



**THE ROLE OF CODE OF CONDUCT IN ENHANCING  
BASIC SERVICE DELIVERY IN LOCAL GOVERNMENT WITH SPECIFIC  
REFERENCE TO MOPANI DISTRICT MUNICIPALITY**

**BY**

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## DECLARATION

I, Langanani Mbedzi, Student Number: 11623696, hereby declare that this thesis for the degree of Doctor of Administration, entitled "*the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality,*" submitted to the department of Public and Development Administration at the University of Venda has not been submitted previously for any degree at this or another university. It is original in design and in execution, and all reference material contained therein has been duly acknowledged.



20 February 2022

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## DEDICATION

*“What then shall we say to [all] these? If God is with us, who [can be] stand against us? [who can be our foe if God is on our side?] (Romans 8:31)” Amplified bible.*

This thesis is dedicated to my mother Munyadziwa Lilly Ntsandeni (1961-2022). Mother, you are one person who used to be genuinely happy at my achievements. I remember in 2011 how you ran with excitement waving my Diploma to all our relatives because I had passed with A's. This is now a PhD thesis; you must be singing the loudest in heaven. Thank you for the face I saw that day, it pushed me to be where I am now. I also dedicate this dissertation to my late brother, Dakalo Mbedzi, who passed away on the 25<sup>th</sup> of December 2017 and I say to you, I love you so much, may the Almighty God let your soul rest in peace. I will always remember your good work you have done for me.

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## ABSTRACT

This study focuses on the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. The deontological theory will be adopted to emphasise adherence to rules regardless of consequences or motives behind the action. The theories of virtue, deontology and teleology were selected in this study to try to understand the concept of ethics and its relevance to answer the research questions developed in this research. Theories are helpful in predicting and explaining phenomena, such as why people behave the way they do. Regulatory framework, on the other hand, serves as the fundamental basis for reasoning or action. There are various manifestations of unethical conduct in local public administration and these manifestations include corruption, bribe, nepotism and favouritism, fraud, poor public accountability and kickback.

South Africa is characterised by various causes of unethical conduct in local public administration. These causes are psychological causes, deficient control and accountability, complex legislation, inadequate procedures and manuals, deficient management and organisation. The Batho-Pele White Paper (1997) principles identify several Batho-Pele principles. Batho-Pele principles include redress and value for money. The study describes various legislative and policy frameworks governing local public administration. The legislative and policy framework include, Batho-Pele White Paper (1997), Prevention and Combating of Corrupt Activities Act 12 of 2004, and the Local Government: Municipal Finance Management Act 56 of 2003. The study adopted mixed methods approach to gain a deeper understanding of the phenomenon being studied. Mixed methods give a voice to study participants and ensure that study findings are grounded in participants' experiences.

The study uses research paradigm which is guided by pragmatism. The study focuses on pragmatic research paradigms amongst others namely post positivism, constructivist, participatory and pragmatism. The study uses descriptive statistics and thematic analysis to analyse data. The study describes all the processes of ethical consideration in the research ethics having knowledge and understanding that respondent's participation in research must be done voluntarily without any harm. The research revealed that leadership seems to play a more significant role in influencing the behaviour of municipal officials, than the rules or codes of conduct of a municipality. The study recommends a properly institutionalized code of conduct to be developed for guiding the municipality's ethics performance.

## **Findings of the research study**

The study findings revealed that majority of the respondents at 181 (95,2%) agreed that there are adequate controls to ensure that municipal officials comply with policies and procedure in the municipality. The study further confirms that most of the respondents at 175 (92,1%) of the respondents agreed with the statement that the Constitution of the Republic of South Africa, 1996 encourages the action of municipal officials to be in line with the values and principle of public administration. Majority of the respondents at 166 (87,4%) agreed that challenges facing local municipalities need to be evaluated to check if they are yielding desired results. The study found that 115 (81,6%) of respondents agreed that existing code of conduct needs to be revised. The findings revealed that mechanisms should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption and abuse of leadership authority. The study findings revealed that appointing an ethics officer is one of the effective strategies for enhancing ethical conduct in the municipality, an important mechanism that is adhered to at the Mopani district municipalities. The findings revealed that municipal officials are aware of the manual code of conduct in place. The researcher found that corruption is the main issue that leads to unethical challenges confronting municipalities in enhancing basic service delivery in the municipality.

## **Recommendations of the research study**

It was recommended that code of conduct approaches should be aimed at enhancing basic service delivery in the municipality, the training of municipal officials should emphasize innovativeness and the importance of values. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) stipulates that South African local government does not have an official code of conduct as a separate document for ethical conduct. This is not conducive to ethics being taken seriously at local government sphere. The researcher sees a need for a separate code of conduct to be established, formulated and emphasised. It was established that political instability, lack of skilled workforce and corruption within the municipality exacerbate poor service delivery resulting to people's suffering. It was recommended that municipal officials should do what is in the best interest of the public to ensure public accountability. It was recommended that municipal officials should act ethically all times. It was recommended that promised standard of services should be delivered. It was recommended that there should be plans for service delivery to avoid community protests on basic service delivery. The researcher recommends that leaders need to be trained and encouraged to create strong ethical cultures within the municipality.

**Key Word:** Local, Code of Conduct, Service Delivery, Basic Service Delivery, Local Government.

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## LIST OF ABBREVIATIONS

AGSA	- Auditor General South Africa
ANC	- African National Congress
CoGTA	- Department of Co-operative Governance and Traditional Affairs
DCGHSTA	- Department of Cooperate Governance Human Settlement and Traditional Affairs
DPME	- Department of Performance Monitoring and Evaluation
DPSA	- Department of Public Service and Administration
GEAR	- Growth Empowerment and Redistribution
HSRC	- Human Sciences Research Council
IBM	- International Business Machine
IBRA	- Independent Broadcasting Regulating Authority
ICD	- Independent Complaints Directorate
IDP	- Integrated Development Programme
LGSETA	- Local Government Sector Education and Training Authority
LM	- Limpopo Province
MDM	- Mopani District Municipality
MEC	- Member of Executive Council
MFMA	- Municipal Finance Management Act
MPACs	- Municipal Public Accounts Committees
NDI	- National Democratic Institute
NDP	- National Development Plan

NPA	- National Prosecution Authority
NSG	- National School of Government
OECD	- Organisation for Economic Co-operation and Development
PFMA	- Municipal Finance Management Act
POPIA	- Protection of Personal Information Act
PSC	- Public Service Commission
PSIMF	- Public Sector Integrity Management Framework
RDP	- Reconstruction and Development Programme
SA	- South Africa
SABC	- The South African Broadcasting Commission
SADCOPAC	- Southern African Development Committee Organisation of Public Accounts Committees
SAPS	- South African Police Services
SCM	- Supply Chain Management
SCOPA	- Standing Committee on Public Accounts
SIU	- Special Investigation Unit
SOEs	- State-Owned Enterprises
SPSS	- Statistical Package for the Social Science
TICPI	- Transparency International Corruption Perception Index
UCDP	- University Capacity Development Programme
UNESCO	- United Nations Educational, Scientific and Cultural Organization
UNODC	- United Nations Office on Drugs and Crime
USAID	- United States Agency for International Development

WPLG - Water Policy and Law Group

## CHAPTER 1

### INTRODUCTION AND BACKGROUND

#### 1.1 INTRODUCTION

South African local government has many challenges. The biggest challenge affecting public service delivery is the lack of effective leadership ethics. According to Modumo (2015:154), the government of South Africa has tried to lay more emphasis on local government economic development, despite the challenges. The progress made by democratic government is seldom noticed because of the many challenges facing local governments in South Africa. According to Sebola (2015:9), the dominant challenge across local governments in South Africa is mal-administration and corruption. Local governments in South Africa are struggling to change the dilemma that was created by the apartheid government because of the local government systems. Dilemmas such as generating government wealth to benefit the many, mainly designed to benefit whites only, geographical spread of the population; and inferior public services to black people are common. These dilemmas badly affect public service delivery at all government levels, but the local government level is mainly affected (Takhar, 2017:301).

Wegner (2018:51) is of the view that the dominant party system in South Africa does not assist the poor people and do not address the issues of holding unethical leaders accountable. Leaders are not accountable to people because the general population does not participate in the political electoral processes. The system of electing representatives at the local government level does not give power to the citizens to recall those who were misbehaving or failing to advance the interests of the people (De Kadt & Larreguy, 2018:383). The lack of responsibility and accountability by those found to be contravening the policies of the municipalities have found to be another factor to obtaining the qualified audit. The Auditor General's report showed that the lack of leadership ethics and moral behaviour in local governments is still dominant in South African municipalities (Brand, 2018:2). It is therefore difficult to have completely clean and ethical municipalities because of the system that is followed in electing the leadership (Govender & Reddy, 2015:5).

The concept of ethics has several different meanings and applications. According to Năstase (2014:64), there has been an increase in integrity-boosting reforms which saw both developing and developed countries developing a number of legal and management frameworks to deal with incidents of unethical conduct. The above sentence indicates that education and training in the ethical aspects of morality should start at an early age and should become a lifelong

learning process so that it can be fixed into all populations. Schutte and Barkhuizen (2018:1) state that government leaders have a major responsibility of bringing together the resources to produce products and deliver services.

It is important that municipal officials recognise that they have been charged with the responsibility to be transparent, fair and impartial when executing their responsibilities. Municipal officials are also expected to be aware that there is an increasing expectation that they should live up to higher standards of integrity and as such should behave ethically at all material times in government (Mabunda, 2020:1). The code of conduct which clarifies the ethical standards and behavioural expectations of municipal officials is spelt out in the Acts and Regulations. These controls include national legislation such as the Public Protector Act, 1994 (Act 23 of 1994) and institutional mechanisms such as the Public Service Commission.

Mle and Maclean (2011:1366) point that when a government determines a need for a service to be rendered to its citizens, it creates a department or institution to render such a service, for example, provision of housing, supply of water and electricity, sanitation and any other service as may be required by the citizens. The welfare of people living in a community, therefore, is the principle, the overall goal or objective of any government. The chapter presents the introduction, background of the study and problem statement with precise projection on the aim of the study, objective of the study with critical research questions. The rationale of the study and delimitation of the study are also addressed. The chapter concludes with a presentation on definition of operational concepts and organization of the study.

## **1.2 BACKGROUND OF THE STUDY**

Municipalities are categorized by a number of instances of corruption perpetrated mainly by municipal officials, councillors, and members of society. Bribery, fraud, nepotism, and systematic corruption are some of the forms of corruption that take place in municipalities in South Africa. There are structures and systems in place to fight corruption, but the truth is that they are very weak and unsuccessful (Goncalves & Santos, 2017:168). Silver (2018:2) argued that the experiences of leaders contribute to how they make decisions and determine the ethical position of leaders. Local government in South Africa is overwhelmed with a range of encounters as well as a failure to facilitate and improve development in the communities under which the municipalities serve. Municipalities in South Africa play a vital role in driving the agenda of development of the national government and strengthening the democratic culture within municipalities. The core existence of the local sphere of government is to ensure the easy delivery of services and to further encourage the general well-being of the people living within the jurisdiction of a particular state (Warner & Sullivan, 2017:8). In order to do this,

municipal managers ensure that municipal officials' work is done in an effective and efficient way on a day-to-day business within the municipality.

According to Lavhelani and Ndebele (2017:341), service delivery challenges facing local government come as a result of corruption and lack of public trust, which is also accompanied by frustration due to poor governance in local governance. Communities feel alienated and disconnected from decision-making processes and disempowered to influence municipalities (Beyers, 2016:175). Akinboade, Mokwena and Kinfact (2013:462) postulate that service delivery dissatisfaction and protests at the local level is a result of local government inefficiencies to provide adequate service delivery which can in many instances be explained by a lack of effective public participation. Lolwana (2016:8) conveys that service delivery protests have been increasing and becoming more violent. The socio-economic and political challenges brought about by the apartheid government were significant that it could not be addressed through a short period. The protests are concerned with poor service delivery and alleged uncaring, self-serving and corrupt local government officials and politicians. Some of these protests had turned violent resulting to property and loss of innocent lives.

Municipalities have more power and authority to pursue their own interest. Like anywhere in the world, corruption is endemic in South Africa and may never be conquered, but it should be fought with all the means of the citizen's disposal (Fox, 2010:13). There are a multitude of policies, strategies and programmes directed at the rendering of effective services to the citizens of South Africa by municipal officials. In order to prioritise needs of the communities, municipal officials must provide services equitably, effectively and sustainably within the means of the municipality. Savides (2019:10) confirms that in the past, several service delivery protests took place across South Africa as a result of unethical conduct such as financial mismanagement. Mbandlwa, Dorasamy and Fagbadebo (2020:1642) believe that South African municipalities are in a financial mess because of unethical behaviours such as reckless spending, interference in appointment and tender processes.

Good governance is associated with the knowledge on the impact of responsiveness, accountability, professionalism and ethical conduct in any democratic government for service delivery. Therefore, it is impossible to render professional managerial responsibilities without proper education in a complex, volatile and demanding environment such as a municipality. Powel, O' Donovan, Ayele and Chigwata (2014:5) cite in their analysis of the results in the 2009 investigation that one of the complex, volatile and demanding environments is poor financial management in municipalities which resulted in immense service delivery backlogs. Mofolo (2015:887) affirms that even after the year 2009, significant failures of some of the municipalities in South Africa did not achieve clean audit.

Leadership should not be construed within the confines of the dry similarities or differences between management and leadership. Savides (2019:12) contends that these leaders took certain decisions that contravened public policy. Maserumule and Mathebula (2015:429) contend that leadership should go beyond political education on knowledge and understanding of political economy and the developmental issues that confront municipalities in a developmental state such as South Africa. Municipalities need effective leadership to education, develop and training its leadership capacities on code of conduct. A pragmatic and transformative leadership could prevent unnecessary service delivery protests, maladministration, corruption and fraud. Effective leadership and management encourage and promote accountability through proper planning, coordination, directing, organising, budgeting and reporting. The South African local government plays a significant role in the constant development and empowerment of its citizens.

Community participation is a crucial element or principle for responsiveness, transparency and accountability of elected political and municipal officials to the community as far as related and basic service delivery is concerned. Without these services the quality of life of people will deteriorate. It is in the municipalities where immediate contact between citizens and the government can be established. Thornhill (2004:75) points out that local government should perform its functions by attaching weights or values to the identified needs of the local community and this function should be attached to both politicians and municipal officials. The governance, accountability and management of the IDP resides within municipalities' role players. Bishop and Davis (2002:16) mentioned that the development and implementation of the IDP is regarded as being meaningfully and appropriately achieved only when the community's participation has been fully implemented. The decisions of the IDP process are politically inspired; it is therefore important that mayors should encourage community participation through various role players. The positive effect of political education and education should have positive effects on the development and empowerment of communities.

### **1.3 Problem statement**

Gaum and Laubscher (2021:40) point out that South African municipalities are under the pressure because of a lack of financial control and accountability. Effective and efficient delivery of services to the communities has become a challenge over the past years as promulgated by the Local Government: Municipal Systems Act, 32 of 2000. Mabunda (2020:2) alluded that this occurs because municipal officials lack understanding of the Code of Conduct and ignore the importance of service delivery. In turn municipal officials get involved in all sorts of unethical conduct and corrupt activities which include, amongst others, the usage of their

positions for personal gain, undertaking paid work without an explicit consent of the municipal council, disclosing privileged and confidential information, awarding of irregular tenders as well as the misuse of council properties.

The existence of a code of conduct ethics standards and practices for municipal officials to enhance performance and reflect a good image of the public service and to promote good governance has not mitigated against the behaviours that constitute an act of misconduct in the local government and municipalities in South Africa (Masegare & Ngoepe, 2018:581). Local Government is a sphere of government that is closest to the communities and has to perform their responsibilities in a fair and transparent manner. Although the Public Finance Management Act 1 of 1999 mandates public officials or accounting officers to charge officials who make irregular, fruitless, or wasteful expenditures, the situation is far from reality. These social phenomena are the result of corruption and financial mismanagement, leading to poor service delivery (Oke & Onalapo, 2022:115). This research seeks to provide a critical investigation of the role of code of conduct in enhancing basic service delivery in local government and also assess how municipal officials can create an ethical work environment at local level in South Africa. Corruption of municipal officials within rural communities, wherein leaders prioritise their own needs over that of community members is a big challenge in rural municipalities.

Municipal officials do not deliver effective and efficient services to the members of the society as promulgated by the Local Government Municipal Systems Act, 2000 (Act 32 of 2000). The reason behind this is the lack of commitment and lack of skills of municipal officials. Municipalities are not living up to the standard of integrity expected of them by the public (Adetunji & Alers, 2022:77). Many municipalities in South Africa have experienced difficulties due to poor service delivery (Ndebele & Lavhelani, 2017:1). Ethics, ethical behaviour and integrity are important considerations of government and democracy (Belle & Cantarelli, 2017:3). Despite an array of legislative and anti-corruption policies public institutions in South Africa continue to experience unethical conduct by its municipal officials. Mbandlwa, Dorasamy and Fagbadebo (2020:249) further indicate that ethical behaviours are not only important in politically deployed public officials but remain the key factor for effective public service delivery. Section 26 (1) of the Constitution of the Republic of South Africa, 1996 provides for the right of all South Africans to have access to adequate housing.

The above is evident in that municipalities, particularly the local government sphere in South Africa is characterised by widespread allegations of unethical conduct and municipalities within the Mopani District. Allegations of unethical conduct practices in Mopani District municipalities are relatively high and have generated widespread concern by municipal

officials, and consequently, a search for remedies. Municipal officials to work late and knock off early almost every day, and those who use government vehicles simply drive to their places of interest. Municipal officials and councillors also breach the Code of Conduct, in the matter of appointing service providers without proper authority and the issuing of tenders without due observance of the municipal process. This is indeed a cause for concern and as such appropriate remedies are urgently required (Mabunda, 2020:3).

However, the room for improvement in the code of conduct and good governance for South Africa is in its knowledge flexibility from the past, present, and future experiences of municipal official performance in service delivery (Matshabaphala, 2022:710). It is therefore important that ethical conduct be promoted at South African local government. This study investigates the code of conduct in enhancing basic service delivery in local government in South Africa with specific reference to Mopani District Municipality. The point of argument that will be presented in this study is that despite South African local government having the code of conduct, the ethical conduct of municipal officials is not improving.

Zitha and Mathebula (2015:16) assert that the level of service delivery in Limpopo Province was characterized by disregard of policy framework regulating procurement and ethical conduct. These unethical activities are theft of assets, mismanagement of funds, unauthorized expenditure, unauthorized deductions, irregular appointments and promotions, irregular awarding of tenders, misuses of state vehicles and petrol cards, unpaid salary claims, cheque fraud, unfair dismissal, non-compliance with service standards and illegal issuing of permits, driver's license and identity documents. Although the author referred to the manifestations in the provincial government, this has a bearing to municipalities as Limpopo is composed of five district municipalities.

Moloi (2012:5) indicates that it is a known fact that some municipalities in South Africa have a huge challenge that most of the senior managers do not have specific sector qualifications. Communities generally prefer to be served by respectful men and women of character who are competent in their tasks (Matshabaphala, 2015:503). To remedy the situation, the South African Government introduced the municipal regulations on the authority provided in the Local Government: Municipal Systems Act, 32 of 2000 in 2007. The municipal regulations prescribe the required minimum competency level for all the senior managers within the municipalities. However, Municipal regulations are ignored and disregarded when appointments are made, especially at the senior management level. The Department of Public Service and Administration (DPSA) Review 1999-2000 reveals that one of the causes of such was the need for management development which was underestimated (Franks, 2015:238).

Singo (2018:6) states that lack of institutional capacity has left many municipalities inadequately staffed, resulting in lack of service delivery. Unethical conduct led to the total collapse of service delivery within the municipality due to inability to render basic services. Auditor-General Act, 1995 (Act no 12 of 1995), Section 3(4)(d) requires that the Auditor-General satisfactory management measures have been taken to ensure that resources are procured economically and utilised efficiently and effectively. Residents in the Mopani District maintain that their local municipalities were failing to render quality service. It is understood that appointed companies awarded the tender failed to meet the supply chain management requirements. In rural areas and small towns, the provision of basic retail, social, health, education, and infrastructure services are a crucial foundation for day-to-day activities and maintaining the quality of life of local citizens as well as the local economic base (Halseth & Ryse, 2006:1712).

The research driven by Mufamadi (2017:5) in the Vhembe District municipality area shows that 19% of those interviewed indicated that the most common types of alleged unethical conduct concern fraud and bribery is high. This is unfortunate considering that important services are offered at municipality because of their proximity to the community members. Against this background there is a need for well-coordinated efforts, program policies and resources to combat such corrupt behaviour in Mopani District municipality in order to improve basic service delivery.

#### **1.4 AIM OF THE STUDY**

The aim of this study is to investigate the role of code of conduct in enhancing basic service delivery in local government in South Africa with specific reference to Mopani District Municipality (Limpopo Province). To make recommendations that can assist towards the strategies needed in improving basic service delivery in local government.

#### **1.5 OBJECTIVES OF THE STUDY**

The objectives of this study are as follows:

- To determine the role of code of conduct in enhancing basic service delivery in local government.
- To examine the regulatory frameworks underpinning basic service delivery in South African local government.
- To describe ethical challenges confronting municipalities in enhancing basic service delivery.
- To identify the causes of unethical conduct that hinder effective basic service delivery.

- To recommend the strategies needed by municipalities for enhancing basic service delivery.

## 1.6 RESEARCH QUESTIONS

The following are the research questions of the study:

- What is the role of code of conduct in enhancing basic service delivery in local government?
- What are the regulatory frameworks underpinning basic service delivery and local public administration ethics in South Africa?
- What are the ethical challenges confronting municipalities in enhancing basic service delivery?
- What are the causes of unethical conduct that hinder effective basic service delivery?
- What are the strategies needed by municipalities for enhancing basic service delivery?

The above is research questions of the study which arouse from the objectives of the study.

## 1.7 RATIONALE OF THE STUDY

Municipalities are not living up to the standard of integrity expected of them by the public. They are at the local sphere of government and are the closest of the three spheres of the executive arm of government to the citizens, therefore, their effectiveness has a significant effect on the citizen's perception of government performance. Municipal officials are employed to serve members of their communities and not their personal interests, however, unethical conduct and unprofessional conduct, non-compliance to rules, lack of leadership and integrity, are perceived to be widespread among officials (Adetunji & Alers, 2020:77). Ethics, ethical behaviour and integrity are important considerations of government and democracy (Belle & Cantarelli, 2017:3). Ethical practices and considerations span across many offices within public administration, from the front desk officer communicating with the public to the background supervisors and decision-makers.

The main reason of concern about unethical conduct in municipalities is that it impacts negatively on public trust and confidence in the integrity and impartiality of both political office-bearers and municipal officials (Mafunisa, 2006:507). The question is whether or not municipal official who are unable to manage their personal finances and are in debt would be able to efficiently and effectively manage public resources and be productive enough to meet the expectations of the public and the principles of Batho-Pele, which seek to enhance service delivery without unethical behaviour. Municipal officials are of interest to members of the community as the promotion of their welfare depends on the use or abuse of their

administrative discretion. Therefore, municipal officials must be accountable to the people they serve. Community members expect municipal officials to be honest, just, fair, and professional in the performance of their duties. Ratjomana (2005:25) indicates that the promotion of professionalism in Limpopo Province by municipal officials can be enhanced by introducing measures that promote good governance and administration through constitutional institutions such as the Public Protector and Auditor-General. Zikhali (2005:163) also shows that citizens tend to mistrust government if little or no information on government policies and activities are available. This study attempted to research on municipal service ethics in enhancing basic service delivery so that the study would be able to provide possible solutions. The study will stimulate debate among academics, politicians and municipal officials in municipalities and add to the existing literature in identifying gaps available in local public administration ethics. Although there is adequate literature about local public administration ethics, there is a gap between knowledge and implementation of existing legislative framework as instruments for promotion of good governance. According to the National Planning Commission (2012:401), South Africa suffers high levels of corruption and other unethical conduct that undermines the rule of law and the state's capacity to effect development and socio-economic transformation.

This study is of academic importance as it should be of interest of scholars and researchers who focus on ethics, corruption, local government and identify further research on theories of public administration. If code of conduct is in place it will benefit municipality because municipal officials will know and when they work, they know what is guiding them, by so doing that it will be able to improve basic service delivery. Despite all attempts by government agencies to curb corrupt behaviour, the national resources are mismanaged by municipal officials who lack morals and standards (Mufamadi, 2017:6). The effects of the strategies in curbing malpractices are not effective in municipalities. Relatives of seven Mopani District Municipal officials received tenders from council, contracts worth R11m were granted without bidding while over R85m was lost through irregular expenditure (A habit of irregular spend, illegal tenders (sowetanlive.co.za) Municipalities depend partly on funds collected from residents in order to render services and to sustain their activities in order to render services and to sustain their activities.

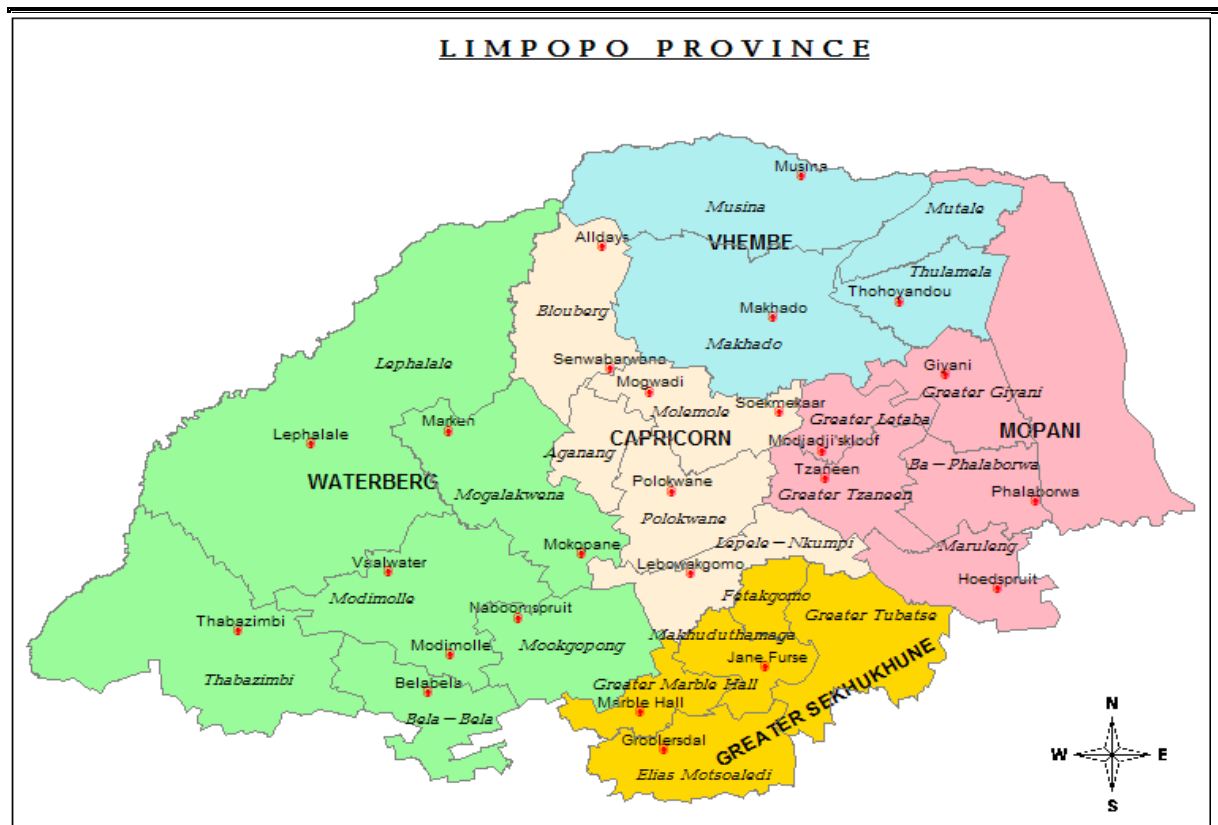
The increasing revelations of incidents of corruption and unethical behaviour by officials and politicians alike add to the negative perception of ethics in local government and the loss of trust by its citizens (Maape, 2017:4). This negative perception by citizens says a lot about the level of corruption and unethical behaviour in South Africa, especially the public sector and the trust that citizens have on the government. This is unfortunate considering that vital services are offered at municipalities because of their immediacy of the people. Against this

background there is a need for well-coordinated efforts, programmes, policies and resources to curb such corrupt behaviour in Mopani District municipality. Senior municipal officials talk about importance of compliance with policies and procedures, incentives, open communication and openness but do not act accordingly but rather promote staff who have behaved unethically. The community expects ethical behaviour from municipal officials in the fulfilment of their duties in order to create good governance and increased service delivery. In order to curb such behaviour, senior municipal officials should see themselves as role models and avoid ethical dilemmas.

## 1.8 DELIMITATION OF THE STUDY

The Republic of South Africa is composed of nine provinces. These provinces are Eastern Cape, Free State, Gauteng, KwaZulu natal, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape. Limpopo Province is composed of five municipal districts. These are Capricorn District municipality, Mopani District Municipality, Sekhukhune District Municipality, Vhembe District Municipality, Waterberg District Municipality. This study is about the role of local public administration ethics in enhancing basic service delivery in local government with specific reference to Mopani District. Mopani district is composed of five local municipalities. This local municipalities are **Ba-Phalaborwa, Greater Giyani, Greater Letaba, Greater Tzaneen and Maruleng local municipalities**. These local municipalities are predominately rural and render related services. According to Baron (2012:6) delimitations describe the scope of the study or establish parameters or limits for the study. A researcher must set limits on the sample size, extent of the geographical region from which data will be collected, response formats including data-collecting instruments, or the time frame for the study in order to make the study feasible for the researcher. Denzin and Lincoln (2009:172) state that researchers are encouraged to select sites and develop rationales for their choices of the research sites. Wehmeier (2005:868) describes location as the place where something happens or exists: this is the place or position of something. The number of people residing in Mopani District is 1 159 185 as per the Mopani IDP 2021-2016. The period of this study extended from 2020-2023 and the researcher focused on Limpopo Province under Mopani District.

**Figure 1 Districts Comprising Limpopo Province**



(Source: University of Venda: Geographic information system, 2021)

### 1.9 LIMITATION OF THE STUDY

The following are the limitations of the study, especially during the data gathering stage:

There are many difficulties in obtaining information from research participants on sensitive issues involving code of conduct by municipal officials. Municipal officials would prefer to remain silent because of the potential costs associated with going public. Some of the consequences in providing information may include loss of jobs, and name-calling like “spies” and “troublemakers.” To motivate the participants to willingly provide information, they were assured that their responses will remain anonymous and confidential. This means that there are factors which contribute to limiting the study which should be taken into consideration to clearly understand its context. It was also difficult to access some Managers (especially the Municipal manager and the executive mayors).

Information regarding any kind of misconduct can be obtained from Public Protector’s reports and this can supplement any lack of information from participants. No study or investigation

exists without limitations. According to Terre Blanche, Durrheim and Painter (2006:296), a researcher must avoid forcing the respondent to respond to sensitive issues. The researcher would at times strategically back off when she becomes aware that the bounds of comfort have been disobeyed or may consider rephrasing the questions. The aim is to improve quality of life for all citizens. Responses can be biased or might favour a particular point of view depending on the relationship between the manager and subordinates. To protect the integrity, reliability, trustworthiness and validity of the report, the researcher indicated to the participants that the research was meant for scholarly research only, as such participants' fear and in turn produced participants' responses.

### **1.10 DEFINITION OF OPERATIONAL CONCEPTS**

The definition of operational concepts for this study presents the clarifications of the concepts as provided in the subject of the study. The concepts to be discussed are namely, public administration, local, local government, ethics and service delivery. Key terminologies are defined as follows:

- **Public**

Public is defined as groups of employees, communities, or consumers, without considering the different kinds of employee, community, or consumer publics (Han, 2014:1). From the above exposition, public can be defined as a specific group of people within a particular locale with a particular concern in a particular time.

- **Public administration**

Pillay (2016:19) defines public administration as the discipline that studies and analyses the organization of government policies and programmes as well as the conduct of municipal officials (who in most cases throughout the world are not elected). Shafritz, Russel, Borick and Hyde (2017:6) define public administration as the government in action—the management of public affairs or the implementation of public policies. Public administration can be seen as implementation of government policy and also an academic discipline that studies this implementation and prepares civil servants for working in the public service (Mahole, 2018:15). From the above exposition definition public administration refers to the implementation of government policies and management of public officials' affairs.

- **Local**

Local refers to a particular part of a geographically defined area such as a region or province (Venter, Van der Waldt, Phutiagae, Khalo, Van Niekerk & Nealer, 2007:5). The local refers to

the territory with diversified land area, characterized by economic, social, cultural and political homogeneity and a common, broadly understood identity (Sekula, 2002:59). From the above exposition local can be defined as belonging to the area where one lives or is limited to a given area.

- **Local government**

It is that municipality which shares its municipal executive and legislative authority in its area with a District Municipality within whose area it falls and which is described in Section 155 (1) (b) of the Constitution. Local Government according to Hasluck (2010:3) is the sphere of government where local authorities are allowed by law to issue acts or decisions to adjust the way of governance. Sidgwick (2014:226) considers local government as government of some sub organs that have special powers to issue regulations or rules within the area which they manage. Wilson and Game (2006:448) local government is a multi-functional and geographic organization determined on pursuing social objectives, economic or political ones, through funds given from above or those provided by its revenues, which regulates and monitors all areas of municipal service ethics within the local community. Nefale (2018:7) defines local government as a decentralized, representative institution with general and specific powers devolved to it by a higher tier of government (central or provincial) within a geographically defined area. From the above exposition, local government can be defined as the lowest tiers of government which decides or determined certain measures within a given territory. Local municipality means category B municipality envisaged in Section 155(1)(h) of the Constitution.

- **Ethics**

Ethics is a system which includes a set of values such as attitude or culture (Dina, 2013: 197). According to Mbatha (2005:16), ethics can be seen as a system of moral principles that is based on values relating to human conduct, with respect to the rightness or wrongness of certain actions and to the goodness and badness of the motives and ends of such actions. Gildenhuys (2004:14), ethics is the science of morals in human conduct. From the above explanation ethics refers to the systematic study of the principles and methods for distinguishing right from wrong and good from bad.

- **Service delivery**

Chen, Dean, Frant and Kumar (2014:1) describe service delivery as the distribution of basic resources citizens depend on, like water, electricity, sanitation infrastructure, land, and housing. Service delivery can be defined as the provision of public activities, benefits or satisfaction (Nefale, 2018:9). According to Riekert (2001:90) service delivery is concerned with

the provision of a product or service, by a government or government body to a community that it was promised to, or which is expected by that community. Mfene (2009:210) defines service delivery as an encompassing activity aimed at promoting the general welfare of the community. The term service delivery refers to the municipality's activities to meet the basic requirements in the community.

- **Basic service delivery**

Service delivery can be defined as any contact with the public administration during which customers – citizens, residents or enterprises – seek or provide data, handle their affairs or fulfil their duties. <https://www.sigmaweb.org/ourexpertise/service-delivery.htm>.

According to Russell (2021:1), basic service delivery is the process of providing customer services to the customer. It includes activities including:

- Receiving, storing, and issuing items such as equipment, supplies, and inventory
- Fulfilling orders
- Providing customer support
- Preparing invoices and posting charges to customer accounts

From the above term basic service delivery are those services that, if not provided, would endanger public health or safety. These include water, electricity, sewerage & sanitation, and solid waste management.

## **1.11 ORGANIZATION OF THE STUDY**

The study is divided into 5 chapters as indicated below.

### **Chapter 1: Background of the study**

The chapter focuses on the introduction, background of the study; problem statement; aim of the study; objective of the study; research questions; rationale of the study; delimitation of the study; definition of operational concepts and organization of the study.

### **Chapter 2: Literature review**

The literature which is relevant to the role of code of conduct in enhancing basic service delivery will be reviewed. This chapter first presents the theoretical framework of the study. An overview of the importance of code of conduct will be presented. This chapter also presents the manifestations of local public administration ethics. The values and standards in the local

public administration ethics are discussed in this chapter. This chapter also presents the regulatory, policy and legislative frameworks on local public administration ethics. The specific emphasis in this theme is placed on the role of public administration ethics as it evolved through the years and under different forms of government.

### **Chapter 3: Research methodology**

This chapter outlines the methodology which will be used in the study. This will include the research paradigm; research design; research methodologies; study area; population of the study; sampling; sampling methods; sample size; data collection and measuring instruments; pilot study; data analysis method; ethical considerations; organization of the study; and summary of the study.

### **Chapter 4: Data presentation, interpretation, and analysis**

This chapter presents data collected through questionnaires and interviews. This chapter will also discuss analysis and interpretation of the collected data by discussing the sampled population's respondents as a way of providing an understanding of the nature of the research findings on the effects of municipal service delivery in enhancing basic service delivery. In this chapter findings are presented in a narrative and tabular form. This chapter also presents the results of the findings from both the open-ended interviews and closed-ended questionnaires. Data is presented with findings interpreted in relation to the research objectives.

### **Chapter 5: Findings, recommendations, and conclusion**

Chapter 5 presents the main findings and recommendations obtained from the study based on analysis and interpretation of the data. Finally, recommendations will be made based on the findings of the study. This chapter also presented the end product of what the researcher has studied. The chapter will also summarize the implications of the study.

## CHAPTER 2

### LITERATURE REVIEW

#### 2.1 INTRODUCTION

This chapter reviews the literature relevant to the research topic and provides a critical understanding of the role of local public administration ethics in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. Fouché and Delpont (2002:127) emphasize that a review of literature is aimed at contributing toward a clearer understanding of the nature and meaning of the problem that has been identified. This chapter introduces aspects such as ethical theories, manifestations of unethical conduct, legislative and policy frameworks. The role of code of conduct in addressing ethical conduct in the municipality; ethical responsibilities of municipal officials in the municipalities; effective service delivery among municipal officials; personal values in the municipalities; measures and mechanisms to ensure ethical conduct; challenges facing municipalities; leadership theories and models; political education for good governance; The nature of government systems in South Africa; service delivery and the public; good governance: the South African reality and the way forward; The ethics of governance and governance of ethics; measures aimed to promote ethics, integrity and good governance in the local sphere of government; The role of ethics in fighting fraud and corruption; The role of leaders in promoting ethical conduct; and the prevalent unethical behaviour in rural-based municipalities.

#### 2.2 THE PREVALENT UNETHICAL CONDUCT IN RURAL-BASED MUNICIPALITIES

Service delivery by municipalities requires a lot of money and therefore decisions should be taken by municipal officials to ensure effectiveness and efficiency in the utilisation of resources (Mufamadi, 2017:5). The local government, of which the municipality is part of, is the level of government which is directly involved with service delivery. Sadly, the quality of service delivery which is critical is tinted by the prevalence of unethical conduct. Some of the unethical conducts which are prevalent in rural-based municipalities include: failure to separate politics from administration, irregularities in tenders and procurement processes, diverting public resources, supply of low quality materials.

Efficiency is important to municipalities since unlimited needs of the people should be satisfied under severe restrictions of the shortage of funds. Efficiency in the municipalities involves satisfying the most essential needs of the community using limited resources that are available for the purpose, and also public accountability, the democratic requirements, fairness and reasonableness and supremacy of the Constitution (Cloete, 2012:113). In order to refrain from

unethical conduct, municipal officials are required in a democratic society to respect specific guidelines that govern their behaviour during the performance of their work. Municipal officials are there to serve the people at promoting the public interest. The success of municipalities is often measured in terms of its efficiency.

## **2.3 MANIFESTATIONS OF UNETHICAL CONDUCT INHIBITING EFFECTIVE SERVICE DELIVERY**

Van der Merwe (2006: 32) argues that effective anti-corruption measures should consider both the nature and causes of public sector corruption. The local government sphere is characterised by a dearth or lack of ethical conduct, integrity and good governance by municipal functionaries who are generally viewed as unresponsive, dismissive and corrupt (Mle, 2015:148). The following are manifestations of unethical conduct inhibiting effective service delivery. These include corruption; bribe; nepotism and favouritism; fraud; poor public accountability; kickback; laziness; gift and entertainment; secrecy in administration; and unauthorised expenditure.

### **2.3.1 Corruption**

According to Mhango and Chirwa (2018:5), corruption is a common appearance of poor governance in most developing countries. Section 215 (1) of the Constitution of the Republic of South Africa, 1996 promotes transparency, accountability and the effective financial management of the public sector. Pillay (2016:118) posits that the high level of corruption in different municipalities in South Africa is reflected by endless scandals which are extensively covered in both print and digital media. Manyaka and Sebola (2013:76) also agree that corruption and unethical conduct is rife in local government, and that it is creating a serious problem that is leading to a situation where the public's confidence in government is declining. Prozesky (2013:11) further argues that corruption cannot be fully understood without analysing it in the light of ethical or moral principles. Municipal officials should continue to fight corruption through various democratic platforms that exist in the country.

According to Kroukamp (2006:207), corruption is especially harmful in developing countries such as South Africa due to the fact that these countries tend to have fewer resources and need to use these scarce resources in the most effective way as well as a lack of confidence in the government. According to Pillay (2004:589), corruption has flourished as a result of institutional weaknesses. The highest risk area for potential corruption remains that of the procurement of goods and services (Levin, 2002:78). It is therefore imperative that each institution has clearly defined, transparent and understandable tendering and procurement

practices (Mahlaba, 2004:87). According to Ruhiiga (2009: 1090), corruption remains a topical issue in South Africa because of its impact on civil society, governments and institutions. Corruption, by its very nature, requires an individual in an influential position in the local public administration ethics to collude with another person inside or outside the department to be executed successfully. Mopani District Municipality's code of conduct also put emphasis on the breaches that breaches of this code must be dealt with in terms of the disciplinary procedures of the municipal envisaged in Section 67(1)(h) of the Local Government: Municipal Systems Act, 2000.

### **2.3.2 Bribe**

The term bribery has further been conceptualised as an immoral and unethical practice or behaviour where a person (payer) offers something, especially money in exchange for favour (Nguyen & Duong, 2021:665). On the other hand, fraud consists of actions or behaviours, particularly by municipal officials, other persons or entities with the intention of influencing someone to offer certain benefits that they do not deserve (Bitterhout & Simo-Kengne, 2020:5). For example, when a public official registers a fictitious worker with the sole purpose of collecting the salary of that fictitious worker. In South Africa, the procurement process has been granted constitutional status. For instance, Section 217(3) of the Constitution of the Republic of South Africa Act, 1996 requires that legislation be prescribed or promulgated to regulate procurement. The Constitution requires that the procurement process be fair, equal, transparent, competitive, and cost-effective.

Transparency International Corruption Perception Index (2018:3) posed that the debasement, by and large characterised as the maltreatment of endowed power for individual gain, given that corrupt practices are obviously covered in confidentiality, their occurrence and economic impact are especially challenging to quantify, but estimates do occur. Bribery offers can take many procedures comprising gifts, luxurious entertaining like lunches, holidays, exclusive tickets to sport games, drugs, sexual favours, employment either for the bribe taker or his/her family or friends. Advances can be paid off; houses and cars may be given as gifts (Rossouw, Prozesky, Burger, DU Plessis & Van Zyl, 2016:89). However, it is part of this study to assess the effectiveness of code of conduct at local government level when employee is confronted by an actual or potential act of bribery (Orlitzky, Schmidt & Rynes, 2013:405). According to Mufamadi (2017:14), bribery is a common phenomenon in South African rural-based municipalities and is becoming a way of accessing government financial resources at the expense of municipal services.

From the above statement bribery involves the promise, offering or giving of a benefit that improperly affects or intends to affect the actions or decisions of a municipal official. Bribe is

when the municipal official is expected to be paid for services that are part of their normal duties to gain favour. According to Muswaka (2018:110), bribery is the giving or getting of anything of significant worth that would impact an official decision or business choice which incorporates any type of delight offered wrongfully to the recipient either legitimately or in a roundabout way. Senior municipal official, through creation of ethical climate should ensure that unethical conduct is discouraged through approvals. As a way of minimising bribe in municipalities, municipal officials are not allowed to accept improper gifts, or entertainments. It has to come from within the officials' heart and this goes with one's integrity. The practice where a motorist bribes a traffic officer not to issue a ticket for violating road signs is rife in municipalities. From the above statement, it can be concluded that when financial resources are in the hands of ineffective and unqualified municipal officials, service delivery is negatively affected.

### **2.3.3 Nepotism and favouritism**

For the past few years, local municipalities could not acquire qualified audits due to, *inter alia*, the lack of compliance with Auditor General reports or embezzlement of funds. In many instances this is attributed to nepotism where unqualified candidates are at the helm of government business with improper knowledge, direction and understanding of what their jobs entail. The findings from the Auditor General Report (2018:13) revealed a lack of leadership and accountability as the primary causes of poor compliance with audit outcomes. Kokemuller (2020:1) claims that employing friends and family members is a form of gross nepotism which leads to ineffective and inefficient utilisation of government resources, culminating in poor service provision.

Contestations and debates in South African Public Administration often utilise the example of Black citizens enforcing nepotism through affirmative action. Nepotism has triggered mistrust of government departments amongst the citizenry which is evidenced through massive service delivery protests when citizens mobilise and rise to question the government of how public money is spent (Shava & Mazenda, 2021:10). The researchers, therefore, argue that nepotism is cancerous and can destroy democracy, breed unethical practices and brand the image of public administration negatively. From the above discussion it can be concluded that nepotism may lead to poor service delivery because usually the appointed candidates try to please their appointer and do not conform to the required standards.

Sabola (2014:301) points that nepotism and favouritism in South Africa contributed to major ethical dilemmas faced by senior municipal officials in today's local government. Nepotism also interferes with the principle of fairness because undue advantage is given to someone

who does not necessarily merit the treatment and in municipalities it undermines transparency which should be part of governmental hiring policies. As such instead of appointing capable candidates with the relevant qualifications and experience, people who are not capable of performing the job are employed because they are family member. Employing people without relevant qualifications and experience ultimately leads to ineffective and inefficient utilisation of government's scarce resources which ultimately undermines the delivery of quality service.

