct because of poor management, peer pressure; two (02) other respondents representing 2.4% of the population were of the opinion that officials misconduct was a result of poor management and not being aware of what is expected of them. Twelve (12) respondents representing 14.6% of the population were of the view that officials' misconduct occurred because of poor management and personal circumstances. Four (04) other respondents representing 4.9% of the population were of the opinion that official misconduct happened because of lack of awareness of what was expected of them and personal circumstances.

Similarly, four (04) respondents representing 4.9% of the population were of the opinion that officials misconduct occurred because of poor management, and the assumption that the perpetrators would never caught in the act. Two (02) respondents representing 2.4% of the population are of the opinion that official misconduct was linked to poor management, the attitude that they would never be caught and lack of awareness of what was expected of them. Two (02) other respondents representing 2.4% of the population were of the view that official misconduct was a product of poor management, personal circumstances and belief that they would not be caught.

Six (06) respondents representing 7.3% of the population were of the opinion that official misconduct happened because of the notion that the perpetrators would never be caught. Others four (04) respondents representing 4.9% of the population were of the opinion that

officials' misconduct occurred because of poor management, not being aware of what is required of them as well as due to personal circumstances while two (02) of the respondents representing 2.4% of the population are of the opinion that officials misconduct occurred because of poor management, the attitude that they would not be caught, not being aware of what was expected of them and personal circumstances. The implication of these findings is linked to an understanding that the causes of misconduct are multidimensional. Though the degree varies in terms of perception, it is noted that all these factors seem to have contributed to the systemic failure in public administration especially at the level of local government administration (Reddy and Wallis, 2013).

5.5 POLICIES ON MISCONDUCT

Part of the objective of the research was to determine the level of awareness of the municipal functionaries of the Code of Conduct in public administration. The analysis in this case sought to determine whether municipal functionaries were aware of the code of conduct in the municipality. The question was posed as follows: *does your municipality have a code of conduct for municipal staff?* Data is presented in Table 5.30

Table 5.30: Determining individual knowledge of code of conduct

Does your municipality have a code of conduct for municipal staff?	Frequency	Percentage
Yes	72	87.8
No	10	12.2
Total	82	100

Analysis of table 5.30 indicated that seventy-two (72) respondents representing 87.8% of the population stated that there exists a code of conduct for municipal staff, while ten (10) respondents representing 12.2% of the population showed lack of knowledge of such legislation in the local government. The implication of high awareness (87.8%) that there exists a code of conduct in the local municipality is an indication that employees perhaps were inducted with a code of conduct as one of the policy documents of government. However, as much as 12% of the respondents could not even remember such documents in the administration of local government. The concern is that even for those who are aware of the existence of the documents, not many of them know the significance of them This

research determined the extent of knowledge the municipality officials have about ethical standards and the code of conduct in public administration.

Further analysis showed similar distribution of responses determining the perspectives of the municipal functionaries in respect of whether municipal staff understands the uses of the code of conduct in public administration. The question posed to the respondents is discussed in Table 5.31 based on the question: *does your municipality have a code of conduct used to conduct disciplinary cases?*

Table 5.31: Determining individual knowledge of code of conduct uses

Does your municipality have a code of conduct used to conduct disciplinary cases?	Frequency	Percentage
Yes	74	90.2
No	8	9.8
Total	82	100

Analysis in Table 5.31 explains that seventy-four (74) respondents representing 90.2% of the population states that a code of conduct exists to conduct disciplinary cases in the municipality. Only eight (08) of the respondents (about 10%), stated otherwise that code of conduct was used to conduct disciplinary cases at the municipality. The findings indicate that the majority of the employees (90.2%) have the idea that the code of conduct is a mechanism for conducting disciplinary actions.

Further analysis in the course of this research showed similar distribution of responses in determining the perspectives of the municipal functionaries about their knowledge of the code of conduct application and uses for disciplinary cases. The idea is to further obtain the perspective of the respondents who claimed to be ignorant of a code of conduct. The question was posed as follows: *if you have answered No in previous question, why?* This is further discussed in Table 5.30.

Table 5.32: Determining knowledge of ethics and conduct

If you have answered No in previous question, why?	Frequency	Percentage
Not Applicable	76	92.7
Because if that was it would be used when conducting disciplinary cases	6	7.3
Total	82	100

The analysis as presented in Table 5.32 revealed that seventy-six (76) respondents representing 92.7% of the population answered yes in the previous question agreeing that a code of conduct exists to conduct disciplinary cases at the municipality. Six other (06) respondents representing 7.3% of the population were of the opinion that if a code of conduct truly existed in the municipality, it would have been applied for different reported cases of misconduct practices in local government. Even though this group of people only represents 7.3% of the participants, their point of view might be difficult to ignore. This is because it is unlikely that the code of conduct only exists as one government document whereas, the application or compliance is not visible in managing disciplinary cases. These arguments agree with similar other findings (Ahmad *et al*, 2009; Dittenhofer, 2001; Unegbu and Kida, 2011) that established a culture of non-compliance to due process and ethical standards as a challenge for local government..

