



## human settlements

Department:  
Human Settlements  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



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**NORTH WEST PROVINCE**  
**DEPARTMENT OF HUMAN SETTLEMENTS**  
**ETHICS MANAGEMENT STRATEGY AND PLAN**

Produced by:

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## ABBREVIATIONS

Abbreviations	Full descriptions
OSD	Occupation Specific Dispensation
PSC	Person with significant control
PSR	Public Service Regulations
SCM	Supply chain management
SMS	Supply management systems

## DEFINITIONS

CONCEPTS	DEFINITIONS
<b>Conflict of interest</b>	means a conflict between the public duties and private interests of a public servant, in which the public servant has private interests which could improperly influence the performance of his/her official duties and responsibilities
<b>Corruption</b>	means any offence in terms of the Prevention and Combating of corrupt activities Act, 2004 (Act No. 12 of 2004); department" means a national department, a national government component, the

<b>Employment</b>	means appointment in the public service or secondment to an institution/ department for which the appointee receives remuneration or is rewarded for Performance of work;
<b>Ethics</b>	is broadly defined as well based standards of right and wrong that prescribe our rights, obligations and benefits to society. Ethics is about how we ought to live, treat others, run or manage our lives and organisations
<b>Gift</b>	means a token which is bestowed voluntarily without any expectation of tangible compensation, and for which no direct or indirect contractual obligations are imposed
<b>Good governance</b>	has eight major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimised, and that the interests of the most vulnerable in society are given attention.
<b>Hospitality</b>	can be any food, drink, entrance to events, accommodation or entertainment provided free of charge or heavily discounted and for which no direct or indirect contractual obligations are implied;
<b>Influence peddling</b>	means the practice of using one's influence in government or

<b>Inside information</b>	means any confidential information, classified or not, to which a public servant has access by virtue of official position and which has not been made
<b>Integrity</b>	means steadfast adherence to a strict moral or ethical code, policy or legal instruments and preceding codes
<b>Remunerative work</b>	Means any work performed by a public servant outside the Public Service for which a reward or pay for services rendered is made. another, usually in return for payment in money or kind; available to the general public;  Connections with persons in authority to obtain favours or preferential treatment for

## **1. OBJECTIVES**

- 1.1.** To strengthen measures and standards for managing integrity and promotes ethical conduct in the public service,
- 1.2.** The Strategy provides provisions for managing unethical conduct that can arise as a result of financial interests, gifts, hospitality and other benefits, post public employment and remunerative work outside the public service.
- 1.3.** To outline the importance of appointing ethics officers in the Department of Human Settlements,
- 1.4.** Outline processes to be followed in the also conduct communication and awareness workshops to explain all measures contained in the Framework and assist departments with implementation through developing implementation guidelines,
- 1.5.** To deal with a compendium of ethical and good governance measures in order to align all measures regulating ethics and integrity in the public sector, with the following objectives:
  - 1.5.1. Strengthening existing measures regulating probity in the public service;
  - 1.5.2. Strengthening capacity to prevent corruption;
  - 1.5.3. Monitoring and Evaluation to ensure compliance; and
  - 1.5.4. Enforcement as a deterrent.

## **2. SCOPE OF APPLICATION**

The Ethics Strategy and Implementation plan is applicable to all officials employed in the Department of Human Settlements.

### **3. DELIVERABLES**

#### **3.1. Interventions: fighting corruption and promoting ethical conduct**

In order for the Department of Human Settlement to effectively implement ethical and good governance measures, the following additional measures need to be put in place:-

#### **3.2. Acceptance of Gifts, Hospitality and other benefits in the public service:-**

- 3.2.1. Public servants should be prohibited from directly or indirectly soliciting or accepting gifts, hospitality or private benefits of any value from any person (natural and juristic) that is contracted to the department to which the public servant is an employee;
- 3.2.2. Any person, when rendering service to departments in the public service be prohibited from offering gifts, hospitality or private benefits to employees or their immediate families and relatives;
- 3.2.3. Public servants be prohibited from accepting or soliciting any gifts, hospitality and private benefits from any person in return for performing or not performing his or her official duties.
- 3.2.4. The prohibitions of gifts exclude all tokens that may be offered or accepted within normal standards of courtesy or protocol by any entity. This will include tokens such as conference packages (pens, bags, t-shirts, etc.) and any promotional materials or gifts that are often offered at functions and events; and
- 3.2.5. In situations where public servants cannot decline a token of appreciation because it might be considered culturally disrespectful, such tokens must be declared and registered in the departmental gift register.
- 3.2.6. These gifts will be registered in the Departmental gift register in order to promote transparency.