From the discussion above nepotism and favouritism are major problems of ethical conduct in the South African local public administration ethics in the sense that public resources are directed to the benefit of a particular cartel or clan or political groupings. The problem with nepotism and favouritism is that it affects the morale of personnel adversely, resulting in low morale which in turn lowers productivity (Singo, 2018:97). Senior municipal officials who engage in nepotism and favouritism are often characterized by incompetency and sense of inferiority. In other words, those who are appointed with the view that they will conform to the standards and views of their appointing authority could prove to be problematic.

From the above statement nepotism involves a municipal official ensuring that family members are appointed to municipal service ethics positions or that family members are awarded contracts (Department of Public Service and Administration, 2002:8). While it is not inherently unethical to employ family members, the basic concern is that it contradicts typical customs in employment to hire and promote the most qualified candidate for a job (Kokemuller, 2016:1). Employing people without relevant qualifications and experience finally leads to inefficient and ineffective utilization of local government's scarce resources which weakens the quality of service delivery.

#### **2.3.4 Fraud**

Fraud involves actions or conduct by a municipal official, other person or entity that fool others into providing a benefit that would not normally accrue to the municipal official, other persons or entity (Tooley & Mahoi, 2007:367). Violent community protests and demonstrations against municipal service delivery, maladministration and corruption are a daily occurrence. On the other hand, fraud consists of actions or behaviours, particularly by public servants, other persons or entities with the intention of influencing someone to offer certain benefits that they do not deserve (Bitterhout & Simo-Kengne, 2020:6). For example, when a public official registers a fictitious worker with the sole purpose of collecting the salary of that fictitious worker. Fraud occurs when municipal officials have a chance to be rich fraudulently as a result of the government having to pay out funds in areas such as procurement, salaries and

pensions and officials take advantage of any opportunity they find to defraud the government and the taxpayer (Malan & Smit, 2001:14). Fraud is effectively theft of government resources.

Gloeck and de Jager (2005:60), argue that to steal public resources is to take advantage of the position you find yourself in, by virtue of the fact that you happen to be employed in the public sector. Fraud is a common manifestation of unethical conduct inhibiting effective service delivery in the local government. Therefore, fraud is noticeable outcome of unethical conduct which constitutes criminal case that could end municipal official's career if not stopped.

### **2.3.5 Poor public accountability**

Section 195 (1) a of the Constitution of the Republic of South Africa, 1996 indicates that a high standard of professional ethics must be promoted and maintained. The culture of public accountability internally within municipalities and externally to the role-players/stakeholders is yet to be taken seriously and this needs to be addressed as a matter of urgency (Picard & Mogale, 2015:171). Siddle and Koelble (2012:200), allude that public accountability channels have been created; however, enforcement is a challenge, particularly in relation to prosecuting corrupt officials. There is a lack of will as it implies that the ruling party would have to prosecute many of its local activists and operatives. Effective control and accountability is indispensable for effective processes and accountability but over control is as bad as no control. Malan and Smit (2001:46), mention that processes and control mechanisms must be in harmony with the people who are responsible for carrying them out if not, they would be rejected by all concerned.

### **2.3.6 Kickback**

A kickback is a form of a negotiated bribery in which money is paid to the bribe-taker for services rendered and is one of the common forms of unethical conduct in the local government. In the local municipalities' kickbacks occur when the supplier who is awarded business gives a sum of money or any form of inducements to secure a desired action or some favours from the municipal official which can be paid out before or after the municipal official had performed an action (Mufamadi, 2018:40). According to Singo (2018:98), the tender system is an area which increases corruption and maladministration. The code of conduct warns the senior municipal officials not to accept kickbacks as it is unlawful. In the context of local public administration ethics, unethical conduct including, kickback is an unlawful payment made to a municipal official in return for facilitating a transaction. The problem with kickbacks is that they result in overstated prices of goods and services which is costly to the government.

Municipal officials who act per the guidelines of local public administration ethics in the municipality should be awarded for their integrity to discourage kickback.

### **2.3.7 Laziness**

Laziness results in lack of productivity and if measured financially it wastes huge amount of money in the municipality. According to Mufamadi (2017:46), laziness impedes the effectiveness and efficiency of an organization's performance and is considered as a form of theft since employee is stealing time and money from the employer. Well known example of laziness includes passive apathy and disinterest; a lack of commitment and loyalty of the employer; personal interest taking preference over official duties; absenteeism backed up by fake medical certificates; reporting for work but slipping away during the day to attend to private matter (Malan & Smit, 2001:17). Municipal managers should be proactive in preventing unethical behaviour by implementing certain measures and controls (Du Toit, *et al.*, 1998:119).

### **2.3.8 Gift and entertainment**

Accepting gifts and entertainments amounts to conflict of interest and municipal officials may impartially discharge their duties since they would be unduly influenced (Mufamadi, 2017:43). This way include discounts on purchases, sex, use of vehicles, recreational equipment, theatre tickets, vacation trips, lavish meals and liquor (Copper, 2006:138). As provided by Schedule 2 (1)(d) of the Local Government: Municipal Systems Act, 2000, a staff member of a municipality may not request, solicit or accept any reward, gift or favour for -doing or not doing anything within that staff member's powers or duties.

The following are guiding principles of avoiding conflicts of interest by Lewis and Gilman (2005:81):

- (a) Maintaining impartial and independent judgement
- (b) Being responsive to the needs of the people
- (c) Rejecting any personal gain from municipal office or responsibilities
- (d) Upholding public confidence in the integrity of municipal service and municipal officials.

From the above discussion, the best way to deal with conflicts of interest within the municipalities is to avoid them entirely and municipal officials should recuse themselves from decisions where a conflict of interest exists.

### **2.3.9 Secrecy in administration**

Citizens have the right to know how the government is performing its duties. Mufamadi (2017:37) states that secrecy in administration does not conform to the requirements of Modern democracy. It is in the interest of the public to know how the government is conducting its affairs (Hanekom, Rowland & Bain, 1995:154). Where secrecy is nurtured trust between political office bearers and municipal officials and the public, they serve is negatively affected to the detriment of quality service delivered. Secrecy in administration restricts members of the public to know how the government performs its duties and it is inconsistent with the principles of openness and transparency. Therefore, it is important for the government to be open and accountable one of the principles of democracy.

### **2.3.10 Unauthorised expenditure**

Moeti (2014:9) defines unauthorised expenditure as overspending or spending that is inconsistent with the mandated requirement of appropriate funds. Section 2 of the Public Finance Management Act 29 of 1999 specifically requires transparency and accountability in order to ensure sound management of expenditure, revenue, liabilities and assets. Designated officials are also required in terms of the PFMA to disclose their financial interests to ensure that there is no financial misunderstanding in their dealings with the private matters. Vilane (2019:86) mentioned that payment within the period of 30 days is one of the critical strategies for municipal management because it enhances the savings of enormous costs-that could have been paid as interest-that have accrued to the creditors. If unauthorised expenditure is discovered, it must be reported to the accounting officer with immediate effect who is then required to take drastic action against the guilty person.

## **2.4 CAUSES OF UNETHICAL CONDUCT**

Positive work ethics is critical for the enhancement of the role of local public administration ethics in enhancing effective basic service delivery in the local government. The following are causes of unethical conduct: Psychological factors; deficient control and accountability; complex legislation; inadequate procedures and manuals; deficient management and organisation; poor control and lack of accountability; insufficient supervision; weak organisational structures; humans as fallible beings; lack of ethical awareness of municipal officials; and insufficient benefits and remuneration.

### **2.4.1 Psychological factors**

To a greater or lesser extent, all human beings have failings, such as the craving for power, envy, or greed (Cascio, 2014:15). If a situation arises involving one of these human failings,

the person may be tempted to place self-interest before public interest. Municipal officials should always be aware of psychological factors and avoid them whenever possible (Wixley & Everingham, 2014:25). Motshwane (2018:57) argues that the fallibility of human nature suggests that people are inclined to crave power and money to varying degrees. The above testament could lead to psychological vulnerability to temptation in public financial management. Ntamu (2011:27) explains that the love of money can be the root of most evils in public financial management. Van der Waldt and Du Toit (2011:50) concur with this assertion that when the right conditions are created, it is to be expected that people will be vulnerable to temptation. The sentence above leads to a situation where personal interests could come before the interests of the public.

#### **2.4.2 Deficient control and accountability**

Deficient control and accountability stress the importance of proper control measures because if proper control measures are not exercised, or control is applied incorrectly dishonest officials might exploit the situation. According to Doyle (2014:89) both internal and external control measures should be used to ensure that objectives are achieved through the formulation and implementation of policy. If control is exercised ineffectively, dishonest municipal officials may exploit government services for their own gain. (De Vos, 2012:110) concurs that organisational measures should be created to hold officials accountable for their actions. Organisational measures, such as the channels of communication, should be put into place to ensure accountability.

Accountability ultimately rests with the political head of a public institution, who must answer to parliament and the public. However, it has to start within the municipality. If there is no accountability within the organisational structure of a public institution, it will be impossible for the political head to know what is happening within the institution, which will limit their ability to account for the institution's actions (Cheminairs, Van der Waldt & Bayat, 2012:94). Van der Waldt and Du Toit (2011:49) suggest that the implementation of complicated legislation may leave room for unethical and ineffectual conduct. For example, when it comes to paying taxes, people play all sorts of tricks in order not to meet their tax obligation (Wixley & Everingham 2014:14).

Motshwane (2018:54) indicates that individuals lie in order to evade paying higher taxes, and no legislation in South Africa can fully prevent such unethical conduct. In other words, any loose ends in any legislation become a pressure for both citizens and municipal officials to act unethical and to be less accountable. While everyone should be accountable, what prevails in the public sector is that municipal officials tend to abuse resources if they perceive them as

belonging to someone else, a rule they will never apply to their own belongings (De Baros, 2015:9). This implies that deficient control and the absence of accounting measures have the potential to make individual police officers deviate from the set ethical principles. These could be demonstrated in the form of police brutality, discrimination, sexual harassment, intimidation and illegal use of weapons. Masiapata (2007:46) suggested that the consolidation of both control and accountability remains the cornerstone of the effective and efficient functioning of a government department.

It encourages answerability to members of the public for rendered and/or unrendered services (Maluleke, 1999:3). Chapter 2 of the Constitution of the Republic of South Africa, 1996 through its Bill of Rights, requires all spheres of government to function within the bounds of what is reasonable and justifiable in an open and democratic society, based on human dignity, equality and freedom. From what has been argued thus far, it could be deduced that the presence of both internal and external control measures has the potential to enhance the implementation of positive work ethics in the municipalities.

### **2.4.3 Complex legislation**

If the legislation, which is a product of policy-making, is too complex, or unclear, it leaves room for unethical and ineffective conduct by those implementing the policy. If regulations are difficult to understand, they might be implemented incorrectly and not achieving their intended objectives. If professionals are not called on to assist with the interpretation of the policies, inconsistencies may arise and objectives will not be achieved (Fox, 2010:153). Mafunisa (2011:37) points out that the enactment of complex legislation sometimes creates loopholes for unethical and ineffective conduct. Because legislation is difficult to interpret and technical points are complex, application and control is sometimes in conflict with the actual purpose (Motshwane, 2018: 55).

Inadequate legislation can promote autocratic rule, where only a small government elites pass laws for their own selfish benefit at the expense of the people (Malan & Smit, 2001:45). Present day South African politicians who are inexperienced and improperly trained fail to draw up efficient and effective legislation (Mufamadi, 2017:47). It is difficult for municipal officials to implement legislation which is difficult to apply. Legislation, which is difficult and complex, and characterised by complex technical points may undermine the rule of law, causing confusions in its application and leaving the room for unethical conduct (Du Toit, Van der Walddt, Bayat & Cheminais, 1998:120). Incorrect interpretation of legislation can result to inconsistencies, resulting in the goals of the institution not being realised. Legislation should be easier to understand so that unlearned might be able to understand and implement. Accessibility and

readability of legislation must be improved paying due attention to the political, social and legal objectives.

#### **2.4.4 Inadequate procedures and manuals**

Procedures, and especially the procedural manuals that officials should follow in their day to-day activities of implementing policies, should be written from a practical point of view, keeping in mind the specific circumstances in which the municipal officials operate. If this is not done, such procedures will have no value and municipal officials cannot be expected to follow them. Andrews (2015:39) indicates that municipal officials must make value judgements in certain circumstances, without infringing the rights of the community. Municipal officials in government departments are responsible for drafting submissions to ministers.

The format of these submissions needs to be exact and in accordance with the required specifications. A procedural manual should outline the exact requirements for these submissions (Cheminairs *et al.*, 2012:77). Ntamu (2011:24) states that the activities or procedures that municipal official has to carry out are sometimes inconsistent with experience in practice. If manuals are not practical and relevant to the circumstances, municipal officials may be uncertain about appropriate behaviour. As stated above, municipal officials often are expected to make value judgements.

#### **2.4.5 Deficient management and organisation**

Poor management of an institution, from an organisational point of view, means that goods and services cannot be rendered effectively and efficiently. Exploitation may take place if productivity is not measured and evaluated. If the provision of goods or services is not measured or evaluated, officials may be able to exploit this situation (Cheminairs *et al.*, 2012:70). If the services of local government comply with specific criteria, unethical conduct could be avoided. The municipal manager is responsible for ensuring that all resources (human, financial and physical) are managed effectively and efficiently. If this does not occur, it could result in unaccountable behaviour such as corruption. Inequitable behaviour, and a loss of productivity or service delivery (Van der Waldt & Du Toit, 2011:149). If an institution is managed ineffectively, products or services may be provided ineffectively.

#### **2.4.6 Poor control and lack of accountability**

Mbatha (2002:1) states that accountable government in the municipal is an essential prerequisite for a democratic dispensation. In order to sustain the notion of democracy in South Africa, Mfene (2013:8) posits that those elected in parliament need to be accountable

for the management of goods and services to improve the lives of people. However, Kuye and Mafunisa (2003:422) postulate that the allocation of responsibility in government has been complicated even further by the interposition of political appointees or temporary officials between political executives and permanent municipal officials. Processes and control mechanisms must be in harmony with the people who are responsible for carrying them out if not, they will be rejected by all concerned (Malan & Smit, 2001:46). Dishonest municipal officials may exploit the lack of control for their own selfish gain and therefore organisational measures should be put in place to ensure that municipal officials are held accountable for their actions (Du Toit *et al.*, 1998:119).

From the statement above effective control and accountability is indispensable for effective processes and accountability but over control is as bad as no control. Ethical management is characteristic of effectively managing an administrative process which comprises the completion of tasks, the creation of a cohesive group of people and the good motivation of staff members (Masiapata, 2007:51). It is therefore important to note that the comprehensive participation of management in ethical issues has the potential to enhance positive work ethics in the working environment. In the context of ethics, poor management is not always the result of a lack of judgement or failure of intellect, but it is the failure to enhance positive work ethics. This implies that poor management contributes to the failure to achieve a desired state of affairs.

#### **2.4.7 Insufficient supervision**

Supervision, means to oversee, control and inspect the work of subordinates to ensure that the organisation functions effectively, efficiently, economically and with integrity. Supervision is vital to ensure that trainee and inexperienced municipal officials do their work adequately and if neglected, especially where municipal officials are not properly trained, maladministration and the collapse of intended standards are unavoidable. Municipal officials may also lack the will and motivation to oversee, control, and inspect because of ignorance and disloyalty or it may be an attempt not to lose their popularity. Supervision may merely lack the exposure, experience, perspective and knowledge to perform as required. Supervisory role and what it entails may not be clearly defined (Malan *et al.*, 2001:48). Supervision is important if municipality is to maximise its success potential. Poor supervision is an obstacle for achieving potential success of a municipalities. Municipality where there is lack of supervision, there are no mechanisms of preventing problems, mistakes, accidents and injuries.

#### **2.4.8 Weak organisational structures**

The problem with the process of delegation arises when the person delegated is not capable of carrying out the task delegated to him/her. Leaders and employees usually behave unethically when the principles of delegation are ignored. Problems become worse when the delegation is vague, which allows corrupt officials or inexperienced municipal officials wide powers of discretion and when it fails to clearly control the authority that has been delegated or does not clearly specify the person it is delegated to (Malan *et al.*, 2001:145). Leaders are also primary influencers of ethical conduct in the local public administration ethics since they are seen as being responsible for the ethical standards that govern the conduct of subordinates in the local government.

Elected representatives should always provide guidelines for the subordinates and the way they behave will have an impact on the behaviour of other municipal officials (Hanekom., 1995:166). Incompetence restricts municipal officials from executing their duties properly. When municipal officials who are expected to render quality service to the people are incompetent, the institution they manage will be poorly designed, structured and managed (Malan *et al.*, 2001: 57). It becomes clear that by understanding the causes of unethical conduct in the municipality, strategies can be designed and implemented to address the challenge.

#### **2.4.9 Humans as fallible beings**

Municipal officials, like all human beings, make mistakes but the key is to admit them and not repeat those mistakes (Lewis & Gilman, 2005:92). Emotional traps exist because people experience impulses that motivate them to act in reaction to internal and external stimuli. Sometimes the stimulus becomes powerful that the individual acts without paying attention to other available options. Should a situation arise, a municipal official may be unable to resist and may be tempted to place personal self-interest above the public interest. Senior municipal officials must be able to identify such situations; one way to avoid entrapment may be to comprehend that they may not obtain something without retribution.

#### **2.4.10 Lack of ethical awareness of municipal officials**

Improved means of communication can ensure that municipal officials are aware of the ethical dimensions of their work for the benefit of quality service delivery. This could be attributed to ineffective communication between the government and members of the public. Communication failures may be caused by cultural differences and if different cultural groups cannot communicate, they cannot work together (Malan, 2001:46). Improved means of

communication can ensure that municipal officials are aware of the ethical dimensions of their work for the benefit of quality service delivery. Schedule 2 (a)(b) of the Local Government: Municipal Systems Act, 2000, a staff member of a municipality must at all times- loyally execute the lawful policies of the municipal council; perform the functions of office in good faith, diligently, honestly and in a transparent manner.

#### **2.4.11 Insufficient benefits and remuneration**

According to Mufamadi (2017:51) government is finding it difficult to cope with unmanageable salary bill to pay municipal officials. Underpaid municipal officials are therefore more prone or susceptible of fraudulent and corrupt temptations such as bribes and self-enrichment (Malan *et al.*, 2001:48). Municipal officials who are demotivated by their pay levels, are not focused from their work therefore it leads to municipal officials to resign. Although corruption is a reality in all societies, the global surveys indicate clearly that corruption is higher and more destructive in developing countries and poor countries (Treisman, 2000:438).

Where severe poverty prevails and officials with jobs are paid average salaries, the possibility that they could be enticed into corruption is much higher than in affluent societies or even developing societies where the unemployment rate is low. A lowly paid official living amongst jobless people and in a poor extended family has no other choice than to provide for himself and his family by taking bribes, misusing funds and by exploiting the system (Mafunisa, 2007:260 and Van der Merwe, 2006:32). The implementation of legal instruments to curb corruption is important and many such instruments exist in the South African public administration (Edwards, 2008:80).

It can be concluded from above statement that insufficient benefits and remunerations is vital in order to deal with unethical conduct in the workplace. In addition to this, it is crucial to raise ethical awareness through moral agents. However, even the best instruments, programmes and education are bound to fail when a community is the victim of poverty and joblessness. The high and the low of corruption are directly linked to the socio-economic standing of a community. Therefore, social and economic development can be seen as the most important remedy for corruption, with the condition that the other instruments, programmes and education to curb corruption are also in place.

#### **2.4.12 Lack of ethics education and training**

Kroukamp (2011:25) is of the view that for government departments to improve the relevance of their skills development plans, it is critically important to strengthen, through a coordinated approach with all role players, the manner in which skills assessments and provision are done.

However, Munzhedzi (2011:78) correctly postulates that in government most of the training that is done is not aligned to the skills gap or challenge. Nevertheless, the Public Service Commission (2010:8) is emphatic on the fact that the functioning of the machinery of government needs to be strengthened through the development of appropriate skills to ensure that institutional capacity is built, and services can be delivered optimally.

Mafunisa (2000:5) argues that lack of ethics education and training is a deterrent for the accomplishment of both efficacy and effectiveness in public service delivery, particularly because a productive organisation is determined and measured in terms of whether it is able to deliver services that are responsive to community needs. Uneducated and inexperienced political leaders resulted in the collapse of service delivery, economic crises and human suffering due to the demanding environment which is multifaceted and multidimensional with unique characteristics and diverse perspectives that need different approaches and strategies (Thebe, 2017:125). Rowe (2005:86) argues that managers ought to be trained in strategic leadership (a synergistic combination of managerial and transformational leadership), so that they can become more effective managers.

There is a need to create ethical awareness in the workplace; where municipal officials can arrange awareness campaigns on ethical issues that can be implemented through training development programs. It is imperative for senior managers to benchmark performance indicators to achieve accuracy and efficiency afterwards. Ethics training for all levels of the government is necessary to ensure that everyone with the same principles is knowledgeable with resources to respond to ethical dilemmas. The design of training is critical in addressing the needs of different levels of employees and the specific responsibilities of their positions, without diverting from the mission and the vision of their organization. Successful ethics training requires the support of executive management. Constant monitoring and evaluation of training programs can yield better results.

An organizational environment of ethics can also be created where high standards of conduct are encouraged by providing appropriate incentives for ethical conduct, such as adequate working conditions and effective performance assessment (Matsiliza, 2013:113). It can be concluded that the combination of one's personality and ethics knowledge that shapes one's morals in the implementation of good service delivery. This lack of requisite skills has a negative impact on the provision of basic services. In practice, an organisation without an ethics education and training programme will not consistently maintain an ethical behaviour among its employees and this is critical for the instigation of corruption and unethical behaviour among individual employees.

## **2.5 CONCEPT FRAMING FOR ETHICS AND A CODE OF CONDUCT IN LOCAL GOVERNMENT**

Disoloane (2012:18) indicates that in the field of social sciences, concepts are used as irregular intervals (not steady) such that their true meaning is always susceptible to distortions. Made, Tsolo and Ramoabi (2014:877) argued that a good research practice dictates that the concepts that are used in the study should be framed, clarified, demystified and explained to give meaning to the context in which they will be used. Parrish (2007:1) argued that it is an enduring experience that in all the spheres of human life, the hardest sphere to play one's role with true moral integrity and dignity is the sphere of public action. There are many reasons that make municipal officials to act morally. In the municipalities, ethics is important for the success of democratic institutions such as Auditor General Office. Section 96(1) of the Constitution of Republic of South Africa, 1996, municipal officials must act in accordance with a code of ethics prescribed by national legislation.

### **2.6 Ethical theories and principles in the public administration context**

Ethical theories are the starting point of ethical analysis as they provide valuable guidance towards a particular decision (Rainbow, 2002:1). According to Mackinnon (2012:9), the theory makes provision for ethical principles that embody certain values as this can be used to provide direction in a particular case as to what action can be chosen and carried out. Welman, Kruger and Mitchel (2005:12) a theory represents a mental view of a phenomenon or a system and form the basis for a chain of reasoning. The above statement indicate that municipal officials are expected to conduct themselves and the organisations they lead in accordance with specific moral values and expectation. Ethical theories and principles are the common goals that each theory tries to achieve in order to be successful. Municipal officials need an orderly way of thinking through the ethical consequences of a decision, an approach and a language for assessing alternatives from a moral perspective. With regard to this study there are many theories that can be discussed in the study such as teleological theory, virtue theory and consequentialist theory, but the most relevant on the study is deontological theory that is why the researcher discuss in detail.

#### **2.6.1 Theory of deontology (Rule-based approach)**

According to Rainbow (2002:2), deontological theory indicates that duties must be obeyed, or rights acknowledged regardless of the consequences. Emphasis is that actions that are morally right are those in accordance with certain rules, duties and rights. Preston (2007:40) indicates that certain kinds of actions are intrinsically right and others are intrinsically wrong and no extrinsic justification is needed as is the case with consequentialism. According to

Sindane and Uys (2014:39), deontological theory holds the view that one is inclined to do a good thing because one is morally obliged to do so. In the context of local public administration ethics in enhancing basic service delivery, municipal officials are obliged to act morally towards others. This implies that municipal official by virtue of position is expected to act in accordance with ethical values and principles.

From the above statement Singo (2018:42) states that the on-going perception of corruption, fraud, maladministration and scandals is the confirmation that the deontological theory cannot bring solutions to challenges of ethical conduct. This means that the effectiveness of rules and procedures depends on the individuals' will to reinforce and comply. In this study, deontological theory states that municipal officials should adhere to their obligations and duties when analysing an ethical dilemma. As McGill (2010:2) affirmed, deontological approach is duty-based, and it focuses on one's ethical decisions of duty to others against self-serving. Pant (2003:20) shares the same view that municipal officials have to serve the people because that is their only responsibility for which they can, they ought to exist, and every ounce of their energy, their intellect and their capacity has to be surrounded to the devoted service of the public.

Deontological theory has its own positives as well as negatives. An example of an absolute principle would be honesty. For an example it is right and obligation for municipal officials to be punctual at work which is intrinsically and morally correct. However, it is wrong to steal time for work by going for shopping during working time. Some of its negatives: there is no rationale or logical basis for deciding an individual's duties; this theory is very restrictive because it bases its actions on moral imperatives and therefore, choices for decisions-making are more restrictive because of their duty owed to others (Disoloane, 2012:42). According to Preston (2007:40) deontology enjoins to do the right things simply because it is intrinsically the right thing and reject all extrinsic justification. Ethical theories are the starting point of ethical analysis as they provide valuable guidance towards a particular decision (Rainbow, 2002:1).

According to (Mackinnon, 2012:9), ethical theory makes provision for ethical principles that embody certain values as this can be used to provide direction in a particular case as to what action can be chosen and carried out. Municipal officials need an orderly way of thinking through the ethical consequences of a decision, an approach and a language for assessing alternatives from a moral perspective. Ethical theories allow municipality officials to be in control when making rational decisions because they are the only officials who are expected to understand their chosen decision. Municipal officials are required to make ethical decisions. From the above discussion, one can conclude that deontological approach may be instrumental in enhancing ethical code of conduct because it prohibits personal decision-

making while encourage compliance and adherence to the rule of law and regulations of the municipality against personal judgement when confronted with a situation of conflict of interest.

Kant is of the view that what gives an action its moral worth is the motive behind it, and not the consequences or outcome of such action (Iwuagwu, 2019:4). On the contrary, for Ross, priority should be given, in this case, to the duty of beneficence, which again in this case is stronger than keeping the promise (Tohăneanu, 2015:111). In other words, in this situation keeping promises can be broken in order to fulfil the more obliging duty of beneficence. A deontological theory is one in which specific moral duties or obligations are seen as self-evident, having intrinsic value in and needing no further justification. As a consequence, municipal officials must be accountable, pursue the public interest, exercise administrative discretion ethically when performing their duties. Public trust on the government depends on the manner these duties are carried out.

According to Amundsen and Pinto (2009:33), it is of implementing their municipal officials. One important characteristic of deontological theory is that it focuses on the duty that a person owes to the law (Maape, 2017:15). The deontological theory is applicable to local public administration ethics, where ethics are mostly controlled from outside by rules and are not internalised by practitioners. Public administration is a social subsystem significantly impacting on the functioning and development of society. With its position, role and competence, public administration directly or indirectly determines the principles of sound business, to which it is also subject. In public administration, work is defined with legality of conduct as its basic principle, but, in addition to this normative regulation, it is important to stress administrative ethics as the regulator and internal activator of the municipal official's conscience. The role of local public administration ethics is viewed in terms of ethical conduct and ethical decision-making. Both are usually influenced by the ethics infrastructures and ethical climates in organizations.

Stare and Klun (2016:147) state that it is important for municipal officials to behave ethically to enhance their expertise, sense of responsibility and objectivity regarding the ethical dimension. In the context of local public administration ethics, municipal officials should adhere to their obligations and duties when analysing an ethical dilemma. A municipal official who follows the deontological theory will produce consistent decisions since they will be based on the individual's duties. The certain acts even if performing them would lead to good consequences. Fraud is wrong by its very nature regardless of the consequences because the main concern is with what people do, not with the consequences of their actions. From the theory of deontology the following can be deduced. If municipal officials adopt a system of ethics in order to absolve themselves of moral responsibility, then they are

reprehensible on almost every count. It is pointless to throw around charges about which system the municipal officials should follow. It is undoubtedly the case that deontologists can each be sincere in believing their system to embody goodness and tolerance.

### **2.6.1.1 Relevance of deontological theory**

Deontological theories have been termed formalistic, because their central principle lies in the conformity of an action to some rule or law. The deontological theory of ethics is also referred to as the non-consequentialist theory of ethics, as this theory is less concerned with the consequences of human behaviour. The deontological theory of ethics is concerned with the matters of principle in human behaviour. This is found to be in resonance with the ethical intelligence imperative in research, more especially Public Administration research (Matshabapala, 2018:298).

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the ethical dimension. In the context of local public administration ethics, municipal officials should adhere to their obligations and duties when analysing an ethical dilemma. A municipal official who follows the deontological theory will produce consistent decisions since they will be based on the individual's duties. The certain acts even if performing them would lead to good consequences. Fraud is wrong by its very nature regardless of the consequences because the main concern is with what people do, not with the consequences of their actions. Being unethical involves going against social or professional expectations of what is right.

## **2.7 LEGISLATIVE AND POLICY FRAMEWORK ON LOCAL PUBLIC ADMINISTRATION ETHICS**

According to Mufamadi (2017:103), legislative framework refers to the process of implementing the law and governing it. This section will further discuss the selected legislative framework which include Republic of South Africa Constitution 1996, Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), Promotion of Access to Information Act 2000 (Act 2 of 2000), The White Paper on Transforming Public Service Delivery (Batho-Pele White Paper of 1997), Local Government Municipal Systems Act, 2000 (Act 32 of 2000), The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and Protection of Personal Information Act, 2013 (Act 04 of 2013).

### **2.7.1 The Constitution of the Republic of South Africa, 1996**

Section 152 (1)(b) of the Constitution of the Republic of South Africa, 1996 stipulates that one of the objects of local government is to ensure the provision of services to communities in a sustainable manner. These initiatives refer to legislation, committees, structures and the efforts of government officials who contribute to the well-being of the country. Section 153 (a) the Constitution of the Republic of South Africa, 1996 mandated municipalities to ensure that all citizens receive quality services they need to satisfy their basic needs. De Bruijn and Dickie (2006:79) indicate that every government, therefore must endeavour to promote the general welfare of its citizens.

Furthermore, Section 32 of the Constitution of the Republic of South Africa, 1996 makes provision for the right of access to information held by the state to facilitate the exercise or protection of any right by citizens. Citizens are therefore accorded the right to access local public administration ethics in an equitable, convenient and cost-effective way. Municipalities are also encouraged to promote community involvement in the affairs of the local government. Section 195 (1)(a) the Constitution of the Republic of South Africa, 1996 stipulated that public administration must be governed by the democratic values and principles enshrined in the

Constitution, including the following principle a high standard of professional ethics must be promoted and maintained. The institution of public administration is obliged to ensure full compliance with a high standard of professional ethics. Section 7(1) the Constitution of the Republic of South Africa, 1996 stipulates that Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

### **2.7.2 Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004)**

According to Section 34 (1) of the Prevention and Combating of Corrupt Activities Act 2004, any person who holds a position of authority (defined in Section 34 (4) of the Act), who knows or ought reasonably to have known or suspected that any other person has committed an offence (of corruption) in terms of Sections 3 to 16 or 20 to 21 of the Act or theft, fraud, extortion, forgery or uttering of a forged document involving an amount of R100 000,00 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official.

The Public Sector Integrity Management Framework (2014:23) mentions that the Prevention and Combating of Corrupt Activities Act 12 of 2004 sets out procedures for investigating measures in respect of corruption and related corrupt activities. In the context of local public administration ethics Prevention and Combating of Corrupt Activities within the local government should be prohibited by the municipal officials. In terms of the Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004, corruption occurs when person A gives person B in position of authority something called “gratification” to influence person B to use his influence to the benefit of person A.

### **2.7.3 Promotion of Access to Information Act, 2000 (Act 2 of 2000)**

The Promotion of Access to Information Act, 2000 gives effect to the constitutional right of the people to have access to any information held by the state, specifically if such information is required for the exercise or protection of any right (Fourie & Opperman, 2011:26). The Act requires those who withhold information to give reasons for their actions and also binds the government institutions to have information available and updated to meet the diverse needs of the people. The right of access to information promotes a culture of transparency and accountability of municipal officials to ensure checks and balances against any abuse of power.

The purpose of Section 32 (1) b of the Constitution of the Republic of South Africa, 1996 is to promote a society in which citizens have access to information and empowers them to

exercise their democratic rights. To this end, municipalities must have information officers who would develop guidelines to assist citizens who ask for information and also makes provision for the grounds for the refusal of access to classified or private information (Van der Walddt, Khalo, Nealer, Phutiagae, Van der Walddt, Van Niekerk & Venter, 2014: 47).

#### **2.7.4 The White Paper on Transforming Public Service Delivery (Batho-Pele White Paper of 1997).**

The White Paper on Transforming Public Service Delivery of 1997 was introduced as a new philosophy of local public administration ethics whose intentions are to ensure that government's institutions provide services effectively, efficiently and economically; that people have the legitimate and constitutional right to receive effective, efficient and economic services; and that people have the legitimate right to demand quality services (Du Toit, Knipe, Van Niekerk, Vander Walddt & Doyle, 2002:108). White Paper on Transforming Public Service Delivery, 1997 gives effect to Batho-Pele principles which are considered guidelines to all levels of the government, including municipalities when introducing service delivery programmes. The purpose of the White Paper on Transforming Public Service Delivery, 1997 is to provide a policy framework and a practical implementation strategy for the transformation of local public administration ethics. The Act is one among policy directives towards high-performance service delivery by acknowledging that a service-focused culture can be achieved through active participation of the wider community.

According to Van der Walddt *et al.*, (2014:124) this is important because municipalities need constant feedback from service users if they are to improve their operations. Batho-Pele is an initiative requiring municipal officials to be service-orientated, to strive for excellence in service delivery and to commit to continuous service delivery improvement. White Paper on Transforming Public Service Delivery 1997 aimed to introduce a fresh approach to service delivery; an approach which puts pressure on systems, procedures, attitudes and behaviour within the Public Service and re-orientates them in the customer's favour, an approach which puts people first. This study discusses Batho Pele principles namely consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money.

##### **2.7.4.1 Consultation**

Consultation, in terms of the White Paper, gives citizens the opportunity to influence decisions about local public administration ethics by providing objective evidence which will determine service delivery priorities. Further, consultation may be a vehicle to promote a more

participative and co-operative relationship between the government and communities. Consultation may be through customer surveys, interviews, consultation groups and meetings. The concept of ubuntu embodies treating people as human beings and with courtesy. More often than not, municipal officials seem not to be aware that it is the citizens that employ and remunerate them. Du Toit *et al.*, (2002:08) indicate that consultation implies that citizens should be involved about the level of the local public administration ethics they receive and wherever possible should be given a choice about the services that are rendered.

According to Callahan (2007:163), consultation is closely related to participation and requires people to be included and treated as equals in decision-making. Municipal officials should be in touch with the citizen they serve, by finding out what services they need and how they would like their services to be delivered as this will enable them to take appropriate steps needed to improve the services given to the citizens. Fox, Bayat and Ferreira (2006:23) assert that consultation must involve both the existing and potential customers and the views of those who have been previously denied access to local public administration ethics should also be attended to. In the same manner, Cohen and Eimicke (2002:260) emphasize the importance of consultation provides valuable feedback to programmes and equally helps to define, monitor quality and recommend improvements. Consultation gives community members the opportunity to influence decisions about local public administration ethics by providing objective evidence, which determines service delivery priorities.

Citizens are treated with contempt and disdain as if they are requesting a favour when they demand that a service be rendered to them. It can be deduced that the local sphere of government can benefit from involving its citizens in issues that affect them. Not only will this exercise promote trust between the two units, but it will also encourage ethical conduct and good governance as municipal officials will be aware that communities are keeping an eye on how they conduct their business. This can also be seen as a mechanism to reduce the number of violent service delivery protests in the country as citizens will understand when government says it cannot provide that particular service at that given time.

According to Mc Laughlin, Osborne and Ferlie (2006:86), consultation requires local authorities to reconnect with the communities they serve by giving local people a bigger say in the way in which councils run services. This can assist to foster a participative and cooperative relationship between municipal officials and users of municipal services. The importance of reporting the results of consultation process to the relevant body should not be ignored. As a way of addressing unethical conduct, results of consultation process should be published within the organisation to ensure that all municipal officials are aware of how their services are perceived by citizens.

Citizens (communities) should be consulted about the level and quality of the public service they receive and, however possible should be given a choice about the services that are offered (Seemela, 2005:30). The principle of consultation requires that municipal officials acknowledge and accept that citizens must always be consulted about the level and quality of the local public administration ethics they will receive. Whenever possible, community member must be given a choice about the services that are offered to them. Citizens should be consulted about the level and quality of the local government services they receive and, wherever possible, should be given a choice about the services that are offered. Consultation will give citizens the opportunity to influence the decisions on local government services, by providing objective evidence that will determine service delivery priorities. It may also foster a more participatory and co-operative relationship between the providers and users of local government services.

According to White Paper on Local Government, 1998 all national and provincial governments must, frequently and methodically, consult its citizens on the services currently being provided and also the provision of new basic services to those communities in need. Mahole (2012:12) states that citizens should be consulted about the level, quality and relevance of the municipal services they receive and should be given a choice about the services that are offered to them. Consultation will give people in the community an opportunity to influence decisions on local public administration ethics.

#### **2.7.4.2 Service standards**

According to Seemela (2005:31), service standards are commitments to provide a specified level and quality of service to individual customers at any given point in time. Citizens should be well informed about the level and quality of services that they will receive because when they are informed, they know what to expect. When municipal officials fail to deliver services in terms of the expected standards, citizens have the right to complain and to demand quality service. It is the responsibility of departments to communicate and to publish standards for the level and quality of services that they are prepared to provide, and this can also involve introducing new services to people who were previously denied access to them (Fox *et al.*, 2006:23).

White Paper on Transforming Public Service Delivery, 1997 service standards must be measurable so that individual users can assess for themselves whether the promised standard was indeed delivered. Citizens should be informed what level and quality of local government services they may expect. Standards for the level and quality of services, including the introduction of new services, should be published. Standards for national services should be set to serve as national base-line standards for nation-wide service delivery. In addition to this

intra-departmental service, standards should be set to serve as minimum norms for internal departmental supporting activities. Standards must be precise and measurable, so that users may judge whether or not they are receiving what was promised. Standards must be set at a level to meet the demand, but must be realistic in terms of available resources.

According to Cohen and Eimicke (2002:259), people should have the right to know what the government is doing since it is its responsibility of keeping the people informed about service delivery. When people are informed about any service delivery, they will be able to hold municipal officials accountable if the promised service is not delivered. If members of the public are not satisfied with service they receive, they can find a way of voicing their views within the democratic political process. This principle requires municipal officials to inform community members about the level and quality of the local public administration ethics they will receive so that they know what to expect. This implies that municipal officials must comply with the quality of services specified that they will provide. If not done, community members have the right to complain and ask for quality services. Municipal officials must in all time work towards providing quality effective and efficient services to the community members. The main aim behind the setting of standards is to measure act, therefore enabling the public to hold national, provincial and local governments to account for their act. Local municipalities set-up standards on the quality of services they will provide (Hungwe, 2017:27). This includes the introduction of new services to those who have previously disadvantaged. In case of services such as health and education, service providers should set standards which will serve as baseline or benchmarks.

#### **2.7.4.3 Access**

Batho Pele seeks to provide a framework for making decisions about delivering local government services within the parameters of the government's Growth, Empowerment and Redistribution (GEAR) strategy (Mahole, 2012:21). Batho Pele principles also aim at correcting the inequalities of distribution within the current services. It is crucial that accurate, up-to-date, easy to understand information concerning services rendered is provided to customers in various forms and languages including catering for the disabled and the blind (Nzimakwe & Mpehle, 2012:283). Citizens have the right to equal access to services and it is the duty of municipal officials to ensure that they do not withhold that right from them (Du Toit *et al.*, 2002:108). Batho-Pele principle of access is also aimed at rectifying inequalities in the distribution of existing services. Citizens who were previously disadvantaged should be given a preferential treatment in terms of service delivery.

It is therefore the responsibility of the municipality to set targets for increasing access to the services for those who were previously disadvantaged and marginalised (Fox *et al.*, 2006:24). Citizens are taxpayers and it therefore remains the sole discretion of a municipality to see that needs are provided effectively and efficiently to them (South Africa, 1997:18). Infrastructure such as roads should also be improved to ensure that rural areas are more accessible. In the context of local public administration ethics Batho-Pele principles of access aim at rectifying inequalities in the distribution of existing services. Access provides community members with the right of equal access to services.

All citizens should have equal access to the services that they are entitled to and have free choice of services (Seemela, 2005:31). All local, provincial and national governments are required to specify and set goals for gradually increasing access to services by the previously disadvantaged. In determining these targets, institutions that promote the interests of the historically underprivileged group, such as the Gender Commission and groups representing the disabled should be consulted. Service delivery programmes should therefore specifically and progressively address the need to dismantle all barriers to access. Municipalities should avail services to the people when needed. Municipal officials may not prevent community members from receiving this right to which they are entitled. Community members have a legitimate right to equal access to services in the municipality.

#### **2.7.4.4 Courtesy**

Du Toit *et al.*, (2002:108) indicate that municipal officials are required to treat all citizens with courtesy and consideration irrespective of their external social status. The standards for the way in which customers as users of services should be treated require municipal officials to be committed to continuous honest and transparent communication with the people (Fox *et al.*, 2006:24). Communicating services, products, information and challenges, must be intensified because they may have a detrimental effect on efficient delivery of services. If this principle is applied well, negative perceptions that citizens might have about the attitude of the public servants may be addressed. In this regard, Mafunisa (2008:69) argues that municipal officials should have skills and competencies regarding treating people with dignity and respect when performing their official duties and functions. Having a welcoming approach, municipal officials who treat the public with respect help to enhance the quality of the interface between a municipality and its public. The principles of Batho Pele require that the behaviour of all municipal officials at the workplace must be to the best of standards. Provincial and national governments must document the ideas for the way in which the public should be treated.

Hungwe (2017:28) argues that, code of conduct for municipal officials issued by the Public service commission, makes it clear that courtesy and regard for the public are the important obligations of municipal officials. The act of municipal officials who are in close contact with community should be regularly monitored and any act that does not meet the required standard should not be tolerated (Fox *et al.*, 2006:24). White Paper on Transforming Public Service Delivery, 1997 states that senior managers have the responsibility of ensuring that the values and behavioural norms of subordinates are consistent with the Batho-Pele principle of courtesy. Senior managers must also lead by example by providing guidance on a regular basis with regard to courteous conduct.

From the above discussion it should be made clear that courtesy and regard for individual dignity is one of the fundamental duties of municipal officials by demanding that municipal officials treat members of the public as 'customers' who are entitled to receive the highest standards of service (Gildenhuys, 2004:55). Standards must be set for the way in which the public must be treated. Courtesy requires municipal officials to treat every citizen with courtesy and consideration irrespective of whether a person appears to be poor or rich or old or young, everyone must be treated with courtesy. Seemela (2005:32) argues that the concept of courtesy goes much wider than asking municipal servants to smile politely and say 'please' and 'thank you', although these courtesies are certainly required. Courtesy principle is one of the fundamental duties of municipal officials; it specifies that public servants should treat members of the public as customers who are entitled to receive the highest standards of service.

#### **2.7.4.5 Information**

Information is one of the most powerful tools at the public's disposal in exercising its right to good service delivery (Gildenhuys, 2004:56). Government institutions must provide full, accurate and up-to-date information about their activities. The consultation process should be used to find out what the public wants to know and then to work out where and when the information can best be provided. Information should be provided in a variety of media and languages to meet the differing needs of different customers. Municipal officials must provide community members with full and accurate information about the local public administration ethics that they are entitled to receive. This also implies that community members have the right to be informed about why standards have dropped and when services will be up to standard again.

The rationale of this principle is that should the promised standard of service drop for whatever reason, people should be informed why this happened, and when the situation will be

addressed (Du Toit *et al.*, 2002:108). Information about services should be at the point of delivery, but for service users who are far from the point of delivery, alternative arrangements should be devised. Municipal officials must have accurate information since they have the duty to keep the public informed (Cohen & Eimicke, 2002:237). Informed citizens participate actively in activities of the municipality including public policy making. Information is one of the most powerful tools that the public can use as far as exercising their right to good service is concerned. The local, provincial and national governments must ensure the provision of complete, precise and timely information not the services they provide. The governments must also state who is entitled to receive those services.

The citizens have a right to be given full and accurate information about local government services they are entitled to receive. Since municipalities are the lowest level of government and the closest system of government to citizens, they serve an educative role by informing citizens at local government about local public administration ethics. Information can be provided in a variety of media and languages to address the differing needs of different customers (Fox *et al.*, 2006:24). White Paper on Transforming Public Service Delivery, 1997 indicates that this must be done actively to ensure that information is accessed by all those who need it, especially those who have been previously excluded. Municipal officials should also make regular visits to remote communities to disseminate information. Municipalities should also educate or inform citizens on what is expected of them in terms of the environment, pollution, by-laws, and the need for payment of essential services, as well as how to respect the residential rights of others. When people are better informed, it becomes easier for them to access local public administration ethics. Municipal officials should be encouraged to spend extra time with people who need better information regarding the local public administration ethics to ensure that they access the services themselves.

#### **2.7.4.6 Openness and transparency**

Openness and transparency are fundamentals of a democratic government and the fundamentals of the municipal services transformation process (Hungwe, 2017:29). In terms of local government services delivery, the significance lies in the need to build trust and confidence between the local government and its citizens. The principle of openness and transparency encourages that the public should know about the way the national, provincial and local government institutions operate, how well they utilise the resources they consume, and who is in charge (Fox *et al.*, 2006:24). Municipalities are encouraged to be open and honest about all aspects of their work and this can be achieved by publishing an annual report to inform people on issues related to how resources were utilised, and the costs involved in equipment delivery, services and remuneration of staff.

Openness as a critical value for good governance also limits obstacles to the expression of dissent (Parnell, Pieterse, Swilling & Wooldridge, 2002:33). The implementation of the principle of openness and transparency encourages people to make suggestions for improvement of service delivery mechanisms, and to even make government employees accountable by raising queries with them. Citizens should be informed of the way in which municipalities are run and about who the people in charge are, how well they perform, how much public services cost and the resources that are consumed (Seemela, 2005:32).