5.6 ANALYSIS OF THE INTERVIEW QUESTIONS

Three senior directors at the top managerial level of the municipality responded to the interview questions provided in this study. The idea was to explore the experience and expertise of the directors to validate the institutional framework suggested by the municipal functionaries. For the sake of anonymity, the designations and the names of the directors are maintained confidential. The status of the directors is therefore represented with pseudonyms as *Director 1*, *Director 2* and *Director 3*. Ogden (2008:16) describes the use of pseudonyms as fictitious names given to individuals with the aim of keeping their identity secret. It is assumed that these categories of staff members possessed the wealth of experience in public administration having risen through the ranks to the apex of their professions in the public service. From the information made available in the cause of this investigation, *Director 1*

joined the service of Amajuba District Municipality about nine years ago; *Director 2* about ten years and *Director 3* joined about five years ago.

The first presentation determined the knowledge of the directors on the significance of training as an institutional framework for managing misconduct practices. The question read as follows: *have you received any training on the “code of Conduct for Municipal Staff as set out in Schedule 2 of the “Local Government: Municipal Systems Act?”* The explanation given by the three directors varied. For instance, *Director 1* explained in affirmation that he had received such training in a bid to develop knowledge of the code of conduct in the municipality. *Director 2* and *Director 3* however, responded that such training had never been conducted. They are not aware of any such training since they joined the service of local government administration. On the issue of what kind of training is available for staff members, the participants agreed that employees are introduced to a code of conduct at the induction stage when staffs are newly employed.

Director 1:

“There used to be workshops by the South Africa Local Government Organisation (SALGA) which used to be conducted at the local municipality.”

From the opinions as provided by the respondents, employees in the local municipality are introduced to a code of conduct at the level of induction, when they were newly recruited. The concern there is that if such orientation is provided to new staff, some of whom were employed many years ago, could sustain the understanding of code of conduct in the municipality. Exploring the *relationship between the management and labour component in the municipality*, the responses provided by the Directors are nearly similar and complementary. The understanding is that the relationship with the labour union varies depending on the mood and the demands of the union. Sometimes the relationship can be seen as cordial whereas it may appear at some other times that there are areas of conflict.

Director 1:

“It is not bad. It is neither good nor bad. In some instances, there could be issues which make labour and union to see eye to eye.”

Director 3:

“It depends on the situation on ground. Sometimes it is fine and in some situations it is hostile especially on issues involving salaries and positions.”

Mostly, the relationship is seen as ‘normal’ as explained by *Director 2*. The implication is that a relatively peaceful atmosphere exists between municipal administrators and employees of the municipality. The study also sought to understand the knowledge of the senior directors about the experience of the officials in the municipality or their level of awareness about the code of conduct. The aim was to determine the level of knowledge or awareness of municipal functionaries on the code guiding misconduct practices in the public service. Some of the directors assumed that the employees should be aware of the code and the significance of public service.

Director 1:

“They should be aware of it. I say so because during the induction process, the code of conduct is one of the documents the employees are inducted on.”

Director 2:

“The employees are presented with the list of all policies including code of conduct when they join employment with the municipality.”

Director 3

“I understand that our Human Resources do teach employees of the code of conduct.”

It was further explained by the participants that disciplines are different depending on the categories and status of the employees. The study sought to determine *how discipline is exercised for senior managers employed in terms of Section 56 and 54 of the “Local Government: Municipal Systems Act”*. For instance, the regulations that guide a senior manager in the context of discipline differ from what guide the ordinary employees. According to the viewpoint of *Director 1*, discipline in respect of senior managers is dealt with in terms of the regulations. Many a times, such cases are out sourced to private attorneys. Similarly, *Director 2* explained that disciplines are enforced in terms of disciplinary regulation for senior managers. *Director 3* explained that senior managers are disciplined in line with the guiding regulations.

This study established how discipline is enforced on other employees of the municipality. It was asked, *how is discipline exercised for other employees?* The presentations made by the

directors were relatively similar to the understanding that the same code and regulation for managing misconduct from senior level of employee to the lower levels was applicable.

Director 1:

“We have grievance process and as well as the constitution of the disciplinary tribunal in term of the disciplinary code.”

Similarly, *Director 3* explained that the municipal administrators use the disciplinary code for managing various misconducts at the level of the local government administration. *Director 2* however differed in the opinion. According to the director, “It appears most of these codes are just paper work and part of the mandatory instruments of administration in the local municipality. The implementation of the ethical standard appears non-existent.” This point of view explains probable weak implementation of the code of conduct even though the document is available at the local municipality.

Director 2:

“Currently our disciplinary code is not in force and as such our disciplinary process is dealt with in term of schedule 8 of the schedule 4 to the Labour Relation Act.”

The implication is that there exists weak implementation of the code of conduct that guides misconduct management of the official at the local government level. The research further probed to know if the *different disciplinary codes for senior managers and other employees have an impact on the management of discipline or misconduct in municipalities*. Two of the director’s shared similar opinions while the third director had no idea if the code of conduct actually serves the purpose as is meant.

Director 1:

“Yes, it does with the senior managers there are strict time frames set out on when and how certain aspect of the discipline must be concluded. In my experience, where there is non-compliance with any one of the regulated requirement, I have seen senior manager managing to get away with serious misconduct.”

Director 2:

“An ordinary employee discipline is conducted in term of the negotiated disciplinary code or schedule 8 of Labour Relation Acts. Senior managers disciplines are conducted in term of the municipal system act disciplinary regulation.”