### 3.3. Disclosure of Financial Interests and Assets of employees

3.3.1. In terms of the Public Service Regulations, 2016 (PSR, 2016) designated employees are required to disclose their financial interests (Chapter 2, Part 2).

3.3.2. "Designated employee to disclose financial interest and assets are all senior managers, all officials in OSD, Level 12, Level 11, all officials under SCM and Financial Management unit.

3.3.3. categories of designated employees and due dates for submission of their financial disclosure:-

Category	Due date of disclosure
SMS members	30 April
OSD / personal notches (level 13 & above)	30 June
Level 12 (including OSD/personal notches)	30 June
Ethics Officers / PSC officials	30 June
Level 11 (including OSD / personal notches)	31 July
Employees below level 11 in Supply Chain & Finance Units	31 July
Newly appointed designated employees in all categories	30 days after assumption of duty

3.3.4. An employee whose spouse, partner, business associate or close family member, stand to acquire any direct benefit from a contract concluded with the



department, must disclose in writing full particulars of the benefit to the Ethics Officer and withdraw from participating in any manner whatsoever in the process relating to that contract.

- 3.3.5. Department must appoint the Ethics Officer/s to scrutinise, assess, analyse and validate disclosure in the system,
- 3.3.6. All employee will be required to disclose their financial interest in the E-Disclosure system,
- 3.3.7. An employee must disclose every time there is a change of status as opposed to annually as is currently required;
- 3.3.8. The Head of Department is assigned with the responsibility to oversee the approval of disclosure reports verified by the appointed Ethics Officers;
- 3.3.9. The disclosure forms of Ethics Officer/s should be forwarded to the Head of Department for submission of the disclosure report to the Public Service Commission;
- 3.3.10. The disclosure of Heads of Departments be forwarded to their respective Executive then submitted to the Public Service Commission.
- 3.3.11. The head of department shall ensure that the disclosure of interests by designated employees is submitted electronically to the Public Service Commission not later than 31 May of the year in question;

#### **3.4. Conflict of interest**

The Public Service Commission shall verify the interests disclosed by all Senior Managers of the Department.

If the Commission is of the opinion that an interest of a SMS employee disclosed in terms of regulation 18 conflicts or is likely to conflict with the execution of any official duty of that employee, it shall verify the information regarding that interest

and refer the matter back to the relevant Head of Department through the office of the Executive Authority,

Upon the referral, the Executive Authority through the office of the Head of Department shall consult with the employee concerned on appropriate steps to remove the conflict of interest.

If the employee fails to take the appropriate steps to remove the conflict of interest, the Executive Authority through the office of the Head of Department shall instruct the relevant authority to take disciplinary action against the employee.

- 3.4.1. An Executive Authority through the office of Head of Department shall, within 30 days after such referral, report to the Commission by:-
- 3.4.2. Stating whether any steps were taken; and
- 3.4.3. If steps were taken, giving a description of those steps or providing reasons if no steps were taken.

In so far as conflict of interest relates to designated employees who are not members of the SMS:

- 3.4.3.1. The head of department shall verify the interests disclosed.
- 3.4.3.2. If the head of department is of the opinion that an interest of such designated employee disclosed in terms of regulation 18 conflicts or is likely to conflict with the execution of any official duty of that employee, he or she shall consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest.
- 3.4.3.3. If the employee fails to take the appropriate steps to remove the conflict of interest, the head of department shall take disciplinary action against the employee.

- 3.4.3.4. A head of department shall no later than 31 August of each year report to the Executive Authority —
- 3.4.3.5. The number of conflict of interest cases identified;
- 3.4.3.6. Whether any steps were taken;
- 3.4.3.7. If steps were taken, a description of those steps; and
- 3.4.3.8. If no steps were taken, reasons thereof.