Transparency enhances confidence and trust by people in government operations (Callanan, 2007:203). These events can also provide the institution with an opportunity to advertise the services they offer to citizens White Paper on Transforming Public Service Delivery, 1997 reinforcing the fact that the municipality must be run as an open book. Seema (2005:32) posits that municipal officials, particular on senior level, should at all times be available for perusal. The above statement requires municipal officials to tell citizens how national and provincial governments are run, how much it costs to run them, and who is responsible for running the departments. Openness and transparency are the hallmarks of a democratic government and are fundamental to the public service transformation process (South Africa, 1997:21). Municipal administration must be open for public inspection. Municipal staff, particular on senior level, should at all times be available for inspection and reports to citizens must be publicised widely and submitted to legislators. It can also be stated that openness and transparency on both the side of the communities and that of the local sphere of government is vital. The need for the human element in all dealings of the local sphere of government with people cannot be over-emphasised.

#### **2.7.4.7 Redress**

According to Mufamadi (2017:76), the image of the municipality is built on its ability to deliver what people expect and to achieve the intended objective of quality service delivery, the municipal officials must be trained to deal with complaints in a friendly and helpful manner. As a way of remedying mistakes and failures municipal officials must apologise to people and explain the possible solution they are offering to the problem (Du Toit & Van Der Waldt, 2007:85). When people complain, they should receive a sympathetic, quick and a positive response. Singo (2018:61) maintains that the public or customers are supposed to get feedback from any complaint or dissatisfaction raised as a concern.

The above statements require municipal officials to welcome complaints and opportunity to improve service and to deal with them to ensure that discrepancies are addressed for the good of the people. The significance of this principle is based on the need to identify quickly

and accurately when services are falling below the promised standard and to have mechanisms in place to remedy the situation. If the promised service is not delivered or delivered not to the agreed standards of the citizens, an explanation and apology must be given. The service providers must also come up with a speedy and effective remedy to mitigate the problem. Several institutions have been provided for by the Constitution of the Republic of South Africa, 1996. These include the Human Rights Commission the Public Protector and Auditor General.

The above-mentioned institutions have been established to serve and to protect the public from impropriety and maladministration by governments. In terms of the principle of redress, municipal officials must realise and understand that if the promised standards of services are not delivered, they must explain why services are not delivered, and they must explain why the services are below standard. Gildenhuy and Knipe (2013:132) confirm that if the promised standards of service are not delivered, citizens should be offered an apology, and a full explanation for not being responsive to their demands given. Redress principle recommends for the remedying of mistakes and failures as perceived by the public. Municipal officials must also apologise to citizens and promise them a speedy and effective remedy. The capacity and willingness to act when things go wrong is the necessary counterpart of the standard setting process. It is also an important constitutional principle. There are several institutions, such as the Public Protector, the Human Rights Commission and the Auditor-General, which serve to protect the public from maladministration and impropriety by government departments. However, such institutions should be seen as last resorts by citizens after exhausting other remedies; they are not substitutes for swift, effective action by government departments to correct any wrong or failure.

#### **2.7.4.8 Value for money**

Hemson and Roberts (2008:12) state that Batho-Pele was adopted as a framework to establish an innovative service delivery ethics in the municipality which are consistent with the constitutional provisions of promoting efficiency and effectiveness in the use of public resources in a way that is development-oriented and responsive to the basic needs of the people. The principle of value for money requires efficient, effective and economic service delivery and therefore services which people receive should be of real value for money paid for them (Du Toit *et al.*, 2002:109). The Batho-Pele principle of value for money requires public institutions to employ creative ways to eliminate wasteful expenditure and inefficiency (Public Service Commission, 2007:5).

Municipal officials are encouraged to priorities the use of resources of the state and to promote careful spending by various departments to ensure effectiveness and efficiency in service delivery. Mahole (2012: 24) states that Batho Pele principles commit all municipal officials to quality service delivery to setting of and striving for international recognized service standards and to honest and transparent communication with the country's citizens. Government should become cost effective by reducing expenditure and eliminating waste and inefficiency (Nzimakwe & Mpehle, 2012:283). This involves an assessment of service performance with an aim of enhancing quality service to the people (Bovaid & Loffler, 2003:151).

The Batho Pele White Paper of 1997 (Notice no 1459 of 1997) notes that the development of a service-oriented culture requires the active participation of the wider community. Municipalities need constant feedback from service-users if they are to improve their operations. Municipal officials should be encouraged not to waste scarce resources of government by delivering services that are as cost-effective and efficient as possible. Municipal officials have the responsibility to look for ways to save money for the quality of service delivered to people. Municipal officials must provide services being equal to what is paid for them by community members. In terms of this principle, community members can demand that they receive value for the money they pay for services. Municipal officials therefore have a responsibility to provide services economically and efficiently to give citizens the best possible value for money.

#### **2.7.5 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**

The Local Government Municipal Systems Act 32 of 2000 is primarily concerned as stated with the regulation of internal processes and systems, such as planning, performance management and human resource development, in municipalities. Section 195 (1) a of the Constitution of the Republic of South Africa, 1996 states that municipalities must promote basic principles and values of public administration as per Section 195 of the Constitution. Community participation in South Africa has declined in terms of the interface between municipalities and communities (Sithole & Mathonsi, 2015:21). Citizens are of the opinion that municipal decisions do not respond adequately to the needs and values of the communities, especially the poor and disadvantaged sectors; to the extent that planning, including the budgets and Integrated Development Plans are not reflective of the needs of the community (Madzivhandila & Maloka, 2014:655).

Maloba (2015:54) cited that participation in the sense of good governance suggest that the task of running public affairs is not the sole responsibility of the government and public administration, but it is also ensured to co-operation between the state, civil society and the

institutions. Alexander (2012:2) has described South Africa as the protest capital of the world. The study by Lolwana (2016:8) also concludes that service delivery protests have been increasing and becoming more violent. Section 51 (a) of the local government: municipal systems Act, 2000 indicates that a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to be responsive to the needs of the local community. Communities feel alienated and disconnected from decision-making processes and disempowered to influence municipalities (Beyers, 2016:175).

Section 70 (1)(a) of the Local Government: Municipal Systems Act, 2000 indicates that the municipal manager of a municipality must provide a copy of the Code of Conduct to every member of the staff of the municipality. The code of conduct is a set of principles based upon the core values of the institution, which govern the behaviour of municipal officials (Malan & Smit, 2001:175). A code of conduct should go a long way in providing a suitable climate for an ethical culture to thrive and promote a professional ethos among municipal officials at all levels. The code of conduct contributes to developing ethics and accountability in the municipality which encourages municipal officials to perform their duties effectively and efficiently (Mafunisa, 2008:29). However, the code of conduct only becomes meaningful if there are measures to enforce it to provide for sanctions as well as disciplinary activities. Written codes of conduct for municipal councillors and staff members are provided for in Schedule 1 and 2 in Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

#### **2.7.6 The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)**

The Municipal Finance Management Act, 2003 (Act 56 of 2003) was promulgated with the objective to secure the sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; and to establish treasury norms and standards for the local sphere of government. Once again, the importance of the views of the community in the financial and non-financial affairs of their local government is highlighted. From the information provided in the Municipal Finance Management Act, 2003 (Act 56 of 2003), it is clear that the act does not expect the municipality to work in silos but to involve everybody who is affected by the financial decisions taken by the municipality.

In terms of the Local Government: Municipal Finance Management Act, 2003 (56 of 2003) MFMA aims to modernise budget, accounting and financial management practices by placing local government finances on a sustainable footing in order to maximise the capacity of municipalities to deliver services to communities. The accounting officer of a municipality must

administer all the municipality's bank accounts, including a bank account referred to in Section 13 or 48 (2)(d). Van Niekerk (2012:66) states that public institutions such as municipalities should address challenges and constraints in order to improve financial management, risk management as well as internal control responsibilities.

Meyer, Meyer and Kot (2017:426) state that the statutory framework for public financial and risk management in South Africa includes a vast number of legislation and public policies that have a direct impact on the way in which financial and risk management is dealt with in the different spheres of government. For internal control systems, Section 165 of MFMA 56 of 2003 stipulates that each municipal entity must have an internal audit unit. Therefore, municipalities have to adopt new control mechanisms including internal control measures for the management of public finances.

### **2.7.7 Protection of Personal Information Act, 2013 (Act 04 of 2013)**

The Protection of Personal Information Act (POPIA) legislation defines personal data and information as any information that enables a user of the information to identify the data subject which could be a natural or juristic person (POPIA, 2013:14). In terms of Section 114 (1) of the Protection of Personal Information Act, 2013 (Act 4 of 2013), all processing of personal information must within one year after the commencement of this section be made to conform to this Act. The Protection of Personal Information Act 4 of 2013 aims to promote the protection of personal information processed by public and private bodies. A data subject who wishes to object to the processing of personal information in terms of Section 11(3)(a) of the Protection of Personal Information Act 4 of 2013, must submit the objection to the responsible party.

The POPIA protects the privacy rights determined by Section 14 (d) of the South African Constitution that specifies that everyone has the right to privacy which includes the privacy of their communications infringed. Municipal officials use their computers and mobile phones nearly every day, inadvertently leaving comprehensive digital footprints behind. Municipalities may not utilise an individual's data unless they obtain permission from that to use the data and unless the individual has been offered some value for the received data. Additionally, further consent is required if any of the given information needs to be forwarded to any third parties.

### **2.7.8 Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**

The objective of the Municipal Structures Act, 1998 (Act 117 of 1998) is to provide for the establishment of municipalities in accordance with the requirements relating to categories and

types of municipalities; to establish criteria for determining the category of municipality to be established in an area; to define the types of municipality that may be established within each category; to provide for an appropriate division of functions and powers between categories of municipalities; to regulate the internal systems, structures and office-bearers of municipalities; to provide for appropriate electoral systems; and to provide for matters in connection therewith. Section 8-10 of the Municipal Structures Act, 1998 (Act 117 of 1998) provides for the establishment of three categories of municipalities in South Africa namely: Category A, Category B and Category C. Category A municipalities are metropolitans, Category B are local municipalities and Category C are District municipalities. Mopani District Municipality is a Category D municipality. Section 18(1) of the Municipal Structures Act, 1998 (Act 117 of 1998) indicates that each municipality must have a municipal council. Local government objectives set out in Section 152(1) of the Constitution of the Republic of South Africa, 1996 are as follows:

- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment and
- To encourage the involvement of communities and community organisations in the matters of local government

From the information provided above it is clear that the Municipal Structures Act, 1998 (Act 117 of 1998) is concerned about effective and efficient service delivery as it requires municipal councils to work closely with the community through ward committees to ensure that citizens' needs are met.

## **2.8 ETHICS EDUCATION AND TRAINING IN THE MUNICIPALITIES**

South African government has developed world-class legislative frameworks to promote and enforce ethical behaviours, education and training remains one of the most important mechanisms in the fight against corruption (Manyaka & Sebola, 2013:81). Education and training are essential to ensure that municipal officials act ethically, knowing they have organizational support. The OECD (2009:47) also posits that training is one of the most often used and advertised instrument of integrity management. Disoloane (2012:114) argues that training in ethics will eliminate or, at the minimal, reduce corruption and unethical conduct in local government if it is implemented correctly. If implemented correctly, education and training can provide employees with a common understanding of the required code of conduct and assist employees to deal with ethical dilemmas. To ensure that employees manifest exemplary

behaviour, it is important for them to be educated and trained so that they are able to distinguish between right and wrong, and between ethical and unethical conduct.

Municipal officials should be provided with training in the foundations of local public administration ethics which include constitutional supremacy, public accountability, and respect of societal values, democratic values, efficiency and effectiveness as well as transparency. The improvement of employees' skills and performance, through quality employee training and development, will lead to improved performance by municipal employees (Mpfu & Hlatywayo, 2015:134). The aim of ethics education should be to allow municipal officials to claim ownership of his or her ethical principles and dispositions.

From the point of view of the organisation, ethics education and training will clearly provide opportunities that go far beyond what is of functional necessity. It is important for municipal managers to manage education and training on local public administration ethics in municipalities so that it adapts to changing dimensions of municipal government and administration. A professional person has mastered a body of knowledge and acquired operational skills through specialised education enriched by career experience (LGSETA, 2020:65). Municipal officials can be taught about the work values and habits, but they must adopt the insights for themselves and incorporate them into their value systems. Training and education of municipal officials and councillors in accountability issues lead to the greater supply and demand of accountability.

Similarly, education and training of elected councillors lead to a greater demand among politicians for accountability from the officials under their hierarchical control in executing public programmes. In-service training in ethical norms and standards must be provided if ethical actions are expected from municipal functionaries and councillors. The aim of ethics education should be to allow municipal official to claim ownership of his or her ethical principles and dispositions. Training of employees to handle the project in municipalities is, however, paramount. It requires that such employees be of impeccable character and be above reproach as there may be temptations, for example, offers of bribery by culprits.

Mafunisa (2000:5) argues that lack of ethics education and training is a deterrent for the accomplishment of both efficacy and effectiveness in public service delivery, particularly because a productive organisation is determined and measured in terms of whether it is able to deliver services that are responsive to community needs. The establishment of the Office of Standards and Compliance is provided for in terms of Section 17(1) of the Public Administration Act, 2014. The Office ensures compliance with minimum norms and standards set by the Minister, but also being cognisant of the fact that in South Africa, spheres of

government are distinctive, interdependent, and interrelated (South Africa (Republic), 2014:18).

In South African public administration, the ethics office/unit is provided for in Section 15(1) of the Public Administration Act (Act No 11 of 2014) which codifies the establishment of a Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit. Section 15(4)(a-f) provides for the functions of such a Unit (South Africa, (Republic), 2014). In terms of section 15(7)(c) the Unit performs functions contemplated in subsection (4) in respect of - a municipality. This is not to suggest that organisations ought to seek to control the process of ethics education. From the point of view of the organisation, ethics education will clearly provide opportunities that go far beyond what is of functional necessity. However, municipalities that are serious in their endeavours to foster sound ethical conduct will take the extra step. It also avoids the use of case studies which does not facilitate extrapolation to other circumstances, thus does not facilitate the learning of principles that underline different situations.

Government must instil municipal service values through education, training and enforcement in order to deal with unethical practices (Khalo, 2013:582). Rather, this approach effectively applies practical principles in a systematic, teachable manner to local public administration ethics topics such as the legitimacy and limitation of discretion, the need for accountable government and administration, and the place of politics and political interference in public management. It is important for managers to manage training in municipalities so that it adapts to changing dimensions of municipal and administration. In order to gain and keep public trust, municipalities must ensure the prevalence of accountability, integrity and ethical conduct when delivering municipal services in order to promote good governance (Pretorius, 2017:184). Municipal officials can be taught about the work values and habits, but they must adopt the insights for themselves and incorporate them into their value systems.

This could be viewed as a pre-condition for the development of an ethos conducive to the promotion of professionalism in municipal administration. While there is a promotion of professionalism in municipal administration and a steadfast value system, the institutional mechanisms that exist in South Africa can assist in combating unethical conduct. Municipal officials are involved in scandals involving unethical conduct and therefore, emphasis needs to be placed on ethics education and training (Manyaka & Sebola, 2013:80). In order to avoid any confusion between education and training, it is important as a point of departure to distinguish them because both are different facets of learning. Education is used to acquire a mind-set which is not correctly owned or to deepen a mind-set already possessed. Education

includes training in skills and knowledge of the discipline, but they go further to develop thinking abilities, attitudes and behaviour patterns that might be classified as a mind-set.

Disoloane (2012:980) asserts that ethics training refers to those processes and experiences, which are designed to impact knowledge, understanding, and skills to municipal officials in order that they may share in the duty of maintaining organisational ethos. The public service is characterised by high levels of inefficiency particularly when judged in terms of the ability to render quality services that are responsive to the needs of the people (Mafunisa, 2008:33). Inefficiency and ineffectiveness in the local public administration ethics is partly attributed to a lack of relevant education and training in the municipal officials and therefore ethics training and education should be offered to enhance performance. Complete education and training local public administration ethics activities can address many of weaknesses within municipalities such as corruption. Programmes of training should include prohibitions concerning the misuse of public funds for personal gain or regulations and procedures which govern the actions of municipal officials regarding reasonable and fair actions towards both the colleagues and the public.

## **2.9 CODES OF ETHICS VERSUS CODES OF CONDUCT IN THE LOCAL GOVERNMENT**

The development of a code of ethics can be a tangible sign that an organization is thinking about business ethics and work ethics. Codes of ethics and codes of conduct are found everywhere in government and the state, within Non-Governmental Organisations (NGOs), in professional associations, and in large conglomerates involved in international business dealings (Wood & Rimmerm, 2003:181). One of the main reasons these codes must exist is that they encourage a certain work ethic and encourage politicians and officials within government to behave in an ethical way (Disoloane, 2012:43). According to the National Democratic Institute (NDI), the major difference between codes of conduct and codes of ethics is that the content of codes of conduct is fairly general, while the content of codes of ethics is fairly specific (Stapenhurst & Pelizzo, 2004:6).

The above statement, underlines that, unlike codes of ethics that dictate expected behaviour in detail, codes of conduct are basic documents written in easily understood language that sets forth broad goals and objectives that legislators seek to achieve. The content of codes of conduct is general and their nature aspirational, while the content of codes of ethics is specific and their nature prescriptive (Disoloane, 2012:44). For example, South African codes of conduct provide a framework for identifying conduct that is ethical and acceptable for the employee and officials, and the codes of ethics outline that officials and politicians must be

aware of the basic values cherished by the national government and the Constitution of the Republic of South Africa, 1996.

From the above discussion, it can be deduced that codes of ethics focus on appropriate behaviours and must be responsive to day-to-day conditions. This means that a code of ethics must contain the ethical standard to which an organisation commits itself, both as a municipality and in respect of municipal officials conditioned by members of that municipality. On the other hand, a code of conduct does not attempt to deal with possible circumstances in which various principles appear. Rather it deals with principles which municipal officials and councillors consider warrant specific articulation. Codes are therefore seen as a guide to both present and future behaviours and specify corporate ethical values and the responsibilities of employees to one another and other organizational stakeholders (Kaptein and Schwartz, 2008). Codes of conduct are more concrete and practical than ethics codes for they represent executive orders or legislatively defined and enforceable behavioural standards with sanction for violation. The citizen looks to the leaders as the role models, whether such leaders are politicians in the municipality or managers in the municipalities.

### **2.9.1 Various descriptions of the code of conduct**

Accordingly, the literature reveals a broad range of contents in codes of conduct, such as general values (e.g. transparency, honesty, and fairness), more business-specific issues (confidentiality, customer orientation, and responsibility towards all stakeholders) as well as legal and technical compliance issues (Gaumnitz & Lere, 2002:35). These codes include both descriptions of these values or issues and concrete prescriptions of conduct, such as how to deal with corporate equipment or situations of bribery. Consequently, these codes of conduct cover general values such as integrity and honesty, democratic values such as rule of law and neutrality, professional values such as effectiveness and quality, and people-related values such as caring.

A code of ethics reflects an organization's standards and establishes realistic modes of behaviour that apply to everyone in the organization. Schwartz (2004:324) highlights the fact that codes can be referred to as codes of ethics, codes of practice, credos, mission statements or value statements. Kaptein and Schwartz (2008:112) indicate that as a result of the use of different names to describe either codes or codes of ethics, there is confusion as to the distinction, nature and purpose of codes and codes of ethics. Wood and Rimmer (2003:183) mention various types of descriptions of codes of ethics and conduct. The above statement indicates the fact that the code of ethics is about the values of an organisation, whilst the code of conduct is a set of practical guidelines that puts values into practice. Other organisations

use a document with a combination of codes of ethics and conduct, whilst others have a code of conduct without a code of ethics or a code of ethics without a code of conduct. One can say that these codes of conduct are serving the purpose in the sense that they guide municipal officials on how they should conduct themselves in their day-to-day business. Although some of the municipal officials do not follow such code of as they should.

### **2.9.2 Aspirational versus directional codes of conduct**

A local public administration code of ethics sets out broad principles of integrity, accountability, responsibility and trustworthiness. A code of conduct is a distinct and formal document containing a set of prescriptions developed by and for (an organization) to guide present and future behaviour on multiple issues of at least managers and employees toward one another, the company, external stakeholders, and/or society in general (Kaptein and Schwartz, 2008:113). The code of ethics is not aimed at how these principles or core values are enforced in practice (Whitton, 2001:3). The nature and extent of application of codes also vary. Codes can be inspirational in that they describe in a short statement the key values of an organisation. These are usually referred to as credos (Schwartz, 2004:324). While some codes describe standards of behaviour, others can be ethical and highlight the expected ethical principles (Skubik & Stening, 2009:516). Furthermore, the employee becomes constrained and unable to apply themselves without fear (Whitton, 2001:4).

The Organization for Economic Co-operation and Development (OECD, 2009:35) promotes a combination of approaches. The disadvantage of relying on aspirational codes of ethics is that it makes it very difficult to charge an employee for the violation of generally broad ethical principles. Values are subjective and open to various interpretations. Equally so, when a code is directional and clearly specifies prohibited behaviour, the likelihood of it omitting other forms of misconduct is possible. Code of ethics enforces those ethical principles that cannot be debated or provides for standards that employees can aspire to. It can also be educational in that the code does not set rules or standards but allows the employee to decide. The existing studies reveal a positive impact of codes of conduct on ethical perceptions, such as awareness and understanding of ethical issues, support for ethical behaviours, perceived freedom to behave ethically, and actual ethical behaviour (Stevens, Steensma, Harrison & Cochran, 2005:181).

Moreover, codes of conduct Public Management Review relate positively to ethical behaviour towards different stakeholder groups (McKinney, Emerson & Neubert, 2010:505), and also increase cooperation while reducing free-riding behaviour in teams (Lauer, Rockenbach & Walgenbach, 2008:183). However, other studies reveal no or little positive impacts of codes

of conduct (Brief, Dukerich, Brown & Brett, 1996:183). On the other hand, Kaptein and Schwartz (2008:111) opined that a review of empirical studies indicates mixed results. Additionally, these findings cannot simply be transferred to public sector organizations because of the notable differences between public and private sector organizations in terms of prevailing values, goals, and management practices (Heres & Lasthuizen, 2012:441). Hence, the impact of codes of conduct on employee attitudes and behaviour in public administration needs further investigation. The findings on codes of ethics and organizational commitment are mixed. Some studies have demonstrated that organizations with strong ethical values are more likely to benefit from having more committed employees (Bline, Cullinan & Farrar, 2015:67). Some studies also argue that codes of ethics may not have any influence on organizational commitment (Uygur, 2009:211), and yet others identify a weak link between codes of ethics and organizational commitment (Stevens *et al.*, 2005: 195).

## **2.10 FACTORS CONTRIBUTING TO MUNICIPAL SERVICE DELIVERY PROTESTS**

The following are factors that contribute to municipal service delivery protests will be discussed namely; dissatisfaction with service delivery, unemployment and service delivery, corruption and nepotism, political instability and unfulfilled promises, lack of access to information and lack of participatory democracy.

### **2.10.1 Dissatisfaction with service delivery**

Section 9 (1) of the Constitution of Republic of South Africa 1996, states that everyone is equal before the eye of law and has the right to equal protection and benefit of law. Unemployment (officially at around 34.90%), high levels of poverty, poor infrastructure, and the lack of houses add to the growing dissatisfaction (StatsSA, 2021). According to Akinboade, Mokwena and Kinck (2013:2) community dissatisfaction with municipal service delivery in South African municipalities has started to experience a rash of service delivery protests in recent years. According to Governder (2016:9) such protests are an indication that the municipality is failing, both in terms of access and quality of services delivered to its people.

Akinboade *et al.*, (2013:462) argue that service delivery dissatisfaction and protests at the local level is a result of local government inefficiencies to provide adequate service delivery which can in many instances be explained by a lack of effective public participation. Communities feel alienated and disconnected from decision-making processes and disempowered to influence municipalities (Beyers, 2016:175). The relationships between communities and local government officials must be strengthened to address particular shortcomings prevalent in current public participation structures (Masiya, Davids and Mazenda, 2019:34). On the other hand, Matebesi & Botes (2017:84) as well as Mbuyisa

(2013:122) assert that the ever-increasing service delivery protests reflect the extent to which formal institutional channels for citizen engagement has failed.

The recent municipal service protests are reflected as a source of conflict when local government officials allegedly failed to discharge their duties and have abused public trust. On several occasions local Councillors are constantly confronted with grievances from community members due to their failure to discharge duties in a responsible manner (Matsiliza, 2013:108). The South African government is unable to cope with the escalating needs and demands of basic needs like water, housing, sanitation, safety and roads construction and maintenance, electricity in urban and rural areas. It can be concluded that, some communities in South Africa are full of despair, claiming that municipal officials are failing to address the imbalances created by the apartheid government.

### **2.10.2 Unemployment and poverty**

Allen and Thomas (1992:56) explain that unemployment means being without work or working without being paid. According to Nematili (2006:8), unemployment is seen as a lack of job opportunities for graduates and matriculates. Unemployment rate which is officially at around 34.4%, high levels of poverty, poor infrastructures such as road, health facilities and lack of houses (StatsSA, 2021). Some view the level of unemployment and its rise as the most serious threat facing South African society and its governance (Kingdon & Knight, 2004:391). Unemployment is a matter of critical concern because of its effects on economic welfare, production, poverty, crime, erosion of human capital, social exclusion and social instability such as protests.

According to Mamabolo (2015:143), high rate of poverty and joblessness in South Africa is a contributing factor towards xenophobic attack, protests and crimes. This is the reason why people are angry at the government as they are blaming the local government in all these problems. Dassah (2012:10) shares the same sentiment that a major factor in the protests is poverty, with its accompanying socio-economic conditions and unemployment. These problems pose a difficult obstacle to good provision and sustainable development. Chikulo (2016:54) states that there are claims that the protests against poor service delivery are strengthened by the growing inequality and poverty in South African societies.

### **2.10.3 Corruption and nepotism**

According to Mhango and Chirwa (2018:5), corruption is a common appearance of poor governance in most developing countries. Poor accountability within the municipality is one of the factors which influences service delivery demonstration by community members within the jurisdiction of the municipality. Corruption and other unethical conduct such as nepotism by

municipal officials have been the driving factors toward service delivery protests and in most cases, this has led to community member going on strike or protest for better and sufficient service delivery. Community participates in violent basic service delivery protests due to hopelessness and road barricade and vandalism are the nature of criminality associated with service delivery protests in the municipalities.

Kroukamp (2006:208) points out that the causes of corruption in South Africa are contextually rooted in the bureaucratic traditions, political development, and social history of the country. Municipal officials and politicians are expected to show respect and Ubuntu when interacting with members of the public (Matshabaphala, 2015:500). Ramutsheli and Van Rensburg (2015:10) state that business practices within local government do not promote ethical practices, especially during recruitment processes, which leaves room for acts of nepotism and favouritism.

#### **2.10.4 Political instability and unfulfilled promises**

The protests had not only been about houses, water, and toilets, electricity and other infrastructures, but also about the political process. At the municipal level, protesters had regularly complained about the unresponsiveness of municipal officials. With this statement, it is clear that there is a problem with politicians who do not listen to protesters (Twala, 2014:163). Furthermore, service delivery discontent is influenced by a number of factors including inequality, unfulfilled political promises and uneven access to services. Frustration is compounded by the lack of responsiveness by municipal officials as well as limited or unclear channels of communication, provision of substandard services and high levels of poverty (Masiya, Davids & Mangai, 2019:38). The Department of Cooperative Governance, Human Settlement and Traditional Affairs (2014:8) also support that there is political infighting occurring in certain municipalities in South Africa, which undermined the provision of service delivery and development. Lolwana (2016:8) also concludes that service delivery protests have been increasing and becoming more violent.

#### **2.10.5 Lack of access to information**

According to the Constitution of Republic of South Africa 1996, Section 32 (1)(a), anyone has the right to access to any information held by the state, unless the information is classified. Everyone has the right to access to information such as legislation, economic and social opportunities within their area of jurisdiction. Besides, Batho Pele Principles 1997, also puts emphasis on access to information as an individual right as illustrated in the Bill of Rights. Mathebula (2017:108) believes that this right must be conferred by the government. Failure

by the government to provide access to information or other basic services has resulted in the public revolting through protests.

In this chapter, the researcher believes that indeed lack of access to information is also a contributing factor behind service delivery protests within Mopani District Municipality. Lack of communication between the municipalities and the communities may lead to unexpected protests. Despite media and other forms of communication tools, communication is still a pandemic issue which needs to be resolved and improved. It can be concluded that the effects of service delivery protests are more damaging hence the need to understand the causes of such protests is vital before attempting to resolve them.

#### **2.10.6 Lack of participatory democracy**

Service delivery protests originated during the apartheid era in South Africa as they were used as strategies to express dissatisfaction with the lack of services as well as target ethnically based structures. There is a firm belief in local communities in South Africa that 'voting helps and protest works' when deciding on a proposed course of action in terms of highlighting service delivery deficiencies at the local level (Alexander, 2010:29). Section 16 sub-section (1) of the Municipal Systems Act (2000) requires a municipality to develop a culture of municipal governance that complements formal representative government with a system of participatory governance. Municipal councils must encourage the involvement of the local community in the decisions that directly affect them. Managa (2012:4) indicated that protesters mostly express discontent and frustrations for being excluded from local government decision-making.

Booyesen (2007:25) affirms that the right of public participation in the governance process is a constitutional obligation and protected by various policy frameworks governing local governments. Community involvement is meant to provide information and improve public decisions, programmes and projects. Without a doubt, public participation is both a constitutional and legal prerequisite (Tsatsire, 2008:166). Therefore, participatory democracy is a great challenge for democratic South Africa due to inadequate knowledge of citizens about political operation locally and internationally. According to Modise (2017:2), service delivery protests and marches are a clear indication that participatory democracy is a great challenge in democratic South Africa and as a result poor public participation leads to underdevelopment of local government. In this context, the protests at the local level can be viewed as the indigent and marginalised rebelling and at the same time attempting to initiate social change at the grassroots level in terms of improving their lives.

## **2.11 POLITICAL EDUCATION FOR GOOD GOVERNANCE**

The concepts of political education and good governance put emphasis on the need for liberation of psychological capacity which contributes to a major significance for power. The old saying knowledge is power, is an embodiment of education, training and development and professionalism. These can be obtained through formal education. The South African government and the African National Congress (ANC) have embarked on initiatives intended for political education in its constituencies and branches. The National School of Government (NSG) is established to set the norms and standards for public service education and development while the political school is intended for political education. Maserumule and Mathebula (2015:431) contend that broad-based education, training and development approaches should not only be in teaching methodologies but also in the content that is taught. Political deployment tends to produce relatively inexperienced and uneducated political leaders and municipal officials.

Inexperienced political leaders resulted in the collapse of service delivery, economic crises, and human suffering due to the demanding environment which is multifaceted and multidimensional with unique characteristics and diverse perspectives that need different approaches and strategies. The unresponsive, lack of accountability, professionalism and good ethics is not an environment conducive to good governance. To hold political office bearers and municipal officials accountable is a technical process of policy monitoring based on reliable statistics and a political process of empowering both politicians and public officials. Public accountability has direct and indirect significance for governance and is critical because of the need for fair and full accountability from authorities. Improving responsiveness, accountability, professionalism and good ethics requires an oversight of the public sector at the highest political echelon such as a Minister and its agencies and of the governance infrastructure in all spheres of government. A responsive, transparent, and accountable municipality will develop a strategy taking an advantage of its proximity to community to provide service with the primary objective to eradicate poverty within the context of community development and empowerment. The development of a responsive, transparent and accountable IDP will require good transformative and pragmatic leadership within the municipality.

## **2.12 SERVICE DELIVERY AND THE PUBLIC**

Because people were prepared to live in close proximity of each other and were willing to be subjected to a form of governing body, it rises to service delivery. One should identify whether there are any basic criteria that guide the identification of the needs that the delivery of services must satisfy. Government is expected to render certain products and/or services to society.

Municipalities are at the level of government that is closest to the communities and they make decisions on, and have legislative powers over, matters relating to service delivery. Therefore, municipalities are expected to render services to society, because individuals cannot meet all of their own needs (Van der Elst, 2003: 142). As communities grew and became more sophisticated, so their need for more and better services increased. It became increasingly difficult for some of their needs to be met. According to Du Toit and Van der Waldt (1999: 24), this problem stemmed from the increased restrictions placed on growing communities with more needs to satisfy and from trying to maintain an orderly community.

In order to deliver the services that a society requires to maintain and improve its welfare, municipalities, together with other structures must be organised in such a way that their staff is supported to deliver the services it is responsible for (Du Toit *et al.*, 2001: 90). Conversely, this cycle may undermine good governance when it reverses because a decrease in public trust could inhibit participation, which, in turn, could weaken participatory democracy and potentially lead to a decrease in transparency and accountability (Jakoet-Salie, 2018: 65). Performance management in municipalities is a legitimate concern for politicians and municipal officials at all levels of government. Local government, of which the municipalities is part of, is the level of government which is directly involved with service delivery. Unfortunately, the quality of service delivery which is critical is damaged by the prevalence of unethical behaviour. Some of the unethical behaviour which are prevalent in rural based municipalities includes: failure to separate politics from administration, irregularities in tender, hiring processes, supply poor services to the community using low quality materials.

Municipalities are recognised in the Constitution of the Republic of South Africa, 1996 and subsequent legislation as independent spheres of government. It is in the public interest to ensure that municipalities perform their assigned roles efficiently and effectively (Van der Elst, 2003: 85). The White Paper calls for participatory democracy, respecting the nation's history of active participation at local government and community levels in the struggle to remove apartheid. If the goal of the management intervention is to enhance municipal performance rather than control from the centre, performance management techniques could be adapted to foster participative democracy and to encourage growth through diversity.

### **2.13 THE IMPACT OF GOOD GOVERNANCE: THE SOUTH AFRICAN REALITY AND THE WAY FORWARD**

Good governance means governing with people rather than ruling over people (Gildenhuys, 2004:28). Vyas-Doorgapersad and Ababio (2010:414) argue that good governance as ethical governance refers to the levels of legitimacy, accountability, management effectiveness, and transparency that a government is able to achieve. Ethical governance thus requires ethical

values amongst municipal officials, as these impacts on the levels of accountability and the extent to which the principles and rules that guide the moral value of people's behaviour impact on their ability to carry out their roles and responsibilities as municipal officials. Situations that leave an opening for corruption include the principal/agent situation, poor transparency, weak systems, incompetent officials, conflicts of interest, urgent tenders (for example, when preference can be given by an official by requesting a supplier to quote – a verbal request, sometimes at the last minute), seeking justification to bend the rules, multi-jurisdictional corruption (deals between parties in two different countries, for example, arms deals), weak accountability arrangements, and weak internal controls (Woods & Mantzaris, 2012:128).

South Africa's anti-corruption legislation, the most advanced in Africa, should provide the foundations and guarantees of good governance if or when implemented as the planning, designs and mechanisms against bad governance are in place and for the three spheres of government. The challenges of implementation of legislative and regulatory measures have been dealt with extensively elsewhere as there is strong evidence that a wide array of fundamental tenets upon which good governance can become a reality, such as knowledge, capacity, performance as well as strategic forward planning, risk analysis and comprehensive financial systems and organisational development are lacking. Such realities have led to a situation, where despite the regulations and laws being in place, good governance on many occasions has become an illusion (Mantzaris & Munnik 2013:105; Mantzaris & Pillay, 2013:103).

There have been continuous efforts on the part of the government to deal with many of the problems facing all levels of government and to promote the strategic and tactical planning and implementation of good governance (Mantzaris & Pillay, 2014:17). There is a process of integrated functional and knowledge imperatives that under circumstances are characterised by innovative leadership, commitment and determination and can ultimately lead to the path of good governance. The knowledge and implementation of key legislation such as the Municipal Financial Management and Municipal Systems Acts, the Local Government Anti-corruption Strategy, the Public Service Anti-corruption Strategy, Minimum Anti-corruption Capacity Requirements, the Public Sector Integrity Management Framework and municipal policies, internal code of ethics, anti-corruption and integrity measures for municipalities that will promote ethical governance and integrity.

The tightening up of public sector systems for risk management and internal audit, the oversight functions and processes of municipal councils as well as the development and application of assessment methodologies for policy implementation should be followed. The thorough implementation of the Public Finance Management Act, 1999 and the Municipal

Finance Management Act, 2003 is instrumental in fulfilling a key role as the foundations of good corporate governance practices because they are considered the cornerstones of transparency, accountability and sound management of the fundamentals of financial management such as expenditure, revenue, assets and liabilities of the respective government entities. Gildenhuis and Knipe (2006:91) state that there are basic requirements that form the framework for good governance. If municipalities cannot meet these requirements, good quality of life for all its citizens will not be attained.

Good governance involves fairness, accountability, responsibility and transparency on a foundation of intellectual honesty (King, 2006:15). Corruption impacts on and hinders or weakens the quality of governance of companies and institutions in both the public and private institutions. Governance will be good when a government achieves its ultimate goal of creating the conditions for a good and satisfactory quality of life for all citizens (Gildenhuis & Knipe, 2000:91). Corruption impacts on the ability of leaders to make a distinction between right and wrong, to apply values consistently, to lead with fairness, accountability, responsibility, transparency and intellectual honesty (Coetzee, 2014:830). Good governance facilitates the delivery of essential services for citizens and is vital for socio-economic welfare and development.

The constitution also provides for institutional mechanisms such as a Public Protector, a Constitutional Court, and an Auditor-General. Matshabaphala (2015:497) contends that leadership is the behaviour in the handling of relationship with others and relates to this discourse on a philosophy called ethics. Good governance should be understood in the context of ensuring that the right people are employed to do the right jobs with good processes and procedures. In this context, good governance is associated with recruitment and selection of employees for the job.

The continuous assessment and monitoring of governance financial systems through the oversight of the political leadership of the respective government institutions is crucial, thus supplementing the work and functions of the Auditor-General, the Public Protector and the Public Service Commission, the Department of Public Service and Administration and the National Treasury. The success of the financial system of a government entity strengthens, but not ensures good governance, upon which the process of sustainable delivery of services to the citizens is founded (Woods & Mantzaris, 2012: 112).

For the purpose of this study, governance will be good when government attains its ultimate goal of creating circumstances for each and every citizen to obtain a good and satisfactory quality of life according to his personal mental and physical abilities. It can be deduced from the above that well planned, developed and implemented financial management systems,

combined with innovative leadership are the cornerstones of good governance that is based solidly on fighting and eliminating corruption, graft, fraud, poor management of resources, nepotism, and incompetence.

## **2.14 MEASURES AND STRATEGIES TO ENHANCE ETHICAL CONDUCT**

Community needs, municipalities which find sustainable ways to meet needs and improve the quality of communities' lives. It is, therefore, imperative that municipalities, in future, involve citizens fully in service delivery by creating a sense of community collaboration to compensate for previous municipal failures in this regard. According to Jakoet-Salie (2018:67), it is an observable fact that services that do not lead to improvements in the quality of life of communities and citizens are more likely to be challenged and more likely to engender mistrust in government. Employment in the local public administration ethics and in municipalities should be based on merit including relevant qualifications. Municipal officials who are implicated in acts of financial mismanagement resign before disciplinary hearings can be concluded and then accept appointments in other departments. What is thus required is sharing of information among departments and municipalities.

Sharing of information would make it no longer possible for an official to join one. In any given situation, municipal official needs to know that they will be required to answer to someone either within or outside the office. If the managers are engaged in unethical, corrupt practices, it is not possible to criticize others who are in that act. This is prevalent in most municipalities where it is senior managers who are in the forefront of unethical conduct which renders them paralysed and unable to instill discipline in the institution. The will to act or take action against an offender has to do with municipal official's conduct in the municipality. Governments all over the world are compelled to promote ethics in decision-making while discharging their duties and responsibilities in organizations reflected by the organization's well-defined value system (Matsiliza, 2013:107).

Thornhill and Hanekom (1995:53) hold the view that politics and administration are like two sides of a coin and an absolute separation is impossible. Politicians provide political guidance and formulate policy. Administrators advise politicians and implement policy. Be that as it may, municipal officials should be able to determine when the decisions made fall outside their sphere. The role of politicians and administrators, inter-twined as they may be, should be clearly set out and agreed to by both to avoid accusations and counter-accusations of interference. Section 195(1)(e) of the Constitution of the Republic of South Africa states that people's needs must be responded to and the public must be encouraged to participate in policy-making. Since the local sphere is the nearest to citizens it is often seen as the ideal

level for government's interaction with the citizens and the channel for citizens to communicate their needs to government.

Section 152(1)(e) of the Constitution of the Republic of South Africa, 1996, states that one of the objectives of local government is to encourage the involvement of communities and community organisations in matters of local government. It is mandatory on the local sphere of government, therefore, to promote an enabling environment for communities to participate in the affairs of municipalities. This will not only make it possible for the municipality to know the needs and aspirations of communities but will provide the latter with knowledge on how government functions. Craythorne (2003:264) points that public participation must not be interpreted as permitting interference with a municipal council's right to govern.

According to Van der Waldt *et al.*, (2014:4), good governance implies the presence and account of all groups in a municipality by implementing the integrity and transparency of local government actions in the pursuit of goals. Conversely, poor or bad governance has often been shown to undermine the legitimacy of the government. The issue of mistrust in governmental ability can permeate nearly every sector of a society, so trust is a crucial component required for the effective functioning of all spheres of government. This in essence means that a balance must be struck and at some stage citizen participation must stop and a municipality must begin to exercise its legal authority of governing.

In other words, the whole process of participation must be properly monitored and managed. The apparent knowledge gap that exists between communities and municipalities needs to be bridged and one way of doing this is to strengthen ward committees which were established to inform municipalities about needs, aspirations and challenges of communities. Ward committees have, regrettably, not lived up to this expectation. In the State of the Public Report (2010:41), the Public Service Commission makes the point that councillors do not attend ward committee meetings and therefore ward committee issues are not tabled in council meetings. The report raises further concerns that though ward committees are meant to be a link between a ward and government, the latter hardly ever consults or involves the former on issues of planning.

South Africa has a number of institutional mechanisms that exist to combat unethical conduct such as the media, the Auditor-General, and the Public Protector. For that reason, methods to bring about mechanism conduct may overlap with other perspectives and form one logical whole (Department of Public Service and Administration, 2008:134). Section 182 (1)(a) of the Constitution of Republic of South Africa, 1996 contains provisions to ensure that the constitutional rights of the public are honoured and that government utilises specific formal mechanisms to officially combat unethical conduct and ensure accountability. The researcher

wishes to go step further by identifying different perspectives, which could be used to enhance mechanisms in the municipality. It is a general approach, which enlists the services of other disciplines as well as the opinions and beliefs of role-players in the municipality. Van der Waldt and Du Toit (2011:51) identify the following measures that can be taken to prevent unethical conduct:

#### **2.14.1 Legislation and the judiciary**

The Constitution is the highest authority in South Africa and provides the basis of what is considered ethical according to national norms. In South Africa, judicial authority is vested in independent courts. If legislation is vague, the courts will consider both the fairness of the legislation and the intention of the legislature. Disoloane (2012:123) posits that an order or decision handed down by a court is binding on all persons and organs of the state to whom or to which it applies.

#### **2.14.2 Public Service Commission**

There is a single Public Service Commission (PSC) for the Republic of South Africa and it is an independent and impartial body. Mthembu (2013:93) posits that no person or organ of the state may interfere with the functioning of the Commission. In terms of Section 196(4) of the Constitution the Republic of South Africa, 1996 the PSC applies control and is competent to apply a code of conduct to members of the local government. Public Service Commission has the power and function to investigate, monitor and evaluate the organisation, administration and personnel practices of the local government.

According to Mafunisa (2011:30), the PSC ensures effectiveness and contributes to conformity in the total system of governance. The PSC's function is to promote the basic constitutional values and principles of public administration in the municipality. It can be concluded that PSC is vital in the promotion of ethics in the municipalities since they ensure that rules and legislations are practices all the times. The purpose thereof is to ensure that, amongst others, there is accountable, competent, open and efficient public administration. In particular, the PSC's mandate is to contribute towards maintaining an effective and efficient public administration that can deliver services and provide a better life for all South African citizens.

#### **2.14.3 Training and guidance**

Training refers to the extension of knowledge for the specific purpose of filling a given position and effectively performing the work involved. Cloete (2012:152) postulates that training is aimed at the practical application of knowledge, entails the development of specific

behavioural patterns, attitudes, and motives with a view to achieving the goals. Training and development of municipal officials should always include ethical issues. This would include training on values and the scope of ethical and moral conduct. This training will help municipal officials to cope with the demands made by the public, as well as to improve their skills. This should result in professional workers in the public sector (Botes, 2015:57).

According to Doyle (2004:165), training programmes should include:

- Specific legislation, regulations and procedures which govern the actions of public officials;
- Prohibitions in respect of the misuse of public funds and/or public institutions for private gain or the furthering of self-interest;
- Measures to prevent confidential information from being made available to private individuals for the purpose of furthering their interests at the cost of others;
- Rules concerning reasonable and fair actions towards both colleagues and the general public;
- The power and authority associated with specific posts;
- The values and norms prevailing within a specific community, in general, and in a specific public institution, in particular; and
- The accountability that is expected of officials in specific posts.

#### **2.14.4 Mass media**

The freedom of the press is a prerequisite for a democratic society. The freedom of the press, both printed and electronic, is protected under Section 16(1) of the Constitution of the Republic of South Africa, 1996. Everyone has the right to freedom of expression, which includes:

- Freedom of the press and other media;
- Freedom to receive or impart information or ideas;
- Freedom of artistic creativity; and
- Academic freedom and freedom of scientific research

Both individuals and the media can say or print whatever they want. However, Parliament may prevent the media from spreading propaganda for war or encouraging people to use violence. Section 192 of the Constitution of Republic of South Africa provides that national legislation must establish an independent authority to regulate broadcasting in the public interest and to ensure the fairness and diversity of views broadly representing South African society. The media has an important role to play as the watchdog over the decisions and actions of political office bearers and public institutions. The fear of negative publicity usually serves as a

deterrent to unethical conduct. The media also plays a role in the maintenance of ethical behaviour by questioning the activities, actions, and policies of the government and public institutions (Van Niekerk, 2013:75).