On discipline of ordinary employees, this should be in terms of the disciplinary code. This process is not as stringent as that for senior managers as explained by *Director 1*. For instance, where the process is outside the stipulated time frame, there is a provision for the employer to apply for *condonation*. The opinion provided by the directors indicated a weak implementation of the code of conduct.. This gap remains one of the major institutional challenges for managing misconduct practices in local government administration system. In the same manner, the study sought to find out if there are challenges to the management of the application of the code of conduct in the municipality. The participants emphasised different challenges. Prominent is the issue of training and re-training of employees of the local municipality. Such a challenge is identified as a basic institutional challenge on the issue of managing misconduct at the level of public administration in local government. For instance, *Director 1* identified such challenges to include the following:

- Inadequate understanding of the disciplinary process by the management.
- Lack of training of the shop stewards.
- Political interference in administration.

Director 1 however offered that continued training of all stakeholders involved in disciplinary process and on-going training of staff in better understanding of the code of conduct is critical in the framework for managing misconduct. This position of the senior director aligned with earlier findings, which averred the significance of training of the code of conduct made available to employees at the level of induction of newly recruited staff members as inadequate to guarantee sustainability. Similarly, *Director 2* also identified factors constituted as challenges to effective implementation of a code of conduct at the local government level to include:

- Training
- No separation of powers between councillor and administrator

As an institutional framework therefore, *Director 2* suggested the enforcement of the code of conduct irrespective of the status or position of the erring employees of the local government. Similarly, the code of conduct should be enforced for councillors so that they could know their roles while at the same time limiting their involvement in administrative matters. One unanticipated response noted is the view point of the *Director 3*, who claimed non-awareness

of any such institutional challenge and thus could not offer any remedy. The implication of this is that even though the code of conduct is part of the policy document in the local government administration, its significance remains elusive to the ordinary employees, management and many of the directors in the municipality. This view point aligns with the early perspectives formed by sixty respondents representing 73% of the respondents as presented in tables 5.13 and 5.27, that poor management remains the cause of misconduct and also forms the main institutional challenge to implementation of the code of conduct.

The respondents said that the action of the management employee and councillors should also reflect compliance with the code of conduct. The senior management should also be accountable to any act of misconduct and misdeeds in line with the policies of the government. There should not be any 'sacred cows' as far as discipline for misconduct is concerned. The implication is that senior management teams themselves seem flouting the laid down guidelines and policies. Such opinions as formed by the directors is also in accordance with Schedule 5 of the Local Government Municipal Structure Act 33 of 2002 which stipulates how every public servant at the local government is bound by same legal framework that requires probity and accountability in the provision of services to the people. Part of the mandate includes specific indicators for measurement, feedback and control mechanisms as the required institutional framework.

Findings from the existing public documents in South Africa reveal various policies of government enacted to promote ethics and integrity of public service. For instance, the *Constitution of 1996*, the *Public Service Act* 103 of 1994, the *Public Finance Management Act* No 1 of 1999 and the *Employment Equity Act* No 55 of 1998 are among such legislations. The general purpose of these laws and enactments include the *Public Finance Management* and the *Public Service Regulations*. As reviewed under the literature, those ethics-specific policies are in such areas like the *Prevention and Combating of Corruption Act*, 2004, *Protected Disclosures Act*, 2000, and the *Promotion of Access to Information Act*, 2000.

From the findings, it is evident that diverse policy measures on corruption prevention are formulated to guide the operations of local government administration in South Africa. The issues of poor policy implementation and culture of non-compliance with the tenets of these codes remains a big gap in the public services. The typical example is the evidence that

showed Amajuba District Municipality as not adequately equipped with institutional-specific ethics policy framework that gives credence to the management of misconduct in line with the above policy requirements. The findings, however, showed a weak compliance and implementation of such legislations in the context of official management of misconduct with a particular reference to local government administration services.

5.7 CONCLUSION

The common trend revealed unethical practices notwithstanding the existence of a Code of Conduct. It appears that implementation remains elusive. The result of this study indicated that the Code of Conduct legislation remain an important instrument for managing misconduct if the guidelines are adequately applied. The respondents have confirmed that induction of new employees should include effective orientation of ethical conduct in the context of a Code of Conduct.. The results of this research also indicate that most employees in the local municipality have fair knowledge of the guidelines and management expectations regarding the importance of compliance to policies and procedures. The perceptions formed by most respondents indicated that an environment of respect and mutual trust co-exists in the municipal administration.

The implication is that it seems unlikely that senior managers and top directors at the local municipality encourage effective working relationships among local government functionaries. The respondents however expressed the opinion that staff compliance to institutional framework should be achieved through sanctions as deemed necessary whenever violation of a Code of Conduct is established. The application of disciplines must be seen as fair and evenly applied. The disciplinary process must serve as a deterrence measure instead of it being seen as a punitive measure. The orientation of an acceptable standard and behaviour required in a given circumstance provides direction of how the conduct of public officers is governed. For effective service delivery, the implementation of Code of Conduct protects public servants, the client and/or the general public at large.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

This chapter contains the summary, recommendations and conclusion of the research findings in the context of modalities for dealing with misconduct in local government administration in South Africa. This part of the study offers to address the research problem, research objectives and the research questions as presented under sub-sections 1.4, 1.5 and 1.6 respectively. The study was aimed at exploring ways in which misconduct can be managed in local government. The focus area of the study was the Republic of South Africa and the study was carried out solely through a thorough, albeit not exhaustive, review of literature published in both South Africa and elsewhere on the topic of misconduct and discipline in the workplace, particularly in local government. Thus this chapter outlines the summary of the literature as reviewed and results of the empirical data obtained from Amajuba District Municipality as a case study.

