

CODE OF CONDUCT FOR THE PUBLIC SERVICE

ANNEXURE A

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BACKGROUND

(a) *Introduction*

This document is comprised primarily of the content of the Code of Conduct for the Public Service. The spirit of the Code is to support ethical and good business conduct by all individuals covered by it.

(b) *Ethical business conduct and behaviour*

The integrity of its employees underlies all of the Department of Education relationships, including those with customers, suppliers and communities, as well as its internal dynamics. The highest standards of ethical business conduct are required of public servants employed by Education in fulfilling their responsibilities.

Employees may not engage in any activity that could create a negative perception as to the integrity, respect for diversity, impartiality or reputation of Education. Ethical business conduct includes workplace relationships between employees in terms of the Constitution and requires respect for constitutional rights in employment, particularly with regard to human dignity, non-discrimination, and respect for diversity, impartiality and reputation.

Actions prohibited by Education's rules, regulations, policies as well as all government prescripts, law or the Constitution, remain prohibited if carried out on behalf of an employee of Education by a third party.

All employees are personally responsible for ensuring that their conduct is ethical and should bring any possible contraventions of the Code to the attention of their superior.

Every employee has the right, and the responsibility, to ask questions, seek guidance and express concerns regarding compliance with the Code.

The objectives of the Fraud Prevention Plan ("Plan") are in line with and complement a principle-oriented ethos and strategic direction as articulated in the Public Finance Management Act ("PFMA"), the Public Service Regulations, 2001 and Education's strategic objectives for good governance.

Among others, the Plan embraces the following principles relevant to good fraud prevention practices:

- Action-oriented;
- Innovative;
- Focused on service excellence;
- Striving for international best practice;
- Effective delegation;
- Promoting leadership; and
- Utilising the best technology.

A. PURPOSE

- A.1 In order to give practical effect to the relevant constitutional provisions relating to the public service, all Education employees are expected to comply with the Code of Conduct and Business Ethics ("Code").
- A.2 The Code should act as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others (internal and external). Compliance with the Code can be expected to enhance professionalism and help to ensure confidence of Education's employees and in the public service in general.

B. INTRODUCTION

- B.1 The need exists to provide direction to employees with regard to their relationship with the legislature, political and executive office-bearers, other employees and the public and to indicate the spirit in which employees should perform their duties, what should be done to avoid conflicts of interests and what is expected of them in terms of their personal conduct in public and private life.
- B.2 Although the Code has been drafted to be as comprehensive as possible, it is not an exhaustive set of rules regulating standards of conduct. However, Heads of Department, by virtue of their responsibility, in terms of section 7(3)(b) of the Public Service Act ("the Act"), for the efficient management and administration of their departments and the maintenance of discipline, are, inter alia, under a duty to ensure that the conduct of their employees conforms to the

basic values and principles governing public administration and the norms and standards prescribed by the Act. Heads of Department should also ensure that their staff is acquainted with these measures, and that they accept and abide by them.

- B.3 The primary purpose of the Code is a positive one, *viz.* to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct, and may be dealt with in accordance with the relevant collective agreement, as outlined in the Public Service Co-ordinating Bargaining Council (PSCBC) Resolution No. 2 of 1999, if she or he contravenes any provision of the Code or fails to comply with any provision thereof.

C. CODE OF CONDUCT

C.1 RELATIONSHIP WITH LEGISLATURE AND THE EXECUTIVE

An employee:-

- C.1.1 is faithful to the Republic and honours the Constitution and abides thereby in the execution of her or his daily tasks;
- C.1.2 puts the public interest first in the execution of her or his duties;
- C.1.3 loyally executes the policies of the Government of the day in the performance of her or his official duties as contained in all statutory and other prescripts;
- C.1.4 strives to be familiar with and abides by all statutory and other instructions applicable to her or his conduct and duties; and

C.1.5 co-operates with public institutions established under legislation and the Constitution in promoting the public interest and in particular, that of Department of Education.