#### **2.14.5 Public Protector**

Individuals may lodge complaints about suspected malpractice or unethical decisions, and the necessary investigation should be instituted. The entire ethical system should be coordinated so that all complaints are made anonymously. In terms of the Constitution of the Republic of South Africa, 1996 Section 182(1), provision is made for the appointment of a Public Protector (prior to this, an office with related functions existed and was known as the office of the Ombudsman) to fulfil this role. The Public Protector has the power, as regulated by national legislation:

- To investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper (unethical);
- To report on the conduct; and
- To take appropriate remedial action (Diesoline, 2012:121).

In addition, Section 182(2) states that the Public Protector has additional powers and functions prescribed by national legislation. The statement above means that Public Protector must be accessible to all persons and communities. According to Van Niekerk *et al.*, (2014:127), The Public Protector can furthermore report on improper conduct and such reports must be open to the public unless prohibited by national legislation. The Public Protector's broad mandate focuses on the investigation and correcting of improper and prejudicial conduct in state affairs and its power and is the sole agency for enforcing the Executive Members Ethics Act, 1998 and the Executive Ethics Code.

#### **2.14.6 Public participation**

Matshabaphala (2017:295) argues that it is only the traditional closed leadership systems that sometimes creep into our day-to-day administration that repulsively causes the governments to be dictatorial and not allow citizen participation in decision making. For the government to make effective decisions, it must always maintain contact with its stakeholders such as the residents, civil society and political parties. Participation in good governance means that boards are aware of their composition and that they place importance on being equitable and diverse, both in their makeup and in their hiring practices. Boards have a unique position to promote diversity in the organisation, and diversity is equally as important to the health and success of a board as it will be strengthened by a variety of viewpoints. Involving people in your decision-making processes and how induction is approached is key.

Section 152 of the 1996 Constitution makes it compulsory for municipalities in South Africa to work with local communities and community-based organisations in all their activities and programmes. Public participation is an essential process for the legalization of government decisions and meeting the requirements of the community in general. Participation ensures accountability and transparency leading to good governance. Munzhedzi (2019:4) outlines that creation of employment enables those employed to be able to participate through payment of rates and taxes which by extension enable government to render goods and services. Participation of citizens in the process of governance is a key characteristic of good governance. Participation is an important step for mobilizing people to participate in the decision-making process. It can be direct or indirect, but participation needs to be informed and organized. The aims and objectives of political rights would be fulfilled by the greater participation of the people in society. The legal framework represents the rule of law which ensures impartiality in terms of participation in the decision-making process of governance.

#### **2.14.7. Auditor-General**

Chapter 9, Section 188(1) of the Constitution and appointed in terms of Section 6 of the Public Audit Act 2004, the Auditor-General has the obligation and power to audit and report on all the accounts and financial statements of all the accounting officers at -

- The national and provincial level of government, and
- Of all persons in the national and provincial public services entrusted with public assets;
- All municipalities, and
- Any other institution or accounting entity required by the national or provincial legislation to be audited by the Auditor-General.

Auditor-General therefore has full powers to investigate matters related to the dishonest application of state money. The principal functions and responsibilities of the Auditor General are well set out in the Auditor-General Act 1995 (Act 12 of 1995). To ensure independence, Auditor-General is appointed by Parliament for a fixed non-renewable term of between five and ten years. Municipal managers must ensure that requests for funds are properly substantiated and that there are controls in place to ensure the ethical use of funds. Municipal managers are also accountable for the funds allocated to their personnel section. The Auditor-General ensures the accountability of personnel managers in terms of their budget spending.

### **2.14.8 The Standing Committee on Public Accounts (SCOPA)**

The Standing Committee on Public Accounts is established and institutionalized to assume its financial scrutiny authority over the national and provincial departments and State-Owned Enterprises (SOEs). At local government, the above responsibility is executed by the Municipal Public Accounts Committees (MPACs). In the case of South Africa, the mandate of SCOPA in all spheres of government can be expressed by concentrating on financial probity and regularity or can be expressed more widely in relation to performance or value for financial audits (Ngozwana, 2009:1). The SCOPA fulfils the responsibility of overseeing the financial performance of the local municipalities using the financial audit report, which in most cases is prepared by the Auditor General. Therefore, SCOPA plays an important and specialised role of being the watchdog and protector of public monies.

This role is complemented by the Auditor-General, whose mandate is to conduct audits of National and Provincial state departments, Local Government and other public sector bodies, and to submit reports to the Legislature, as per the requirements of the Public Audit Act, 2004 (Act No. 25 of 2004) and the Constitution of RSA. In national sphere, there is direct accountability to parliament by national departments, national public entities and national bodies such as commissions. The objectives, performances and practices of the municipalities and other government entities need to be clearly understood by oversight bodies and committees in order for them to conduct effective oversight (OECD, 2008). The local municipalities need to be transparent and accountable in order to ensure that public funds are used for the benefit of the public, and in accordance with the approved strategic plan, budget and annual performance plan.

In light of the growing problem of financial fraud and misconduct in the municipalities, the role and function of SCOPA is a key tool to advance accountability in parliament. The committee oversight is thus situated within the broader context of corruption, depravation, maladministration, poverty, unemployment and inequality stemming from the historical context of exclusion and marginalization of the majority of South Africans. One crucial component of a transparent system of resource allocation involves an independent assurance of the integrity of public budgeting through an audit process, and the scrutiny of its outcomes by the representatives of the people (Rondinelli & Shabbir Cheeman, 2003:99). Much depends on institutional settings, needs and contexts that can vary considerably between countries. Nonetheless, legislatures across the world are faced with the challenge to engage with the audit stage of the budgetary process to ensure legislative oversight of the use of public money.

### **2.14.9 An ethical code of conduct**

Cheminairs *et al.*, (2012:87) are of the opinion that the goal of an ethical conduct is to develop a workable framework of moral choice for the public personnel manager. All spheres of government in South Africa have codes of conduct. The foundation of the Public Service Code of Conduct is contained in Chapter 10 of the Constitution of the Republic of South Africa, 1996 and is applicable to administrations within every sphere of government, organs of the state, and public enterprises (Fox, 2010:155). A code of conduct is always of value. Strong forces such as values, norms and standards direct conduct at all levels of society. A state can enforce certain norms by way of legislation, but norms usually are established through voluntary association and freedom of speech within the community.

According to Van der Waladt and Helmbold (2015:130), a code of conduct has four main objectives:

- To encourage and maintain responsible behaviour among municipal officials;
- To promote public confidence in the integrity of municipal officials;
- To provide guidelines to officials regarding their relationship with other municipal officials, political office-bearers and members of the public; and
- To provide guidelines to officials regarding the exercise of any discretionary powers they may possess.

Through a code of conduct, diverse values may be fixed in a common value system against which all policy implementation actions and policy decisions may be measured (Clapper, 2015:23). Provincial government has developed a code of conduct for senior municipal officials to ensure that they act within the parameters of the law and that their actions do not infringe the rights of the communities they serve (De Baros, 2015:6). It is not easy to establish a code of conduct for the public service because personnel have different ethnic, religious, and educational standards and views. Common ground should be found as a starting point. All employees in the municipality have a common goal, namely the fair, efficient, and effective government of all people in South Africa per the laws of the government of the day. On this basis, a code of conduct can be drawn up (Clapper, 2015:25). There is a wide variety of opinions on the causes of unethical conduct.

#### **2.14.9.1 The role of code of conduct in fighting fraud and corruption**

According to Brytting, Minogue and Morino (2012:149), one of the principal responsibilities belonging to the highest level of authority in any organisation is to establish the ethical values that the organisation will follow. A high standard of professional ethics has become an integral

matter for governments globally because they are highly concerned about the high levels of corruption in their local public administration ethics. Scandals that concern municipal officials with regards to ethical conduct have caught the attention of the world. This has provoked widespread global discourse on good governance that is underpinned by a call to be more pro-active in the fight against corruption (Manyaka & Sebola, 2013:75).

Uys (2014:114) enlightens that to change a culture of an organisation, specific strategies may be used to combat corruption such as naming of, and punishment for corrupt managers, and tackling areas that are evident of corrupt actions. Section 195 (1)(f) of the Constitution of the Republic of South Africa stipulates that public administration must be accountable and a high standard of professional ethics must be promoted and maintained. Despite all these, the ethical conduct of some municipal officials remains questionable (Manyaka & Sebola, 2013: 75). According to Cascarino (2013:114) ethics go beyond individual moral principles because they focus on matters relating to practical and idealistic perspectives and by focusing on the two elements the practicality is many cases conflicted.

The local public administration ethics continually goes through leadership changes, socio-political development, and environmental influence. Ethical code of conduct cannot be promoted and enforced by government and society only by utilising ethical codes of conduct or promulgating the excessive legislation. Sindane (2008:343) postulates that ethics and culture are intertwined and cannot conceive of ethics in the absence of values. The motivational impacts of ethics are apparent when humankind and organisations strive to attain particular ideals such as development and excellence in service delivery. The local public administration ethics office should be set up by a department as a structure dedicated to promoting ethics and integrity, advice employees on ethical matters, identify and report unethical behaviour and corrupt activities, and develop and implement awareness programmes. The ethics committee should then provide strategic direction and oversight of the ethics management of the department.

Raga and Taylor (2005:23) also designate that ethics involves human character, morals and conduct. It focuses on what is right or wrong, and what is good or bad. It also assesses conduct by utilising outright measures or norms, and places negative or positive standards on it. Ethics and values are fundamentals in establishing integrity of an organisation. The local public administration ethics has common values which contribute to the formulation of codes. The standards of codes emanate from values. Municipal officials not only work for the organisation but also, they serve the citizens of the country. It is important that a corrupt local municipality has no normal ground to fight corruption in the private sector, which is one of the mandates of government, i.e. to laws to fight fraud and corruption. The municipalities set an example and,

therefore, if the public sector is corrupt, then society as a whole becomes corrupt (Nagiah, 2012:1). According to Cascarino (2013:115) it is important to understand organisational ethics for the enhancement of development of an ethical environment where fraud is not condoned or tolerated. Above statement indicates that it is important to understand municipal local public administration ethics in order to promote ethical considerations that control all other relations between employees, the public and other entities.

#### **2.14.9.2 Implementing codes of conduct and codes of ethics**

Khan (2016:4) opined that implementation can be regarded as a process, an output, and an outcome, and it involves a number of actors, organizations, and techniques of control. It is the process of the interactions between setting goals and the actions directed toward achieving them. Codes of conduct and ethics have attracted enormous attention partly because of increasing public concern about how municipal officials conduct themselves while performing their official duties. Codes of ethics govern decision-making and relate to the ethical conduct of municipal official reflecting the integrity approach to ethics while codes of conduct govern actions and cover a wide range of organisational practices and employee conduct reflecting a compliance approach (Lawton, 2004:94). Although they are different both codes provide direction to employees and establish a public image of good behaviour, both of which will benefit the public institution (Gillikin, 2016:1).

##### **2.14.9.2.1 Codes of conduct**

The code of conduct is a set of principles based upon the core values of the institution, which govern the behaviour of public officials (Malan & Smit, 2001:175). They focus on the core functions of the institutions which are rigorous standards that are tightly enforced by senior municipal officials rather than general principles. A code of conduct might forbid racial discrimination or sexual harassment. According to Hanekom *et al.*, (1995:163) the code of conduct is aimed at promoting and maintaining responsible conduct of municipal officials; providing guidelines to municipal officials in exercising their discretionary powers; providing guidelines to municipal officials to promote a sound relationship with fellow colleagues, elected public office bearers and with members of the public and also to promote public confidence in the integrity of public officials. It is important to distinguish between codes of ethics that relate to the ethical conduct of public officials and codes of conduct that are wider in scope, covering a range of organisational practices and employee conduct (Lawton, 2004:94).

#### **2.14.9.2.2 Codes of ethics**

Codes of ethics provide guidance to municipal officials while rendering service to the society and safeguard them against undue claims from the society and improve public perception about the local government (Hanekom *et al.*, 1995:163). Codes of ethics show the values which are accepted by the majority society as more important than others, offer a coherent and consistent set of guidelines to assist the municipal official (Lawton, 2004:95). A municipal official must, in other words, base his perceptions of right and wrong upon a standard that is generally recognised as such. Decisions based on religious doctrine are good examples. Personal ethics is a reflection of a person's character.

#### **2.14.9.3 Code of conduct and professionalism in the local government sphere**

Municipal officials and politicians exercise significant discretionary powers in their daily activities, in their management of municipal resources, at the interface with residents, and within the context of policy-making (Holtzhausen, 2010:275). Ethical principles are a key check against the arbitrary use of municipal power and the quality of local governance. Unethical governance leads to a lack of trust and confidence in the municipality which ultimately results in a lack of participation or involvement of residents and businesses in municipal affairs (Van Niekerk, Van der Waldt & Jonker, 2001:116). A municipal official need to comprehend the ethical nature of his/her profession in terms of the promotion of the public goods and the manner in which they fulfils this role. The morality and ethics of the local government sphere rest on the morality and ethics of municipal officials that do not put self-interest first, are true to their standing/position and fulfil their duties in accordance with all the necessary resources (Laubscher, 2007:25).

##### **2.14.9.3.1 Professionalism to enhance ethical conduct**

According to Sinclair (1993:68), professionalism refers to being competent, efficient, skilled and qualified. It can also be described as a commitment to ethics of product and service quality, and a need to be innovative (Ott, Hyde & Shafritz, 1991:388). Professionalism must form part of an individual's philosophy and it is most effective when it derives from the top officials and permeates throughout the organisational structures. Ethics are universal and wide-ranging, whereas professionalism gives pride of place to the specific vocation of each profession. Professional (proficient and skilled) municipal managers would promote respect for technical expertise; foster rationality in decision-making and high work standards; provide incentives for the acquisition of new knowledge and promote the ethical behaviour of employees (Cox & Haruna, 2016:27). Professionalism amongst political and administrative

leaders will also insulate the officials from undue political and public pressures; facilitate communication and innovation in the municipality and bring about professional loyalty (Mafunisa, 2001:326).

Politicians, on the other hand, are responsible for upholding high ethical standards. Their commitment is demonstrated by example and by taking action that is only possible at the political level, for instance by introducing legislative and institutional measures that reinforce ethical conduct and create sanctions against wrongdoing (Mafunisa, 2001:334). Professionalism in municipal administration can be promoted by ensuring the strict but cautious application of the prescribed code of conduct in a manner that will enable society to note that those who violate the code are acted against. Accountable municipal administration will, to a great extent, have to be ensured by the ethical conduct of officials (Cloete, 1996:125). An institutional environment where high standards of conduct are encouraged by providing appropriate incentives for ethical conduct, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of municipal service values and ethical standards.

A professional municipal administration should be promoted, as professionalism is one of the effective cures for unethical conduct (Mafunisa, 2001:327). Municipal managers have an important part to play by serving as role models and providing consistent leadership in terms of ethics and conduct in their professional relationship with politicians, other employees and members of the public (Mafunisa, 2008:85). From the above discussion it is clear that professionalism is an effective cure for unethical conduct and that local government education, re-education, training and re-training play important roles in promoting professionalism. Municipal managers should be trained to be able to operate effectively and efficiently in the changing external environments and also to enable them to perform their duties in a manner conducive to the development of professionalism.

#### **2.14.9.3.2 Role of the municipal manager in the promotion of ethical conduct**

The municipal manager plays an important role in promoting ethics. When a municipal official is involved in unethical conduct, the remedy lies in the requirements of the Constitution and the code of conduct as provided in Schedule 2 of the Municipal Systems Act of 2000. The objective of the code of conduct for municipal officials is to promote professionalism and the municipal manager fulfils a major role in enforcing this code. It furthermore determines that he/she must promote and seek to implement the basic values and principles of public administration. According to Section 195(1) of the Constitution of the Republic of South Africa, 1996 these basic values and principles of public administration determine that:

- A high standard of professional ethics must be promoted and maintained;
- Efficient, effective and economic use of resources must be promoted;
- Services must be provided impartially, fairly, equitably and without bias;
- Public administration must be accountable; and
- Providing the members of the public with timely, accessible and accurate information must foster transparency.

Craythorne (1993:314) states that the municipal manager's independence from all political parties should be unquestionable. He/she should display total objectivity and the impartiality of a judge and he/she should not be aligned to a particular political party in the municipal council. However, this objectivity of the municipal managers does not repudiate the importance of acute political awareness on his/her part. There is a difference between political awareness and political commitment and the municipal manager should be fully aware of the difference between the two functions. From the professionally oriented municipal manager a clear commitment to efficient and effective administration is required. However, there should also be an acknowledgement of the political effects of administrative decisions, i.e. a political awareness (Mafunisa, 2001:332). The municipal manager must serve all councillors on an equal, objective and thus professional manner to get respect and co-operation from all the councillors.

The municipal manager cannot simply inform the majority party about the administration of the council, he/she must inform the entire council. If, for example, a legal counsel had advised that a contemplated action was unlawful, the municipal manager and chief legal officer could not simply accept or suppress such a view or even make it known to only some of the councillors. It is the duty of the municipal manager to ensure that all the councillors were aware that the opinion had been given. The municipal manager has a duty to ensure that the council considers all material facts within his/her knowledge before councillors enter into any commitment, for example, penalty clauses in a contract, hidden extras to a disclosed purchase price or the possibility of various future liabilities. All councillors must be informed about the administrative and other consequences of policies, which they may wish to adopt. If the administration was undertaken in a professional manner, it would contribute significantly towards obtaining policies that would be executed efficiently and effectively (Mafunisa 2001:333). According to Mafunisa (2008:90), the following steps could be taken to promote ethical conduct in municipalities and help improve service delivery:

- An honest display by government and every politician of commitment to the (formal) code of conduct.

- Incorporation of ethical principles in the vision and mission statements of the municipalities.
- Regular institutional workshops on ethical values should be held.
- Enforcement of formal codes of conduct must be made part of performance contracts of the senior managers.
- An in-depth communication strategy must be developed on professional ethics, public service values, the nature of unethical conduct and how to prevent and report it.
- Senior public employees must exemplify ethical behaviour.

The most important requirement of the code of conduct remains the attitude of its officials towards their work, employer, and members of the public. If municipal officials do not adhere to the code of conduct in terms of their actions and attitudes, their success will be seriously weakened.

#### **2.14.9.4 Principles of promoting ethical governance in the local government**

High standard of conduct in the local government has become a critical issue for sound government. The fight against misconduct in the local government needed for success and this will require sound ethics management systems. There is suspicion in the local sector that municipal officials have been lining their pockets at the expenses of service delivery and calls for a monitoring of assets of senior municipal officials are topical everywhere (Mufamadi, 2018:57). However, principles are not sufficient in themselves but provide a useful means for integrating ethics management into broader local government environment. In this Section which follows the principles which promote ethics in the local governmental will be discussed:

##### **2.14.9.4.1 Clear ethical standards**

Municipal officials are ethically obliged to act through their municipal position on behalf of public interest. Although municipal officials are expected to have personal interest, they are however ethically restricted from using public office to pursue them and the use of public office for personal gain is outright abuse of office (Lewis & Gilman, 2005:80). Municipal officials must know the basic principles and standards that are expected to be applied at work and where the boundaries of acceptance behaviour lie. The code of conduct forms the cornerstone of the public service integrity framework as it sets standards for ethical conduct (Mgijima, 2010:5). Code of conduct represents the spirit in which municipal officials should perform their duties and points out what should be done to avoid conflicts of interest. They are also seen as elites who are supposed to be honest, trustworthy and loyal, and have a sense for equity and social justice in applying their specialised skills and experiences to the benefit of society. However,

with the growing number of cases involving inter alia a lack of responsibility, many professionals are losing such respect (Wheeland, Palus & Wood, 2014: 19).

It can be concluded that municipal officials need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable conduct lie. A concise, well-published statement of core ethical standards and principles for the guidance of the local government, for example in the form of a code of conduct, can accomplish this. Thus, professionals are valued by people and society in terms of a favourable reputation and personal commitment to quality.

#### **2.14.9.4.2 Accountability mechanisms**

Accountability requires the municipal officials to act on behalf of the people to whom they should report. People are therefore able to hold a municipal official for their action. Municipal officials should be accountable for their actions to their supervisor and more broadly to the public and the focus should be on compliance on rules and ethical principles and on achievement of results (Mufamadi, 2018:59). In a democratic state such as South African local government governance is more than bureaucratic accountability. Section 182(1) of the Constitution of the Republic of South Africa empowers the office of the Public Protector to receive and to investigate complaints from the public against government or its officials relating to unethical conduct and has the power to recommend corrective action.

A manager gives an account to his seniors not only for the budget allocated, but also for the regular decisions taken about policy, personnel, procedural and control matters (Munzhedzi 2021:5). Accountability is a key factor of good governance practice. Although Boards hold a position high-up in an organisation, this does not mean that they are without checks and balances and can do whatever they wish; rather, they are held accountable to anyone affected by their decisions. This includes shareholders, stakeholders, vendors, employees and the larger public; their decisions will have a direct impact on the integrity of the company. Wherever accountability is adhered to, municipal officials are answerable for decisions that they take; accountability cannot be enforced with transparency or openness.

From the above statement it can be concluded that politicians and municipal officials have to learn to establish quantifiable objectives where possible, and thereafter should be accountable for meeting those objectives. Setting the service standard of performance should be done by municipal officials and politicians at municipal institutions, and therefore they must measure themselves to ensure that they meet the standard that is accountable. That will subsequently be the service standard that is accepted as transparent. This will be the important aspect in

the development of adequate accountability practices. The performance measures that should be developed must place equal emphasis on the service delivery agreed upon.

#### **2.14.9.4.3 Exposing wrongdoing through whistle-blowing**

Whistleblowing is a means of calling attention to wrongdoing that is occurring within an institution (Nadler & Schulman, 2006:1). Whistleblowing occurs when an employee's makes an unauthorised disclosure of information about criminal or regular conduct along avenues that are not specified (Bakman, 2003:3). Furthermore, internal whistleblowing occurs when employees bring wrongdoing at their institution to the attention of supervisor of management and may be via existing communication channels such as email if that is the way (Johnson & Wright, 2004:69). However, Ravishankar (2003:4) contends that public institutions should be encouraged to bring unethical practices to the forefront and address them before they become fatal of the organisation.

Full disclosure of unethical or illegal activities in the public sphere is particularly important since local governments are expected to be open and transparent (Nadler & Schulman, 2006:108). Municipal officials also need to know what protection will be available to the in cases of exposing wrongdoing (OECD, 2013:108). In South Africa, Protected Disclosure Act, 2000 (Act 26 of 2000) was enacted with the view of creating a culture in which employees may disclosure information related to criminal and other unethical practices in the workplace in a responsible manner, thus promoting the eradication of crime and misconduct in organs of state and private institutions.

#### **2.14.9.4.4 Transparency in decision making**

Mufamadi (2018:62) states that greater transparency in public administration allows for checks on potential conflicts of interest and ensures greater legitimacy for the government. Schnackenberg and Tomlinson (2014:2) agree that transparency implies openness, communication and accountability and when it is in operation everyone can see what action are being performed. Staub (2009:1) argues that leaders of public institutions must focus on creating and maintaining transparency in their actions and decisions-making. Leaders must work to ensure that the people involved are informed. If communication is limited, incomplete and secretive, damage is done on faith and trust. Employees understand and respect the decision if decision-making process is transparent (Rogers, 2014:1). Staub (2009:1) states that leaders must ensure a coherent focused communication strategy and plan that has frequency and multiple venues of information flow. Organization for Economic Co-operation and

Development (2013:109) indicates that transparency can be promoted by measures such as disclosure systems and recognition of the role of an active and independent media.

#### **2.14.9.4.5 Political Commitment**

Political leaders are responsible for maintaining high standard of propriety in the discharge of their official duties and their commitment must be demonstrated by example and by taking harsh action that is available at the political level. Unless political leaders demonstrate high standards, they have no moral authority upon which to draw when they wish to reprimand others who step out of line (OECD, 2013:109). According to Rasheed and Olowu (1992:44) unethical practices known to exist in Africa start with senior managers and top politicians and cascade down the ranks. Dales (1992:179) posits that it is therefore important that political leaders articulate their unqualified support for high ethical standards. Politicians are responsible for upholding high ethical standards. Their commitment is demonstrated by example and by taking action that is only possible at the political level, for instance by introducing legislative and institutional measures that reinforce ethical conduct and create sanctions against wrongdoing (Mafunisa, 2008:84).

#### **2.14.9.4.6 Policies, procedures and practices**

Government policy should not only delineate the minimum standards which a municipal official's actions would not be tolerated but should also clearly articulate a set of public service values that employees should aspire to uphold (OECD, 2013:110). Mufamadi (2017:64) states that management policies and practices should demonstrate an organisation's commitment to ethical standards, but it is not sufficient for government to have only rule-based or compliance-based structures. Dales (1992:180) maintains that this principle stresses the significance of the aspirational aspects of ethical conduct, and the need to void a minimalist, rule-bound approach under which everything which is not expressly forbidden is implicitly allowed. According to Kanyane (2011:944), municipalities should not only introduce indigenous and credit control policies but should also develop revenue enhancement strategies to implement those policies without fail.

It can be concluded from the above statement that employing people and having them to the line is becoming minefield. When a new employer is appointed, policies and procedures are implemented together with employee's employment contract. It is important that the employer must be able to prove that the employees are aware of the policy or procedures. Policies are not underwritten by labour legislation, but defines the employer's own rules, which must be reasonable, for the workplace. Therefore, municipal managers should encourage municipal

officials to follow procedure and practice them in the local municipalities. employees should be aware of all policies and procedures and behave to it accordance, and the complete conformity of employees' activities with ethic policy needs to train them.

#### **2.14.9.4.7 Senior municipal managers as an epitome of sound ethics**

Lewis and Gilman (2005:80) managers are ethically required to act through their public position on behalf of the public interest. Senior managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, other municipal officials and citizens (Mafunisa, 2008:5). According to OECD (2013:109) organisational environments where high standards of conduct are encouraged by providing incentives for ethical behaviour, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of local government values and ethical standards. An institutional environment where high standards of conduct are encouraged by providing appropriate incentives for ethical conduct, such as adequate working conditions and effective performances assessment, has a direct impact on the daily practice of public service values and ethical standards. Senior municipal managers have an important part to play by serving as role models and providing consistent leadership in terms of ethics and conduct in their professional relationship with politicians, other public employees and members of the public.

#### **2.14.9.4.8 Ethical guidelines for municipal officials**

Municipal officials should promote and support these principles by leadership and example (Paavilainem & Aijala, 2000:10). Civil servant ethics which can be influenced in many ways is more than the definition of actions complying or not complying with the law. Continuous change within administration also requires a continuous evaluation of the operating culture of the authorities and the behaviour of municipal officials. Since well-known established operating procedures no longer offer answers across situations. Impartial advice assists in creating an environment in which public servants are more willing to confront and resolve ethical tensions and problems (Bertucci, 2000:5). Guidelines and internal consultation mechanism should be made available to help municipal officials apply basic ethical standards in the workplace. Mufamadi (2017:58) states that training also facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning. Professional socialisation contributes to the development of the necessary judgement and skills enabling municipal officials to apply ethical principles in certain circumstances.

From the above discussion it can be concluded that municipal officials are expected to make decisions to advance public interest and should not take decisions for financial gain, or personal gain. Municipal officials should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. Municipal officials have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflict that may arise in a way that protects the public interest. It is expected of municipal officials to be accountable to their decisions and actions to the public and to submit themselves to scrutiny which is appropriate to their office.

#### **2.14.9.5 Ubuntu as a guiding principle for code of conduct**

Prozesky (2013:11) argues that Ubuntu should not be seen as promoting corruption because it represents a world of rich ethical values, which involves the promotion of the well-being of others through truthful and considerate behaviour, doing no harm and avoiding selfishness when promoting one's own legitimate interests. In this regard, the fact that Ubuntu promotes communality and sharing should not be viewed as an excuse for unethical conduct such as nepotism. Although there is contestation regarding the relevance of Ubuntu as the basis for ethical behaviour in the public local administration. Theletsane (2014:71) argues that the adoption and integration of Ubuntu philosophy in the public sector would go a long way in promoting ethical behaviour.

According to Sebola (2014:297), is of the view that the rise in incidents of unethical conduct in South Africa can be attributed to the failure to link administrative principles with Ubuntu. The theories and principles of ethics are important in so far as they encourage good behaviour among employees. The critical factor for the study is how the municipal employees utilise their knowledge of ethics to make sound judgements that benefit the community and its organisations. Disoloane (2012:87) posits that throwing around charges about which theory is truly ethical and perfect; and which one should be followed or should guide municipal officials and councillors in making policy decisions is pointless. The main concern should be that municipal officials promote the values espoused by the Constitution through the motivation of the relevant theory, be it consequential or ubuntu. This is the idea that is proffered by Mafunisa (2008:117) when he affirmed,

In rendering services to African communities, public employees should ensure that the fundamental proverbial principles of Ubuntu are not violated. Municipal officials should carry out their duties with great care and pay attention to details, so as to foster a spirit

of unconditional acceptance and care of the entire person, regardless of the social status of a particular individual or community.

Matolino (2011:75) further argues that a moral person will never wilfully seek to behave in ways that undermine the wellbeing of her community. It can be concluded that ubuntu should guide principle for ethics in the local government. Ubuntu means persons depend on other persons to be persons. But the uniqueness of Ubuntu is mainly in the fact that community is presumed to be an organic whole because individuals do not come together to form the community, rather their identities are formed by the community.

## **2.15 KEY SUCCESS FACTORS OF AN ETHICAL CODE AND FUTURE TRENDS**

Huberts and Six (2012:151) mentioned that the goal of ethics code is to prevent and detect criminal conduct while promoting an organization's ethical standards and values. Everyday key decisions are made about how resources are used (Koolma, Hulst, & Van Montfort, 2017:126). The ethical imperative is that it ensures that resources are used in the most appropriate way within the context of the organisation and the broader context of the municipality including the community (Macaulay, Newman & Hickey, 2014:83). Ethical codes support a culture of openness, trust, and integrity and business practices (Adelstein & Clegg, 2016:53). A positive effect on the municipal officials' surroundings, creating an atmosphere of decision making that foster is maintained. The Department of Cooperative Governance and Traditional Affairs (COGTA) introduced the Public Sector Integrity Management Framework, and the purpose was to strengthen measures and standards for managing integrity and promotes ethical conduct in the public service.

From the above statement this framework 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. Mabunda (2020:50) opined that Public Sector Integrity Management Framework is intended to set down the stance to "fraud and corruption", as well as to reinforce existing systems, policies, procedures, rules and regulations of the municipality aimed at deterring, preventing, detecting, reacting to, and reducing the impact of fraud and corruption, where such dishonest activities subsist. A means by which employees are able to raise concerns with the appropriate line management or specific appointed person, where they have reasonable grounds for believing that there is fraud and corruption (Macaulay *et al.*, 2014:84). Establishment and maintenance of ethics management strategies and programs is a challenge for municipalities and institutionalizing the ethics management programs and establishing infrastructure is a way to assist with this challenge and change the ethical culture of the employee (Ngoepe-Ntsoane & Webb,

2020:86). Ethical code activities and, foster a positive ethical culture, heighten awareness of the function and its activities, and sharpen corporate focus on risk management (Koolma *et al.*, 2017:126). Further proposals are made in respect of the deployment of ethics officers in the public service and minimum conduct requirements (Brandsma & Schillemans, 2012:953). Some of these measures will require legislation to become enforceable. Key factors such as formal systems of rewards and punishment (Nelles & Alcantara, 2014:599).

Brandsma and Schillemans (2012:955) stated that there should be an ethics integration with stakeholders as they will mostly deal with organizations that are committed to authentic values and ethics. The organization should strive to create a culture that will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure (The Protected Disclosures Act, Act 26 of 2000). Eradication of criminal and other irregular conduct within the Municipality should be promoted. The Municipality should aim to inspire, encourage and enable staff to raise concerns within the Municipality rather than overlooking a problem or blowing the whistle on inappropriate channels. Systems and processes through which an individual or other stakeholder can report concerns about illegal, irregular, dangerous, or unethical practices related to the Municipality's operations and a place for seeking ethical advice should be availed as one of the mechanisms to enhance ethical conduct. Mopani District Municipality should work towards increasing the levels of awareness through publishing the code and training of employees. Performance management systems will also close the gap for employee rewards and recognition and will probably improve the sense of feeling appreciated amongst employees.

Despite the existence of sound legislation, there seems to be a deep-rooted problem of increasing unethical behaviour among municipal officials. Baloyi (2020:180) ascribes this problem to a lack of capacity to manage ethics, particularly pertaining to inadequate methods of ethics training and management in the municipalities. Various interventions relating to ethics and anti-corruption have been introduced in the municipalities since the start of the new democratic dispensation. However, these interventions still seem to be inadequate. There seems to be a lack of efficiency in ethics training and management. Because of this seeming inefficiency, there is a need to amplify the drive toward building state capacity in the management of public service ethics. The multiplicity of legislative measures and other government interventions fosters a strict compliance-based approach to ethics management, while simultaneously failing to deal with unethical conduct. From the above view, there should be a period during which the possibility of legislative transformation and integrating value-

based ethics realities is reflected on. This could pave the way for developing a remedial program for public service ethics frameworks.

Undeniably, these challenges are rooted mainly, but not exclusively, in the lack of ethical behaviour and professionalism, and commitment to ethics, accountability, transparency and the honesty of administrators and politicians at all levels, not necessarily in that order. The skewed development of the South African state's capacity is not due to an ordinary regulatory framework. On the contrary, in many ways, the poor service delivery at all societal and state levels can be ascribed to corrupt political and administrative leaders and corruption in the private sector (Mantzaris, Pillay & Jarbanhan, 2022:124). As a result, the country's citizens have lost faith in politicians and administrators, even those who are committed to honesty and professionalism. Incontrovertibly, this points to a need for development but primarily on ethical leadership, behaviour and professionalism. The debates on the risks associated with the behaviour of political principals in municipalities will most likely never end. Nonetheless, it is the responsibility of the municipal officials to focus on ethical behaviour and professionalism. In this regard, professional and ethical alliances should form the foundation of an honest organisational culture and pave the way towards innovative community basic service delivery.

The strong belief exists that there is a lack of innovative planning and the implementation of projects to alleviate gaps in infrastructure development. In this regard, the united commitment and ethical action of municipal, political and administrative leaders are needed. Accountability and ethical behaviour are the most important components of professionalism. Nonetheless, these two aspects did not feature in the current research. All positions of the present and the future need to be filled with skilful, capable and honest professionals, the builders of a capable state, in alliance with all the citizens of the country. In his Budget Vote speech in May 2021, former Finance Minister Tito Mboweni pointed to the fact that 163 municipalities were in serious financial distress, 102 had adopted budgets they could not fund and 40 were in service and delivery crises. In this regard, Mboweni stated that: "It is indeed lamentable that the trajectory of municipal performance is rather unimpressive. Much of the progress made has unfortunately been eclipsed by the widespread 'failure' of many municipalities. Rather than moving communities forward, many municipalities have themselves regressed. Poor political leadership demonstrated by political infighting in councils and political interference in administrative matters have served as an obstacle to a viable municipal sector (Merten 2021:1). Whereas important aspects are highlighted, there is no mention of the municipal administrators. Perhaps, the important role of municipal administrators should become a topic of debate in the search for solutions to poor basic service delivery and corruption in the municipality in South Africa.

## 2.16 CONCLUSION

This chapter presented the concept framing for ethics and a code of conduct in local government. This chapter also outlined the ethical theories and principles in the public administration context. This chapter also reviewed the literature on the manifestations of unethical conduct inhibiting effective service delivery. The chapter presented all the six generic administration functions which are policy-making; organising; personnel administration; financing; work procedure and methods; and control. Such generic administrative functions are universal, meaning that their existence depends on each other. Chapter 2 also reviewed the literature by presenting the role of ethics in public administration. Public administration as a discipline and as an activity developed from stage to stage and these developments of public administration led to a greater controversy between schools around the world and the conceptual framework was to find the grounds and principles of public administration.

Corruption is a complex multi-faceted social phenomenon within numerable manifestations. It takes place as an outcome of deficiencies in the existing public administration apparatuses and systems as well as cultural, economic, political and social factors. Difference of opinion still as to the meaning of the term corruption. This is primarily because individuals look at corruption from their own vantage point influenced by surrounding environment. But what is heartening is that in recent years corruption is viewed from a much broader perspective rather than looked at it from moral way. The causes of corruption are as varied as the phenomenon itself. Corruption results from the presence of a number of factors. There are many forms of corruption. To understand the dynamics of so many types of unethical conduct attempts have been made to classify different forms of corruption into broad categories. The researcher in this chapter also discussed the functions of local government and service delivery. Measures to combat corruption or unethical conduct should not be viewed in isolation from one another but should rather be applied, if possible, simultaneously. Corruption or unethical conduct cannot be combated effectively if the moral will does not exist among all the relevant role players the political office-bearers, the municipal officials and the public. Measures to combat corruption or unethical conduct will only be successful if the right ethical climate has been established in the local government.

This chapter reviewed and discussed literature on the nature and orientation of the content of the code of conduct with regard to local government institution. The definition of key concepts connected to this study was also explored. An analysis of local government code of conduct, purpose and influence of ethical codes in local government as well as the importance of the content of the code of conduct in addressing common corruption activities and its risk in municipalities were discussed. The literature review did not leave out local government

regulatory requirement and ethical governance including challenges faced by local government. The chapter concluded with a literature review on principles of promoting ethical governance in local government and key success factors of an ethical code and future trends. The next chapter presents the research design and methodology used in the study.

## CHAPTER 3

### RESEARCH METHODOLOGY

#### 3.1 INTRODUCTION

The previous chapter presented legislative framework of local public administration ethics in enhancing basic service delivery in the local government. The chapter also discusses the causes of unethical conduct, principles of promoting ethical governance in local government and key success factors of an ethical code and future trends. This chapter will present research design and methodology that were used when conducting the study. The concept of research methodology refers to the range of approaches used in research to gather data, which is used as a foundation for interpretation, for explanation and prediction (Lozano, Ceulemans, Alonso-Almeida, Huisingh, Lozano, Waas, Lambrechts, Lukman, Hugé, 2015:18). Research methodology will also discuss the sample methods and sampling size, data collections and instrument, pilot study, data analysis ethical consideration and organisation of the study.

#### 3.2 RESEARCH DESIGN

Research design is defined as a plan outlining how information is to be gathered for an assessment or evaluation that includes identifying the data gathering method(s), the instruments to be used/created, how the instruments will be administered and how the information will be organized and analyzed (Phelps, Fisher & Ellis, 2007:80). McMillan and Schumacher (2001:22) supported that the research design is the overall plan which sets guidelines and provides for adequate and systematic investigation of a research problem. The study employed convergent parallel and descriptive research design.

##### 3.2.1 Convergent parallel design

The convergent parallel design, qualitative and quantitative components are conducted independently and concurrently (Hadi & Closs, 2015:636). The mixing of qualitative and quantitative data occurs during data interpretation. It also allows researchers to overcome certain weaknesses of one methodology by complementing it with another methodology and gain in-depth understanding of research problem. Mixed-methods research brings together qualitative and quantitative methodologies within a single study to answer or understand a research problem. Mixed-methods research combines the strengths of the two methodologies to overcome their respective limitations. It allows researchers to choose and merge different methodologies to develop the best possible method to comprehensively answer a specific

research question. Mixed-methods research can potentially answer different research questions within a single study that addresses the same research problem but requires different methodologies. To gather more information and compliment observation, the subjective municipal service ethics in enhancing basic service were collected through a questionnaire and interviews.

### **3.2.2 Descriptive research design**

Kumar (2014:369) asserts that descriptive research design is a study in which the main focus is on description, rather than examining relationships or associations. Vogt, Gardner and Haeffele (2012:340) describe descriptive research as investigations aimed at answering research questions that focus on describing phenomena thoroughly and in depth rather than investigating casual relationships or testing theories. A descriptive research design was used. For example, in trying to study the effects of local public administration ethics in enhancing basic service delivery, a researcher might undertake an in-depth case study of districts municipalities in Limpopo Province, and then compare them to see if any general trend emerges. Descriptive research design examined the effects of local public administration ethics on basic service delivery. Descriptive method that was used in this study allowed participants to describe their experiences in the local public administration ethics. The reason the researcher used descriptive research design is that descriptive research examines a situation as it is. Descriptive research design is used because it does not involve changing or modifying the situation under investigation, nor intended to determine cause and affect relationships. Descriptive research design gives understanding of the respondents from the natural setting and to establish and investigates the challenges facing municipalities.

### **3.3 RESEARCH PARADIGM**

Neuman (2011:94) defines a paradigm as a whole system of thinking. Willis (2007:8) defines it as a comprehensive belief system, world view or framework that guides research and practice in a field. Paradigm plays a fundamental role in science. In this sense, a paradigm refers to the established research traditions in a particular discipline. Doyle, Brady and Byrne (2009:175) state that pragmatism allows and guides mixed methods researchers to use a variety of approaches to answer research questions that cannot be addressed using a singular method. Paradigm research was used in this study because it allows you to see your problem from different perspectives. The study used paradigm research method because it aimed to provide explanations and to make predictions based on measurable outcomes.

Pragmatic research methods are constantly involved in a search for a tolerant and nondiscriminatory culture that regards all people with equal concern and respect (Dieleman, Rondel & Voparil, 2017:2). Pragmatic in research methodology, pragmatic is a philosophical position that judges knowledge claims by how useful they are to the community of researchers and users of knowledge (Vogt, Gardner & Haeffele, 2012:347). Pragmatic studies allow for such views by accepting a systems approach to our individual and societal relationships with nature. Choose the pragmatic method because researchers have freedom of choice. The reason for choosing a pragmatic research paradigm is because this particular position is regarded as the philosophic partner of mixed methods research, provides a workable solution to multifaceted research problems and offers a practical, middle ground orientation in relation to post positivism and interpretivism (Johnson & Onwuegbuzie, 2004:17).

### **3.4 RESEARCH METHODOLOGIES**

According to Polit and Hungler (2004:233), methodology refers to ways of obtaining, organising and analysing data. Research methodology can be defined as the process which focuses on the tools and procedures to be used in research (Mouton, 2001:56). The study used mixed methods which include quantitative research method and qualitative research method. A mixed method approach incorporates both qualitative and quantitative elements in such a way that the qualitative and quantitative information complements each other. Mixed methods can be integrated in such a way that both methods retain their original structures and procedures. In addition, mixed method offers the best technique to answer a research problem.

#### **3.4.1 Mixed Method**

Creswell (2015:2) defines mixed methods research as an approach to research in the social, behaviour, and health sciences in which the investigator gathers both quantitative (structured questions) and qualitative (opened-ended questions) data, integrates the two, and then draws interpretations based on the combined strengths of both sets of data to understand research problems. Mixed research method is research in which both qualitative and quantitative data are collected and analysed, to address different but related questions (Polit & Beck, 2014:385). The study used both quantitative and qualitative research to complement each other. The aim is to select the best methods, regardless of the qualitative and quantitative divide, to find answers to the research questions. Requires the researcher to acquire skills in both quantitative and qualitative research.

### **3.4.1.1 Quantitative research method**

Quantitative research is defined as research that is concerned with the systematic measurement, statistical analysis and methods of experimentation of things that can be counted (Fox & Bayat, 2007:7). According to Maree, Creswell, Ebersohn, Ellof, Ferreira, Ivankova, Jansen, Niewenhuis, Pieterse, Plano Clark and Van der Westhuizen (2007:145), quantitative research is a process that is systematic and objective in its ways of using numerical data from only a selected subgroup of a universe (or population) to generalize the findings to the universe that is being studied. Creswell (2003:153) supported that quantitative research involves the collection of data so that information can be quantified and subjected to statistical treatment in order to support or refute alternate knowledge claims. Quantitative research method was adopted for its use of some form of numerical data and use of statistical procedures to analyse, interpret and draw conclusions from data. Will be used to separate the variables of the study, using a standardised procedure to collect some form of numerical data, and use statistical procedures to analyse and draw conclusion from the data. Remove a certain level of biasness by examining numbers. When a specific subject is studied a specific variable is defined and then it leads to the results which can be applied to larger populations. Quantitative method provides an objective measure of reality.

### **3.4.1.2 Qualitative research method**

The qualitative approach is referred to as an enquiry process with the purpose of understanding a social or human problem based on building a complex, holistic picture, formed with words, reporting detailed views of informants and conducted in a natural setting (Ortblad, Salomon, Bärnighausen, & Atun, 2015:2354). Qualitative research is often referred to as text data, such as the type of information collected and then transcribed in interviews (Creswell, 2015:124). Qualitative approach was adopted because it allowed for the exploration and the explanation of the effects of municipal service ethics in enhancing basic service delivery. Qualitative research was used because it allows openness to ideas, experience, opinions, feelings and perceptions expressed by the research participants. The study used qualitative research method because qualitative research is exploratory in nature and may use observations to build theory from the ground up. Qualitative research allows the researcher to know people's personality, to see them as they are, and to experience their daily struggles when confronted with real-life. This enables one to interpret and describe the actions of people. Qualitative research is used to gain an understanding of hidden reasons, opinions, and motivations. The results of the qualitative research are descriptive rather than predictive. Qualitative research does not introduce treatments or manipulate variables rather; it lets the

meaning emerges from the participants. It is more flexible as it can adjust to the setting of concepts, data collection tools, and data collection methods of research progresses.

### 3.5 STUDY AREA

Study area is any academic or practice field in which you are conducting your study (Kumar, 2014:384). Study area refers to interdisciplinary field of research and scholarship pertaining to a particular geographical, national, or cultural region (Davies & Hughes, 2014:156). Study area enables the researcher to clearly describe the place where the study will be conducted. The study area of the research is Mopani District Municipality which is one of the 5 district municipalities in Limpopo province, South Africa. In this study the researcher wants to expand the research to the local municipal levels.

**Figure 2 Mopani District in Limpopo Province**



(Source: University of Venda: Geographic information system, 2021)

The Mopani District Municipality is a Category C municipality located within the north-eastern quadrant of the Limpopo Province. It is bordered in the north by Zimbabwe and Vhembe District Municipality, in the south by the Mpumalanga Province through Ehlanzeni District Municipality, in the south-west by Sekhukhune District Municipality, in the east by Mozambique, and in the west by the Capricorn and Vhembe District Municipalities. The district consists of five local municipalities: Ba-Phalaborwa, Greater Giyani, Greater Letaba, Greater Tzaneen and Maruleng. The seat of Mopani is Giyani, and the district is part of the Great Limpopo Transfrontier Park. The district code is DC33. After the 12<sup>th</sup> amendment of the

Constitution of South Africa part of the area of the Bohlabela district was incorporated into Mopani.