Conclusions and recommendations on managing misconduct and other proactive measures in local government in South Africa are also provided. The conclusions and recommendations were drawn from the literature reviewed from the variety of publications. The chapter also discusses the research outcomes and ascertains if the research questions proposed in this research are adequately answered.

6.2 RESEARCH FINDINGS AND THE SUMMARY

As discussed in chapter one, this research was designed to investigate ways through which misconduct is being dealt with at the local government level in South Africa. The views of various authors or researchers have been critically examined to assess the level of concurrence and dissent on the topic. The study began the investigation by exploring and describing the interaction between ethics in public administration, the issue of moral standards and Code of Conduct implementation in the operation of the district municipalities. The idea was to identify the institutional framework through which managing misconduct could be addressed. The study also determined the perceptions of the local government

functionaries along how individuals perceived misconduct in the context of service delivery to the general public. The study also determined the significance of education and training in relation to managing misconduct or malpractices in the local municipalities. As presented in the section 1.5 of this study, the following research questions were provided under the background of the study as follows:

6.2.1 What are the causes of misconduct in local government?

The results as obtained in this research indicated that employees of the municipality comprehend the ethical standards requirements of their professional services to the general public. The response rate of 51.2% established that misconduct cases are often reported and showed significant levels of staff awareness of the issue of misconduct practices. Even though 51.2% of the respondents established their awareness, the levels of unawareness as reflected in a 32% response rate indicated that much more is needed to be done in term of information dissemination and staff awareness.

From figure 4.13, it is also important to underscore the fact that 12.2% of the population are of the opinion that employees not aware of what is expected of them are a cause of misconduct at the municipality. 12.2% of the population are of the opinion that attitude is a cause of misconduct at the municipality, 9.8% of the population are of the opinion that gender inequality is a cause of misconduct at the municipality. The implication of the finding is that poor management remains the basic factor that causes misconduct in the local government. These findings agreed with the research conducted by Ambe, (2012:249); Ababio and Vyas-Doorgapersad, (2010:422), which identified lack of capacity to deliver effective service delivery at the level of district municipality management in the Republic of South Africa. In a related instance, when asked what could be done to minimise misconduct, fourteen (14) of the respondents representing 17.1% of the population thought that education and team building about racial tolerance could minimise misconduct.

- **What is the role of management in dealing with workplace misconduct in local government?**

The aim of this section is to determine if the municipal functionaries have a good understanding of strategic processes of maintaining the ethical standard in the local government administration. For instance, for the question: *have you ever acted in the*

capacity representative of your employer or chairperson in any case that addresses misconduct in public administration? Analysis as presented in table 4.15 revealed that 41.5% of the population have acted as employer representative or chairperson or presiding officer in a misconduct disciplinary case, and 58.5% of the population proved that they had not acted as the representative of their employer or chairperson in matters relating to misconduct in the public service. The finding established the fact that only the employees at the local municipality are made to pass through leadership processes that could be a training platform for future public administrators. Such mechanisms could be relevant at providing awareness, orientation and experience suitable about the code of conduct in the context of misconduct management.

In a related development, most municipal functionaries sampled in this study showed average awareness of the need to exhibit a high moral standard in the discharge of official responsibilities. More importantly, this study established how disciplines are enforced on other employees of the municipality. The presentation showed similar distributions of questions determining knowledge of the directors about how discipline is exercised for other employees. The presentations made by the directors were relatively similar to the understanding that there are exact code and regulations for managing misconduct from the level of employee to the other level.

Evidence from the municipality directors indicated that the municipality administrators use disciplinary code for managing various misconducts at the level of the local government administration. The findings suggest that most of the tenets of codes remain paper work and part of the mandatory instruments of administration in the local municipality. The implementation of ethical standards appears weak. This point of view explains probable weak application of the code of conduct to misconduct even though the document is available at the local municipality.

The implication is that there exists weak implementation of the code of conduct that guides management of misconduct of the officials at the local government level. The research further probed to know if the different disciplinary codes for senior managers and other employees have an impact on the management of discipline or misconduct in municipalities. Two of the directors shared a similar opinion while the third director has no idea if the code of conduct actually serves the purpose as is meant.

- **What are the challenges facing efforts at managing misconduct in local government?**

In the course of this investigation, other questions determined the perspectives of the municipal functionaries in respect of what are the factors that posed as challenges to misconduct management. The responses provided by the respondents showed various institutional challenges and demonstrate that on average, staff members believe misconduct is an issue.

From Table 4.20, 51.2% of the population are of the view that managing misconduct was a threat or challenge to administration of the municipality in their district. Similarly, 48.8% of the population provided that misconduct did not any way pose a threat to municipality administration in their district. The implication is that the issue of misconduct posed a significant challenge to the image of the municipality. This understanding is similar to the problem as identified in this research that the concerns at the contemporary society as a result of various misconduct and unethical practices that have increased in the recent times Ababio and Vyas-Doorgapersad, (2010:415). Such cases at the level of public governance are gradually eroding peoples' confidence in public administration.

Further analysis in the course of this research investigated the need for education and training as the tool for the effective management of misconduct practices in the local municipality. The question asked the respondents whether or not the staff member had anytime attended a training program or workplace relating to misconduct management in the public service. The data analysis as presented in table 4.24 indicated that 17.1% of the population said that they had attended training programme related to the issue of misconduct practices in the workplace. The report further showed as high as 82.9% of the population had no such training in the public service.