C.2 RELATIONSHIP WITH THE PUBLIC

An employee:-

C.2.1 promotes the unity and well-being of the South African nation in performing her or his official duties;

C.2.2 will serve the public in an unbiased and impartial manner in order to create confidence in the public service and in particular, that of Department of Education;

C.2.3 is polite, helpful and reasonably accessible in her or his dealing with the public, at all times treating members of the public as customers who are entitled to receive high standards of service;

C.2.4 has regard for the circumstances and concerns of the public in performing her or his official duties and in the making of decisions affecting them;

C.2.5 is committed through timely service to the development and upliftment of all South Africans;

C.2.6 does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, or language;



- C.2.7 does not abuse her or his position in the public service and in particular, within Education and to promote or prejudice the interest of any political party or interest group;
- C.2.8 respects and protects every person's dignity and her or his rights as contained in the Constitution; and
- C.2.9 recognises the public's right of access to information, excluding information that is specifically protected by law.

C.3 RELATIONSHIPS AMONG EMPLOYEES

An employee:-

- C.3.1 co-operates fully with other employees to advance the public interest and in particular, that of Education;
- C.3.2 executes all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law;
- C.3.3 refrains from employing relatives who report directly to the employee or favouring relatives and friends in work-related activities and never abuses her or his authority or influences other employees, nor is influenced to abuse her or his authority;
- C.3.4 uses the appropriate channels to air her or his grievances or to direct representations;
- C.3.5 is committed to the optimal development, motivation and utilisation of her or his staff and the promotion of sound labour and interpersonal relations;
- C.3.6 deals fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, or language; and

C.3.7 refrains from party political activities in the workplace.

C.4 PERFORMANCE OF DUTIES

An employee:-

- C.4.1 strives to achieve the objectives of her or his institution cost-effectively and in the public's interest and in particular, that of Education;
- C.4.2 is creative in thought and in the execution of her or his duties, seeks innovative ways to solve problems and enhances effectiveness and efficiency within the context of the law;
- C.4.3 is punctual in the execution of her or his duties;
- C.4.4 executes her or his duties in a professional and competent manner;
- C.4.5 does not engage in any transaction or action that is in conflict with or infringes on the execution of her or his official duties (e.g. she or he should not give preference to or favour a supplier in exchange for anything of personal benefit to herself or himself or to her or his families and friends and refrain from having any personal interest in any business transaction with Education);
- C.4.6 will recuse herself or himself from any official action or decision-making process which may result in improper personal gain, and this should be properly declared by the employee;

- C.4.7 accepts the responsibility to avail herself or himself of ongoing training and self-development throughout her or his career;
- C.4.8 is honest and accountable in dealing with public funds and uses Education and 's property and other resources effectively, efficiently and only for authorised official purposes;
- C.4.9 promotes sound, efficient, effective, transparent and accountable administration;
- C.4.10 in the course of her or his official duties, shall report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence, or which is prejudicial to the public interest and/or to that of Education and ;
- C.4.11 gives honest and impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind; and
- C.4.12 honours the confidentiality of matters, documents and discussions, classified or implied as being confidential or secret.

C.5 PERSONAL CONDUCT AND PRIVATE INTERESTS

An employee:-

- C.5.1 during official duties, dresses and behaves in a manner that enhances the reputation of the public service and in particular, that of Education and ;
- C.5.2 acts responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned and refrains from usage thereof, including the carrying of weapons, whilst in Government

premises, Government motor vehicles or whilst engaged in Government employment;

- C.5.3 does not use her or his official position to obtain private gifts or benefits for herself or himself during the performance of her or his official duties nor does she or he accept any gifts or benefits when offered as these may be construed as bribes. An employee who or whose family member receives an unsolicited gift prohibited in terms of this Code should report it to her or his superior and return it to the person making the gift;
- C.5.4 does not use or disclose any official information for her or his personal gain or for the gain of others; and
- C.5.5 does not, without approval, undertake remunerative work outside her or his official duties or use office equipment for such work.
- C.5.6 further directives and information with regards to private interests are contained in the Remuneration for Work Outside Public Service and the Conflict of Policy policies.

D. COMPLIANCE

All employees of Education :-

- a) shall sign a declaration annually that they have read, are familiar with, understand and will conform with this Code. Responsibility for ensuring that all employees and officials have delivered this declaration lies with all managers; and
- b) who have doubts regarding a questionable situation that might arise should immediately consult their Manager or Supervisor for clarity.