### **3.6 POPULATION OF THE STUDY**

According to Simon, Arfvidsson, Anand, Bazaz, Fenna, Foster, Jain, Hansson, Evans, Moodley and Nyambuga (2016:49) population is an aggregate or totality of all the objects, subjects or members that conform to a set of specifications. Davies and Hughes (2014:156) define population as the study of object which consists of individuals, organisation and products or the total collection of all units of analysis which the researcher wants to make specific conclusion. In this study, the research population represents a well-defined collection of individuals or objects known to have similar characteristics. The population of this study mainly focuses on the municipal officials at Mopani District and community members around the municipality. For the researcher to conduct an effective research process on local public administration ethics in enhancing basic service delivery in local government, the population for this study is placed accordingly from municipal managers to community members (top to bottom approach). According to Crask (2000:176), defining the target population is a crucial step in the design of a research project. The total population of Mopani District consists of 1 092 507 people and 526 municipal officials (IDP Mopani District 2020/2021 version 5).

### **3.7 SAMPLING**

Sample can be described as extent of a populace (Privitera, 2018:443). According to Creswell and Creswell (2018: 203), the larger the population, the smaller the percentage of that population needs to be sampled and vice versa. The sampled group of the study consisted of Municipal Manager, Mayor, Ward Councillors, Mopani Local Economic Development Manager, Mopani IDP Manager, Community Stakeholders, Business Practitioners, Traditional Leaders, Community Development Workers Coordinators, Civil Servants, Mopani Executive Committee (EXCO), Mopani Communication Manager, Mopani Public Participation Manager, and Chairperson of Mopani IDP Representative Forum.

#### **3.7.1 Sampling methods**

The following sampling method was used namely; non-probability sampling and its subtype purposive sampling method.

##### **3.7.1.1 Non-probability sampling**

According to Bless, Higson-Smith and Kagee (2006:184) non-probability sampling refers to the sampling technique where the possibility of a member being included in the study is not

known. Non-probability sampling can be defined as a technique where the odds of selecting individuals are not known (Strydom, 2011:231). The study adopted non-probability and its subtype purposive sampling method. The reason for using non-probability sampling design in this study is that this design is used when either the number of elements in a population is unknown or the elements cannot be individually identified. In such situations, the selection of elements is dependent upon other considerations. The advantage of non-probability sampling is that the researcher has no way of predicting or guaranteeing that each element of the population will be represented in the sample. According to Leedy and Ormrod (2014:221) the researcher should always provide a rationale explaining why he or she selected the particular sample of participants.

- **Purposive sampling method**

For efficiency, purposive sampling was chosen because the target population was heterogeneous in terms of type, size, and ownership and sectoral location of the registered business (Creswell, 2013:215). Babbie (2010:557) defines purposive sampling as a type of non-probability sampling in which the units to be observed are selected on the basis of the researcher's judgement on the ones that will be the most useful or representative. Purposive sampling is a non-probability sampling method in which the researcher selects participants based on personal judgement about who will be most informative (Polit & Beck, 2014:389). Purposive sampling enables researchers to squeeze a lot of information out of the data that have been collected. The reason researcher also used purposive sampling is because of the major impact findings have on the population. The flexibility of purposive sampling allows researcher to save time and money while collecting data. Purposive sampling allows the researcher to describe the major impact findings have on the population. The study decided on what needs to be known and set out to find people who can and are willing to provide the information by virtue of knowledge or experience. Beyers (2016:172) purposeful sampling provides information-rich cases for in-depth study, from which one can learn much about the issues of central importance to the research.

### **3.7.2 Sampling size**

The sample size is the part of the population that is actually included in the intervention (De Vos, Strydom, Fouche & Delport, 2002:199). A sample must be large enough to correctly represent a population. The sampled group of the study consists of 200 participants (n=200). For the purpose of this study sampling size will be categorised as follows: 06 Municipal Manager, 06 Major, 35 Ward Councillors, 06 Mopani Local Economic Development Manager, 06 Mopani IDP Manager, 10 Business Practitioners, 10 Traditional Leaders, 30 Community

Development Workers Coordinators, 10 Mopani Executive Committee (EXCO), 05 Mopani Communication Manager, 06 Mopani Public Participation Manager, 05 Human resources manager, 06 Chief Finance Officer (CFO) manager, 06 Performance Management System (PMS) manager, 10 Civic Chairperson, 08 Chairperson of Mopani IDP Representative Forum and 35 community members.

**Figure 3 Sampling Size**

<b>SAMPLED POPULATION</b>	<b>SAMPLE</b>
Municipal Managers	06
Mayors	06
Ward Councillors	35
Mopani Local Economic Development Managers	06
Mopani Integrated Development Programme Managers	06
Business Practitioners	10
Traditional Leaders	10
Community Development Workers Coordinators	30
Mopani Executive Committee (EXCO)	10
Mopani Communication Managers	05
Mopani Public Participation Managers	06
Human Resources Managers	05
Chief Finance Officer (CFO) Managers	06
Performance Management System (PMS) Managers	06
Civic Chairperson	10
Chairperson of Mopani Integrated Development Representative Forum	08
Community Members	35
<b>Total</b>	<b>200</b>

### 3.8 DATA COLLECTION AND MEASURING INSTRUMENTS

Data collection is the process of gathering the basic information that the researcher will use to draw conclusions from (Bryman, Bell, Hirschsohn, Dos Santos, Du Toit, Masenge, Van Aardt

& Wagner, 2014:376). Polit and Beck (2004:716) define data collection as the gathering of information needed to address a research problem. Each of these data collection methods were suitable for the required data leading to the successful undertaking of this study. The reason for selected structured questionnaires and open-ended interviews is because the researcher wanted to get relevant information about the study.

### **3.8.1 Questionnaire (n=190)**

Katoppo and Sudradjat (2015:118) define questionnaires as a written set of questions or statements that assess attitudes, opinions, beliefs and biographical information. According to Kumar (2014:178) questionnaire is a written list of questions, the answers to which are recorded by respondents. Polit and Beck (2014:389) describe questionnaire as a document used to gather self-report data via self-administration of questions. This study used structured questionnaires individually, and the questionnaires were handed to the respondents who completed on their own and submitted to the researcher. Respondents can respond to questions with some assurance that their responses would not come back to haunt them (Leedy & Ormrod, 2014:197). Questionnaires were used because respondents may be more truthful than they would be in a personal interview, especially when addressing sensitive or controversial issues. Questionnaire were adopted because it is comparatively convenient and inexpensive, especially when it is administered. Questionnaires provide greater anonymity, as there is no face-to-face interaction between respondents and interviewer. Questionnaires were made available for in case respondents experienced problems while filling in the questionnaire and the researcher was available in case needed.

The study used questionnaires to get in-depth information from respondents and assurance that their responses would not come back to haunt them. The questionnaires were useful as they help respondents to have time to think about the answers to the questions in the questionnaire. The researcher distributed 190 structured questionnaires to Ward Councillors, Mopani Local Economic Development Manager, Mopani IDP Manager, Community Stakeholders, Business Practitioners, Traditional Leaders, Community Development Workers Coordinators, Civil Servants, Mopani Executive Committee (EXCO), Mopani Communication Manager, Mopani Public Participation Manager, and Chairperson of Mopani IDP Representative Forum by hand to the respondents and collected them after three days. The questionnaires were accompanied by a covering letter motivating the respondents to complete the questionnaires. The study used a five Likert scale ranging from one (1) to five (5): a score of one (1) meant the respondent strongly agrees, a score of two (2) meant the respondent agrees, a score of three (3) means the respondent is not sure, a score of four (4) meant the respondent disagrees and a score of five (5) meant the respondent strongly disagrees.

### **3.8.2 Interview (n=10)**

According to Maree, Creswell, Ebersohn, Ellof, Ferreira, Ivankova, Jansen, Niewenhuis, Pieterse, Plano Clark and Van der Westhuizen (2016:92), an interview is a two-way conversation in which the interviewer asks the participant questions to collect data and to learn the ideas, belief, views, opinions and behaviours of the participant. Katoppo and Sudradjat (2015:118) refers interviews to situation in which answers are directly drawn out from the respondents by an interviewer and usually record respondents. According to Kumar (2014:176), interview is any person-to-person interaction, either face-to-face or otherwise, between two or more individuals with a specific purpose in mind. For the purpose of this study, an interview implies face-to-face talk between the researcher and the respondent concerning the problem of the study. The study adopted open-ended interview questions because it complements the questionnaires. The researcher chose this method because the aim was to find information not only through conversations, but also through body language. An interviewer can supplement information obtained from participants with those gained from observation of non-verbal reactions. It is less likely that a question would be misunderstood as the interviewer can either repeat a question or put it in a form that is understood by the participants.

Structured open-ended interviews are, more flexible and more likely to yield information that the researcher hasn't planned to ask for (Leedy & Ormrod, 2014:155). The researcher had to Interview 10 participants such as municipal managers and mayors who are knowledgeable about the research topic. The interview schedule was accompanied by a covering letter which motivated the participants to complete. Through interviews, the researcher was able to ask for further explanations in situations where the answer will be ambiguous. Interview uses structured interviews as are fairly quick to conduct which means that many interviews can take place within a short amount of time. Interview also uses structured interview because it allows for more in-depth and data collection.

### **3.9 PILOT STUDY**

A pilot study is a research study conducted before the intended study (Privitera, 2018:443). Questionnaire pilot testing is critical is a critical step in conducting research. The practice questionnaires were sent to the intended population which was 10 officials within all levels of work in respective departments. The study was done to find out whether the participants understand the questionnaire instruction. Welman and Kruger (2003:191) state that a pilot study is essentially carried out to refine the questions so that there will be no problems in the interpretation of the questions during the actual empirical research undertaken. Pilot study is

a small study conducted prior to a larger piece of research to determine whether the methodology, sampling, instruments and analysis are adequate and appropriate (Bless, Higson-Smith & Sithole, 2013:394). A pilot study was used to do away with questionnaire ambiguity hence study was carried out using a few respondents from the municipalities. Ten municipal officials were used for the pilot study (Qu & Dumay, 2011:238). De Vos *et al.*, (2002:410) state that the pilot study usually takes place in a setting which is convenient for the researcher and that resembles the one used for the intervention. Pilot studies help to test and refine one or more aspects of final study, for example, its design, fieldwork procedures, data collection instruments, or analysis plans (Yin, 2016: 39). In the pilot study, local government experts and practitioners such as Municipal Managers and Human Resources Managers were interviewed.

### **3.10 Data analysis method**

According to De Vos *et al.*, (2002:339), data analysis is the process of bringing order, structure and meaning to the mass of collected data. Data analysis is a mechanism for reducing and organising data to produce findings that require interpretation by the researcher (Burns & Grove, 2003:479). Two methods of data analysis were used, namely; statistical analysis and narrative analysis.

#### **3.10.1 Statistical analysis**

Ali and Bhaskar (2016:1) describe statistical analysis as a branch of science that deals with the collection, organization, analysis of data and drawing of inferences from the samples of the whole population. Statistical analysis is the branch of scientific method which deals with the data obtained by counting or measuring the properties of populations of natural phenomena (De Smith, 2018:15). An appropriate knowledge about the basic statistical methods will go a long way in improving the research designs and producing quality research which can be utilized for formulating the evidence-based guidelines. Data collected through questionnaire were analysed by statistical analysis called International Business Machine (IBM): Statistical Package for the Social Sciences (SPSS) and the researcher used IBM: SPSS Version 26.0. Data was analysed and interpreted to construct the role of code of conduct in enhancing basic service delivery in local government. The data were presented in a graphical, tabular form, frequencies and percentages.

#### **3.10.2 Narrative analysis**

Narrative analysis is the technique of gathering information which has even less structure than the focus group (Kumar, 2014:194). According to Maree *et al.*, (2016:76), narrative analysis

refers to a form of research in which linguistic data are central to the work. In this study, the researcher also analysed data collected by interview schedule using narrative data analysis. Narrative data analysis focuses on stories told by participants. Each stage thematic data analysis involves data reduction as the large amounts of collected data are reduced to manageable parts. The researcher applied thematic-narrative data analysis in which a variety of procedures for interpreting data is generated in research. The information will be presented in a narrative form and grouped in the themes using eight steps of data analysis which are presented below by Creswell's (2013:334) as follows:

- **Step 1: Planning for recording data**

The study should plan to record data in a more systematic manner before collecting data. Plan to use tape recorders, cameras and other devices should be delineated in the research proposal demonstrating what researcher will use (Creswell, 2013:334).

- **Step 2: Data collection and Preliminary Analysis**

Data analysis in qualitative inquiry necessitates a two-fold approach. The first one involves data analysis at the research site during the collection of data. The second one involves data analysis away from the site. Data collection and analysis go hand in hand to build a coherent interpretation of the data. In this step, the researcher plans to do data analysis at the research site during data collection and to do data analysis away from the site, following a period of data collection. Preliminary analysis deals with the process of reducing the massive data collected into manageable proportions. This step involves familiarization oneself with data materials and field notes to make deductive conclusions about the raw (Mouton, 2015:161).

- **Step 3: Managing (organizing) Data**

This is the early stage in analysis, which involves the researcher organizing his/her data into file folders, index cards or computer files. Data was organized and kept into file folders. The study labelled data properly with a notation system that made retrieval manageable. The data generated by qualitative methods are voluminous. Organizing and analyzing a mountain of narrative can seem like an impossible task (Creswell, 2013:334).

- **Step 4: Reading and Writing Memos**

After the researcher, has organized the data, the researcher immerses himself in the details to try and get a sense of the interview before breaking it into parts. The researcher reads the data collected and checks if it is organized and groups information together. Reading the data once more forces the researcher to become familiar with the data in intimate ways. After organization and conversation of the data, the researcher continues analysis, getting a feeling for the whole database. Reading once more through the data forces the researcher to become

familiar with the data. People, events and quotes sift constantly through the researchers' mind. After the researcher has organized the data, the researcher should get a sense of the details of the interview by reflecting on the process before breaking data into different parts for categorizing. Babbie (2015:404) refers to the process of deming where the researcher should write memos to describe and define concepts.

- **Step 5: Generating Categories, Themes and Patterns**

This step involves noting regularities in the setting or people chosen for the study. As the categories emerge, the study searches for those that have internal convergence and external divergence. The process of category generation involves noting regularities in the setting or people chosen for the study. The study searches for those who have internal convergence and external divergence. The study should break the information down into a small manageable set of themes to write into final narrative. The analytic process demands a heightened awareness of the data, focused attention to the data and openness to the suitable tacit undercurrents of social life. Coding is a formal presentation of analytical thinking. The process of category generation involves noting irregularities in the setting of people chosen for the study. Babbie (2010:338) indicates that themes will be developed based on the questionnaire and each question is divided into sub-categories. Omane-Adjekum (2020:133) articulated that the researcher analyzed the interview data manually into themes.

- **Step 6: Coding the Data**

The study should apply some coding scheme to those categories and themes by diligently and thoroughly marking passages in the data. The researcher can use abbreviation or key words, colours, dots or numbers. Codes may take several forms, for example: abbreviation of key words, coloured dots and numbers. The choice is up to the researcher. Coding of data is the process that enables the interpretation of raw data into a meaningful context. Offreyd and Vickers (2010:179) state that the data collected will be organized, coded, categorized, and synthesize to enable analysis and report the findings in a text format using paragraphs. Omane-Adjekum (2020:133) states that the data collected using the observation scales were numerically coded and entered into the computer. The researcher applied some coding schemes to those categories and themes and thoroughly marks passages in the data using codes.

- **Step 7: Testing Emergent Understanding**

The study begins the process of evaluating the possibility of her/his understanding and explores them through the data. As categories and themes are developed and coding is well underway, the researcher begins the process of evaluating the plausibility of his developing understating and exploring them through enough data. Part of this phrase is evaluating the

data for their uselessness and centrality. This entails a search through the data during which the researcher challenges the understandings, searches for negative instances of patterns and incorporates these into larger constructs as necessary (Creswell, 2013:334).

- **Step 8: Searching for Alternative Explanations**

In this step, as the study discovers the patterns in the data, the researcher should engage in critically challenging the patterns that seem to be apparent. The study should search for other possible explanations for those data and the linkage among them (Creswell, 2013:334).

- **Step 9: Writing the Report**

This is the final step in which the researcher writes a report and explains the data in detail. This will be done to ensure that the data is written in a narrative form on themes and also stated whether the findings confirm or contradict the literature of previous authors. The researcher engages in an interpretative act and gives meaning to raw data. The study will emphasize five opinions based on data analysis. In the first step, the researcher will organize and prepared data analysis to collect data from the respondents. In the second step, the data will be analysed to see trends on patterns of the data to understand the direction in which respondents' information will be heading. In the third step, the researcher will apply a detailed analysis in a coding process and named all proactive respondents to analyse the data to the key findings of the research question. In the fourth step, the data will be interpreted to see if the literature contradicts with other researchers' findings. In the fifth step, the researcher will implement all the steps applicable in the study (Creswell, 2013:334).

### **3.11 ETHICAL CONSIDERATIONS**

Polit and Beck (2014:380) defines ethics as a system of moral values that is concerned with the degree to which research procedures adhere to professional, legal, and social obligations to the study participants. De Vos *et al.*, (2002:63) define ethics as a set of moral principles which are suggested by an individual or group and subsequently or widely accepted and offer rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students. In scientific research, all stakeholders have ethical issues, which should be considered (Privitera, 2018:16). Special consideration was given to ethical respects such as right to privacy, confidentiality and anonymity of research participants. Furthermore, the respondents' right to equality, justice and freedom of choice, expression and access to information as well the right to human dignity/life and protection against harm were ensured. Since this study used people as respondents, the principle of informed consent was followed. The study was conducted after permission had been granted by Mopani District Municipality. Apart from

instrumentation and procedural concerns, collecting data from people raises ethical concerns. This study focused on the following ethical issues namely; protection from harm, voluntary and informed participation, right to privacy, and honesty with professional colleagues.

### **3.11.1 Permission to conduct the study**

The researcher requested and obtained permission to conduct the research from the respondents from the University of Venda for approval of the research project. After approval, the proposal served at the Research Ethics Committee for ethical Clearance Certificate. The letters for permission to conduct research are attached as Annexures C. The study was directed to the municipal officials and community stakeholders.

### **3.11.2 Informed consent**

According to Bless *et al.*, (2006:183), informed consent refers to the ethical principle that participants should be told enough about a piece of research to be able to make a decision about whether to participate in it or not. Informed consent explains what the study entails and what was required of participants in terms of participation. Informed consent provides an informed consent form as annexure F to be completed and signed by the participants before the commencement of the instrument's sessions. Informed consent is the tool for ensuring respect for persons during research and written consent means that a person receives a written form that describes the research and then signs that form to document his or her consent to participate in the research. Respondents were told about the purpose of research; how confidentiality would be protected; that they have the right to withdraw from the study at any time without negative impacts and that participation were done voluntarily or willingly.

### **3.11.3 Voluntary participation**

When people are specifically recruited for participation in research, they should be told the nature of the study to be conducted and given the choice of either participating or not participating (Leedy & Ormrod, 2014:107). Provided any piece of research is likely to help society directly or indirectly, it is acceptable to ask questions, if you first obtain the respondents' informed consent (Kumar, 2014:284). Respondents were told that, if they agreed to participate, they would have the rights to withdraw from the study at any time. Any participation in this study was strictly voluntary. Informed consent implies providing all possible or adequate information on the goal of the research, procedures, advantages, disadvantages and dangers to the respondents (Strydom, 2002:65). Voluntary participation be conducted in order to improve current situation. Voluntary participation make it clear to the participants that the research will only be for academic purpose and their participation in it will be voluntary.

#### **3.11.4 Protection from harm**

The researcher should treat all participants in a courteous and respectful manner (Leedy & Ormrod, 2014:107). Kumar (2014:286) asserts that it is unethical if the way you seek information creates anxiety or harassment, and if you think it may happen, you need to take steps to prevent it. In this study the researcher was sensitive to and thoughtful about potential harm that might cause participants from vulnerable population. Ethical issues in research could be an action of conducting research that benefit respondents or participants in positive way; an ethical act of doing no harm to research respondents or participants (Piper & Simons, 2005:35). Furthermore, not expose research participants to unnecessary physical harm. The study guaranteed that no participants will be put in a situation where they might be harmed because of their participation, physically or psychologically.

#### **3.11.5 Right to privacy**

Any research study involving human beings must respect participants' right to privacy (Leedy & Ormrod, 2014:109). The study kept the nature and quality of individual participants' performance strictly confidential. For example, where the study is given person's names; the study should use numbers and alphabets rather than using real names to identify respondents. According to Leedy and Ormrod (2005:102) a research study should respect the right privacy of the research participants hence the data from research participants should be kept confidential. These ethical issues are pervasive and complex because they cannot focus on the data to the expense of the well-being of their subjects. Research study should respect the right to privacy of the research participants hence the data from research participants should always be kept confidential. In this study, the researcher obtained permission to conduct the research from the municipalities in Limpopo Province. The letters for permission to conduct research are attached as Annexures D as directed to municipal officials in Limpopo Province. It was also important to ensure that the confidentiality and anonymity of the participants be maintained through the removal of any identifying characteristics before widespread dissemination of information. It was also important to make it clear that the respondents' names would not be used for any other purposes, nor will information be shared that reveals their identity in any way.

#### **3.11.6 Honesty with professional colleagues**

According to Leedy and Ormrod (2014:110) researchers must report their findings in a complete and honest fashion, without misrepresenting what they have done or intentionally misleading others about the nature of their findings. Honesty with professional colleagues recognises any use of another person's ideas or words demands full acknowledgement. In

this study the sharing of information about a respondent with others for purpose other than research will not be done. Honesty with professional colleagues ensures that information provided by respondents is kept anonymous.

### **3.12 CONCLUSION**

In conclusion to the above chapter, the researcher applied paradigm. The study also used research design which is descriptive research design. This study also applied research methodologies; mixed methods which is the combination of quantitative and qualitative research method. The reasons for the choice and use of mixed methods were provided in this chapter. The study clearly outlined the study area and population of the study. Sampling, sampling methods and sample size were used to select suitable participants in the study. The study further applied data collection using questionnaire and interview instruments. The study used pilot study to verify the validity of the questionnaire and interview questions to be conducted. Data analysis was done using statistical analysis and narrative analysis. In conclusion, ethical considerations were contained in this study.

The findings based on the analysis and interpretation of the data were presented in the next chapter. It was noted that ethical consideration protects both participants and researcher against the violation of standards when conducting research. For language purposes it has been identified that English can be inadequate in terms of political participation; partly due to the fact that the main language of political discourse is English, and the continuance of linguistic discrimination and inter-group conflict can be embarrassing at times. The chapter then explored the promotion of an appropriate local government culture that must be identified for the municipal manager and the mayor to understand the diversity of the local government and to make better decisions. In order to address the difficulties of reliability and validity in the data sources, methods, the quantitative and qualitative data collected were merged to provide detailed findings of participants' view analysed, expressed or observed.

## CHAPTER 4

### DATA PRESENTATION, ANALYSIS AND INTERPRETATION

#### 4.1 INTRODUCTION

This chapter focuses on reporting the opinions and of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. The previous chapter presented the research design of the empirical investigation and the subsequent research methodologies that the researcher followed, and which indicated the structure and procedures that were followed to answer the researcher's study questions in the role of code of conduct in enhancing basic service delivery in the local government. It has been revealed that the study was conducted in a mixed research method where qualitative and quantitative research methodologies were used. The analysis of data involves what has been seen, heard, and read in order to use the data collected. This chapter will discuss the analysis and interpretation of the collected data by discussing the sampled population's responses as a way of providing an understanding of the nature of the research findings on the role of code of conduct in enhancing basic service delivery. The following section focuses on reporting of empirical investigation and provide answers to the perceptions and role of code of conduct in enhancing basic service delivery. The data regarding the code of conduct in enhancing basic service delivery was collected by using a qualitative and quantitative methods which involved the application of questionnaires and interviews from municipal officials, councillors, and community members. The responses to the questionnaire items are presented in a graphic and tabular forms followed by a brief synthesis of the findings for the item and the responses to the interviews items which are presented in a narrative form followed by a brief synthesis of the findings for the item and detailed discussion of the findings in chapter five (5).

From the fact that the research study applied mixed research methods, the researcher firstly presented the data collected through questionnaires followed by data collected through interviews. The presentation of data covered the analysis of data collected through a questionnaire; and analysis of data collected through interview. A total number of 200 respondents took part in the study, 190 responded to the research questionnaire and ten (10) were interviewed and all the respondents were from Mopani District Municipality.

#### 4.2 ANALYSIS OF DATA COLLECTED THROUGH THE QUESTIONNAIRE

This section presents data which was collected through questionnaire and consists of two sub-sections namely, section A and B. In the first sub-section A, the researcher presents the

biographical details of the respondents. In the second sub-section B, the researcher presents data which was developed from the questionnaire items distributed from the respondents by the researcher. The researcher used a graphical tabular format, frequency, and percentages to present the data that was collected through the questionnaire. Each table will be followed by a brief discussion of the findings.

#### 4.2.1 Section A: Biographical details of the respondents

Biographical information of the respondents obtained from the survey was presented in this section. Biographic information covered gender, age, position, and educational qualification. In this sub-section, the research presents the biographical details of the respondents who took part in this study by answering the questionnaire items. The information or data in this sub-section is presented in a graphical tabular form and followed by a brief explanation of the findings.

**Table 4.1: Gender of the respondents.**

Item	Response	Frequency	Percentage
1	Male	89	46,8%
2	Female	101	53,2%
3	Other (Specify)	0	0,0%
	<b>Total</b>	190	100%

(Own Source, 2022)

Table 4.1 represents the gender of the respondents, and the information collected indicates that from the total number of 190 respondents who took part in this study, of the respondents, 101 (53,2%) were females whereas 89 (46,8%) were males. Nearly, all targeted respondents managed to return the questionnaires, and all received questionnaires were analyzed. Majority of the respondents who took part in this study live and work in Mopani District Municipality in Limpopo Province. From the above table illustration, 101 respondents (53,2%) of the respondents were females whilst the other 46,8% were male, this suggests that there are more females employed within the Mopani District Municipality, Limpopo Province. The above information suggested that rural-based municipalities were in a right direction of implementing affirmative action policy whereby more females were employed in large numbers, especially in management positions.

**Table 4.2: Age of respondents.**

ITEM	RESPONSE	FREQUENCY	PERCENTAGE
1	18-35 years	68	35,8%
2	36-49 years	102	53,7%
3	50 years and older	20	10,5%
	<b>Total</b>	190	100%

(Own Source, 2022)

The above table presents the biographical information of the respondents in terms of age. The above figure indicates that majority of the respondents, 102 (53,7%) who took part in this study was those falling within the range of 36-49 years of age. Those falling within the range from 18-35 years of age occupied the second position 68 (35,8%) of respondents. Few respondents at 20 (10,5%) were from 50 years of age and there were no respondents less than 19 years of age. The study shows that the majority of employees are between the age of 36-49 years with a percentage of 53,7% showing that they understood the research questions. It can be concluded that in this study, the respondents of youth and middle-aged respondents were higher compared to the respondents of the old, aged respondents. It can be deduced that this was likely the case since the majority of personnel working in government departments tend to be matured citizens who are preferred because for several reasons of social, economic and political nature.

**Table 4.3: Position of respondents.**

Item	Response	Frequency	Percentage
1	Municipal Manager	0	0,0%
2	Executive Mayor	1	0,5%
3	Municipal official	151	79,5%
4	Ward Councilor	18	9,5%
5	Community member	20	10,5%
	<b>Total</b>	190	100%

(Own Source, 2022)

The above table presents the biographical information in terms of position. There were five types of respondents in this study which are Municipal Manager, Executive Mayor, Ward Councillor, and community member. Initially, it was planned for this study that the municipal manager shall take part of the study, but during the period of data collection, it was very difficult for the researcher to get hold of the Municipal manager to take part of the study. A total number of 151 (79,5%) of the respondents who participated in this study were municipal officials. From community members who took part in the study, 20 (10,5%). Eighteen 18 (9,5) of ward councilors managed to respond to the research questionnaires, while the executive mayor constituted 1 (0,5%) who took part in this study. From the above statistics it can be realized that there was a fair distribution of positions in the municipality. This shows a 79,5% positive response rate and an indication that the municipality officials are devoted to their work. Employees who are devoted to carrying out their duties, are usually not reluctant to provide answers to questions that seek answers to their day-to-day operations. From above statistic a conclusion, it can be drawn that majority of the population who took part in this study were municipal officials and who are at the same time formed an integral part of the study since they were the ones who were affected by the code of conduct that enhances basic service delivery.

**Table 4.4: Educational qualification of respondents.**

Item	Response	Frequency	Percentage
1	Grade 12	79	41,6%
2	Diploma	100	52,6%
3	Degree	6	3,2%
4	Honours	4	2,1%
5	Masters	1	0,5%
6	Doctor	0	0,0%
	<b>Total</b>	190	100%

(Own Source, 2022)

In this category, respondents were represented to state their highest educational qualifications, and these were divided into six categories as follows: grade 12, Diploma, Degree, Honours, Master and Doctor. The levels of education of respondents are well indicated by table 4.4. Most respondents were college graduates. This is revealed by 100 respondents who constituted 52,6% of the total sample. Only 79 respondents who constituted (41,6%) of the total sample had grade 12 certificates. These respondents also reported that due to poverty it was difficult for them to further their studies. Six 6 representing 3.2% of the respondents managed to acquire degree and 4 representing 2,1% of the respondents have honours degree. Only 1 representing 0,5% managed to acquire master's degree. It is clear from the results that few municipal officials have tertiary qualifications which reflects that most of the respondents understood the objectives of the questionnaire and the content thereof. A conclusion can be drawn that municipal officials were relatively qualified for their jobs which is encouraging.

#### **4.2.2 SECTION B: The role of code of conduct in enhancing basic service delivery in local government with specific reference to mopani district municipality.**

Data collection was in line with the following objectives: to examine the role of the code of conduct in enhancing basic service delivery in local government; to establish the regulatory framework underpinning basic service delivery and code of conduct in South Africa; to describe the ethical challenges confronting municipalities in enhancing basic service delivery; to identify the causes of unethical conduct that hinders effective basic service delivery; and to recommend the ethical strategies needed by municipalities for enhancing basic service

delivery. The researcher in this second sub-section presents the data on the role of code of conduct in enhancing basic service delivery. The information is also presented in graphic tabular form with frequencies and percentages followed by a synthesis interpretation.

#### 4.2.2.1 To determine the role of the code of conduct in enhancing service delivery in local government

In this theme, the researcher presents data regarding the role of code of conduct in enhancing service delivery in local government. Data will be presented in a tabular form, frequencies, percentages, and a brief analysis and interpretation will follow.

**Table 4.5: There are adequate controls to ensure that I complies with policies and procedures in my municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	111	58,4%
2	Agree	70	36,8%
3	Not sure	7	3,7%
4	Disagree	2	1,1%
5	Strongly disagree	0	0,0%
	Total	190	100%

(Own Source, 2022)

From the targeted respondents who took part in this study, the majority, 111 (58,4%) respondents strongly agreed that there are adequate controls to ensure that municipal officials comply with policies and procedures in the municipality. On the other hand, 70 of the respondents who constitute 36,8% of the respondents agree with the statement, while 7 which constitutes 3,7% of the respondents were not sure about the statement. A minority of 2 respondents who constituted 1,1% of the total sample disagreed, indicating that there are no adequate controls to ensure municipal officials comply with the policy and procedures in the municipality, while no one strongly disagreed with the statement. It can be concluded that there are adequate controls to ensure that municipal officials comply with policies and procedures in the municipality.

**Table 4.6: The Constitution of the Republic of South Africa, 1996 encourages the actions of municipal officials to be in line with the values and principles of public administration.**

Item	Response	Frequency	Percentage
1	Strongly agree	115	60,5%
2	Agree	60	31,6%
3	Not sure	12	6,3%
4	Disagree	2	1,1%
5	Strongly disagree	1	0,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Section 195 (1)(a) of the Constitution of the Republic of South Africa Act, 1996 requires a high standard of professional ethics regarding public administration at all levels of the government namely, the national, provincial and local governments (municipalities). Table 4.6 indicated that 115 of the respondents who constitutes 60,5% of the total sample strongly agree that the Constitution of the Republic of South Africa, 1996 encourages the actions of municipal officials to be in line with the values and principles of public administration. Sixty (31,6%) of the respondents who took part in this study agreed that Constitution plays a crucial role in guiding municipal officials. There were 12 (6,3%) of the respondents who were not sure whether the constitution of the Republic of South Africa can encourage actions of municipal officials to be in line with the values and principles of public administration. Two (1,1%) of the respondents disagreed with the statement above, while 1 (0,5%) of the respondents strongly disagree with the view. It is evident through the above results that compliance with Section 195 of the Constitution of the Republic of South Africa, 1996 promotes the values and principles of public administration.

**Table 4.7: The Auditor-General performs independently in my local government administration.**

Item	Response	Frequency	Percentage
1	Strongly agree	92	48,4%
2	Agree	68	35,8%
3	Not sure	18	9,5%
4	Disagree	7	3,7%
5	Strongly disagree	5	2,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

The office of the Auditor-General is the supreme audit institution in South Africa formed to support constitutional democracy by enabling oversight, accountability, and good governance in the municipalities through auditing. Section 3 of the Auditor-General Act empowers the Auditor general to ensure the economic, effective, and efficient utilization of state resources. Any irregularities regarding the use of public funds and resources are reported by the Auditor General. The Auditor General performs independently and has the duty to determine whether organs of state comply with the laws, regulations, policies, and internal measures by performing audits to ascertain economic, effective and efficient use of resources. It is encouraging to note that, 92 respondents who constituted (48,4%) of the total sampled strongly agreed that Auditor General performs independently in the local government administration. This good practice ensured that resources were utilized with diligence. The 68 respondents who constituted 35,8% of the total sample agreed while 18 respondents who constituted 9,5% of the total sample neither agreed nor disagreed to the statement. Seven (3,7%) disagreed with the statement while 5 respondents who constituted 2,6% strongly disagreed. It is evident through these results that municipal official complied with the directives of the Auditor General in order to promote effective and efficient utilization of resources.

**Table 4.8: The Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	32	16,8%
2	Agree	68	35,8%
3	Not sure	12	6,3%
4	Disagree	52	27,4%
5	Strongly disagree	26	13,7%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.9 illustrates that 68 (35,8%) agreed that their code of conduct fulfils a primary function in the fight against corruption and unethical conduct. Thirty-two 32 (16,8%) of the respondents agreed with the statement above, whereas 52 (27,4%) disagree with the statement. Thirty-two 12 (6,3%) of the respondents were not sure of the statement above, whereas 26 (13,7%) strongly disagree with the statement. Municipalities are service-oriented service providers. To provide quality service, community members should not be returned simply because the responsible municipal official is not available. A Code of conduct should hold municipal officials accountable for their actions.

**Table 4.9: Ethics training is regarded as vital in my municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	69	36,3%
2	Agree	56	29,5%
3	Not sure	17	8,9%
4	Disagree	29	15,3%
5	Strongly disagree	19	10%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.9 indicates that the majority at 69 (36,3%) of the respondents who took part in this study strongly agreed that ethics training is regarded as vital in the municipality. Fifty-six (29,5%) of the respondents agreed that ethical training plays a crucial role in guiding municipal officials. There were 17 (8,9%) of the respondents who were not sure whether the ethical training can encourage actions of municipal officials to be in line with the values and principles of public administration. Twenty-nine (15,3%) of the respondents disagreed with the statement above, while 19 (10%) of the respondents strongly disagreed with the view. It can be concluded that the attitude of municipal officials can be altered by following the right process, therefore continuous ethical training should be conducted.

**Table 4.10: My municipality has appointed an ethics officer.**

Item	Response	Frequency	Percentage
1	Strongly agree	98	51,6%
2	Agree	60	31,6%
3	Not sure	9	4,7%
4	Disagree	13	6,8%
5	Strongly disagree	10	5,3%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.10 above indicates that 98 respondents who constituted 51,6% strongly agreed that municipality has appointed an ethical officer and how they should conduct themselves when handling municipal business while 60 (31,6%) agreed with the statement. From 10 respondents constituted 5,3% strongly disagree, while 13 respondents disagreed with the statement. From the above responses, it can be viewed that Mopani District has appointed an ethics officer. This statistic shows that the minority of respondents at 9 at a total of 4,7% were not sure about the statement above. It can be viewed that an ethics officer should be appointed to deal with misconduct in the municipality. This suggests that many respondents who took part in the study understand the role of ethics officer at the municipality as majority of the respondents have agreed that Mopani District municipality has appointed ethics officers.

#### 4.2.2.2 To examine the regulatory frameworks underpinning basic service delivery and code of conduct in South Africa.

This sub-section presents the information collected through questionnaires on the regulatory framework underpinning basic service delivery and code of conduct in South Africa. Data is presented in a tabular form, frequencies, percentages, and a brief analysis and interpretation follows.

**Table 4.11: Are municipal officials aware of the manual code of conduct in place.**

Item	Response	Frequency	Percentage
1	Strongly agree	76	40%
2	Agree	89	46,8%
3	Not sure	18	9,5%
4	Disagree	7	3,7%
5	Strongly disagree	0	0,0%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.11 reveals that the manual of code of conduct to be in place is the responsibility of all municipal officials. 89 respondents who constituted 46,8% of the total sample agreed that all municipal officials were aware of the manual of code of conduct in place. Respondents indicated that they were required to take responsibility for their own actions, since there are consequences of misconduct in the municipality. 18 respondents who constituted 9,5% of the total sample neither agreed nor disagreed with the statement above. A minority of 7 respondents who constituted 3,7% of the total sample disagreed, indicating that municipal officials were not required to be accountable while performing official duties, a view that could be based on ignorance. The above results showed that a large number of respondents agreed that it was the responsibility of all municipal officials to be aware of the manual about the code of conduct since it governs how they should conduct themselves in the workplace.

**Table 4.12: Mopani District informs members of the public with regards to code of conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	50	26,3%
2	Agree	94	49,5%
3	Not sure	5	2,6%
4	Disagree	27	14,2%
5	Strongly disagree	14	7,4%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

According to the study, 94 (49,5%) respondents of the sample agreed that Mopani District informs members of the public with regards to code of conduct while 50 respondents who constituted 26,3% agreed with the statement above. And again 27 respondents constituting 14,2% of the total sample disagreed with the statement that the municipality informs members of the public regarding code of conduct, while 14 respondents constituting 7,4% of the total sample disagreed with the statement. This means that very few respondents at 5 (2,6%) of the total sample are not aware that Mopani District informs members of the public with regards to code of conduct.

**Table 4.13: Community members are willing to attend meetings regarding code of conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	73	38,4%
2	Agree	84	44,2%
3	Not sure	9	4,7%
4	Disagree	18	9,5%
5	Strongly disagree	6	3,2%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.13 indicated that 84 respondents who constitute 44.2% of the total sample agreed that community members are willing to attend meetings regarding code of conduct while 73 respondents who constituted 38,4% strongly agreed with the statement. This clearly indicates that there was a need for municipal officials to be cautious when conducting meetings with the community regarding code of conduct. A minority of 6 respondents who constituted 3,2% strongly disagreed with the statement while 18 respondents who constituted 9,5% disagreed with the statement, a notion that could be based on lack of information and knowledge. Statistics also indicated that 9 respondents who constituted 4,7% of the total sample neither agreed nor disagreed. It is evidence that through the above results respondents agreed that it was important for municipal officials to disclose their code of conduct to avoid unnecessary community protests.

**Table 4.14: Existing code of conduct to be improved soon by the Mopani District Municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	49	25,8%
2	Agree	66	34,7%
3	Not sure	28	14,7%
4	Disagree	29	15,3%
5	Strongly disagree	18	9,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

This statement's intention was to test if Mopani District amended the existing code of conduct in order to improve the way of doing things in the municipality. According to table 4.14, 66 (34.7%) of the respondents felt that the existing code of conduct needs to be improved soon by the Mopani District. Responses to the question show 28 (14,7%) of the respondents were not sure about this statement. This idea is not supported by 29 respondents constituting 15,3% of the total sample who disagreed with the statement that existing code of conduct should not be improved soon by the municipality, while 18 respondents constituting 9,5% strongly disagreed with the statement. This is so because, during data collection, some participants reported that the existing code of conduct needs to be improved soon by the Mopani District. From the information in table 4.14, it can be concluded that there are existing challenges that need to be improved regarding code of conduct in the municipality.

**Table 4.15: Municipal officials know the legislative and policy framework in the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	63	33,2%
2	Agree	87	45,8%
3	Not sure	11	5,8%
4	Disagree	17	8,9%
5	Strongly disagree	12	6,3%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

In order to promote transparency in the utilization of resources in the municipality, legislations and policy framework should be followed. The convincing majority of respondents at 87 (45,8%) strongly agreed by confirming that municipal officials know the legislative and policy framework in the municipality, whereas 63 (33,2%) agreed with the statement. Only 17 respondents who constituted 8,9% disagreed with the statement while 12 of the total sample at 6,3% strongly disagreed with the statement. Eleven 11 (5,8%) of the total sample were not sure of the statement above. It is evidence through the above results that municipal officials know the legislative and policy framework in the municipality.

**Table 4.16: Are municipal officials get training in relation to professional ethics and standards.**

Item	Response	Frequency	Percentage
1	Strongly agree	90	47,4%
2	Agree	66	34,7%
3	Not sure	10	5,3%
4	Disagree	16	8,4%
5	Strongly disagree	8	4,2%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.16 indicates that there are municipal officials who get training in relation to professional ethics and standards. This was confirmed by a majority of 90 respondents constituting 47,4% of the total sample who strongly agreed that municipal training on professional ethics and standards were held in the municipal. Respondents indicated that training of municipal officials in the ethics was vital because ineffectiveness and inefficiency in municipalities is partly attributed to lack of training. However, 66 respondents who constituted 34,7%. 16 respondents constituted 8,4%, and therefore deserved due attention. This confirmed that much was needed to be done in terms of training municipal officials on professional ethics and standards in the municipality. The statistic also revealed that 10 respondents who constituted 5,3% of the total sample neither agreed nor disagreed to the statement. It is evident through the statement above that regular training were conducted on professional ethics and standards. It can be concluded from the above statement that training of municipal officials on sound ethics was a good investment in terms of empowering employees.

**Table 4.17: When municipal officials are appointed, ethics are communicated to them.**

Item	Response	Frequency	Percentage
1	Strongly agree	60	31,6%
2	Agree	76	40%
3	Not sure	20	10,5%
4	Disagree	15	7,9%
5	Strongly disagree	19	10%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

The analyzed data showed that the majority of respondents agreed that when municipal officials are appointed, ethics are communicated to them. This was confirmed by 76 of the respondents who constituted 40% of the total sample. Respondents were of the view that when municipal officials are appointed, and ethics are communicated to them it would reduce the perpetuation of scandals which involve unethical conduct. Statistics also indicated that 60 (31,6%). Twenty (20) respondents were not sure about the statement above which constituted 10,5%. The above table indicates that 19 (10%) of respondents strongly disagreed with the statement whereas 15 (7,9%) disagreed with the statement. It can be concluded that the majority of participants agreed that when municipal officials are appointed, ethics are communicated to them.

**Table 4.18: Municipal managers hold employees accountable for their conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	73	38,4%
2	Agree	56	29,5%
3	Not sure	12	6,3%
4	Disagree	34	17,9%
5	Strongly disagree	15	7,9%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.18 indicates that 73 constituted 38,4% of the respondents strongly agreed that municipal managers management emphasizes the importance of complying with municipal policies and procedures, whereas 56 (29.5%) of respondents agreed that senior management often does not comply with municipal policies and procedures themselves. A manager must have the relevant skills and expertise to perform the duties associated with the post and is directly accountable to the municipal manager on all duties delegated to him, and should see that policies and procedures are followed by those who report to him. It should also be mentioned that 34 respondents who constituted 17.9% disagreed with the statement in question while 17 respondents at the total of 7,9% strongly disagreed with the statement. Comparing the respondents who agreed with the respondents who strongly disagreed, there is a small sign of contradiction between the two statements: 12 (6,3%) of respondents remained neutral deciding not to mention what their experience has been. The municipal manager is also responsible for the management of the provision of services to the local community. During data collection, some respondents reported that the municipal manager must ensure that there is a proper administration and implementation of the municipality's by-laws, policies and procedures, and national and provincial legislation applicable to the municipality.

**Table 4.19: The municipality should create an environment within which code of conduct enhance basic service delivery can be improved.**

Item	Response	Frequency	Percentage
1	Strongly agree	58	30,5%
2	Agree	48	25,3%
3	Not sure	39	20,5%
4	Disagree	15	7,9%
5	Strongly disagree	30	15,8%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

With regard to creating an environment within which code of conduct enhances basic service delivery can be improved, the researcher found out that majority of the respondents at 58 at a total of 30,5% strongly agreed with the statement, while 48 at a total of 25,3% of the respondents agreed with the idea. This is so because during data collection, large number of respondents agreed that municipality should create an environment within which code of conduct enhances basic service delivery. On the other hand, a total of 30 respondents constituting 15,8% strongly disagreed with the statement that municipality should create an environment within which code of conduct that enhances basic service delivery can be improved, while 15 of respondents who constituted 7,9% disagreed with the statement. Thirty-nine 39 respondents at a total of 20,5% were not sure with the statement that the municipality should create an environment within which code of conduct that enhances basic service delivery can be improved. It can be encouraged that both municipal managers and municipal officials have a good relationship which create a good environment within which code of conduct that enhances basic service delivery can be improved for the success of the municipality. From table 4.19, it can be concluded that municipality should create an environment within which code of conduct that enhances basic service delivery can be improved.

#### 4.2.2.3 To describe the ethical challenges confronting municipalities in enhancing basic service delivery.

This sub-section presents information describing the ethical challenges confronting municipalities in enhancing basic service delivery. The information is presented in a tabular form, with frequencies and percentages followed by synthesized information.