In the same manner, the study sought to find out if there are challenges to the management of application of code of conduct in the municipality. The participants emphasised different challenges. Prominent is the issue of training and re-training of employee of the local municipality. Such a challenge identified as basic to issues of managing misconduct at the level of public administration in the local government. Among the results highlighted in this study are issues which include lack of adequate understanding in the context of disciplinary

processes by the management, training of the shop stewards and political interference in administration.

- **How is the code of ethics understood in the context of local government?**

The research determined the perspectives of the municipal functionaries in respect of their development needs as required for understanding misconduct management. The findings as presented under table 5.28 it was revealed that significant percentage of the studied population expressed their understanding of misconduct as unaccepted behaviour by an employee or professional person. Similarly, many of the respondents explained their understanding of misconduct as not following set rules. These findings further justify the earlier argument as narrated in this study that misconduct practices are unacceptable behaviour which erodes public confidence in the administration and service delivery by local government. These results also aligned with other research (Reddy and Wallis, 2013; Theofanis, *et al.* 2011) that identified issues such as control, discipline and punishment as developmental local government challenges in the recent time.

Further findings of this research explored the reasons people gave for misconduct. Significant number of the population expressed the opinion that officials misconduct themselves could be attributed to poor management while the participants were of the opinion that officials' misconduct occurs because perpetrators assumed that they would never be caught in the act. In a related development, the population were of the opinion that official misconduct happened because of the notion that the perpetrators would never be caught. Also as summarised in the chapter five of this study, the results of qualitative study provided that the continued training and retraining of all stakeholders, was significant for managing misconduct in public governance. The implication of these findings indicated that the training or exposure to code of conduct provided to employees at the induction stage might be insignificant to guarantee staff discipline.

- **What policies exist at workplace discipline in local government and how effective are these?**

Part of the research objectives was the issue regarding the level of awareness of the municipal functionaries of the code of conduct. The analysis of this research sought to determine the perspectives of the municipal functionaries regarding their knowledge or awareness of the

tenet of Code of Conduct in public administration. Understanding as provided in table 4.28 revealed that respondents mostly agreed that a Code of Conduct for municipal staff existed. The implication of high awareness that there exists a code of conduct in the local municipality is an indication that employees perhaps were inducted with a code of conduct as one of the policy documents of government. Nevertheless, some other respondents could not even remember such documents in the administration of the local government. The concern is that even for those who are aware of the existence of the documents, how many of them know the significance to misconduct management?

In a bid to seek understanding the extent of knowledge the municipality had about ethical standards and the code of conduct in public administration. Findings showed that high significant of the agreed with the previous question that a code of conduct exists to conduct disciplinary cases at the municipality. Interestingly, part of the findings revealed that if a code of conduct truly existed in the municipality, it would have been applied for different reported cases of misconduct practices in the local government. Even though this group of respondents was minuscule, their point of views might be difficult to ignore. This is because it is unlikely that the code of conduct only exists as one government document whereas, the application or compliance is not visible in managing disciplinary cases. These arguments agree with similar other findings (Ahmad *et al*, 2009; Unegbu and Kida, 2011) that established a culture of non-compliance to due process and ethical standards as one challenge of local government administration.

The findings indicated that the action of the management employee and councillors should also reflect the compliance to the code of conduct. The senior management should also be made accountable for any act of misconduct and misdeeds in line with the policies of the government. Disciplines must be total and equal to all. The implication is that effective management of misconduct requires that there should not be any 'sacred cows' as far as discipline for misconduct is concerned. The implication is that senior management teams themselves seem flouting the laid down guidelines and policies. Such opinion as formed by the directors is also in accordance with the Schedule 5 of the Local Government: Municipal Structure Act 33 of 2002 which stipulates how every public servant in local government is bound by the same legal framework that requires probity and accountability in public administration. Part of the mandate includes specific indicators for measurement, feedback and control mechanism as the required institutional framework.

6.3 RECOMMENDATIONS

The significance of a research effort is mostly embedded in the value of recommendations or proposal offered in any empirical investigation. Having discussed the findings of this research in the context of research objectives of this study, this section presents clearly new information as well as the manner in which these results have advanced the body of knowledge.

In the first instance, it is noted that in considering the South African Local Government administration, the tenets of Code of Conduct Schedule 1 and 2 are embedded within the administration of the “Local Government Municipal Systems Act” as well as the Local Government Structure Act, Schedule 5. The implication is that the official Code of Conduct is not treated as a separate entity in the scheme of service. This perhaps affects effective implementation as well as the seriousness attached to the Code of Conduct compliance by the local government officials. This study identified operating the official Code of Conduct as a distinct document as a significant institutional framework towards managing misconduct at the level of local government administration. Such a code, however, has to be well underscored, emphasised and communicated within the scheme of service. Arising from such fore knowledge, the following recommendations offered in this study are as follows:

- **ETHICS EDUCATION**
The institutional framework for managing misconducts at the level local government administration requires that the municipal functionaries: directors, line managers as well as the supervisors should be well prepared. Local government administration should develop a robust ethics programme, well implemented, monitored and controlled. For instance, such template as whistle blower policy could either internally or externally the general public with prompt follow-up.