### **3.5. Remunerative Work outside the Public Service**

In terms of Section C.5.5 of the *Public Service Regulations (Code of Conduct)*, an employee may not, without approval, undertake remunerative work outside her or his official duties or use the equipment from his or her official place of employment for such work resulting in:- .

An employee with private business interests shall first seek approval from the Executive Authority before conducting business with government

### **3.6. Applying for permission to engage in outside employment**

When applying for permission to engage in outside employment, public servants should

Provide the following information:-

- 3.6.1. Details of the proposed outside employment, including the proposed hours of employment, together with the applicant's opinion as to whether the outside employment –
- 3.6.2. will adversely affect his or her efficiency and effectiveness in the performance of his or her official duties;

- 3.6.3. is likely to cause any conflict or difficulties concerning departmental overtime requirements, 'on call' duties, rostered shifts, etc.;
- 3.6.4. is relevant as regards confidential, proprietary or particular information to which such a public servant has access by virtue of his or her employment by the State and which the public or another company may reasonably regard as a conflict of interest.
- 3.6.5. In considering an application, the Executive Authority through the office of the Head of Department must take into account the following conditions:
  - 3.6.5.1. The nature and extend of work to be undertaken;
  - 3.6.5.2. The time required for the outside work;
  - 3.6.5.3. The work load of the applicant;
  - 3.6.5.4. The employee's performance record;
  - 3.6.5.5. The possible reputation impact on the department; and
  - 3.6.5.6. Utilisation of states property and resources.
- 3.6.6. The executive authority shall decide whether or not to grant permission within 60 days after the receipt of the request from the employee who
- 3.6.7. If the executive authority fails to make a decision within the 60 day period, it would be deemed that such permission was given.
- 3.6.8. Employees to attach such approval when submitting their financial disclosure forms to Ethics Officer/s.

**ANNEXTURE A**

**HUMAN SETTLEMENTS GIFT REGISTER**

Name Of the Official report	Directorate/Unit	Level/post occupied by the official	Nature of gift received	Date when gift was received	Value of the gift

**ETHIC IMPLEMENTATION PLAN 2022/23**

<i>Activity</i>	<i>Due dates for Implementation</i>	<i>Output/Outcome</i>
*SMS disclosure of finance and asses	01 April 2022	SMS disclosure report.
**OSD, Level 12 disclosure of finance and assets	01 June 2022-July 2022	MMS disclosure report.
**Level 11, Finance and SCM disclosure of finance and assets	July 2022	MMS disclosure report Finance and SCM disclosure report.
Management of Conflict of Interest	September 2022	Report on conflict of interest
Signing of the Code of Conduct	01 April 2022	Signed Code of Conduct
Developing and updating of the gifts register	Ongoing	Updated Gift Register
Management on the application for remunerative work outside the Public Service	As and when application are submitted	Database of applicants

#### **4. REVIEW AND ADOPTION**

The strategy with the Implementation plan will be reviewed annually to ensure that it remains relevant.

If there are any changes to the strategy and implementation plan an annexure include all changes will be done and submitted to the Head of the Department for approval.

#### **5. REFERENCES**

**5.1.** Constitution of south Africa

**5.2.** PFMA

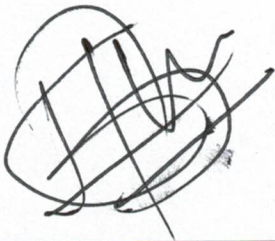
**5.3.** Integrity framework

**5.4.** DPSA ethics guide

5.5. Whistle blowing policy

**6. POLICY APPROVAL**

*Policy developer*

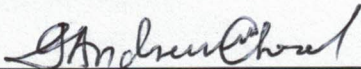


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**MS L THULO  
DEPUTY DIRECTOR  
RISK MANAGEMENT**

31/03/22.  
DATE

*Recommendation*




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**Independent Risk Management Chairperson**

31/03/2022

Date:

*Approval:-*



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**Head of Department**

31/03/2022  
Date