**Table 4.20: There is an ethics officer available when I want to ask questions about ethics in the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	109	57,4%
2	Agree	70	36,8%
3	Not sure	7	3,7%
4	Disagree	3	1,6%
5	Strongly disagree	1	0,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.20 indicated that majority of respondents 109 (57,4%) strongly agreed that there was an appointed ethics officer available when needed to ask questions about ethics in the municipality. Seventy 70 respondents who constituted 36,8% of the total sample agreed that there is an ethics officer available when needed to answer questions in the municipality. Three 3 respondents who constituted 1,6% of the total sample disagreed that there is an ethics officer are available when needed to answer questions in the municipality whereas 1 (0,5%) of respondents strongly disagreed with the statement. This number could not be simply ignored, and it was, therefore, important to ensure that ethics officers are available to answer all the questions regarding ethics in the municipality. A minority of 7 respondents constituting 3,7% of the total sample were not sure about the statement above. The above results show that respondents were unaware whether ethics officer are available in the municipality. It can be concluded that majority of respondents know the ethics officer and when there are questions about ethics, ethics officials are there to answer all the questions.

**Table 4.21: Community members are willing to participate in promotion of code of conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	39	20,5%
2	Agree	42	22,1%
3	Not sure	59	31,1%
4	Disagree	30	15,8%
5	Strongly disagree	20	10,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.21 shows that 42 respondents at a total sample of 22,1% in this study agreed that community members are willing to participate in promoting code of conduct whereas 39 (20,5%) strongly agreed with the statement. The majority of the respondents 59 were not sure about the statement and they constituted 31,1%. Thirty 30 respondents who constituted 15,8% disagreed with the fact that community members are willing to participate in promotion of code of conduct. From the statistic above, it can be concluded that members of community are willing to participate in promotion of code of conduct in the municipality, therefore municipal should invite members of the community in any decision they take.

**Table 4.22: Mopani District plays an important role in promoting code of conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	87	45,8%
2	Agree	60	31,6%
3	Not sure	30	15,8%
4	Disagree	11	5,8%
5	Strongly disagree	2	1,0%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

The analyzed data revealed that Mopani district plays an important role in promoting code of conduct. This was confirmed by a slight majority of 87 respondents who constituted 45,8% of the total sample. A total of 60 respondents who constituted 31,6% agreed with the statement. Only a small number of 2 respondents who constituted 1,0% strongly disagreed whereas 11 (5,8) disagreed with the statement. Thirty 30 respondents who constituted 15,8% of the total sample neither agreed nor disagreed to the statement, a fact that could be attributed to ignorance. The above results showed that a large number of respondents were of the view that Mopani district plays an important role in promoting code of conduct. It can be viewed that good working relationship between municipal officials is crucial as it enhances the provision of basic service delivery in the communities.

**Table 4.23: Municipality consults members of public about the challenges facing municipal officials in promoting code of conduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	79	41,6%
2	Agree	66	34,7%
3	Not sure	22	11,6%
4	Disagree	18	9,5%
5	Strongly disagree	5	2,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

This statement's intention was to test if municipality consults members of the public about the challenges facing municipal officials in promoting code of conduct whereas, in table 4.23, they were asked to declare their private interests. According to table 4.23, 22 respondents at a total of 11,6% were not sure if the municipal consults with the member of the public regarding the challenges of facing municipal in promoting code of conduct. Responses to the question show that 18 (9,5%) of the respondents disagreed with this statement while 5 respondents who constituted 2,6% strongly disagreed. Perhaps this could be employees who do not work closely with the community members or who are not well aware that municipality consults with the member of the community.

**Table 4.24: The challenges facing local municipalities need to be evaluated to check if they are yielding desired results.**

Item	Response	Frequency	Percentage
1	Strongly agree	72	37,9%
2	Agree	94	49,5%
3	Not sure	19	10%
4	Disagree	4	2,1%
5	Strongly disagree	1	0,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.24 revealed that 94 respondents who constituted 49,5% of the total sample agreed that challenges facing local municipalities need to be evaluated to see if they yield desired results, whereas 72 respondents who constituted 37,9% of the total sample strongly agreed with the statement. Four 4 (2,1%) of the respondents disagree that challenges facing local municipalities need to be evaluated to check if they yielded desired results while 1 (0,5%) of the respondents strongly disagreed with the statement. Analyzed data also revealed that 19 respondents who constituted 10% were not sure about the statement. This also indicated that much still needed to be done to address the challenges facing local municipalities and also to evaluate to check if they yielded results. It is evidence through a slight majority of respondents that challenges facing local municipalities need to be evaluated to check if they yielded desired results.

#### 4.2.2.4 To identify the causes of unethical conduct that hinder effective basic service delivery.

This sub-section presents the information on the causes of unethical conduct that hinder effective basic service delivery. The information is presented in a tabular form, frequencies, percentages followed by syntheses information.

**Table 4.25: Causes of lack of service delivery in the local public administration ethics is improved.**

Item	Response	Frequency	Percentage
1	Strongly agree	90	47,4%
2	Agree	67	35,2%
3	Not sure	7	3,7%
4	Disagree	26	13,7%
5	Strongly disagree	0	0,0%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Only 90 (47,4%) of the respondents rated strongly agreed with the view that the services from the municipality are improved, 67 (35,2%) said they were agreeing with the statement, 13,7% said the services were disagreeing with the statement and 7 (3,7%) were not sure about the statement. The high degree of dissatisfaction among community members of municipal services could have serious implications on delivering basic service delivery. Unhappy community member are unlikely and unwilling to pay for services and the municipalities in the Mopani District Municipality will need to improve on service delivery before community members strike as has been the case in other municipalities over the past recent years.

**Table 4.26: There is openness and transparency to participation towards decision making process regarding lack of basic service delivery.**

Item	Response	Frequency	Percentage
1	Strongly agree	60	31,6%
2	Agree	78	41,1%
3	Not sure	8	4,2%
4	Disagree	28	14,7%
5	Strongly disagree	16	8,4%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.26 above indicated that overwhelming majority of respondents believed that openness and transparency were well displayed at the municipal. 78 respondents who constituted 41,1% strongly agreed that openness and transparency were well displayed at the municipality. This was a good practice emphasizing the municipality's focus on values and standards in as far as services delivery is concerned. 60 respondents who constituted 31,6% of the total sample agreed with the statement. Only 28 respondents who constituted 14,7% disagreed that there is no openness and transparency in the municipality, a notion that could be attributed to poor service delivery. By openly displaying openness and transparency within the municipality, service user could make conclusion that municipal officials were committed in providing quality service to the best of their ability.

**Table 4.27: Public complaints are attended to satisfaction by the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	52	27,4%
2	Agree	73	38,4%
3	Not sure	32	16,8%
4	Disagree	19	10%
5	Strongly disagree	14	7,4%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

In Table 4.27 the analysed data showed that the majority of respondents strongly agreed that public complaints are attended to satisfaction by the municipality. This was confirmed by 52 of the respondents who constituted 27,4% strongly agreed with the statement whereas 73 (38,4%) of respondents agreed with the fact that public complaints are attended to satisfaction by the municipality. During data collection, respondents indicated that not all public complaints are attended to satisfaction by the municipality because the municipality lack resource. Statistics also indicated that 19 respondents who constituted 10% of the total sample disagreed that public complaints are attendant to satisfaction by the municipality while a total of 14 respondents constituting 7,4% of the total sample strongly disagreed with the statement. The results revealed that public complaints are important and must be attended to the satisfaction of the public.

**Table 4.28: The existing code of conduct need to be revised.**

Item	Response	Frequency	Percentage
1	Strongly agree	86	45,3%
2	Agree	69	36,3%
3	Not sure	20	10,5%
4	Disagree	9	4,7%
5	Strongly disagree	6	3,2%
	Total	190	100%

(Own Source, 2022)

The code of conduct focused on the core functions of the municipality which are strict and tightly enforced by senior managers. Table 4.28 statistics indicated that 86 at 45,3% of the respondents strongly agreed and 69 (36,3%) agreed with the view that the existing code of conduct needs to be revised. During data collection, some of the respondents indicated that when community members lodge complaints about the service they received, lodge such complaints through the right channel of communication could results in a better outcome and may help to improve basic service delivered within the municipalities. The respondents who were not sure on whether existing code of conduct need to be revised were 20 constituting 10,5%. The respondents who disagreed that the existing code of conduct needs to be revised were 9 (4,7%) and 6 respondents who strongly agreed were 3,2%. This means that immediate action needs to be taken to provide basic services to the community. From the above results it can be viewed that the municipality should make sure that code of conduct be reviewed all the time where to lodge complaints about the services received action should be taken immediately.

**Table 4.29: Implications on lack of service delivery on public participation put local public administration ethics in a disadvantage when coming to basic service delivery.**

Item	Response	Frequency	Percentage
1	Strongly agree	79	41,6%
2	Agree	60	31,6%
3	Not sure	32	16,8%
4	Disagree	17	8,9%
5	Strongly disagree	2	1,1%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.29 above indicates that majority of 79 respondents who constituted 41,6% strongly agreed with the statement that says implications on lack of service delivery on public participation put local public administration ethics in a disadvantage when coming to basic service delivery while 60 respondents who constituted 31,6% agreed with the statement. A total of 17 respondents who constituted 8,9% disagreed with the statement that implications on lack of service delivery on public participation put local public administration ethics in a disadvantage when coming to basic service delivery whereas 2 respondents who constituted 1,1% of the total sample strongly disagreed with the above statement. Only 32 of the respondents who constituted 16,8% were not sure about the statement above. The above results reveal that a large number of respondents are in agreement that implications on lack of service delivery on public participation put local public administration ethics in a disadvantage when coming to basic service delivery.

**Table 4.30: Reviewing the code of conduct prevails in developing local public administration in the Mopani District is important.**

Item	Response	Frequency	Percentage
1	Strongly agree	105	55,3%
2	Agree	65	34,2%
3	Not sure	18	9,5%
4	Disagree	1	0,5%
5	Strongly disagree	1	0,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

As shown in table 4.30, indicates that 105 respondents who constituted 55.3% of the respondents strongly agreed that reviewing the code of conduct existing in developing local public administration in the Mopani District is important. During data collection some of the respondents alluded that unethical conduct is an ugly activity; when it is committed community is affected and it damages the image of the institution. Eighteen 18 of the respondents who constituted 9,5% of the total sample were not sure about the statement that the review of the code of conduct in developing local public administration in the Mopani District is important while 1 respondent disagreed and those who strongly disagreed were tied with the total of 0,5%. It can be viewed that reviewing the code of conduct may develop local public administration in the Mopani District and since it is important it should be taken into cognizance to those responsible with code of conduct.

**Table 4.31: Community members need to know the code of conduct in the local public administration ethics in the Mopani District.**

Item	Response	Frequency	Percentage
1	Strongly agree	57	30%
2	Agree	70	36,8%
3	Not sure	20	10,5%
4	Disagree	25	13,2%
5	Strongly disagree	18	9,5%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.31 shows that respondents who agreed that community members need to know the existing code of conduct in the local public administration ethics in Mopani District Municipality were 57 (30%) while a total of 57 respondents who strongly agreed were (30%). This shows that 20 respondents who constituted 10,5% were not sure about the statement. The table above shows that 25 respondents who constituted 13,2% disagreed that community members need to know the existing code of conduct in the local public administration ethics in the Mopani District, while 18 (9,5%) strongly disagreed with the statement. Community members should know the code of conduct in the municipality so that they can know how the municipality operates, its guidelines, and all the information regarding ethics. With the statistics in table 4.31, it can be concluded that the municipality should make sure that community members know the existing strategies in place.

**Table 4.32: Municipal officials in Mopani District continuously review the code of conduct to see if they are yielding results.**

Item	Response	Frequency	Percentage
1	Strongly agree	80	42,1%
2	Agree	61	32,1%
3	Not sure	26	13,7%
4	Disagree	13	6,8%
5	Strongly disagree	10	5,3%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.32 shows that 80 respondents constituting 42,1% strongly agreed that municipal officials in Mopani District continuously review code of conduct to see if they yielded results and respondents who agreed with the statement are 61 (32,1%). The above table indicates that 26 respondents constituting 13,7% were not sure about the statement that municipal officials in Mopani District continuously reviews code of conduct to see if they yield results. The respondents who disagreed with the statement that municipal officials in Mopani District continuously reviews code of conduct to see if they yielded results were 10 (5,3%). From the information provided by the respondents, a conclusion can be drawn that the majority of the respondents who took part in the study were in agreement that municipality reviews code of conduct. From the statistics provided in table 4.32, it can be stated that the municipality continuously reviews code of conduct to see if they are yielding results.

**Table 4.33: Batho-Pele principles are communicated to employees well.**

Item	Response	Frequency	Percentage
1	Strongly agree	58	30,5%
2	Agree	90	47,4%
3	Not sure	22	11,6%
4	Disagree	12	6,3%
5	Strongly disagree	8	4,2%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

According to table 4.33, it is evidence that 90 (47,4%) agreed and 58 (30,5%) strongly agreed respectively that managers in the municipalities must hold municipal officials accountable for their actions. However, 22 (11,6%) were not sure, 12 (6,3%) disagreed and 8 (4,2%) strongly disagreed. Although the percentage of those who agree seems to be high, the number of those who were not sure, disagreed and strongly disagreed shows that maintaining Batho Pele in the municipality is an area of concern. It can be viewed that not all municipal officials know that they are expected to account for their actions. Some respondents indicated that only their managers must account for their actions; because they are at the lower and middle level, they think they are excused from being answerable. Accountability means that all municipal officials have a moral duty to be answerable when performing their duties.

**Table 4.34: Municipal officials communicate with customers/ stakeholders about services offered by the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	67	35,3%
2	Agree	69	36,3%
3	Not sure	28	14,7%
4	Disagree	16	8,4%
5	Strongly disagree	10	5,3%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

According to the results from the respondents in table 4.34 above, 69 respondents who constituted 36,3% agreed that municipal officials communicate with customers/stakeholders about services offered by the municipality while 67 (35,3%) strongly agreed with the statement above. It is cause for concern that 16 (8.4%) of the respondents disagreed with this statement whereas 10 respondents who constituted (5.3%) strongly disagreed with the statement. It can be viewed that this is an indication that more needs to be done in the institution in terms of control mechanisms in order to prevent and/or overcome unethical conduct.

**Table 4.35: Municipal officials have witnessed acts of fraud by other colleagues.**

Item	Response	Frequency	Percentage
1	Strongly agree	88	46,3%
2	Agree	30	15,8%
3	Not sure	10	5,3%
4	Disagree	22	11,6%
5	Strongly disagree	40	21,0%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

In table 4.35 ethical leadership was defined as the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct in followers through two-way communication reinforcement and decision-making (Brown, Trevino & Harrison 2005:6). Municipal managers should exemplify the ethical standards to be followed by their juniors. Responses show that 30 (15.8%) of the respondents strongly agreed that they have witnessed acts of fraud by other colleagues whereas 88 (46.3%) agreed with the statement. Perhaps they believe that people in management are not necessarily ethical leaders. Of the respondents, 10 (5,3%) remained neutral. A total number of 22 respondents who constituted 1,6% disagreed with the statement by alluding that municipal official have not witness acts of fraud by other colleagues while 40 (21,0%) of respondents strongly disagreed with the statement. The above results show that a large number of respondents have witnessed acts of fraud by other colleagues.

#### 4.2.2.5 To recommend the strategies needed by municipalities for enhancing basic service delivery.

This sub-section presents information regarding the evaluation of the recommended ethical strategies by municipalities for enhancing basic service delivery. The information is presented in a tabular form, with frequencies and percentages followed by syntheses information.

**Table 4.36: Municipal officials report misconduct through national setup in the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	70	36,8%
2	Agree	52	27,4%
3	Not sure	11	5,8%
4	Disagree	35	18,4%
5	Strongly disagree	22	11,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

It is required of senior managers and municipal officials to exemplify the values of the municipality and to provide real role models for subordinates to follow. Statistics indicated that 70 respondents who constituted 36,8% of the total sample strongly agreed that municipal officials report misconduct through national setup in the municipality. 52 respondents who constituted 27,4% of the total sample are of the view that municipal officials report misconduct through national setup in the municipality. However, 11 respondents who constituted 5,8% neither agreed nor disagreed. 35 respondents who constituted 18,4% disagreed while 22 respondents who constituted 11,6% strongly disagreed with the statement. This indicated that much still needs to be done to encourage municipal managers and municipal officials to report misconduct through national setup in the municipality. The above results indicate that there was a sound demonstration of good ethics by municipal managers in Mopani District municipality.

**Table 4.37: Auditor General’s recommendations are implemented in the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	72	37,9%
2	Agree	80	42,1%
3	Not sure	30	15,8%
4	Disagree	5	2,6%
5	Strongly disagree	3	1,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.37 indicated that 80 of the respondents who constituted 42,1% of the total sample conformed that recommendations of the Auditor General were taken very seriously at the municipality. It could be argued that compliance to the recommendations of the Auditor General promoted economic effective and efficient procurement of state resources which is a good practice to be encouraged. The 3 of the respondents who constituted 1,6% of the total sampled disagreed that Auditor General recommendations are implemented in the municipality. Again, only a small number of respondents 30 (15,8%) indicated that they neither agreed nor disagreed to the statement, a notion that could be attributed to ignorance. From above illustration it can be concluded that many respondents took seriously the recommendations of the Auditor General in the municipality.

**Table 4.38: Municipalities protects employees who are found guilty of misconduct.**

Item	Response	Frequency	Percentage
1	Strongly agree	10	5,3%
2	Agree	15	7,9%
3	Not sure	10	5,3%
4	Disagree	55	28,9%
5	Strongly disagree	100	52,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Table 4.38 demonstrates that 100 respondents who constituted 52,6% strongly disagreed with the statement that municipalities protect employees who are found guilty of misconduct. This is so because during data collection some managers in the municipality want to see municipal officials who are found guilty of unethical conduct losing their jobs and imprisoned, 55 (28,9%) indicated that respondents agreed with the statement. Ten 10 (5,3%) of respondents strongly disagreed that municipalities protect employees who are found guilty of misconduct, while 15 (7,9%) of the respondents disagreed with the statement. There were 10 (5,3%) of respondents who were not sure about the statement. Therefore, in order to successfully correct unethical practices, some meaningful action should be taken against those found to have committed such conduct. This has to be done because failure to take such actions could undermine all other initiatives aimed at combating or preventing unethical conduct. In practice, it is important to note that any regulation, legislation, or restriction without accompanying agreements is difficult to implement. People generally observe rules when they know what penalties could be imposed on them if they failed to observe such rules. It is against this background that the municipal code of conduct should be enforced for municipal officials not to conduct themselves in a corruptible manner as a control tool. This will also be critical for the delivery of safety and security in the unit. During data collection some of the respondents revealed that people reporting the misconduct of their employees often have the view that they are the ones who have been unethical. It can be concluded that municipal official work according to the code of conduct within the municipality.

**Table 4.39: Recommendations of Public Protector are adhered to in the municipality.**

Item	Response	Frequency	Percentage
1	Strongly agree	98	51,6%
2	Agree	57	30%
3	Not sure	18	9,5%
4	Disagree	12	6,3%
5	Strongly disagree	5	2,6%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

Statistics indicated that the municipality seriously implemented the recommendations of the office of the Public Protector. There were 98 respondents who constituted 51,6% who strongly confirmed that the recommendations of the Public Protector were adhered to in the municipality while 57 (30%) of respondents agreed with the statement. Section 8 (1) and (2) of the Public Protector Act, 1994 empowers the Public Protector to declare to the public the findings and recommendations thereof. However, 12 respondents who constituted 6,3% disagreed and 5 (2,6%) strongly disagreed with the statement while 18 respondents who constituted 9,5% were not sure about the statement above. The above results showed that implementing the recommendations of the office of the Public Protector received the due respect it deserved accorded to it by the supreme law of the country.

**Table 4.40: Municipal officials in Mopani District continuously assess strategies to see if they are yielding results.**

Item	Response	Frequency	Percentage
1	Strongly agree	59	31,1%
2	Agree	78	41,1%
3	Not sure	41	21,6%
4	Disagree	8	4,2%
5	Strongly disagree	4	2,0%
	<b>Total</b>	<b>190</b>	<b>100%</b>

(Own Source, 2022)

With regard to table 4.40, the majority of respondents at 78 constituting 41,1% strongly agreed that municipal officials in Mopani District continuously assess strategies to see if they are yielding results while 59 of the respondents constituting 31,1% agreed with the statement. Forty-one 41 respondents constituting 21,4% revealed that they were not sure whether Mopani District continuously assesses strategies to see if they yield results. Eight 8 respondents who constituted 4,2% disagreed with the statement whereas 4 respondents who constituted 2,0% strongly disagreed with the statement. This is so because, during the collection of data, some respondents reported that there is a challenge with continuous assessment strategies to see if they yielded results. From the information above it can be concluded that Mopani District should continuously assess strategies to see if they are yielding results.

### **4.3 ANALYSIS OF DATA COLLECTED THROUGH INTERVIEWS**

The researcher used a voice recorder and note-taking during the interview session. This study was conducted in order to answer the research questions that arose from the challenge facing municipalities in enhancing basic service delivery; the roles of code of conduct in enhancing basic service delivery in the local government; what are the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa; what are the ethical challenges confronting municipalities in enhancing basic service delivery; what are the causes of unethical conduct that hinder effective basic service delivery and what are recommended ethical strategies needed by municipalities for enhancing basic service delivery in the local government. This section presents the data that was collected through the interviews which were given by the researcher to the participants. The data will be presented in a narrative form.

**Table 4.41 SECTION A: BIOGRAPHICAL DETAILS OF PARTICIPANTS**

<b>PARTICIPANT</b>	<b>GENDER</b>	<b>AGE</b>	<b>POSITION</b>	<b>EDUCATIONAL QUALIFICATION</b>
<b>A</b>	Male	36-49 years	Public Participation Manager	Diploma
<b>B</b>	Male	50 years and above	Manager of Corporate Services	Degree
<b>C</b>	Female	50 years and above	Manager Human Resources	Honours
<b>D</b>	Male	36-49 years	Information Technology Manager	Degree
<b>E</b>	Male	50 years and above	Planning and development manager	Diploma
<b>F</b>	Female	50 years and above	Manager IDP	Degree
<b>G</b>	Female	36-49 years	Communication Manager	Diploma
<b>H</b>	Male	36-49 years	Manager LED	Masters
<b>I</b>	Female	50 years and above	Finance Manager	Degree
<b>J</b>	Male	50 years and above	Ethics Manager	Diploma

The above table presents biographical details of participants. The ration of these participants was made so that the results collected could present balanced data from youth and the adults such as qualification obtained, male or female, position occupied in the municipality. The above information indicates that participants A, B, D, E, H and J were males whereas participants C, F, G and I were females. There were more males than females who participated in the interviews. This proves that both females and males were given an opportunity to participate in the research project. However, males were more than females, and they volunteered to take part in this study. It was intended by a researcher that there would be equal distribution of instruments in terms of gender. The researcher suggested that more effort needs to be done to empower many females as women have impact when it comes to code of conduct at the municipality. According to the information provided above, there were no participants at the age of 18-35 years. Participant B, C, E, F, I and J were 50 years and older. The above table indicates participant A, D, G and H were between the age of 36-49 years. This shows that Mopani District has older managers than younger ones in this study. Most participants who participated in this study were managers who know the municipality and who were at the age of 50 years and older. This illustrates that Mopani District is constituted of officials who are old-aged.

Participants interviewed were managers in different fields such as LED manager, Finance manager, HR manager, IT manager, communication manager, public participation manager, manager of corporate services, IDP manager, ethics manager, and municipal officials. It should be noted that municipalities provide opportunities for the youth to also be part of management. From the above illustration participants, A, B, C, D, E, F, G, H, I and J were managers and there were no subordinates interviewed in this instrument. This enables municipalities to prepare for the leadership chain as when elderly employees exist through retirement, already there are young, experienced individuals who have been properly prepared for a senior position. The above descriptive statistics show that of all the participants who responded to the questions posed in this study, most participants who participated in this study obtained a Degree as their highest qualification. This shows that municipal officials in the municipality are educated. Participants A, E, G and J have diplomas, whereas participants B, D, F and I obtained degrees. Participant C acquired honours whereas participant H obtained masters degree. There was no participant who had PhD qualification. From the table displayed above, of the total participants, all of them indicated that they had at least received some form of formal education. From the above statement it can be concluded that looking at the level of education of the respondents the answers that they have been given can be relied on by virtue of them considered knowledgeable and skilled on the performance of their duties.

**4.2.3 SECTION B: The role of the code of conduct in enhancing basic service delivery in local government with specific reference to mopani district municipality.**

**Table 4.42: Themes and sub-theme of the roles of code of conduct in enhancing basic service delivery.**

<b>ITEM</b>	<b>THEMES</b>	<b>SUB-THEME</b>
<b>1</b>	<b>What are the roles of the code of conduct in enhancing basic service delivery in local government?</b>	
<b>2</b>	<b>What is the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa?</b>	
<b>3</b>	<b>What are the ethical challenges confronting municipalities in enhancing basic service delivery?</b>	
<b>4</b>	<b>What are the causes of unethical conduct that hinder effective basic service delivery?</b>	
		<b>4.1 What are the manifestations of unethical conduct that inhabit effective basic service delivery?</b>
		<b>4.2 Is the manifestations of unethical conduct inhabit effective basic service delivery?</b>
<b>5</b>	<b>What are recommended ethical strategies needed by municipalities for enhancing basic service delivery by local government?</b>	

#### **4.3.1 Question 1: What is the role of a code of conduct in enhancing basic service delivery in local government?**

The first question sought to find out the roles of a code of conduct in enhancing basic service delivery and the participants revealed the following. The sub-theme that emerged in this theme are the role of code of conduct in enhancing basic service delivery in the local government. During the interviews participants indicated that there are roles of the code of conduct in enhancing basic service. This is how participants expressed it:

##### **Participate A**

*According to the participant, code of conduct should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption, and the inappropriate use of public property for personal benefit. He further cautioned that in the South African context of code of conduct articulates that the values the organization wishes to foster in leaders and employees, in doing so, defines desired behaviour, and the consideration of different values systems should be essential. The reason for this is that South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems. He concluded that the code of conduct 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. Participant A emphasis that code of conduct in the municipalities is vital and should be monitored in order to minimize corruption.*

##### **Participant B**

*The participant mentioned that code of conduct ensures that managers, municipal officials and councillors in the municipality behave or conduct themselves in a good manner following policy and procedures in place.*

##### **Participate C**

*In response to the first question, a code of conduct helps municipal officials to know and understand what they are supposed follow in their day today work and it helps them to deliver quality service expected.*

##### **Participant D**

*Participant D said the code of conduct helps the employees to know what they are expected to do or how to conduct themselves when delivering basic service to the community.*

### **Participate E**

*Regarding the above question, a code of conduct ensures that services delivered are done accordingly in building and protecting the image of the municipality.*

### **Participant F**

*Responding to the above question, code of conduct helps municipal officials to know what is expected of them by the municipality for the betterment of the community.*

### **Participate G**

*In the above question, participant B response was that a well-written code of conduct clarifies an organisation's mission, values and principles, linking them with standards of professional conduct which make it easy for employees to follow.*

### **Participant H**

*In responding to the above question, the participant answered the role of the code of conduct is for the employees to follow the principles and standards that govern the municipality in order to delivery basic services to the community.*

### **Participate I**

*Participant I indicated that the code of conduct guides municipal officials on the set principles, rules and policies about how employees can and cannot behave during working hours therefore it governs the way employees conduct themselves.*

### **Participant J**

*In response to the above question, the participant responded that without the code of conduct, employees can do anything they want at work, therefore it is important for the code of conduct to be in place so that values of the organisation define desired behaviour.*

From the above information it can be concluded that training should be aimed at enhancing ethical basic service delivery and preparing accountability to ensure accountability for the training done or left undone. Participant G, H and I argued that a well- written code of conduct clarifies an organisation's mission, vision, values and principles that govern the employees on how they behave during working hours in order to deliver basic services to the community. Participant A and J emphasised that code of conduct in the municipalities is vital and should be monitored in order to minimise corruption. Participant C and D mentioned that a code of conduct helps the employees to know what they are expected to do or how to conduct themselves when delivering basic service to the community. It was stated by participant A that South Africa is a heterogenous society, implying that the society is multicultural with different

cultural groups or ethical groups maintaining their cultural identities and value systems. Participant E is of the view that code of conduct ensures that services delivered are done accordingly in building and protecting the image of the municipality. Participant F on the other hand mention that code of conduct helps municipal officials to know what is expected of them by the municipality for the betterment of the community. Participant B supported by outlining that municipal officials and councillors in the municipality should behave or conduct themselves in a good manner following policy and procedure in place.

Participant A on the other hand stated that code of conduct should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption, and the inappropriate use of the public property for personal benefit. Participant A is of the view that the code of conduct acts 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. It is clear that the participants' answers did not differ much from each other; they all agreed that the code of conduct helps the employees to know what they are expected to do or how to conduct themselves when doing their work in order to deliver proper basic service to the community. This statement suggested that, whereas code of conduct approaches should be aimed at enhancing basic service delivery in the municipality, the training of municipal officials should emphasize innovativeness and the importance of values. Municipal officials would also develop self-confidence if more training were provided. They concurred that the behaviour and attitudes of the municipal officials should be based on the code of conduct. It is then suggested that municipality should provide the municipal officials with information on code of conduct and also provide training on the code of conduct within the municipality using a trainer of the same vernacular with the trainer. Previous studies indicated that training of municipal officials in ethics was vital because inefficiency and ineffectiveness in municipal is partly attributed to lack of training. It is evidence through the above results that training of municipal officials in sound ethics was a wise investment in terms of empowering them.

#### **4.3.2 Question 2: What are the regulatory frameworks underpinning basic service delivery and local public administration ethics in South Africa?**

The second question sought to find out the regulatory frameworks underpinning basic service delivery and local public administration ethics in South Africa and the participant revealed the following:

##### **Participate A**

*Based on the question above, this participant revealed that the Constitution of the Republic of South Africa, Municipal Finance Management Act and Public Finance Act underpins basic service delivery in the local government. He further indicates that is just unfortunate that some of the this is that those laws are not followed as they should, and it leads to poor service delivery amongst municipalities.*

### **Participant B**

*This participant mentioned that the Public Finance Management Act and Municipal Finance Management Act are the regulatory frameworks to ensure ethical conduct because they had the power to educate municipal officials about their rights. The regulatory framework further prevented the violation of the rights of municipal officials. The participant added that some employees had the tendency of humiliating the rights of others. It is important to respect others, and, in that way, municipal officials would show that they respected each other, he asserted. Participant further said that he usually told people that everyone is equal before the law and that each individual had the right to protection and to benefit from the law. He added that it would be good if all municipal officials ensured or adhered to ethical conduct. According to the participant, conflict of interest would always exist in a society where people had to live together who did not agree on everything, and where one party is in power, a conflict would occur. However, conflict is necessary for growth and the development of new ideas. Because the balance of power and authority in government is on the side of the majority party, the parties who did not receive the majority vote would be at a disadvantage (thus, they would have little power or authority), he said. The government did have channels of communication in place, he added, providing the examples of human resource management and the Constitutional Court.*

### **Participate C**

*From the above question, Batho Pele principles and code of conduct are the regulatory frameworks that should govern employees on how to the work in their respective offices in order to render services to the people.*

### **Participant D**

*In answering the above question, the participant confirmed that there are adequate controls to ensure that one complies with policies and procedures in the Municipality. Participant D confirmed that the Constitution of the Republic of South Africa, 1996; the Public Service Act; the Audit Act; the Public Finance Management Act and the Code of Conduct as part of schedule 1 and 2 within the Local Government Municipal Systems Act and also in schedule 5 of Local Government Municipal Structures Act fulfil a primary function in the fight against*

*corruption and unethical conduct. Participants expressed views that leadership and people in senior management positions are not necessarily ethical leaders demonstrating leadership, but that emphasis should be put on creating a good culture for service delivery and enhancing accountability.*

### **Participate E**

*The participant mentioned that according to the Prevention and Combating of Corruption Activities Act, corruption and maladministration should be reported. Participant E added that although the general level of conduct of municipal officials is of a high standard, corruption by municipal officials is usually very subtle. Thus, a holistic approach should be developed to the prevention of corruption. The participant further emphasised that in developing a holistic approach in departments, accountability should be translated into daily practice. Accountability helps to prevent the abuse of power and it ensures that power is directed towards the achievement of efficiency, effectiveness, and transparency. Corruption thrives on secrecy and corruption in all its forms will be undermined by the extent to which justice is promoted.*

### **Participant F**

*Based on the above question, this respondent mentioned the Intergovernmental Relations Framework Act, which determined equitable sharing and the allocation of nationally and provincially raised revenue. The process for revenue sharing among the spheres of government was stipulated in the Act. Participant F further stated that effective control measures were needed to prevent things from going wrong, and not just to correct them afterwards. Control should not be regarded as a negative measure, but rather as an uninterrupted monitoring process for comparing planned results with what happened. Furthermore, municipal managers should implement rational control and problem solving to reduce the need for crisis management. The participant explained that control was one of the most effective measures, which ensured that the analysis phase was done correctly before goals were set.*

### **Participate G**

*Regarding the above question, the participant answered that the Human Rights Commission is one of the regulatory framework to ensure ethical conduct because it had the power to educate municipal official about their rights. Human Rights Commission further prevented the violation of the rights of municipal officials. Participant G added that some employees had the tendency of humiliating the rights of others. It was important to respect others and, in that way, Municipal officials would show that they respected each other, participant G asserted.*

## **Participant H**

*In responding to the above question, the participant answered that the Treasury regulations for a department were issued in terms of the Public Financial Management Act of 1999. Participant H further mentioned that financial management, therefore, gives expression in monetary terms to possible future activities and provides the quantitative basis for the choice. It is based on planning in all departments, as well as careful financial analysis. The National Treasury is able to stop the transfer of funds to an organ of the state if it is of the view that the funds are not going to be spent wisely and for the planned purpose. The participant added that regulations also served to ensure that certain functions, such as cash management, should be carried out equitably and honestly, ensuring that the foundations of the municipal officials, such as transparency and accountability, were adhered to. It could also be argued, according to the participant, that these regulations served as an instructional guide to the various role-players in the municipalities by ensuring that they understood the procedures to be followed in cash management and other general issues relating to public finance. The regulations also created an understanding of the necessity for consistent procedures, which ensured that the cost-effective utilization of resources remained a priority.*

## **Participant I**

*Based on the question above, this participant referred to the Protected Disclosures Act, mentioning that one of the most difficult ethical-moral problems in the public sector is when the public was convinced that government departments were pursuing a course of action that was unethical and damaging to them. Whistleblowing is one of the alternatives that are legally available to all people in South Africa. It is an activity of drawing attention to any illegal, immoral, or otherwise wrongful practices with the purpose of changing or stopping such a practice.*

## **Participant J**

*From the above question, the participant raised the issue of ensuring that the local government departments execute its duties according to expected professional standards and that employees of the municipalities are employed subject to the terms and conditions that comply with the basic values and principles set out in Section 195 of the Constitution. Participant J raised another point, stating that the functional field of a municipal department determines largely what the formal internal environment will be like. This participant made an example, saying that the functional field of the human resources unit in a municipal department or a government department is all related to human resources. This could include recruiting, training, and other labour-related matters. The Labour Relations Act 66 of 1995 plays an important role in the nature of ethical conduct of the formal internal environment at the*

*provincial government level. As a phenomenon of the ethical conduct of both municipal managers and municipal officials, the implementation of the Act affects service delivery in the Department. The mere fact that employees have the right to strike, in terms of the Act, illustrates how service delivery could be affected. When employees exercise their right to strike, services cannot be delivered.*

From the above information, it can be concluded that many participants are of the same view that there are regulatory frameworks underpinning basic service delivery and local public administration ethics in South Africa. Participants A, B, G, H and J argued based on the question above, revealed that the Municipal Finance Management Act and Public Finance Act underpins basic service delivery in the local government and further indicated that the regulatory frameworks ensure ethical conduct because they had the power to educate municipal officials about their rights. Participants A, D and J confirmed that the Constitution of the Republic of South Africa, 1996; Audit Act, the Public Service Act, and the Code of Conduct as part of Schedule 1 and 2 within the Local Government Municipal Systems Act and also in schedule 5 of Local government Municipal Structures Act fulfil a primary function in the fight against corruption and unethical conduct. Participant A based on responses further indicated that it is just unfortunate that some of this is that those laws are not followed as they should, and it leads to poor service delivery. Participant B is of the belief that the regulatory framework further prevented the violation of the rights of municipal officials. The participant added that some employees had the tendency of humiliating the rights of others. Participant B also mentioned that it is important to respect others, and, in that way, municipal officials would show that they respected each other. Participant further said that he usually told people that everyone is equal before the law and that each individual had the right to protection and to benefit from the law. Participant B added that it would be good if all municipal officials ensured or adhered to ethical conduct. According to the participant B, conflict of interest would always exist in a society where people had to live together who did not agree on everything, and where one party is in power, a conflict would occur. However, conflict is necessary for growth and the development of new ideas. Because the balance of power and authority in government is on the side of the majority party, the parties who did not receive the majority vote would be at a disadvantage (thus, they would have little power or authority). Participant B revealed that the government did have channels of communication in place, he added, providing examples of human resource management and the Constitutional Court.

Participant D confirmed that there are adequate controls to ensure that one complies with policies and procedures in the municipality. Participant D further expressed views that leadership and people in senior management positions are not necessarily ethical leaders demonstrating leadership, but that emphasis should be put on creating a good culture for

service delivery and enhancing accountability. Participant E outlined that according to the Prevention and Combating of Corruption Activities Act, corruption and maladministration should be reported. Participant E added that although the general level of conduct of municipal officials is of a high standard, corruption by municipal officials is usually very subtle. Thus, a holistic approach should be developed to the prevention of corruption. The participant further emphasised that in developing a holistic approach in departments, accountability should be translated into daily practice. Accountability helps to prevent the abuse of power and it ensures that power is directed towards the achievement of efficiency, effectiveness, and transparency. Corruption thrives on secrecy and corruption in all its forms will be undermined by the extent to which justice is promoted.

Participant F mentioned the Intergovernmental Relations Framework Act, which determined equitable sharing and the allocation of nationally and provincially raised revenue. The process for revenue sharing among the spheres of government was stipulated in the Act. Participant F further stated that effective control measures were needed to prevent things from going wrong, and not just to correct them afterwards. Participant F attested that control should not be regarded as a negative measure, but rather as an uninterrupted monitoring process for comparing planned results with what happened. Furthermore, participant F mentioned that municipal managers should implement rational control and problem-solving to reduce the need for crisis management. The participant explained that control was one of the most effective measures, which ensured that the analysis phase was done correctly before goals were set. Participant G added that some employees had the tendency of humiliating the rights of others. It was important to respect others, and, in that way, Municipal officials would show that they respected each other, participant G asserted.

Participant H further mentioned that financial management, therefore, gives expression in monetary terms to possible future activities and provide the quantitative basis for the choice. It is based on planning in all departments, as well as careful financial analysis. The National Treasury is able to stop the transfer of funds to an organ of the state if it is of the view that the funds are not going to be spent wisely and for the planned purpose. The participant added that regulations also served to ensure that certain functions, such as cash management, should be carried out equitably and honestly, ensuring that the foundations of the municipal officials, such as transparency and accountability, were adhered to. It could also be argued, according to the participant, that these regulations served as an instructional guide to the various role-players in the municipalities by ensuring that they understood the procedures to be followed in cash management and other general issues relating to public finance. The regulations also created an understanding of the necessity for consistent procedures, which ensured that the cost-effective utilization of resources remained a priority.

Participant I referred to the Protected Disclosures Act, mentioning that one of the most difficult ethical-moral problems in the public sector is when the public was convinced that government departments were pursuing a course of action that was unethical and damaging to them. Whistleblowing is one of the alternatives that are legally available to all people in South Africa. It is an activity of drawing attention to any illegal, immoral, or otherwise wrongful practices with the purpose of changing or stopping such a practice.

Participant J raised the issue of ensuring that the local government departments execute its duties according to expected professional standards and that employees of the municipalities are employed subject to the terms and conditions that comply with the basic values and principles set out in Section 195 of the Constitution. Participant J raised another point, stating that the functional field of a municipal department determines largely what the formal internal environment will be like. This participant made an example, saying that the functional field of the human resources unit in a municipal department or a government department is all related to human resources. This could include recruiting, training, and other labour-related matters. The Labour Relations Act 66 of 1995 plays an important role in the nature of ethical conduct of the formal internal environment at the provincial government level. As a phenomenon of the ethical conduct of both municipal managers and municipal officials, the implementation of the Act affects service delivery in the Department. The mere fact that employees have the right to strike, in terms of the Act, illustrates how service delivery could be affected. When employees exercise their right to strike, services cannot be delivered. The participants answered the question differently but were keen to answer it. Participants appeared to believe in the regulatory framework in place within the local public administration ethics in South Africa. Respondents reacted in a positive manner, agreeing that the regulatory framework underpins basic service delivery and local public administration ethics in South Africa. The focus was on ethical conduct and urging people to do the good or right thing and to act in an ethical way. The participant concurred that the behaviour and attitudes of municipal officials should be raised through training. The participant felt that although this regulatory framework had a role to play, ultimately municipal officials should respect each other and the citizens they serve. It is suggested that municipal officials play a key role in the regulatory frameworks underpinning basic service delivery and local public administration ethics in South Africa by clearly spelled out the role of code of conduct within the municipalities and this will result in reducing community protests and conflict between municipality and community members.

### **4.3.3 Question 3: What are the ethical challenges confronting municipalities in enhancing basic service delivery?**

The third question sought to find out the ethical challenges confronting municipalities in enhancing basic service delivery and participants revealed the following:

#### **Participate A**

*According to the participant, mechanisms should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption, abuse of leadership authority, lack of expertise and the inappropriate use of public property for personal benefit. He further cautioned that in the South African context of human resource management in the municipalities, the consideration of different values system should be essential. The reason for this is that South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems. He concluded that managing in such an environment requires the skills of managing diversity. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the municipality without undermining the values of the different.*

#### **Participant B**

*Lack of coordination and information, financial constraints, discrimination, the use of company technology.*

#### **Participate C**

*Political instability, lack of skilled workforce and corruption within the municipality makes the basic service delivery which is supposed to go to the people suffer.*

#### **Participant D**

*Fraud, lack of accountability, tribalism, theft, corruption and some of the employees use municipal properties for their own gain, instead of rendering basic services to the municipality.*

#### **Participate E**

*Laziness, fraud, discrimination, and corruption is the ethical challenges municipalities nowadays are facing.*

### **Participant F**

*Laziness, theft and maladministration*

### **Participant G**

*Abuse of leadership power, corruption, and lack of accountability*

### **Participant H**

*Harassment, lack of transparency and discrimination*

### **Participant I**

*Abuse of leadership power, discrimination, harassment, embezzlement, toxic workplace culture, unrealistic and conflicting goals, questionable use of company technology, and health and safety in the workplace.*

### **Participant J**

*Bribe, nepotism, patronage, graft, maladministration, and lack of accountability*

Participants A, D, E, F, G and J alluded that mechanisms should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption and abuse of leadership authority. He further cautioned that in the South African context of human resource management in the municipalities, the consideration of different values system should be essential. The reason for this is that South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems. He concluded that managing in such an environment requires the skills of managing diversity. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the municipality without undermining the values of the different. Participant B, E, H and I stressed that discrimination is the ethical challenge municipalities nowadays are facing. Participants' D, G and J lack of accountability is the ethical challenge that faces the municipality today.

Participants H and I indicated that harassment is the ethical challenge. Participants E and F mentioned that one of the ethical challenges facing municipalities is laziness amongst municipal officials to account. Participants F and J alluded that maladministration is the challenge in the municipality. Participant B attested that there is lack of coordination and

information, financial constraints, discrimination and the use of company technology. Participate C mentioned that political instability, lack of skilled workforce and corruption within the municipality makes the basic service delivery which is supposed to go to the people suffer. On the other hand participant I indicated that embezzlement, toxic workplace culture, unrealistic and conflicting goals, questionable use of company technology, and health and safety in the workplace are prevalent. Participant J was the last participant and postulated that bribe, nepotism, patronage, and graft prevalent. Tenders also encourage corruption and those who derive tenders do not get them. The other challenge is that if the positions are advertised in the municipality, the positions are eventually frozen. It can be suggested that corruption is the main issue that leads to unethical challenges confronting municipalities in enhancing basic service delivery in the municipality. It can be seen that lack of resources and the lack of time are identified as the main challenges faced by municipalities in their endeavour to implement basic service delivery. It would also appear that the public's lack of interest is tough to be the least important among the constraints to public participation.

#### **4.3.4 Question 4: What are the causes of unethical conduct that hinder effective basic service delivery?**

The fourth question sought to find out the causes of unethical conduct that hinder effective basic service delivery in the local government. When the central questions were asked to determine the manifestations of unethical conduct that hinder or inhibit basic service delivery, participants mention that there are many causes of unethical conduct inhibiting service delivery in the municipality. The sub-theme that emerged in this theme are answering the question what are the manifestations of unethical conduct that inhabits effective basic service delivery? and Is the manifestations of unethical conduct that inhibit effective basic service delivery? And participant revealed the following:

##### **Participate A**

When managers set as a bad example in the workplace and when municipal official is greedy or seek to get rich quickly by using municipal money for personal gain.

##### **Participant B**

*Managers should set a good example if employees see the boss knocking off early everyday subordinate are likely to do the same.*

##### **Participate C**

*Poor performance monitoring, poor coordination process and managers not asking the challenges facing municipal officials for the betterment of the service rendered to the community.*

### **Participant D**

*Unfair treatment amongst the employees by their managers, lack of discipline on employees and no action taken against them.*

### **Participant E**

*The participant opined that ethics enhanced the quality of professionalism in the municipality. The attitude of municipal officials is another factor affecting efficient, effective and economical service delivery, said the participant. In this regard, managers are responsible for ensuring that municipal officials do not reflect a negative image to the community. Managers should also instil in their subordinates the importance of positive attitudes towards their work. Said participant E that municipal official's attitudes determine the way they render basic service to citizens and if is bad it can also damage relationship with the community. According to participant E, causes of unethical conduct included the following: an attitude of irresponsibility, Managers or those in higher position setting a bad example, disregard for discipline, lack of pride in one's work, disregard for punctuality, carelessness about the choice of words, a hostile body language, and or attitude of "I will report you to the trade union or go on strike".*

### **Participant F**

*In answering the question above, participant F outlined the lack of discipline on employees and when no action is taken against those who acted unethically.*

### **Participant G**

Pressure to succeed is seen when employees may choose to act unethically based on unrealistic expectations to succeed. Employees are afraid to speak up the reason being they are fearful of the consequences. Lack of training, employees may not know an activity they do on a daily basis that is unethical or illegal, but when they get trainings, they can be reminded time and again.