- **STAFF TRAINING AND CAPACITY BUILDING**
Such a framework also demands that priority should be given issue of staff training and capacity building on ethics-related matters. Such training and capacity building should also include investigation and cross-examination skills. Without adequate training mechanisms in place, incidences of

misconducts reporting and disciplines could remain a mirage. The implication is that capacity gaps should be identified among senior management team.

- **CONSISTENT ENFORCEMENT OF THE CODE OF CONDUCT**
The local government administration should enforce the tenets of the code of conduct to all erring public officers irrespective of status or position in government. Similarly, the code of conduct should be enforced for councillors so that they could know their roles while at the same time limiting their involvement in administrative matters.
- **LEAD BY EXAMPLE**
The action of the management staff and councillors should reflect compliance to the code of conduct and leadership by example. The senior management should also be made accountable to any act of misconducts and misdeeds in line with the policies of the government. There should not be any ‘sacred cows’ as far as discipline for misconducts is concerned.
- **APPROPRIATE SANCTION FOR CODE CONTRAVENTION**
Staff compliance to institutional framework should be achieved through sanctions as deemed necessary whenever violation of Code of Conduct is established. The application of disciplines must be seen as fair and evenly distributed. Such have the tendency to serve of deterrence. For effective service delivery, the implementation of Code of Conduct protects public servants, the client and/or the general public at large.
- **STAFF CONSULTATION**
It is also recommended that clear information through briefing sessions at the level of departments and units in the context of public policies, code of conduct and compliance framework are necessary towards achieving misconduct free local government administration South Africa. Line managers and the supervisors should be given adequate orientation on labour relations matters and implementation. The capacity in such areas as to how misconduct cases can be established, how to initiate investigation and reporting are sacrosanct to local administration reforms in the 21st Century. Such level of understanding could prevent time wasting in prosecuting disciplinary matters

as well as ensure the principles of the disciplinary code and procedures Resolution 1 of 2003 of the PSBCS, is just and equal.

- **RECRUITMENT AND VETTING OF STAFF**

Another cardinal area of attention is the issue of recruitment of staff. There is a strong need for thorough security check conducted on prospective employees before they are hired. The new institutional framework demands that prospective staff should be made to go through security check and obtain security clearance from the relevant government agencies before they are recruited. Such practices could provide the management access to security records of prospective staff and identify those who have previously been convicted for fraud or theft.

- **ADEQUATE FUNDING AND MONITORING AND EVALUATION**

Other recommendations include adequate funding, access to data at the local government administration level, decentralisation as well as monitoring and evaluation. Leadership by example and equality before the laws, are also critical institutional frameworks for managing misconduct at the local government level.

6.4 CONTRIBUTIONS TO KNOWLEDGE

Contributions are noted to have been made to the body of knowledge in the literature. The study has shown understanding that proper implementation of the code of conduct is key towards promoting ethical standard in the public service. The official at the district municipality: the line managers and supervisors at the Amajuba District Municipality for instance, have addressed how misconduct can be managed in the context of the code of conduct mechanism in local government administration; the knowledge is created that management often underscore the significance of municipal officials adhering to ethical policies and procedures. The study further creates the understanding that the word ethics covers those issues that are considered as what is right or wrong. Similarly, ethical standard involves displaying high level of professionalism and integrity in discharge of official duties in the public administration. Contributions in this research expanded to the understanding that Code of Conduct compliance is better achieved when training, capacity building, reward as well as sanctions, are the mechanisms put in place to drive conduct of conduct in public

service. Municipal functionaries acknowledge instances when employees use their official positions and classified privileges or confidential information for personal gain. Misconduct could better be managed when appropriate sanctions are applied to all categories of staff members irrespective of their status, and when there is less political interference in the administrative disciplinary procedures.

One interesting area of contribution to knowledge is the fact that individuals in the context of unethical practices can differ along their demographic characteristics. Among such demographics as reported under sub-section 4.2 include gender issues (male or female), race, age, education qualification and individual average years of experience. The implication is that the issue of demographic characteristics of workers are significant when considering the ethics-related issues. It is noted that people differ in their behaviour and that individual behaviour can be influenced by demographic backgrounds. For instance, there is the theory of consequentialism, deontology and virtue ethics provided that people can either choose to behave in an ethical manner or act unethically as a result of their cultural background or social lineage.

6.5 CONCLUSION

Discipline in the workplace is significant for public administration to maintain a competitive edge. Organisations that promote ethical standard and discipline without compromise, could achieve effective service delivery and good governance. Good governance denotes the best process which involves the formulation and implementation of organizational decisions in public governance. According to the tenets of Sustainable Development Goals (SDGs), the services required of a local government administration include agriculture and food security, quality education, local health care services, job creation, infrastructure development and ending poverty. Achieving these goals requires disciplined service, honesty and adherence to the Code of Conduct for public administration free of misconduct. Discipline has the tendency to promote an effective and excellent workplace, which can enhance organizational development and growth as well as ensuring that citizens are served in the best public interest. Public officers who promote ethical standards and show discipline in the discharge of official duties stand the chance of rendering effective public service for effective socio-economic development of the nations. The application of the Code of Conduct in the local

government administration remains the best institutional framework for maintaining ethics and managing misconduct in the public service.