### **Participant H**

*Unauthorised expenditure and impact of peer influence, employee behave unethical looking at their peer. Fear of reprisal, official do not want to damage their carrier and they end up not reporting ethical misconduct that they witness. When there is no policy for reporting in the municipality corruption take place.*

### **Participant I**

*Employees are afraid to speak up, pressure to succeed, lack of training and no policy for reporting.*

## Participant J

*Work pressure, to taking decisive actions against those who behaved unethically. Inadequate procedures and manuals and managers setting bad example.*

Participants A, B, E and J indicated that managers set a bad example in the workplace when municipal official is greedy or seeks to get rich quickly by using municipal money for personal gain leading to causes of unethical conduct that hinder effective basic service delivery. Managers should set a good example. If employees see the boss knocking off early every day, subordinates are likely to do the same. Participants G, H, I and J stressed that pressure to succeed is seen when employees may choose to act unethically based on unrealistic expectations to succeed. Employees are afraid to speak up, pressure to succeed, lack of training and no policy for reporting, reason being they are fearful of the consequences. Lack of training, employees may not know an activity they do on a daily basis that is unethical or illegal, but when they get trainings, they can be reminded time and again. Participants G and I concurred that identifying ethical guidelines in the work environment would solve the issues surrounding ethical behaviour. Participant C identified poor performance monitoring, poor coordination process and managers not asking the challenges facing municipal officials for the betterment of the service rendered to the community. Participant D argued that unfair treatment amongst the employees by their managers, lack of discipline on employees and no action taken against them is causing unethical conduct among the municipal officials.

Participant E supported that ethics enhanced the quality of professionalism in the municipality. The attitude of municipal officials is another factor affecting efficient, effective and economical service delivery. In this regard, managers are responsible for ensuring that municipal officials do not reflect a negative image to the community. Managers should also instil in their subordinates the importance of positive attitudes towards their work. Participant E said that municipal official's attitudes determine the way they render basic service to citizens and if is bad it can also damage relationship with the community.

On the other hand participant E mentioned that causes of unethical conduct included the following: an attitude of irresponsibility, managers or those in higher position setting a bad example, disregard for discipline, lack of pride in one's work, disregard for punctuality, carelessness about the choice of words, a hostile body language, and or attitude of "I will report you to the trade union or go on strike". Participant F In answering the question above, outlined that lack of discipline on employees and when no action is taken against those who acted unethically cause municipal officials to be unethical. Participant G outlined that lack of training, employees may not know an activity they do on a daily basis is unethical or illegal, but when they get training, they can be reminded time and again. Participant H mentioned that

unauthorised expenditure and impact of peer influence, employees behave unethically looking at their peers. Fear of reprisal, officials do not want to damage their careers and they end up not reporting ethical misconduct that they witness. When there is no policy for reporting in the municipality, corruption takes place. All ten participants understood the question. However, their views and opinions differed. The participants' answers emphasised that municipal officials should do what is in the best interest of the public to ensure public accountability. Moreover, those who were involved in the provision of services should be trained in ethics. The participants further outlined that human resource managers should show commitment to the work environment. It can be concluded that municipalities should do more to place community members in a position where it will be regarded as playing a more significant role in municipal decision-making.

#### **4.3.5 Question 4.1: What are the manifestations of unethical conduct that inhibit effective basic service delivery?**

The fifth question is a sub-theme that emerged from the causes of unethical conduct that hinders effective basic service delivery. This sub-theme sought to find out the manifestations of unethical conduct that inhibit effective basic service delivery and the participants revealed the following:

##### **Participant A**

*Poor relationship within an organisation, using of incorrect preferential point system and irregular expenditure. Unfair procurement process and misuse of municipal funds.*

##### **Participant B**

*Uncompetitive bids, no supporting documents when making transactions for money.*

##### **Participant C**

*Poor document management or no supporting documents, unfair procurement process and misappropriation of municipal funds.*

##### **Participant D**

*When there is unethical conduct service delivery suffers and it leads to poor service delivery or no service delivery at all. This can lead to community unrest and negative audit opinion.*

##### **Participant E**

*In response of the above question, the participant mentioned that poor document management, uncompetitive bidding of tenders, inadequate contract management and awards*

*made to known employees or family members are the most common unethical conduct that inhabit effective basic service delivery in the municipalities. The participant felt that although these unethical conducts inhabit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve.*

#### **Participant F**

*The participant argued that municipal officials were resistant to changing the image of the municipality because they thought that they would not be able to do their work according to the new procedures. They might even feel that their jobs were on the line. Usually when a person does not understand the reason for change, but adjusts to it emotionally, it could lead to unethical behaviour. The respondent further stated that esteem needs were known as the higher-order needs. They involved an employee's need for self-respect and recognition from others. The need for success, self-confidence, recognition and appreciation of achievement were examples of esteem needs. Management could play a role in satisfying these needs by rewarding achievement with recognition and appreciation. Participant F also mentioned that documents will be submitted even if they do not meet the requirement and considered to be successful if there is no monitoring and evaluation in the municipality.*

#### **Participate G**

*Ineffective control systems, when suppliers do not declare interest, un-competitive bids, inadequate procurement control, irregular expenditure and poor document management.*

#### **Participant H**

*Misuse of municipal funds for personal gain, when suppliers did not declared interest. It will results to tenders being awarded to family and friends.*

#### **Participate I**

*Poor and dishonesty management of public affairs and corruption. Municipal officials will start to accept improper gifts. Misuse of inside knowledge.*

#### **Participant J**

*Lack of documentation to the awards and to employees of government institution. Making financial transaction knowing that one is going to benefit out of that by not reviling conflict of interest. Protecting incompetence in the workplace.*

Participants B, E, G and H mentioned that poor document management, uncompetitive bidding of tenders, inadequate contact management and awards made to known employees or family members are the most common unethical conduct that inhabit effective basic service delivery

in the municipalities. Participant E supported by outlining that although these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. Participant E, F, G and J stressed that poor document management, inadequate contact management and awards made to known employees or family members are the most common unethical conduct that inhibit effective basic service delivery in the municipalities. The participants felt that although these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. Participants also mentioned that documents will be submitted even if they do not meet the requirements and are considered to be successful if there is no monitoring and evaluation in the municipality. Ineffective control systems is manifested when suppliers do not declare an interest, inadequate procurement control, irregular expenditure, poor document management and lack of documentation to the awards and to employees of government institution.

Participants A, C, H and J pointed out that poor relationship within an organisation, using of incorrect preferential point system and irregular expenditure will result into protecting incompetence in the workplace. On the other hand, participants B and C pointed that poor documentation management or no supporting documents, unfair procurement process and misappropriation of municipal funds when making transactions for money. Participant F emphasised that municipal officials were resistant to changing the image of the municipality because they thought that they would not be able to do their work according to the new procedures. They might even feel that their jobs were on the line. Usually when a person does not understand the reason for change, but adjusts to it emotionally, it could lead to unethical behaviour. The respondent further stated that esteem needs were known as the higher-order needs. They involved an employee's need for self-respect and recognition from others. The need for success, self-confidence, recognition and appreciation of achievement were examples of esteem needs. Management could play a role in satisfying these needs by rewarding achievement with recognition and appreciation.

It is clear that the participants' answers did not differ much from each other; they all agreed that the manifestations of unethical conduct inhibit effective basic service delivery. Their statements suggested that there is lack of supporting document when submitting the claims and this affects or even inhibits the effectiveness of basic service delivery. During the collection of data, some participants alluded that an unfair procurement process irregular expenditure, dishonesty, and misappropriation of municipal funds are manifestations of unethical conduct that inhibit effective basic service delivery. It can be concluded that municipal officials should act ethically all the time. From the above discussion on the institutional mechanisms to combat unethical conduct in South Africa, it is evident that

South Africa's anti-corruption agencies and laws indicate a strong political will and commitment towards combating corruption. However, some of the agencies and laws suffer from uneven implementation and overlapping mandates, which affects the operating ability of these initiatives and the enforcement of the anti-corruption legal framework.

**4.3.6 Question 4.2: Is the manifestations of unethical conduct inhibiting effective basic service delivery?**

The sixth question is a sub-theme that emerged from the causes of unethical conduct that hinders effective basic service delivery. This sub-theme sought to find out the manifestations of unethical conduct which inhibit effective basic service delivery and the participants revealed the following:

**Participate A**

*It can lead to institutional misconduct and political corruption. If municipal officials fail to establish moral standards in the municipality it may leads to a situation where unethical conduct of municipal officials are not in order.*

**Participant B**

*According to the respondent, Service delivered suffers since work is not done accordingly. When the employees do not follow the code of conduct in place, they turn to do what they want which will lead to poor service delivery.*

**Participate C**

*If municipalities keep the standard in which they do things, municipal will not deliver the service they are supposed to deliver. Promised standards of services will not be delivered.*

**Participant D**

*This participant pointed out that unethical conduct inhibits effective basic service delivery because employees do not do their work the way they should.*

**Participate E**

*Based on the question above, lack of expertise, abuse of leadership authority and corruption were examples of ethical challenges confronting municipalities in enhancing basic service delivery. Management could play a role in satisfying community basic services by rewarding achievement with recognition and appreciation to the performing municipal officials. Work will not be done according to how it is supposed to be done.*

### **Participant F**

*The participant responded that those municipal officials who conduct themselves unethically will not follow the procedures in place. The participant further outlined that corruption and nepotism are hindering service delivery across South African municipalities. Participant F further indicates that tenders that are meant to enhance service delivery are only enhancing the economic state of those in senior positions.*

### **Participant G**

*Responding to the above question, the participant answered that when employees are not doing what they are expected to do these will lead to community protests and tenders being awarded to friends and relatives and not to those who can deliver services or who deserve them. Participant G further outlined that misuse of inside knowledge may take place through accepting business appointments after retirement or resignation.*

### **Participant H**

*In answering the above question, participant H was concerned that resistance to change within the municipality, because municipal officials resist to change the image of the municipality thinking they could not be able to do their work according to the new procedures. Usually when a person does not understand the reason for change but adjust to it emotionally it could lead to unethical conduct. When employing a person because you know can make work suffer because it won't be done because when that particular employee does not to the work manager have no say.*

### **Participant I**

*In responding to the above question, the participant indicated that manifestation of unethical conduct inhibits effective basic service delivery because employing those who do not qualify turns them not to do the right thing in the workplace and leads to poor service delivery within the municipalities. The participant further outlined that municipalities should have effective institutions or bodies which are meant to do away with unethical conduct if certain officials who are around to have been at fault with certain provisions.*

### **Participant J**

*Based on the above question, participant J outlined that, it leads to the use and abuse of office and confidential information for private purposes. Participant J further indicated that when it comes to employing those who qualify for the job are not employed and unqualified people are given an opportunity and cannot deliver services to the community.*

Participant A, E, F, G, H and J indicated that manifestation of unethical conduct inhibit effective basic service delivery because it leads to institutional misconduct and political corruption. If municipal officials fail to establish moral standards in the municipality it may lead to a situation where unethical conduct of municipal officials are not in order. Based on the question above, lack of expertise, abuse of leadership authority and corruption were examples of ethical challenges confronting municipalities in enhancing basic service delivery. Participant E added that management could play a role in satisfying community basic services by rewarding achievement with recognition and appreciation to the performing municipal officials. It was found in this study that work will not be done according to how it is supposed to be done. Participant G attested that when employees are not doing what they are expected to do these will lead to community protests and tenders being awarded to friends and relatives and not to those who can deliver services or who deserve them. Participant H was concerned that there could be resistance to change within the municipality, because municipal officials resist to change the image of the municipality thinking they could not be able to do their work according to the new procedures. It was found in this study that usually, when a person does not understand the reason for change but adjust to it emotionally it could lead to unethical conduct. Participant G further outlined that misuse of inside knowledge may take place through accepting business appointments after retirement or resignation. Participant H further indicated that when employing a person because you know can make work suffer because it won't be done because when that particular employee does not to the work manager have no say.

Participant F stressed that those municipal officials who conduct themselves unethically will not follow the procedures in place. Participant F further outlined that corruption and nepotism are hindering service delivery across South African municipalities. Participant F further indicates that elders that are meant to enhance service delivery are only enhancing the economic state of those in senior positions. Participant I and J pointed that manifestation of unethical conduct inhibits effective basic service delivery and this leads to the use and abuse of office and confidential information for private purposes, because employing those who do not qualify turns them not to do the right thing in the workplace and leads to poor service delivery within the municipalities. The participant further outlined that municipalities should have effective institutions or bodies which are meant to do away with unethical conduct if certain officials who are around to have been at fault with certain provisions. On the other hand, participant J outlined that when it comes to employing those who qualify for the job are not employed and unqualified people are given an opportunity and cannot deliver services to the community.

Participant B and D pointed that the service delivered suffers since work is not done accordingly. When the employees do not follow the code of conduct in place, they turn to do what they want which will lead to poor service delivery. Participant C suggested that if municipalities keep the standard in which they do things, municipality will not deliver the service they are supposed to deliver. Promised standards of services will not be delivered. It can be concluded that a code of conduct is concrete and practical and represents executive orders or legislatively defined and enforceable behavioural standards with sanctions for violation. It contains a list of the kinds of behaviour required in each set of circumstances and provides direction to those whose conduct it governs. A code of conduct is designed to protect the government employee, the client and/or the public at large. Lack of transparency may lead to unethical conduct because employees will not be able to share ideas on how they can follow the code of conduct in an expected manner. It is suggested that although the Auditor-General has a clear mandate to carry out and report on performance audits, the *Auditor-General Act* does not entitle the Auditor-General to question the merits of political and executive policies, decisions and objectives. This reflects the principle that the merits of government programmes and projects are primarily matters for political debate and ultimately for decision by Parliament or other legislative bodies.

**4.3.7 Question 5: What are the recommended ethical strategies needed by municipalities for enhancing basic service delivery by local government?**

The last question sought to find out the recommended ethical strategies needed by municipalities for enhancing basic service delivery by local government and participants revealed the following.

**Participate A**

*Participant A asserted that municipal officials should be work loaded on ethics constantly as well as on the code of conduct. Municipalities should be monitored effectively, and contact management enforced. Develop and improve systems, processes, procedures, and policies in the municipalities. Municipalities should come up with a way to employ ethical leaders that can drive changes in the municipality.*

**Participant B**

*In response to the above question, the participant mentioned that a municipality should create a suitable economic environment by attracting suitable investors. Participant B further believes that developing a high-performance culture for a changed, diverse, effective and efficient local*

government. The participant further asserts that developing and building skilled and knowledgeable workers may improve service delivery within the municipalities.

### **Participant C**

Based on the above question, participant C is of the view that if there are projects or contracts they should involve stakeholders so that they award different people tenders not only one person because are one of the municipal relatives. This participant further indicated that there should be continuous motivation of employees to be customer-oriented will enhance basic service delivery. The participant believes that code of conduct in Mopani District Municipality should be implemented by all employees with no fear or favouritism.

### **Participant D**

In answering the above question, participant D assert that bringing ethical leadership that can drive change, transform the functions of the municipality within the confines of the law or render quality basic service to the public, who are the consumers of the government services. Participant also recommended that if promised services is not delivered, citizens are offered an apology, a full explanation, and a speedy and effective remedy. This participant also mentioned that municipal officials who perform beyond their jo descriptions be rewarded to encourage those who perform corruption and also discipline.

### **Participant E**

Responding to the above question, the participant answered that municipal officials should prioritise delivering basic services to the community rather than focusing on their work environment or office logistics. When employees break the rules for example having a clear policy like code of conduct in place that explains employees' expectations along with training is a great way to counter unethical behaviour.

### **Participant F**

The above participant mentioned that municipal managers should enforce discipline among municipal officials. Participant F also articulate that for ethical conduct to be implemented there should be consequences management. The participant indicated that the municipality should create an opportunity for ethical conduct awareness to remind employees about the dangers of unethical conduct.

### **Participant G**

Based on the above question, participant G indicated that improving the way municipalities operate in order to improve service delivery. This participant further asserts that developing

*skilled and knowledgeable employees through training and also allowing them to further their studies may assist in the way municipalities are operating. Employ educated employees who have good conduct from the previous employer and who know and follow procedures in place.*

### **Participant H**

*In responding to the above question, the participant asserts that improving operational effectiveness may help in improving service delivery. Participant H is of the idea that municipal officials should focus on the citizens' challenges, not the process of doing things. This participant is believing that tracking employees' availability and doing market research. The participant mentioned that there should be plans for service delivery to avoid community protests against basic service delivery. Participant H asserts that municipalities must do away with the provision of tenders and provide services from their own employees to avoid corruption and community protests.*

### **Participant I**

*In the above question, the participant alluded that improving access to sustainable and affordable services. This participant also mentioned improving the effectiveness and efficiency of the way in which services are delivered. The participant also indicated that maintaining and upgrading municipal assets and buildings can also contribute to the development of services rendered to the communities. Participant I also mentioned that optimising infrastructure investment and services should be considered by the municipality. A complex combination of strategies is needed to ensure that service employees are willing and able to deliver quality services and that they stay motivated to perform in a customer-orientated, and service-minded way.*

### **Participant J**

*Based on the above question, the participant indicated that municipalities should implement internal institutions which will specifically deal with corruption within the municipalities. Participant J further outlines that online should be considered when possible, by coming up with machines which can do the job with no manpower. The participant believes that managers should define the services expected of employees.*

Participant A and D mentioned that municipalities should come up with a way to employ ethical leaders that can drive changes and transform the functions of the municipality within the confines of the law or render quality basic service to the public, who are the consumers of the government services. Participant B and G assert that developing and building skilled and knowledgeable municipal employees through training and also allowing them to further their studies may improve service delivery within the municipalities. Participant G stressed that

employing educated employees who have good conduct from the previous employer and who know and follow procedures in place may also improve the way municipalities are operating. Participant A asserted that municipal officials should be work loaded on ethics constantly as well as on the code of conduct. It was found in this study that municipalities should be monitored effectively, and contract management enforced. Develop and improve systems, processes, procedures, and policies in the municipalities. Participant B mentioned that a municipality should create a suitable economic environment by attracting suitable investors. Participant B further believes that developing a high-performance culture for a changed, diverse, effective and efficient local government. Participant C is of the view that if there are projects or contracts they should involve stakeholders so that they award different people tenders not only one person because are one of the municipal relatives. Participant C further indicated that there should be continuous motivation of employees to be customer-oriented to enhance basic service delivery. Participant C believes that code of conduct in Mopani District Municipality should be implemented by all employees with no fear or favouritism. Participant D also recommended that if promised services is not delivered, citizens are offered an apology, a full explanation, and a speedy and effective remedy. This participant also mentioned that municipal officials who perform beyond their job descriptions be rewarded to encourage those who denounce corruption and also show discipline. Participate E answered that municipal officials should prioritise delivering basic services to the community rather than focusing on their work environment or office logistics. When employees break the rules for example having a clear policy like code of conduct in place that explains employees' expectations along with training is a great way to counter unethical behaviour.

Participant F mentioned that municipal managers should enforce discipline among municipal officials. Participant F also articulated that for ethical conduct to be implemented there should be consequences management. Participant F indicated that the municipality should create an opportunity for ethical conduct awareness to remind employees about the dangers of unethical conduct. Participate G indicated that there is a need to improve the way municipalities operate in order to improve service delivery. Participant H asserts that improving operational effectiveness may help in improving service delivery. Participant H is of the idea that municipal officials should focus on the citizens' challenges, not the process of doing things. This participant is believing that it is important to track employees' availability and doing market research. The participant mentioned that there should be plans for service delivery to avoid community protests against basic service delivery. Participant H asserts that municipalities must do away with the provision of tenders and provide services from their own employees to avoid corruption and community protests. Participant I also mentioned improving the effectiveness and efficiency of the way in which services are delivered. The participant also

indicated that maintaining and upgrading municipal assets and buildings can also contribute to the development of services rendered to the communities. Participant I also mentioned that optimising infrastructure investment and services should be considered by the municipality. A complex combination of strategies is needed to ensure that service employees are willing and able to deliver quality services and that they stay motivated to perform in a customer-orientated, and service-minded way. Participant J indicated that municipalities should implement internal institutions which will specifically deal with corruption within the municipalities. Participant J further outlined that online should be considered, when possible, by coming up with machines which can do the job with no manpower.

The participant believes that managers should define the services expected of employees. The participants have confirmed that should an ethics audit team be given an opportunity to perform their audit independently they will only be accountable if senior management takes their recommendations seriously. From the previous studies ethics training and ethics education should be taken into consideration to allow improvement of ethical conduct at the municipalities. From the above information, a conclusion can be drawn that community leaders need to be capacitated on code of conduct matters and that a good working relationship between community members and the municipalities should be enhanced.

#### **4.4 CONCLUSION**

This chapter discussed the analysis and interpretation of the collected data by discussing the sampled population's responses as a way of providing an understanding of the nature of the research findings on the role of a code of conduct in enhancing basic service delivery in the local government. Data analysis and interpretation were based on data collected from respondents. The names of the respondents were not disclosed to ensure anonymity. The results of the questionnaires that were obtained from 190 respondents were discussed in detail. Statistical analysis, based on the information obtained from the questionnaires, was provided on the biographical variables of the participating respondents. Sections A and B of the questionnaire were also processed statistically to make inferences that can contribute to the role of the code of conduct in enhancing service delivery in the local government with specific reference to Mopani District Municipality.

This chapter presented the data which was collected through a questionnaire, and it consists of two sub-sections. In the first sub-section, the researcher presented the biographical details of the respondents. In the second sub-section, the researcher presented data that was developed from the questionnaire items distributed and collected from the respondents by the researcher. The researcher used a graphical tabular format, frequency, and percentages to present the data that was collected through a questionnaire. Each table was followed by a

brief discussion of the findings. This chapter also presented data collected through the interviews which were conducted by the researcher with the participants. The data was presented in a narrative form. Ten (10) participants were interviewed using open-ended questions.

In the concluding chapter, the inferences made above are discussed. More specific and representative recommendations and conclusions are made that can contribute to the code of conduct within local government. Research findings, conclusion and recommendations are discussed in the next chapter. This chapter focused on data presentation, analysis and interpretation. Interpretation and analysis were done through questionnaires and interview schedules. The aim of the study was to determine the role of local public administration ethics in enhancing basic service delivery in local government in South Africa with specific reference to Mopani District Municipality (Limpopo Province). In order to recommend the strategies needed for improving service delivery in local government. The chapter also provided recommended ethical strategies needed by municipalities for enhancing basic service delivery by local government. The researcher ensured that information conducted is kept safe as it was stated in chapter three under the ethical considerations. The researcher also used alphabets to represent the names of the participants.

## CHAPTER 5

### FINDINGS, RECOMMENDATIONS AND CONCLUSION

#### 5.1 INTRODUCTION

In the previous chapter the focus was on data presentation, analysis and interpretation. This chapter focuses on significant findings, recommendations and conclusion that are brought forward as measures that can be used by Mopani District Municipality to overcome the challenges of poor basic service delivery. Such understanding would ultimately provide deeper appreciation of the strategies that could be implemented to enhance ethical conduct. This study was encouraged by the fact that the deontological theory of ethics in public administration and management postulates that, despite the existence of a code of conduct that regulates the conduct of municipal officials at the local government level, the outcomes of ethics in practice are still unethical and imagined. Ethics is a comprehensive concept concerning human conduct.

In work situations, ethical conduct is important in the sense that it can affect the productivity of the organization, as well as the quality of the goods produced, and services rendered. In the municipality, ethical conduct is even more important in view of the high public profile of the activities of this sector. In light of this, it is necessary to review what has been written in the previous chapters and weigh the accumulated evidence against the problem stated in Chapter one. This will lead to the drawing of some noticeable conclusions in the attempt to promote ethics in municipal management in the municipality. The value of any scientific study should be reflected in the conclusions and recommendations. It must be contextualized in terms of the research problems and/or research questions on which the study was based. The purpose of this last chapter is therefore to draw the study to its conclusion by presenting research findings resulting from both the literature review and the empirical research findings, suggesting further research paths and providing a conclusion.

#### 5.2 OVERVIEW OF THE STUDY

This study was about the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. This study was conducted in order to answer the research questions that arose from the level of service delivery in the municipality and challenges that hinder basic service delivery. The research study applied a mixed method approach that it qualitative and quantitative research methodologies. The main aim of the study is to determine the role of local public administration ethics in enhancing basic service delivery in local government in South Africa with specific reference to Mopani District

Municipality (Limpopo Province). In order to recommend the strategies needed for improving service delivery in local government. Non-probability sampling technique and its subtype's purposive sampling method was used. The researcher used survey questionnaires and open-ended interviews to collect data. Data were analyzed with the aid of the two data analysis methods, namely, descriptive statistics and thematic analysis and the information was presented in graphical tables to present respondents perceptions in terms of frequencies and percentages as well as narrative form followed by a brief synthesis. The study consists of the following research objectives:

- To determine the role of code of conduct in enhancing basic service delivery in local government.
- To examine the regulatory framework underpinning basic service delivery in South African local government.
- To describe ethical challenges confronting municipalities in enhancing basic service delivery.
- To identify the causes of unethical conduct that hinder effective basic service delivery.
- To recommend the strategies needed by municipalities for enhancing basic service delivery.

The study also consists of the critical research questions which are as follows:

- What is the role of code of conduct in enhancing basic service delivery in local government?
- What is the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa?
- What are the ethical challenges confronting municipalities in enhancing basic service delivery?
- What are the causes of unethical conduct that hinder effective basic service delivery?
- What are the ethical strategies needed by municipalities for enhancing basic service delivery?

The study findings revealed that the role of the code of conduct in enhancing basic service delivery in the local government with specific reference to Mopani District Municipality is

important for the betterment of the community members. The study also recommended strategies that can be used to improve basic service delivery in the municipalities.

### **5.3 MAJOR FINDINGS OF THE STUDY**

The purpose of this section is to discuss the findings that were revealed during the data analysis process so that their true meaning can be taken to the surface. What has been revealed by the survey? Or what was discovered by the study? The following five specific objectives of the study benchmarked the realisation of the main aim of the study and they sought to establish the regulatory framework underpinning basic service delivery in South African local government; to identify ethical challenges confronting municipalities in enhancing basic service delivery; to identify the causes of unethical conduct that hinder effective basic service delivery; to determine the ethical strategies needed by municipalities for enhancing basic service delivery.

#### **5.3.1 Major findings on the determined role of code of conduct in enhancing basic service delivery in local government.**

The first objective of the study sought to determine the regulatory framework underpinning basic service delivery in South African Local Government and the study found that 181 (95,2%) of the respondents agreed that there are adequate controls to ensure that municipal officials comply with policies and procedures in the municipality. The researcher found that 175 (92,1%) of the respondents agreed with the statement that the Constitution of the Republic of South Africa, 1996 encourages the action of municipal officials to be in line with the values and principles of public administration. The research discovered that 160 of the respondents constituting 84,2% agreed with the statement that the Auditor General performs independently in the local government administration. There is a need for community members to participate in the municipality to afford community opportunities to advise on the decision-making process as they are also involved in the outcomes of the decisions taken. The study revealed that 100 of the respondents who constituted 52,6% agreed with the statement that the code of conduct fulfils a primary function in the fight against corruption and unethical conduct. The study also revealed that a large number of respondents 125 (65,8%) agreed with the statement that ethics training is regarded as vital in the municipality. The study found that 158 respondents at 83,2% are of the view that the municipality has appointed an ethical officer. The roles of the code of conduct should be clearly brought out to the municipal officials to actively participate and have an understanding of the way they are expected to conduct themselves in order to enhance basic service delivery to needy communities. What an ethics officer does is identify the ethical issues and mobilise resources and persons around these issues. DiPiazza

(2001:717) believes that the position of an ethics officer should be independent of management and business operations, that the ethics officer should not be seen to be a member of the management team; but as an individual who is positioned across the municipality and who reports to the municipal council and the municipal manager. Appointing an ethics officer is one of the effective strategies for enhancing ethical conduct in municipality and is an important mechanism that is adhered to at the Mopani District municipalities.

From the interviews conducted on the role of code of conduct in enhancing basic service delivery in local government, the study revealed that the manner in which municipal officials conduct themselves should be in line with the code of conduct for employment in the municipality. It was recommended that mechanisms should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption and abuse of leadership authority. It was found that in the South African context of human resource management in the municipalities, the consideration of different values system should be essential. It was found that the reason for this is that South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems. It was recommended that managing in such an environment requires the skills of managing diversity. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the municipality without undermining the values of the different. It was recommended that discrimination is the ethical challenge municipalities nowadays are facing. It was recommended that lack of accountability is the ethical challenge that faces the municipality today.

It was found that harassment is the ethical challenge. It was recommended that laziness led to poor unethical conduct which led to poor service. It was recommended that lack of coordination and information, financial constraints, discrimination, the use of company technology. It was recommended that political instability, lack of skilled workforce and corruption within the municipality makes the basic service delivery which is supposed to go to the people suffer. It was recommended that embezzlement, toxic workplace culture, unrealistic and conflicting goals, questionable use of company technology, and health and safety in the workplace. It was recommended that bribe, nepotism, patronage, and graft. It was found that tenders also encourage corruption and those who derive tenders do not get them. It was recommended that if the positions are advertised in the municipality, the positions are eventually frozen. It was found that corruption is the main issue that leads to unethical challenges confronting municipalities in enhancing basic service delivery in the municipality.

### **5.3.2 Major findings on the examined regulatory framework underpinning basic service delivery and code of conduct in South Africa.**

The second objective of the study sought to ensure that municipal officials who are aware of the manual code of conduct in place and the study found out that majority of respondents at 165 constituting (86.8%) state that municipal officials are aware of the manual code of conduct in place. The researcher discovered that the majority of respondents at 144 (75,8%) Mopani district informed members of the public with regard to the code of conduct. The respondents found out that most respondents at 157 which constituted 82,6% agreed that community members are willing to attend meetings regarding code of conduct in enhancing basic service delivery. The statistics indicated that the majority of the respondents at 115 (60,5%) alluded that the existing code of conduct to be improved soon by the Mopani district. The study findings revealed that respondents at 150 which constituted 79% agreed that municipal officials know the legislative and policy framework in the municipality. The findings point out that 156 (82,1%) of respondents agreed that municipal officials get training in relation to professional ethics and standards. When municipal officials are appointed, ethics are communicated to them, most of the respondents at 136 which constitutes 71,6% revealed that when municipal officials are communicated to about ethics basic service delivery to the community takes place. The findings revealed that most of the respondents at 129 (67,9%) revealed that municipal managers hold employees accountable for their conduct. Matshabapala (2008:10) indicates that individuals and teams, through their conduct, can transform their workplaces into institutions of integrity. Getting the right people and getting them right, is of vital important. Attitude is one of the qualities and values that can be used to achieve better achievement in local government. The researcher found that for most of the respondents 106 (55,8%) agreed that the municipality should create an environment within which the code of conduct enhances basic service delivery can be improved.

From the interview that was carried out by the researcher municipal officials at Mopani District know the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa. It was recommended that when managers set as a bad example in the workplace and when municipal official is greedy or seek to get rich quickly by using municipal money for personal gain leads to causes of unethical conduct that hinder effective basic service delivery. Managers should set a good example if employees see the boss knocking off early everyday subordinates are likely to do the same. It was recommended that pressure to succeed is seen when employees may choose to act unethically based on unrealistic expectations to succeed. It was found that employees are afraid to speak up, pressure to succeed, lack of training and no policy for reporting, reason being that they are

fearful of the consequences. It was found that lack of training, employees may not know an activity they do on a daily basis that is unethical or illegal, but when they get trainings, they can be reminded time and again. It was recommended that identifying ethical guidelines in the work environment would solve the issues surrounding ethical behaviour. It was recommended that poor performance monitoring, poor coordination process and managers not asking the challenges facing municipal officials for the betterment of the service rendered to the community. It was recommended that unfair treatment amongst the employees by their managers, lack of discipline on employees and no action taken against them is causing unethical conduct among the municipal officials.

It was recommended that ethics enhanced the quality of professionalism in the municipality. The attitude of municipal officials is another factor affecting efficient, effective and economical service delivery, said the participant. It was recommended that managers are responsible for ensuring that municipal officials do not reflect a negative image to the community. It was recommended that managers should also instil in their subordinates the importance of positive attitudes towards their work. It was recommended that attitudes that could well service delivery to citizens could also damage interpersonal relationships in the office. It was recommended that causes of unethical conduct included the following: an attitude of irresponsibility, managers or those in higher position setting a bad example, disregard for discipline, lack of pride in one's work, disregard for punctuality, carelessness about the choice of words, a hostile body language, and or attitude of "I will report you to the trade union or go on strike". It was recommended that lack of discipline on employees and when no action is taken against those who acted unethically cause municipal officials to be unethical. It was recommended that due to lack of training, employees may not know that an activity they do on a daily basis is unethical or illegal, but when they get training, they can be reminded time and again. It was recommended that unauthorised expenditure and impact of peer influence, employee behave unethical looking at their peer. It was recommended that fear of reprisal, officials do not want to damage their career and they end up not reporting ethical misconduct that they witness. It was found that when there is no policy for reporting in the municipality corruption takes place. All ten participants understood the question. It was recommended that municipal officials should do what is in the best interest of the public to ensure public accountability. Moreover, those who were involved in the provision of services should be trained in ethics. It was recommended that human resource managers should show commitment to the work environment.

### **5.3.3 Major findings on described ethical challenges confronting municipalities in enhancing basic service delivery.**

The third objective of the study sought to determine the ethical challenges confronting municipalities in enhancing basic service delivery, respondents at 179 (94,2%) in the research study findings revealed that there are ethics officers available when required to answer in the municipality. The researcher found out that 81 (42,6%) of respondents of community members are willing to participate in the promotion of the code of conduct. The research study discovered that 147 of the respondents constituting (77,4%) agreed that the Mopani district plays an important role in promoting the code of conduct. The study revealed that a large number of respondents at 145 (76,3%) agreed that the municipality consults members of the public about the challenges facing municipal officials in promoting code of conduct. The findings point out that 166 of the respondents at (87,4%) agreed that the challenges facing local municipalities need to be evaluated to check if they are yielding desired results.

From the interviews conducted by the researcher on the ethical challenges confronting municipalities in enhancing basic service delivery, it was discovered that mechanisms should be developed in an ethical manner that is reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption, abuse of leadership authority, lack of expertise and the inappropriate use of the public property for personal benefit. It was recommended that poor document management, uncompetitive bidding of tenders, inadequate contact management and awards made to known employees or family members are the most common unethical conduct that inhibit effective basic service delivery in the municipalities. It was recommended that although these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. It was recommended that poor document management, inadequate contact management and awards made to known employees or family members are the most common unethical conduct that inhabits effective basic service delivery in the municipalities. It was found that participants felt that although these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. It was recommended that documents will be submitted even if they do not meet the requirement and are considered to be successful if there is no monitoring and evaluation in the municipality. There are notable Ineffective control systems, suppliers do not declare an interest, inadequate procurement control, irregular expenditure, poor document management and lack of documentation to the awards and to employees of government institution.

It was recommended that poor relationship within an organisation, using of incorrect preferential point system and irregular expenditure results into protecting incompetence in the

workplace. It was established that there is poor documentation management or no supporting documents, unfair procurement process and misappropriation of municipal funds when making transactions for money. It was recommended that municipal officials were resistant to changing the image of the municipality because they thought that they would not be able to do their work according to the new procedures. It was found that municipal officials might even feel that their jobs were on the line. It was found that usually when a person does not understand the reason for change, but adjusts to it emotionally, it could lead to unethical behaviour. It was found that esteem needs were known as the higher-order needs. It was found that they involved an employee's need for self-respect and recognition from others. It was found that there is a need for success, self-confidence, recognition and appreciation of achievement were examples of esteem needs. It was recommended that management could play a role in satisfying these needs by rewarding achievement with recognition and appreciation. It is found that, there is lack of supporting document when submitting the claims and this inhibits the effectiveness of basic service delivery. It was found on the collection of data that, some participants noted that an unfair procurement process and irregular expenditure, dishonesty, and misappropriation of municipal funds are manifestations of unethical conduct that inhibit effective basic service delivery. It was recommended that municipal officials should act ethically all the time.

#### **5.3.4 Major findings on the identified causes of unethical conduct that hinders effective basic service delivery.**

The fourth objective of the study sought to describe the causes of unethical conduct that hinder effective basic service delivery and the study found that 157 (82,6%) of the respondents agreed that the causes of the lack of basic service delivery in the local public administration ethics are improved. The researcher found out that the majority, 138 (72,7%) of respondents agreed that there is openness and transparency to participation in the decision-making process regarding the lack of basic service delivery. The study found that the majority, 125 (65,8%) of respondents agreed that public complaints are attended to satisfaction by the municipality. The researcher found that the majority, 115 (81,6%) of respondents agreed that the existing code of conduct needs to be revised. The study discovered that respondents at 139 constituted (73,2%) are in agreement with the statement that says the implications of lack of service delivery on public participation puts local public administration ethics at a disadvantage when coming to basic service delivery. The study findings revealed that the majority, 170 (89,5%) of respondents agreed that reviewing the code of conduct existing in developing local public administration in the Mopani district is important.

It was discovered from the distributed questionnaires that the majority 127 (66,8%) of respondents agreed that community members need to know the code of conduct in the local public administration ethics in the Mopani district. Findings revealed that from the targeted respondents of 190, the majority, 141 (74,2%) agreed that municipal officials in the Mopani district continuously review the code of conduct to see if they are yielding results. The researcher found that the majority, 148 (77,9%) of the respondents agreed that Batho-Pele principles are communicated to employees well. It was found from the distributed questionnaire that the majority, 136 (71,6%) of the respondents who took part in this study agreed that there are municipal officials who communicate with customers/stakeholders about services offered by the municipality. It was found that the majority, 118 (62,1%) of the respondents agreed that the municipal officials have witnessed acts of fraud by other colleagues.

From the interviews conducted it was found that manifestation of unethical conduct inhibits effective basic service delivery because it leads to institutional misconduct and political corruption. If municipal officials fail to establish moral standards in the municipality it may lead to a situation where unethical conduct of municipal officials are not in order. It was recommended that, lack of expertise, abuse of leadership authority and corruption were examples of ethical challenges confronting municipalities in enhancing basic service delivery. It was recommended that management could play a role in satisfying community basic services by rewarding achievement with recognition and appreciation to the performing municipal officials. It was found that work will not be done according to how it is supposed to be done. It was found that when employees are not doing what they are expected to do these will lead to community protests and tenders being awarded to friends and relatives and not to those who can deliver services or who deserve them. It was established that there is resistance to change within the municipality, because municipal officials resist to change the image of the municipality thinking they could not be able to do their work according to the new procedures. It was found that usually, when a person does not understand the reason for change but adjusts to it emotionally it could lead to unethical conduct. It was recommended that misuse of inside knowledge may take place through accepting business appointments after retirement or resignation. It was recommended that when employing a person because you know can make work suffer because it won't be done because when that particular employee does not do the work manager have no say.

It was recommended that those municipal officials who conduct themselves unethically will not follow the procedures in place. It was established that corruption and nepotism are hindering service delivery across South African municipalities. It was recommended that elders that are meant to enhance service delivery are only enhancing the economic state of

those in senior positions. It was recommended that manifestation of unethical conduct inhibits effective basic service delivery, and it leads to the use and abuse of office and confidential information for private purposes, because employing those who do not qualify turns them not to do the right thing in the workplace and leads to poor service delivery within the municipalities. It was recommended that municipalities should have effective institutions or bodies which are meant to do away with unethical conduct if certain officials who are around are known to have been at fault with certain provisions. It was established that when it comes to employing those who qualify for the job are not employed but the unqualified people are given an opportunity hence, they struggle to deliver services to the community. It was established that the service delivered suffers since work is not done accordingly. When the employees do not follow the code of conduct in place, they turn to do what they want which will lead to poor service delivery. It was found that if municipalities keep the standard in which they do things, municipality will not deliver the service they are supposed to deliver. It was maintained that promised standards of services will not be delivered. It was found that a code of conduct is concrete and practical and represents executive orders or legislatively defined and enforceable behavioural standards with sanctions for violation. It was found that code of conduct contains a list of the kinds of behaviour required in a given set of circumstances and provides direction to those whose conduct it governs. It was found that a code of conduct is designed to protect the government employee, the client and/or the public at large. It was recommended that lack of transparency may lead to unethical conduct because employees will not be able to share ideas on how they can follow the code of conduct in an expected manner.

### **5.3.5 Major findings on the recommended strategies needed by municipalities for enhancing basic service delivery.**

The fifth objective of the study sought to review the ethical strategies needed by municipalities for enhancing basic service delivery and the study found that 122 respondents (64,2%) of the total sample of the study agreed with the statement that municipal officials report misconduct through national setup in the municipality. The study findings revealed that 152 of the respondents constituting (80%) agreed that Auditor General's recommendations are implemented in the municipality. The findings of the study indicated that the respondents at 155 (81,5%) disagreed that municipalities protect employees who are found guilty of misconduct. The findings discovered that respondents who agreed were 155 (81,6%) with the statement that says the recommendations of Public Protector are adhered to in the municipality. Deontological theory on the other hand, states that people should adhere to their obligations and duties when analysing an ethical dilemma (Rainbow, 2002:2). This can mean that a municipal functionary and a councillor have to follow obligations to society because

upholding one's duty is what is considered ethically correct. The research findings outline those respondents at a total of 137 (72,2%) agreed with the statement that municipal officials in Mopani district continuously assess strategies to see if they are yielding results.

From the interviews conducted by the researcher on the ethical existing strategies needed it was found that municipalities should come up with a way to employ ethical leaders that can drive changes and transform the functions of the municipality within the confines of the law or render quality basic service to the public, who are the consumers of the government services. It was recommended that developing and building skilled and knowledgeable municipal employees through training and also allowing them to further their studies may improve service delivery within the municipalities. It was found that employing educated employees who have good conduct from the previous employer and who know and follow procedures in place may also improve the way municipalities are operating. It was recommended that municipal officials should be work loaded on ethics constantly as well as on the code of conduct. It was found in this study that municipalities should be monitored effectively, and contract management enforced. Develop and improve systems, processes, procedures, and policies in the municipalities. It was recommended that a municipality should create a suitable economic environment by attracting suitable investors. It was found that developing a high-performance culture for a changed, diverse, effective and efficient local government. It was recommended that if there are projects or contracts they should involve stakeholders so that they award different people tenders not only one person because are one of the municipal relatives. It was recommended that there should be continuous motivation of employees to be customer-oriented will enhance basic service delivery. It was found that code of conduct in Mopani District Municipality should be implemented by all employees with no fear or favouritism. It was recommended that if promised services is not delivered, citizens are offered an apology, a full explanation, and a speedy and effective remedy. It was found that municipal officials who perform beyond their job descriptions be rewarded to encourage those who perform corruption and also discipline. It was found that municipal officials should prioritise delivering basic services to the community rather than focusing on their work environment or office logistics. It was found that when employees break the rules for example having a clear policy like code of conduct in place that explains employees' expectations along with training is a great way to counter unethical behaviour.

It was recommended that municipal managers should enforce discipline among municipal officials. It was found that for ethical conduct to be implemented there should be consequences management. It was recommended that the municipality should create an opportunity for ethical conduct awareness to remind employees about the dangers of unethical conduct. It was recommended that there is a need to improve the way municipalities operate

in order to improve service delivery. It was found that improving operational effectiveness may help in improving service delivery. It was recommended that municipal officials should focus on the citizens' challenges, not the process of doing things. It was found that there should be a way of tracking employees' availability and doing market research. It was recommended that there should be plans for service delivery to avoid community protests against basic service delivery. It was recommended that municipalities must do away with the provision of tenders and provide services from their own employees to avoid corruption and community protests. It was recommended that there should be a way of improving the effectiveness and efficiency of the way in which services are delivered. It was recommended that maintaining and upgrading municipal assets and buildings can also contribute to the development of services rendered to the communities. It was recommended that optimising infrastructure investment and services should be considered by the municipality. It was recommended that a complex combination of strategies is needed to ensure that service employees are willing and able to deliver quality services and that they stay motivated to perform in a customer-orientated, and service-minded way. It was recommended that municipalities should implement internal institutions which will specifically deal with corruption within the municipalities. It was recommended that automate, when possible, by coming up with machines which can do the job with no manpower. It was recommended that managers should define the services expected of employees. It was recommended that should an ethics audit team be given an opportunity to perform their audit independently they would only be accountable if senior management takes their recommendations seriously. It was recommended that ethics training and ethics education should be taken into consideration to allow improvement of ethical conduct at the Mopani District municipalities.

#### **5.4 SYNTHESIS OF THE RESEARCH FINDINGS**

This section presents the synthesis of the study based on the role of the code of conduct in enhancing basic service delivery in the local government with specific reference to Mopani District Municipality. From the information analyzed from the collected questionnaires and the evidence of this research study, it is possible to reach conclusions, some of which confirm theorists' views, which are:

- The majority of respondents who contributed agreed that there are adequate controls to ensure that municipal officials comply with policies and procedures within Mopani District municipality in the Limpopo Province due to the fact that there is an awareness of statutory and regulatory framework such as the Public Service Act.

- Most of the respondents confirm that Mopani District municipality in line with the Constitution of the Republic of South Africa, 1996 encourage that the actions of municipal officials to be in line with the values and principles in public administration.
- Majority of respondents agreed that Auditor General performs independently in the local government administration.
- A code of conduct is considered to be an effective document to enhance ethical conduct, this was seen with majority of respondents who contributed agreeing that code of conduct fulfils a primary function in the fight against corruption and unethical conduct.
- Majority of respondents agreed that municipal officials at the Mopani District municipalities regard ethics training as vital.
- The majority of respondents agreed that Mopani District municipalities have an ethics office.
- Most respondents revealed that municipal officials are aware of the manual code of conduct in place.
- Majority of employees from Mopani District municipality agreed that the municipality informs members of the public with regards to code of conduct.
- Community members agreed that they are willing to attend meetings regarding code of conduct.
- Majority of respondents agreed that existing code of conduct needs to be improved soon by the Mopani District.
- Most respondents agreed that municipal officials know the legislative and policy framework in the municipality.
- Majority agreed that municipal officials get training in relation to professional ethics and standards.
- Most respondents agreed that when municipal officials are appointed ethics are communicated to them.
- The majority of respondents revealed that municipal manager holds employees accountable for their conduct.
- Majority of respondents confirm that the municipality should create an environment within which code of conduct that enhances basic service delivery can be improved.