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<http://www.ecprov.gov.za>

<http://unpan1.un.org>

<http://researchspace.ukzn.ac.za>

LIST OF APPENDICES

Appendix 1a: Self-administered questionnaire

INTERVIEW QUESTIONNAIRE ON INSTITUTIONAL CHALLENGES IN MANAGING MISCONDUCT IN LOCAL GOVERNMENT: CASE STUDY OF AMAJUBA DISTRICT MUNICIPALITY

N.B. MANAGEMENT'S QUESTIONNAIRE

You are kindly requested to complete the following questionnaire, which consists of 5 pages (including this one), on the management of misconduct in your district municipality.

PLEASE NOTE:

- Do not write your name on the questionnaire
- Completing this questionnaire is voluntary and you are assured anonymity and confidentiality.
- Information gathered will be used for the research purposes only and research findings will be available when requested.
- The identity of this municipality will be maintained as anonymous in this study.
- There are no correct or incorrect answers, only your honest opinion is required.
- Please answer all questions honestly.

BIOGRAPHICAL INFORMATION

Please answer the following questions. Where applicable, please indicate your answer with an X.

BIOGRAPHIC INFORMATION

- **AGE**

18-25	
26-35	
36-45	
46-55	
56-65	
Other please specify	

• **RACE**

Black	
White	
Indian	
Coloured	
Asian	
Other, please specify	

• **HOME LANGUAGE**

isiZulu	
isiXhosa	
Tshivenda	
Xitsonga	
Setswana	
Siswati	
Sesotho referring to Southern Sotho	
Sepedi referring to Northern Sotho	
isiNdebele	
English	
Afrikaans	
Other, specify	

• **GENDER**

Male		Female	
------	--	--------	--

• **HIGHEST QUALIFICATION**

No formal schooling		Grade Standard Form II	3/ 7/		Grade Standard 10/ Form v	12/
Primary school		Grade Standard Form III	10/ 8/		Post-matric technical qualification	
Grade Standard	8/ 6/	Grade Standard	11/ 9/		Degree/Diploma/ Masters/ Ph.D.	

Form I			Form IV				
--------	--	--	---------	--	--	--	--

• **What is your current position in your local municipality?**

Administration	
Supervisor	
Manager	
Senior Manager	
Director	
Ward committee	
Councillor	
Member of the Mayoral Committee (MMC)	

• **Please state the years of service in your local municipality.**

Years	Months

• **CAUSES OF MISCONDUCT IN THE MUNICIPALITY**

This section deals with aspects of awareness and line of communication within the municipality.

The rationale to explore the individual perspectives on the perceived factors influencing ethical conduct within public administration and local government

1.1 Have you had any misconduct cases in the past 3 months in your municipality?

YES	NO
-----	----

1.2 In your opinion, what are the causes of misconduct in your municipality and why?

.....

.....

.....

.....

1.3 What do you think need to be done to minimize misconduct in your Municipality?

.....

.....

.....
.....

2.ROLES OF LINE MANAGERS TO MINIMIZE MISCONDUCT

The aim of this section is to identify the perceptions of municipal functionaries on the reception of a code of conduct dealing with misconduct in the public and municipality services.

2.1 Have you ever acted as employer Representative or Chairperson in any misconduct case?

YES	NO
-----	----

2.2 What is your role and responsibilities in the management of workplace misconduct in your institution?

.....
.....
.....
.....

2.3 Do you see yourself carrying out your roles and responsibilities as expected, in management of misconduct? Why?

.....
.....

2.4 In your opinion, do the following officials/structures carry out their roles and responsibilities as expected, in management of misconduct?

	YES	NO
SUPERVISORS		
MUNICIPAL MANAGERS		
LABOUR RELATIONS MANAGERS IN THE DISTRICT		

2.5 If you answered NO in 2.4, what can be the reasons for such?

.....
.....
.....
.....

3. CHALLENGES AND POSSIBLE SOLUTIONS IN MANAGEMENT OF WORKPLACE MISCONDUCT

This section deals with ethical conduct mechanisms that enhance municipality and public service administration in South African. The rationale is to explore the code of conduct that regulates the conduct of municipal functionaries and outcomes of ethics in practice.

3.1 Are you of the opinion that management of misconduct poses a challenge to your Municipality?

YES	NO
-----	----

3.2 If yes, what are those challenges?

.....
.....
.....
.....

3.3 Do you think management of misconduct also poses challenges to you as the Municipal Official?

YES	NO
-----	----

3.4 If yes, what are the challenges?

.....
.....
.....
.....

3.5 Have you attended any training as far as managing workplace misconduct is concerned?

YES	NO
-----	----

3.6 What developmental needs, if any, do you have or have you indicated in your Personal Development Plan (PDP)?

.....
...
.....
....

.....

4. UNDERSTANDING OF MISCONDUCT

This section deals with understanding the respondents’ experiences and perceptions regarding misconduct in public and municipality administration.

4.1 What is your understanding of misconduct?

.....

4.2 In your opinion officials misconduct themselves because of:

Poor management	
I will never get caught attitude	
Peer pressure	
Not aware of what is expected from them	
Personal circumstances	
Other (specify)	

5. POLICIES ON MISCONDUCT

This section deals with compliance of the Code of Conduct by municipal functionaries. Please indicate your responses to each of the statement. Mark the number that best reflects your choice.

5.1 Does your municipality have Code of Conduct for municipal Staff

YES	NO
-----	----

5.2 Does your municipality has a disciplinary code which is used to conduct disciplinary cases?

YES	NO
-----	----

5.3 If you have answered NO in 5.2, why?

.....
.....
.....
.....

THANK YOU!!!

Appendix 1b: Interview questionnaire

Research Topic: INTERVIEW QUESTIONNAIRE ON INSTITUTIONAL CHALLENGES IN MANAGING MISCONDUCT IN LOCAL GOVERNMENT: CASE STUDY OF AMAJUBA DISTRICT MUNICIPALITY

Name of Participant:

Position in Municipality:

Contact Number:

Email Address:

Question 1:

When did you join the municipality?

Question 2:

Have you received any training on the code of Conduct for Municipal Staff as set out in Schedule 2 of the Municipal Systems Act?

If so, what kind of training and from whom

Question 3:

How is the relationship between the management and labour component in the municipality?

Question 4:

In your experience are officials in your municipality aware of the Code of Conduct for Municipal Staff

If yes, How

If no, Why?

Question 5:

How is discipline exercised for senior managers employed in terms of Section 56 and 54 of the Municipal Systems Act?

Question 6

How is discipline exercised for other employees?

Question 7:

In your opinion is the different disciplinary codes for Senior Managers and Other employees have an impact on the management of discipline in municipalities?

Question 8:

In your opinion how the challenges mentioned in 7 above can can be corrected?

APPENDIX 2: Ethical clearance approval and letter



21 August 2017

Mr Bhukumuzi Paul Kubheka [931331133]
School of Management, IT & Governance
Westville Campus

Dear Mr Kubheka,

Protocol reference number: HSS/1461/017M

Project title: Institutional challenges in managing misconduct in Local Government: Case study of Amajuba District Municipality

Approval Notification – Expedited Application

In response to your application received on 17 August 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shamila Naidoo (Deputy Chair)

/ms

Cc: Supervisor: Professor PS Reddy
Cc: Academic Leader Research: Professor Brian McArthur
Cc: School Administrator: Ms Angela Pearce

Humanities & Social Sciences Research Ethics Committee

Dr Sharuha Singh (Chair)

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Website: www.ukn.ac.za



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Four (4) Campuses: Edburgadi Howard College Medical School Pietermaritzburg Westville

Appendix 3: Gatekeeper's letter

Private Bag X 6615
Newcastle
2940
B9356, Amajuba Building
Main Street
Section 1, Madadeni



Tel: (034) 329 7200
Fax: (034) 314 3785
E-mail
sipho@amajuba.gov.za
Web page:
www.amajuba.gov.za

Our Ref: Mr S. R. Zwane

7 August 2017

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION
Research Office, Westville Campus
Govan Mbeki Building
Private Bag X 54001
Durban 4000 KwaZulu-Natal, SOUTH AFRICA
Tel: 27 31 2604557- Fax: 27 31 2604609
Email: HSSREC@ukzn.ac.za

PERMISSION TO CONDUCT INTERVIEWS FOR RESEARCH PURPOSES

This serves to confirm that **Mr Bhukumuzi Paul Kubheka Identity Number: 750221 5295 08 8** has been granted permission to conduct interviews at this municipality as part of fulfilling his requirements for obtaining his Master of Public Administration (MPA) Degree at your institution.

Yours faithfully


08/08/2017
Mr S R ZWANE
MUNICIPAL MANAGER

Appendix 4: Workforce profile of Amajuba District Municipality

Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management	1										1
Senior management	3				1						4
Professionally qualified and experienced specialists and mid-management	6			1	3						10
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	16 (-1)		3	4	12		2				37
Semi-skilled and discretionary decision making	43(-1)	1	1		31(-1)	1	3(-1)	1			81
Unskilled and defined decision making	41(1)	1			10						52
TOTAL PERMANENT	110	2	4	5	57	1	5	1			185
Temporary employees											
GRAND TOTAL	110	2	4	5	57	1	5	1			185

Appendix 5: Required sample size of a given population

TABLE 13.3
Sample size for a given population size

N	S	N	S	N	S
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	175	2000	322
55	48	320	181	2200	327
60	52	340	191	2400	331
65	56	360	196	2600	335
70	59	380	205	2800	338
75	63	400	210	3000	341
80	66	420	217	3500	346
85	70	440	226	4000	351
90	73	460	242	4500	354
95	76	480	248	5000	357
100	80	500	260	6000	361
110	86	550	265	7000	364
120	92	600	274	8000	367
130	97	650	278	9000	368
140	103	700	169	10000	370
150	108	750	186	15000	375
160	113	800	201	20000	377
170	118	850	214	30000	379
180	123	900	234	40000	380
190	127	950	254	50000	381
200	132	1000	269	75000	382
210	136	1100	285	1000000	384

Appendix 6: Confirmation of language editing

TO WHOM IT MAY CONCERN

Mr. Bheki Kubheka

I confirm that I was asked to language edit the dissertation of the MPA student named above. I did so and am now satisfied that the standard of the language used in the dissertation meets the standards required for this level of study.

I hope this note assists in processing his assessment.



Professor Malcolm Wallis, B.Sc (Social Sciences), Southampton, MA (London), Ph.D (Manchester).

TO WHOM IT MAY CONCERN

Mr. Bheki Kubheka

I confirm that I was asked to language edit the dissertation of the MPA student named above. I did so and am now satisfied that the standard of the language used in the dissertation meets the standards required for this level of study.

I hope this note assists in processing his assessment.

A handwritten signature in black ink, appearing to read 'M Wallis', written over a horizontal line.

Professor Malcolm Wallis, B.Sc (Social Sciences), Southampton, MA (London), Ph.D (Manchester).