- Most respondents agreed that there is an ethics officer available when they want to ask questions about ethics in the municipality.
- The majority of respondents confirmed that community members are willing to participate in promoting of code of conduct.
- Municipality plays an important role in promoting a code of conduct.
- It was confirmed with the majority of respondents that the municipality consults members of the public about the challenges facing municipal officials in promoting a code of conduct.
- Majority of respondents agreed that challenges facing local municipalities need to be evaluated to see if they yield desired results.
- Majority of respondents agreed that causes of lack of service delivery in the local public administration ethics are improved.
- Majority of respondents agreed that there is openness and transparency to participate towards the decision-making process regarding the lack of basic service delivery.
- In Mopani district public complaints are not attended to satisfaction by the municipality.
- Existing code of conduct needs to be revised in Mopani District municipality.
- Majority of respondents agreed that there are implications on lack of service delivery on public participation which puts local public administration ethics at disadvantage when coming to basic service delivery.
- It was confirmed by the majority of respondents that there is a need for the municipality to review the existing code of conduct in order to develop and improve basic service delivery.
- Majority of respondents confirmed that community members need to know the code of conduct in the local public administration ethics in the Mopani district municipality.
- Majority of respondents agreed that municipal offices in Mopani district continuously review the code of conduct to see if they are yielding results.
- The majority of respondents agreed that Batho-Pele principles are communicated to employees well in the municipality.
- Majority of respondents agreed that municipal officials communicate with customers/ stakeholders about services offered by the municipality.

- Majority of respondents agreed that municipal officials have witnessed acts of fraud by other colleagues.
- Majority of respondents agreed that municipal officials report misconduct through a national set-up in the municipality.
- The majority of respondents agreed that Auditor General's recommendations are implemented in the municipality.
- Majority of respondents were of the view that municipalities do not protect employees who are found guilty of misconduct.
- Majority of respondents agreed that recommendations of the Public Protector are adhered to in the municipality.
- Majority of respondents agreed that municipal officials in Mopani district continuously assess strategies to see if they are yielding results.

From the information collected through interviews, the following is the synthesis of the study:

- Code of conduct plays a vital role in the organizational manual that states the rules, values, goals, ethics and vision of the municipality.
- Abuse of leadership authority is an unfortunate reality and is the challenge confronting municipalities in enhancing basic service delivery.
- The cause of unethical conduct that hinders effective basic service delivery is when managers do not set a good example.
- Bidding of tenders should be done fairly including other stakeholders who do not have a conflict of interest.
- Municipality should develop and build skilled and knowledgeable employees.
- There is a need for improving the effectiveness and efficiency of the way in which services are delivered.
- There is a need to develop and improve systems, processes, procedures, and policies in the municipalities.
- Municipality should implement internal institutions which will specifically deal with corruption within the municipalities.

## **5.5 RECOMMENDATION TO THE MUNICIPALITIES ON CODE OF CONDUCT**

The municipal manager and supervisors are most likely to receive reports about observations of misconduct, so they need to be prepared to recognize these reports as ethics-related and to respond appropriately. If they are not properly trained to address reports, incidences of misconduct may be addressed inadequately, or senior management may not even be informed about ethics problems that exist. When the municipal manager handles report inconsistent and relevant ways, municipal officials may perceive that their report makes a difference and are more likely to report in the future. Clear communication of the process for handling ethics violations also increases the likelihood that senior managers will be made aware when misconduct problems arise. Municipal managers and managers within the municipality need to be trained and encouraged to create strong ethical cultures.

## **5.6 RECOMMENDATIONS OF THE STUDY**

In view of the findings, certain recommendations have been suggested. It has been proved by the previous researchers that unethical conduct by municipal officials is the main cause of poor basic service delivery in the municipality and therefore effective and efficient mechanisms have to be put in place to address this problem. Recommendations are therefore suggested based on the four which arose from the research findings. Recommendations can be compared to a vision that provides tomorrow's solutions to today's problems. This implies that the value of any research project is contained in the recommendations or proposals that are advocated by the researcher and those recommendations must be packaged in such a way that they show clearly how the new information has been able to add value to the advancement of knowledge in that particular research field in line with what was discussed in Chapter 1 (see section 1.5). Recommendations are therefore suggested based on the themes which arose from the research findings.

### **5.5.1 Recommendations on the determined role of code of conduct in enhancing basic service delivery in local government.**

The first objective of the study sought to determine the regulatory framework underpinning basic service delivery in South African Local Government and the study recommended that there should be adequate controls to ensure that municipal officials comply with policies and procedures in the municipality. The researcher recommended that the Constitution of the Republic of South Africa, 1996 encourages the action of municipal officials to be in line with the values and principles of public administration and as such municipalities should adhere to the laws enforced. The Auditor General performs independently in the local government administration and as such functions must be performed in order the ensure municipalities run

accordingly. The study recommended that community members participate in the municipality to afford community opportunities to advise on the decision-making process as they are also involved in the outcomes of the decisions taken. The study recommended that roles of the code of conduct should be clearly brought out to the municipal officials to actively participate in order to enhance basic service delivery to needy communities. It was recommended that ethics officer should identify the ethical issues and mobilise resources around basic service delivery following ethics protocols in place. The researcher is of belief that the position of an ethics officer should be independent, that the ethics officer should not be seen to be a member of the management team; but as an individual who is positioned across the municipality and who reports to the municipal council. The study recommended that appointing an ethics officer is one of the effective strategies for enhancing ethical conduct in municipalities and is an important mechanism that is adhered to at the Mopani District municipalities and other municipalities should learn from this municipality.

The study recommends that the manner in which municipal officials conduct themselves should be in line with the code of conduct for employment in the municipality. It was recommended that mechanisms should be developed in an ethical manner that is reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption and abuse of leadership authority. It was recommended that the South African context of human resource management in the municipalities should be revised. It was recommended that since South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems is vital. It was recommended that managing in such an environment requires the skills of managing diversity. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the municipality without undermining the values of the difference. It was recommended that discrimination is the ethical challenge municipalities nowadays are facing. It was recommended that lack of accountability is the ethical challenge that faces the municipality today hence it should be dealt with in Mopani District Municipality.

It was recommended that since harassment is an ethical challenge there should be an office to report all harassment cases made in the municipalities. It was recommended that laziness led to poor unethical conduct which led to poor service. It was established that lack of coordination and information, financial constraints, discrimination, and the use of company technology are endemic. It was established that political instability, lack of skilled workforce and corruption within the municipality makes the basic service delivery which is supposed to go to the people suffer. It was recommended that there should not be embezzlement, toxic workplace culture, unrealistic and conflicting goals and questionable use of company technology in the workplace. It was recommended that bribes, nepotism, patronage, and graft

should be minimised within the municipalities through the office of the ethics officer. It was found that tenders also encourage corruption and those who derive tenders do not get them. It was recommended that position within the municipalities should be fair and not frozen when advertised and there should be neutral bodies such as unions to ensure that process of recruitment is done accordingly. When councillors participate in ethics, there will be a greater chance for the success of communities' development and the code of conduct within the municipality. The researcher recommends that councillors should influence community members to participate in the code of conduct within the municipality through imbizo. The researcher recommended that councillors should be committed to participate in the code of conduct within the municipality.

It was recommended that the code of conduct helps the employees to know what they are expected to do or how to conduct themselves when doing their work in order to deliver proper basic service to the community. It was recommended that code of conduct approaches should be aimed at enhancing basic service delivery in the municipality, the training of municipal officials should emphasize innovativeness and the importance of values. Municipal officials would also develop self-confidence if more training were provided. It was also recommended that the behaviour and attitudes of the municipal officials should be based on the code of conduct recommended in enhancing basic service delivery in the local government and be guided by deontological theory which says certain rules or actions should be performed even if performing them would lead to good consequences. The researcher recommended that municipalities and councillors should embrace innovative new approaches to delivering core municipal services by inviting non-municipal groups and interests to participate in this sphere of local government. The study recommends that there is a need for the training of public servants, for intolerance of shoddy service to develop, for fair human resource policies, recognition of good work, the strengthening of whistle blowing and protection of whistle-blowers. Public institutions should be capacitated to deal with cases of unprofessional and unethical conduct. Conflict of interest needs to be contained, the Financial Disclosure Framework must be complied with, and dual employment must be discouraged.

The municipal manager and senior managers are most likely to receive reports about observations of misconduct, so they need to be prepared to recognise these reports as ethics-related and to respond appropriately. If they are not properly trained to address reports, incidences of misconduct may be addressed inadequately, or senior management may not even be informed about ethics problems that exist. When the municipal manager handles report inconsistent and relevant ways, municipal officials may perceive that their report makes a difference and are more likely to report in the future. Clear communication of the process for handling of ethics violations also increases the likelihood that senior managers will be made

aware when misconduct problems arise. A sizeable percentage of municipal officials believe that senior management and leadership are weak in ethics. Leaders need to be trained and encouraged to create strong ethical cultures. In particular, municipal officials need to be convinced that their management doesn't just talk the commitments leaders make especially when they talk about the importance of ethics. Deontological theory holds the view that one is inclined to do a good thing because one is morally obliged to do so. According to deontological theory municipal officials are held accountable and should act morally since they are obliged to do so no matter what hindrance they might encounter. I recommend that deontological theory enforce municipal officials to do the right things, even if others are doing bad things, it does not mean it should be done that way.

### **5.5.2 Recommendations on the examined regulatory framework underpinning basic service delivery and code of conduct in South Africa**

It was recommended that municipalities should get the right people and getting them right, is of vital importance especially those who deal with the issue of code of conduct. Attitude is one of the qualities and values that can be used to achieve better achievement in local government. The researcher recommended that the municipality should create an environment within which the code of conduct enhances basic service delivery. This was seen with 106 respondents who constituted 55,8% of respondents revealing that municipality creates an environment within which code of conduct enhances basic service delivery.

The study recommends the management of Mopani District Municipality to ensure that all municipal officials are aware of the principles of good governance and adhere to them in their day-to-day activities. The researcher recommended that municipal officials at Mopani District should know the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa. It was recommended that managers set as a bad example in the workplace and when municipal official is greedy or seek to get rich quickly by using municipal money for personal gain leading to causes of unethical conduct that hinder effective basic service delivery. Managers should set a good example; if employees see the boss knocking off early every day, subordinate are likely to do the same. It was established that pressure to succeed is seen when employees may choose to act unethically based on unrealistic expectations to succeed. It was found that employees are afraid to speak up, have pressure to succeed, experience lack of training and with no policy for reporting. It was found due to lack of training, employees may not know an activity they do on a daily basis that is unethical or illegal, but when they get trainings, they can be reminded time and again. It was recommended that identifying ethical guidelines in the work environment would solve the issues surrounding ethical behaviour. It was established that there is a problem of poor

performance monitoring, poor coordination process and managers do not ask the challenges facing municipal officials for the betterment of the service rendered to the community. It was established that unfair treatment amongst the employees by their managers, lack of discipline on employees and no action taken against them is causing unethical conduct among the municipal officials.

It was recommended that ethics should enhance the quality of professionalism in the municipality. The attitude of municipal officials is another factor affecting efficient, effective and economical service delivery, said the participant and as such regulatory framework on basic service delivery should be followed and monitored in the municipalities. It was recommended that managers are responsible for ensuring that municipal officials do not reflect a negative image to the community. It was recommended that managers should also instil in their subordinates the importance of positive attitudes towards their work. It was recommended that attitudes that could well service delivery to citizens could also damage interpersonal relationships in the office. It was established that there is lack of discipline on employees and when no action is taken against those who acted unethically causes municipal officials to be unethical. It was recommended that lack of training, employees may not know that an activity they do on a daily basis is unethical or illegal, but when they get training, they can be reminded time and again. It was recommended that authorisation of expenditure should be done electronically and if there are no supporting documents application will not go. It was recommended that officials should not be afraid to speak out about things which they see that are not going in order and that can be done through a suggestion box.

It was recommended that policies should be monitored and checked if they are implementable or not in the municipality to avoid corruption to take place. It was recommended that municipal officials should do what is in the best interest of the public to ensure public accountability. Moreover, those who were involved in the provision of services should be trained in ethics. It was recommended that human resource managers should show commitment to the work environment. Policies are important in any organisation as they provide principles and procedures or guidelines that should be followed when carrying out assigned responsibilities. Therefore, the researcher is of the view that the process of developing procurement policies, procedures and code of conduct should not supposed to be a top-down process but rather engage all officials who will be key in the implementation thereof. This approach will instil an element of ownership of the documents developed to enhance compliance to procurement processes.

### **5.5.3 Recommendations on described ethical challenges confronting municipalities in enhancing basic service delivery.**

It was recommended that mechanisms should be developed in an ethical manner that is reflected in different ways, such as compliance with rules and laws, desisting from fraud, theft, corruption, abuse of leadership authority, lack of expertise and the inappropriate use of public property for personal benefit. It was established that poor document management, uncompetitive bidding of tenders, inadequate contract management and awards made to known employees or family members are the most common unethical conducts that inhibit effective basic service delivery in the municipalities. It was recommended that although these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. It was established that there is poor document management, inadequate contract management and awards are made to known employees or family members hence they are the most common unethical conduct that inhabits effective basic service delivery in the municipalities. It was found that participants felt that these unethical conducts inhibit effective basic service delivery, ultimately municipal officials should respect each other and the citizens they serve. It was recommended that documents will be submitted even if they do not meet the requirement and are considered to be successful if there is no monitoring and evaluation in the municipality. Ineffective control systems, when suppliers do not declare an interest, inadequate procurement control, irregular expenditure, poor document management and lack of documentation to the awards and to employees of government institution.

It was recommended that poor relationship within an organisation, using of incorrect preferential point system and irregular expenditure, it will result into protecting against incompetence in the workplace. It was recommended that poor documentation management or no supporting documents, unfair procurement process and misappropriation of municipal funds when making transactions for money should be averted. It was established that municipal officials were resistant to changing the image of the municipality because they thought that they would not be able to do their work according to the new procedures. It was found that municipal officials might even feel that their jobs were on the line. It was found that usually when a person does not understand the reason for change, but adjusts to it emotionally, it could lead to unethical behaviour. It was found that esteem needs were known as the higher-order needs. It was found that they involved an employee's need for self-respect and recognition from others. It was found that there is a need for success, self-confidence, recognition and appreciation of achievement were examples of esteem needs. It was recommended that management could play a role in satisfying these needs by rewarding achievement with recognition and appreciation. It is found that, there is lack of supporting

document when submitting the claims and this inhibits the effectiveness of basic service delivery. It was found that the collection of data, some participants alluded that an unfair procurement process, irregular expenditure, dishonesty, and misappropriation of municipal funds are manifestations of unethical conduct that inhibit effective basic service delivery. It was recommended that municipal officials should act ethically all the time. The study wishes to request Mopani District Municipality to put a formal policy in place to reward municipal officials who provide exemplary service to customers. The study proposed Mopani District municipality to conduct awareness programs to create awareness of its Customer Service Charter. This will create in customers an awareness of their rights and obligations and in this way, help minimize corruption. It was suggested that the management of Mopani District Municipality should minimize bureaucracy in delivery of its services.

Municipalities should ensure that the community members are aware about code of conduct meetings that need to be held in their communities. It is recommended that community members should attend code of conduct meeting as convened by local municipality which will give them chance to participate in identifying their most important need. It is recommended that councillors and community members should play a significant role in decision making-process, approval and implementation of code of conduct and not only for allocation of land. It is the researcher's view that the role of ethical officer should be clearly stipulated in the municipal strategy which will result in attracting more projects that will enhance the development of the community and the municipality as whole.

Besides implementing disciplinary measures, workshops, and training as alluded above, the research revealed other control measures that can be put in place to curb the unethical conduct of municipal officials. However, it is this thesis's view that whilst addressing the control measures, there is a strong need for government to also consider the re-evaluation of the municipal code of conduct through the legislating process and regulation. This exercise will enable the government to have a clear picture of the number and quality of the workforce that must execute the role of ethics. This is cause for concern. Respondents expressed views on the deontological theory of ethics by agreeing that adhering to one's obligations and duties is important when analysing an unethical dilemma. This is a confirmation that municipal officials have shown an awareness to fulfil obligations to society in terms of what is considered to be ethically correct. This means deontologists make decisions based on traditional values such as honesty, fairness and loyalty.

#### **5.5.4 Recommendations on the identified causes of unethical conduct that hinder effective basic service delivery.**

It was recommended that manifestation of unethical conduct inhibits effective basic service delivery because it leads to institutional misconduct and political corruption. If municipal officials fail to establish moral standards in the municipality it may lead to a situation where unethical conduct of municipal officials are not in order. It was recommended that, lack of expertise, abuse of leadership authority and corruption were examples of ethical challenges confronting municipalities in enhancing basic service delivery. It was recommended that management could play a role in satisfying community basic services by rewarding achievement with recognition and appreciation to the performing municipal officials. It was found that work will not be done according to how it is supposed to be done. It was found that when employees are not doing what they are expected to do these will lead to community protests and tenders being awarded to friends and relatives and not to those who can deliver services or who deserve them. It was established that there is resistance to change within the municipality, because when municipal officials resist to change the image of the municipality thinking they could not be able to do their work according to the new procedures. It was found that usually, when a person does not understand the reason for change but adjust to it emotionally it could lead to unethical conduct. It was recommended that misuse of inside knowledge may take place through accepting business appointments after retirement or resignation. It was recommended that when employing a person because you know can make work suffer because it won't be done because when that particular employee does not to the work manager have no say.

It was recommended that those municipal officials who conduct themselves unethically will not follow the procedures in place. It was recommended that corruption and nepotism are hindering service delivery across South African municipalities. It was recommended that elders that are meant to enhance service delivery are only enhancing the economic state of those in senior positions. It was recommended that manifestation of unethical conduct inhibits effective basic service delivery and also leads to the use and abuse of office and confidential information for private purposes, because employing those who do not qualify turns them not to do the right thing in the workplace and leads to poor service delivery within the municipalities. It was recommended that municipalities should have effective institutions or bodies which are meant to do away with unethical conduct if certain officials who are around to have been at fault with certain provisions. It was recommended that when it comes to employing those who qualify for the job are not employed and unqualified people are given an opportunity and cannot deliver services to the community. It was recommended that the service delivered suffers since work is not done accordingly. When the employees do not

follow the code of conduct in place, they turn to do what they want which will lead to poor service delivery. It was found that if municipalities keep the standard in which they do things, municipals will not deliver the service they are supposed to deliver. It was recommended that promised standards of services will not be delivered. It was found that a code of conduct is concrete and practical and represents executive orders or legislatively defined and enforceable behavioural standards with sanctions for violation. It was found that code of conduct contains a list of the kinds of behaviour required in a given set of circumstances and provides direction to those whose conduct it governs. It was found that a code of conduct is designed to protect the government employee, the client and/or the public at large. It was recommended that lack of transparency may lead to unethical conduct because employees will not be able to share ideas on how they can follow the code of conduct in an expected manner.

**The following was recommended to be done to enhance basic service delivery:**

- There is a sense of urgency for the government to invest more in training and workshops on the ethical conduct of municipal officials and not only ethics officials.
- There is a need for managers to start exemplifying a good leader of ethical conduct for subordinates to emulate.
- It is important for the government to consider reviewing the code of conduct function in order to establish the quantity, quality and levels of officials appropriate to execute the municipal function.
- There should be a clear strategy that is proactive in identifying risk areas within the ethics function and there must be close monitoring of the effective implementation of the risk management plans.
- All municipal officials must be subjected to security clearance such as inspection.
- Code of conduct must be reviewed yearly to make it a tool that can assist in addressing inefficiency.

**5.5.5 Recommendations on the recommended strategies needed by municipalities for enhancing basic service delivery.**

The study recommends that Public Protector should adhere to municipality principles and also should not accept bribe while performing their duties. This can mean that a municipal official and a councillor have to follow obligations to society because upholding one's duty is what is considered ethically correct. It was recommended that municipalities should come up with a

way to employ ethical leaders that can drive changes and transform the functions of the municipality within the confines of the law or render quality basic service to the public, who are the consumers of the government services. It was recommended that developing and building skilled and knowledgeable municipal employees through training and also allowing them to further their studies may improve service delivery within the municipalities. It was recommended that employing educated employees who have good conduct from the previous employer and who know and follow procedures in place may also improve the way municipalities are operating. It was recommended that municipal officials should be work loaded on ethics constantly as well as on the code of conduct. It was recommended in this study that municipalities should be monitored effectively, and contact management enforced. Develop and improve systems, processes, procedures, and policies in the municipalities.

It was recommended that a municipality should create a suitable economic environment by attracting suitable investors. It was recommended that they should develop a high-performance culture for a changed, diverse, effective and efficient local government. It was recommended that if there are projects or contracts they should involve stakeholders so that they award different people tenders not only one person because one is related to one of the municipal relatives. It was recommended that there should be the continuous motivation of employees to be customer-oriented to enhance basic service delivery. It was recommended that the code of conduct in Mopani District Municipality should be implemented by all employees with no fear or favouritism. It was recommended that if promised services is not delivered, citizens are offered an apology, a full explanation, and a speedy and effective remedy. It was recommended that municipal officials who perform beyond their job descriptions be rewarded to encourage those who denounce corruption and are also disciplined. It was recommended that municipal officials should prioritise delivering basic services to the community rather than focusing on their work environment or office logistics. It was recommended that when employees break the rules for example having a clear policy like code of conduct in place that explains employees' expectations along with training is a great way to counter unethical behaviour.

It was recommended that municipal managers should enforce discipline among municipal officials. It was recommended that for ethical conduct to be implemented there should be consequences management. It was recommended that the municipality should create an opportunity for ethical conduct awareness to remind employees about the dangers of unethical conduct. It was recommended that it is important to improve the way municipalities operate in order to improve service delivery. It was recommended that improving operational effectiveness may help in improving service delivery. It was recommended that municipal

officials should focus on the citizens' challenges, not the process of doing things. It was recommended that there should be tracking of employees' availability and doing market research. It was recommended that there should be plans for service delivery to avoid community protests for basic service delivery. It was recommended that municipalities must do away with the provision of tenders and provide services from their own employees to avoid corruption and community protests. It was recommended that there should be an improvement and the effectiveness and efficiency of the way in which services are delivered. It was recommended that maintaining and upgrading municipal assets and buildings can also contribute to the development of services rendered to the communities.

It was recommended that optimising infrastructure investment and services should be considered by the municipality. It was recommended that a complex combination of strategies is needed to ensure that service employees are willing and are able to deliver quality services and that they stay motivated to perform in a customer-orientated, and service-minded way. It was recommended that municipalities should implement internal institutions which will specifically deal with corruption within the municipalities. It was recommended that they should automate, when possible, by coming up with machines which can do the job with no manpower. It was recommended that managers should define the services expected of employees. It was recommended that should an ethics audit team be given an opportunity to perform their audit independently they will only be accountable if senior management takes their recommendations seriously. It was recommended that ethics training and ethics education should be taken into consideration to allow improvement of ethical conduct at the Mopani District municipalities. The study recommends Mopani District municipality should pay attention to staff and human resources development strategies with appropriate training packages to enhance knowledge of good governance.

Having a well-implemented programme is a vital step in establishing standards for local government conduct and detecting when misconduct is taking place. Only having a code of conduct or an employee training programme does not guarantee its usefulness. Municipal officials need to be committed. A comprehensive ethics and compliance programme should be established and include six of the following:

- The appointment of an ethics officer as a mechanism through which municipal functionaries and councillors can seek advice on ethical matters should receive high priority; A formal performance system that is ethics-focused should be established as a mechanism to discipline, punish and reward municipal officials.
- A way to report observed violations should be created.

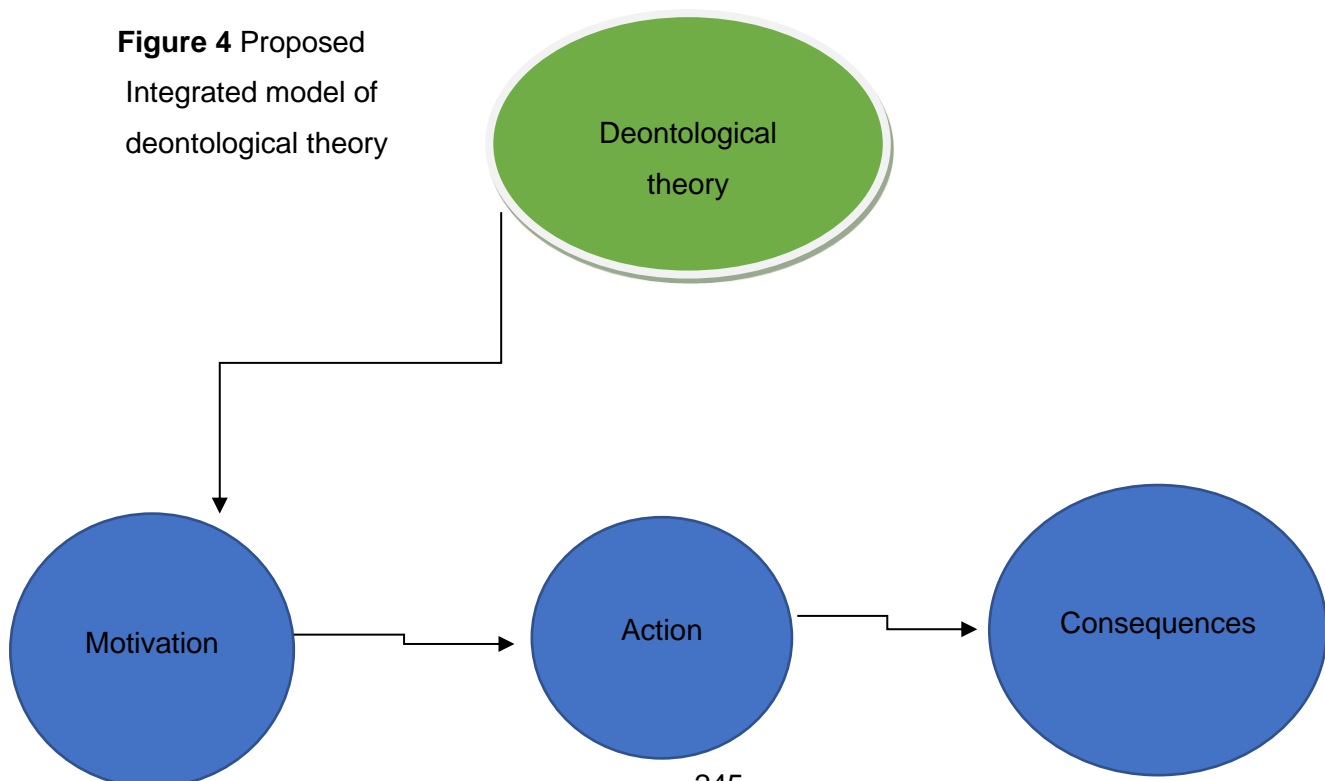
- Ethics training for all employees on a code of conduct and ethics policies should be promoted.
- Ethics education for all employees on a code of conduct and ethical conduct, in general, should be encouraged.
- Evaluation of ethical conduct as a crucial part of consistent performance assessments should be emphasised.

According to deontological theory municipal officials should be guided by the rules and regulations in place. I recommend that deontological theory gives guidance and directions to the municipal officials to always take ethical decisions. Furthermore, respondents also confirmed that the virtue theory of ethics could not be practised as it only gives space to judge people based on their character rather than their actions. This is a confirmation that municipal officials base their decisions on values rather than the best consequences or duties for themselves. It should also be noted that the only official document available as the Code of Conduct for local government can be found as part of Schedule 1 and 2 within the Local Government Municipal Systems Act and also in Schedule 5 of the Local Government Municipal Structures Act. This finding is an indication that South African local government does not have an official Code of Conduct as a separate document for ethical conduct.

### 5.7 RECOMMENDATIONS ON THE DEONTOLOGICAL THEORY USED IN THE STUDY

The study found that deontological theory principle is a general law or rule that guides action. This action implies the necessary conduct or state of being that is required for the fulfilment of a value. Deontological theory of ethics is based on the following:

**Figure 4** Proposed Integrated model of deontological theory



In the day-to-day performance of municipal official duties, municipal managers are guided by motivation, actions and consequences, such as codes of conduct that have to be observed and adhered to. Hence, it can be inferred that government policies, rules, regulations, and codes of conduct relate to the deontological category of normative ethics. Accepting public employment means that one should be prepared to uphold these values. This applies in particular to human resources managers in the municipalities following the motive, act and consequences. In the performance of their duties, public managers are confronted by ethical dilemmas that can be classified in the above-mentioned categories. How managers perceive the dilemmas and their attitudes towards them determine their decisions and ultimately their actions.

Research evidence in this study reveals those codes of conduct play an important role as guides for action in the municipality. However, for codes of conduct to be well received, there should be wide motive when they are drawn up, and the need for enforcement mechanisms in cases of the violation of codes. In decision-making, human resources managers combine both ethical theories to address ethical situations, although many are not aware of the mental process they use. It was recommended in this study that motivation of the municipal officials leads to action and the consequences there after as such they should always be aware of the action, they take in their day-to-day work.

## **5.8 RECOMMENDATIONS TO THE AUDITOR GENERAL**

The study identifies factors that influence the effective implementation of audit recommendations by the Auditor General, with specific reference to South African municipalities. It was recommended that South African municipalities set good governance and play an important role in ensuring the effective implementation of audits in respective municipalities. It was recommended that Auditor General should audit the lack of leadership including bad leadership within the municipality. The literature and data reviewed in this study identified factors that influence the successful implementation of audit recommendations in the South African municipalities. The study found that within the South African municipal setting, good governance plays an important role in ensuring the effective implementation of audit recommendation in the respective municipalities.

The consistent recurrence of these themed recommendations implies that there are important factors influencing the successful implementation of audit recommendations in South African municipalities. Amongst the many factors found to be hampering the implementation of the Auditor General South Africa recommendations are the unavailability of financial resources

and time. Auditor General should establish, capacitate and empower the Monitoring & Evaluation unit to track progress in the implementation of audit recommendations. This study opens up further avenues of research to conduct a similar study in other spheres of government audited by the Auditor General South Africa in order to get further input on the topic. As the study only focused on Mopani District municipality, other researchers can do further research on other spheres of government to find out what factors affect them in implementing the Auditors General's recommendations. It was recommended that the Auditor General must audit and report on the accounts, financial statements and financial management of all national, provincial state departments, administrations, and all municipalities. The Auditor General must submit audit reports to any legislature that has a direct interest in the audit and to any other authority prescribed by national legislation. All reports must be made available to the public.

### **5.9 RECOMMENDATION FOR FUTURE RESEARCH STUDIES**

This study investigated the role of code of conduct in enhancing basic service delivery with specific reference to the Mopani District municipality. This research project was implemented at the Mopani District municipalities in the Limpopo Province. The findings are applicable only to this district, this will be done in order to promote a good code of conduct and deliver basic services to needy communities. Various avenues for future research exist and these are referred to below.

- Formulating and designing an official separate document concerning a Code of Conduct for South African Local Government.
- The challenges facing municipalities in the Limpopo Province responsible for implementing ethics programmes.
- Continuous research into the relevant qualifications and knowledge required by ethics officers in the Limpopo Province.
- Exploration of ethics training and education in the Limpopo Province.
- The findings of this research study are only applicable to the Mopani District Municipality.
- Further research endeavours could include all the district municipality in the Limpopo Province to examine and test how municipal functionaries and councillors perceive a code of conduct.

## 5.10 LIMITATIONS TO THE STUDY

Every research study has its limitations. This means that there are factors that contribute to limiting the study which should be taken into consideration to clearly understand its context. The following indicate limitations of this study, especially during the data-gathering period:

- Since a structured questionnaire was used in the purposive sampling, as one of the important aspects of the non-probability sampling technique (Babbie, 2001:212), some experts may have been excluded from the study thus limiting the maximization of the collected data.
- It was also difficult to access some managers especially the Municipal Managers and other senior managers. This was indicated as being because of the busy schedules of senior officials.
- While this study considers researchers from the Municipal Manager, Major, Ward Councillors, Mopani Local Economic Development Manager, Mopani IDP Manager, Community Stakeholders, Business Practitioners, Traditional Leaders, Community Development Workers Coordinators, Civil Servants, Mopani Executive Committee, Mopani Communication Manager, Mopani Public Participation Manager, and Chairperson of Mopani IDP Representative Forum were not interviewed, since the empirical basis of the study focuses on ethics implementation. This may disadvantage the view of ethical conduct in terms of culture, community and religion since the community is the primary victim of unethical conduct.

## 5.11 CONCLUSION

The study was about the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. The research study consisted of five (5) chapters and the first chapter was about the introduction and background of the study. The background of the study indicated that municipal officials as the face of the municipality are expected to play an active role in the local government, in the day-to-day administration of their work and lives of people residing in their areas. The reason why the researcher chose this research topic is because the researcher observed that municipal officials face some challenges when delivery basic services to the community members due to unclear policy formulation when it comes to defining the roles and status of municipal officials in the promotion of basic service delivery. It should be noted that Section 153 (a) of the Constitution of the Republic of South Africa, 1996 stipulated that a municipality must structure and manage its administration and budgeting and planning processes to give priority

to the basic needs of the community, and to promote the social and economic development of the community. Municipal officials in South Africa find it difficult to perform their roles on providing basic service delivery because community members consider governance and development to be its own role in the sense that they respond in the form of protest whenever they need services to be rendered and by so doing that, they turn to destroy some of the services already provided to them such as destroying a road while on protest. This essentially makes the work of the municipal officials very interesting and challenging. This is because in South Africa and many other developing countries, the work of community members has not been fully developed into formidable theory. Special focus in this chapter has been placed on the rationale of the study, aim of the study, specific objectives of the study with critical research questions set out as well. The significance of the study, delimitation of the study, limitation of the study was addressed. The preliminary literature review, definition of major concepts was discussed lastly the organisation of the study was provided. According to the literature reviewed and the results of the empirical data collected, the thesis has been able to indicate that ethics is the basis through which the provisions of Section 195 (1) (a-i) of the Constitution of the Republic of South Africa, 1996 can be achieved. It stipulates that public administration must be governed by democratic values and principles which one of those principles contained therein is that; a high standard of professional ethics that must be promoted and maintained. Ethics remains a centrepiece of code of conduct and a relevant concept that can be used as a tool to enhance openness, transparency and accountability in basic service delivery. It can therefore be concluded that code of conduct of municipal officials can also be used as a tool to reconstruct the government's integrity and to address socio-economic challenges that South Africa is currently facing within the municipalities. The researcher is of the opinion that the study achieved its intended objective as articulated in this chapter. The researcher also believed that this study served as an effort to expand the boundaries of information regarding existing literature concerning unethical conduct in municipalities.

The second chapter reviewed the literature which was relevant to the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. The chapter presented the following themes: the conceptual framework of the role of code of conduct in enhancing basic service delivery in local government within the discipline of Public Administration was presented. The study of Public Administration concerns the administrative activities that govern and the administrative requirements to give effect to governmental policies. In this chapter an attempt was made to present arguments about what is already known about the problem through a process of consulting authoritative sources. Manifestations of unethical conduct inhibiting effective service delivery that can

promote or impede the role of code of conduct in enhancing basic service delivery in the Mopani District Municipality were considered. Subsequently, the study has offered various legislative and policy framework on local public administration ethics, ethical education and training in the municipalities, measures and strategies to enhance ethical conduct and approaches that can promote service delivery through codes of conduct and codes of ethics. Community members should attend the municipal council meetings even though they only attend without participating because they are regarded as an ex-officio member. Given South Africa's past, where prior to 1994 the practice of critical engagement between citizens and the government was forwarded upon by an insular and self-perpetuating state, community members should be regarded as a constitutional mandate. Indeed, the Constitution of South Africa clearly states that people's needs must be responded to, and the public must be encouraged to participate in all issues that affect them, especially those on service delivery.

The chapter on research methodology was chapter 3 in this research study and it discussed the subsequent research methodologies that the researcher followed when investigating the roles of code of conduct in enhancing basic service delivery in local government. For this study the researcher used field study as a research design. The researcher chose a mixed research methodology, and the reasons of the choice and use of a mixed methodology (qualitative and quantitative research paradigm) was provided in this chapter. This study focused on Limpopo Province but for this study, the research study was conducted in Mopani District which is one of the five (5) District under Limpopo Province. The researcher chose to conduct the study at Mopani District Municipality under Limpopo Province looking at the availability of participants who have the characteristic that the researcher was looking for. Non-probability sampling was appropriate for the study, because the researcher selected the participants based on their availability, convenience, or representing some characteristics features the researcher wanted to study. The researcher used two methods of collecting data which are questionnaire and interview. For this study, the two methods of data analysis were used, namely descriptive statistics and thematic analysis. The ethical issues which were followed in this study indicated the appropriateness of the study's methodology and highlighted all the morality of humankind. The study made several recommendations that were informed by its findings.

Chapter 4 in this research study discussed data presentation, interpretation and analysis of data collected by discussing the sampled population's responses as a way of providing an understanding of the nature of the research findings of the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality. It has been indicated that analysis of data involves what has been seen, heard and read in order to use the data collected. The chapter focused on reporting the empirical

investigation by providing answers to the perceptions and understanding of the role of code of conduct in enhancing basic service delivery in local government. The data regarding the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District was collected by using a qualitative and quantitative methods which involved the application of questionnaires and interviews from the respondents. The respondents to the questionnaire's items are presented in a tabular form followed by a brief synthesis of the findings and the responses to the interview items are presented in a narrative form followed by a brief synthesis of the findings. The chapter was divided into two (2) sections, namely: the analysis of data collected through questionnaires and the analysis of data collected through interview. The researcher would like to discuss these findings with the District- if granted the opportunity. This can serve as a source of document for further research on the explored topic.

The last chapter of this study presented the research findings, synthesis of the research findings of the study, conclusion, recommendations of the study and recommendation of further research studies. The researcher presented an overview of the study which focused on providing the four specific objectives of the research study which benchmarked the accomplishment of the main aim of the study. The synthesis of the research findings was also presented which focused on the finding of research study from the research questionnaires and research interviews. It was found that there is a minimal role played by community members in promotion of basic service delivery in local government. The study also discovered that there is a poor working relationship between community members and municipal officials. The study found out that inaccessibility of information to the community members from the participatory actively towards basic service projects. It can be concluded that openness in decision making, and participation should be regarded as a necessity. The researcher wishes to express the hope that this research study may assist government to clearly stretch out the roles and functions of municipalities to avoid confusion. If the roles and functions can be clearly stretched out, the community members could actively participate in basic service delivery projects and engage with all activities of local government. The objective of this final chapter was to provide a summary of the research questions that have guided this researcher for the past three years. Answers to these questions were provided with differing degrees of success. Many new research questions in the field of code of conduct will arise that will serve to initiate further research studies in the future. In this researcher's view, a focus on the code of conduct and ethics to promote integrity and the ethical conduct of municipal officials provides the South African local government with various involvement strategies. However, as South Africans we need to remain open to approaches in which this democracy can be strengthened.

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Annexure A: Ethical Clearance

ETHICS APPROVAL CERTIFICATE

RESEARCH AND INNOVATION  
OFFICE OF THE DIRECTOR

NAME OF RESEARCHER/INVESTIGATOR:  
**Ms L Mbedzi**

STUDENT NO:  
11623696

**PROJECT TITLE: The role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality.**

ETHICAL CLEARANCE NO: FMCL/21/PDN/07/2411

SUPERVISORS/ CO-RESEARCHERS/ CO-INVESTIGATORS

NAME	INSTITUTION & DEPARTMENT	ROLE
Dr E Mahole	University of Venda	Supervisor
Prof MJ Mafunisa	University of Venda	Co - Supervisor
Ms L Mbedzi	University of Venda	Investigator - Student

Type: **Doctoral Research**

Risk: **Straightforward research without ethical problems (Category 1)**

Approval Period: **November 2021 – November 2024**

The Research Ethics Social Sciences Committee (RESSC) hereby approves your project as indicated above.

**General Conditions**

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following.

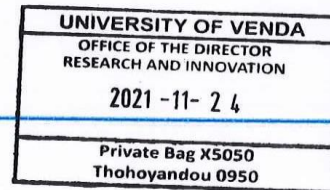
- The project leader (principal investigator) must report in the prescribed format to the REC:
  - Annually (or as otherwise requested) on the progress of the project, and upon completion of the project
  - Within 48hrs in case of any adverse event (or any matter that interrupts sound ethical principles) during the course of the project.
  - Annually a number of projects may be randomly selected for an external audit.
- The approval applies strictly to the protocol as stipulated in the application form. Would any changes to the protocol be deemed necessary during the course of the project, the project leader must apply for approval of these changes at the REC. Would there be deviated from the project protocol without the necessary approval of such changes, the ethics approval is immediately and automatically forfeited.
- The date of approval indicates the first date that the project may be started. Would the project have to continue after the expiry date; a new application must be made to the REC and new approval received before or on the expiry date.
- In the interest of ethical responsibility, the REC retains the right to:
  - Request access to any information or data at any time during the course or after completion of the project,
  - To ask further questions; Seek additional information; Require further modification or monitor the conduct of your research or the informed consent process.
  - withdraw or postpone approval if:
    - Any unethical principles or practices of the project are revealed or suspected.
    - It becomes apparent that any relevant information was withheld from the REC or that information has been false or misrepresented.
    - The required annual report and reporting of adverse events was not done timely and accurately,
  - New institutional rules, national legislation or international conventions deem it necessary

ISSUED BY:

UNIVERSITY OF VENDA, RESEARCH ETHICS COMMITTEE  
Date Considered: October 2021

Name of the RESSC Chairperson of the Committee: Prof Takalani Mashau

Signature:

Annexure B: UHDC Report

## UNIVERSITY OF VENDA

### OFFICE OF THE DVC: RESEARCH AND POSTGRADUATE STUDIES

TO : MR/MS L. MBEDZI  
FACULTY OF MANAGEMENT, COMMERCE AND LAW

FROM: PROF. N.N FEZA  
DVC: RESEARCH AND POSTGRADUATE STUDIES

DATE : 28 FEBRUARY 2022

#### DECISIONS TAKEN BY UHDC OF 28<sup>th</sup> FEBRUARY 2022

Application for approval of Thesis Proposal Report in Faculty of Management, Commerce and Law: L. Mbedzi (116236967)

Topic: "The Role of Municipal Service Ethics in Enhancing Basic Municipal Service Delivery."

Supervisor	UNIVEN	Dr. E. Mahole
Co-supervisor	UNIVEN	Prof. M.J Mafunisa

**UHDC approved Thesis proposal**

  
\_\_\_\_\_  
PROF. N.N FEZA  
DVC: RESEARCH AND POSTGRADUATE STUDIES

## Annexure C: Permission to Conduct Research

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DEPARTMENT OF PUBLIC AND DEVELOPMENT ADMINISTRATION  
FACULTY OF MANAGEMENT, COMMERCE AND LAW

---

To : Municipal Manager  
: Ward Councillors  
: Traditional Leaders  
: Business Practitioners  
: Community Development Workers  
: Civic Chairperson  
: Selected Community members

**REQUEST FOR PERMISSION TO COLLECT DATA FOR DOCTOR OF ADMINISTRATION (DADMIN) STUDIES OF MS. MBEDZI L - STUDENT NUMBER: 11623696.**

The above matter refers.

We hereby wish to confirm that Ms. Mbedzi L, Student Number: 11623696, is a registered student for Doctor of Administration (DADMIN) in the Department of Public and Development Administration at the Faculty of Management, Commerce and Law, University of Venda. The student is researching on the following topic: "**The role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality**". In order for her to complete her studies, we request your Institution to provide her with the information that she might need for her study project. As an Institution of Higher Learning, we believe that the research she is undertaking will yield results that might also assist your Institution. We, therefore, encourage your Institution to assist her with the necessary information that will be collected through research questionnaires and interviews. We undertake that the information that will be provided to her will be solely used for this study.

We hope that you find this to be in order and therefore, anticipate your assistance. If any queries, please feel free to contact me at Cell Number: 073 644 6301 or Email: [Ephraim.Mahole@univen.ac.za](mailto:Ephraim.Mahole@univen.ac.za)



19 July 2022

.....  
**Dr. E Mahole**  
Supervisor: Department of Public and Development Administration  
Faculty: Management, Commerce and Law



---

DEPARTMENT OF PUBLIC AND DEVELOPMENT ADMINISTRATION  
SCHOOL OF MANAGEMENT SCIENCES  
PRIVATE BAG X5050, TLOHOYANDLO, 0950,  
SOUTH AFRICA  
TELEPHONE: (015) 962 8145  
E-MAIL: [Ephraim.Mahole@univen.ac.za](mailto:Ephraim.Mahole@univen.ac.za)

Annexure D: Letter to conduct research



**MOPANI DISTRICT MUNICIPALITY**

Private Bag X9687  
Giyani  
0826

Tel: +27 15 811-6300  
Fax: +27 15 812-4301  
E-mail: mathebulabs@gov.za

Office of the Municipal  
Manager

---

Date: 27<sup>th</sup> September 2022

Enq: Mathebula B.S

To: Ms Mbedzi Langanani  
University of Venda

**SUBJECT: ASSISTANCE IN CONDUCTING RESEARCH**

The above matter refers,

Kindly note that your request to conduct research in Mopani District Municipality is herewith approved. You may commence with data collection.

Yours sincerely



27/09/2022

---

pp Mogano T.J (Mr)  
Municipal Manager

---

Date

Annexure E: Letter to the Respondents

Enquires : Mbedzi L  
Cell : 078 8221 700  
Email : [Langanani.mbedzi@univen.ac.za](mailto:Langanani.mbedzi@univen.ac.za)

P.O Box 4433  
Thohoyandou  
0950  
7 July 2022

Dear Sir/Madam

I am a registered student at the University of Venda doing Doctor of Administration (MSPDA). I am required to conduct a survey in order to complete my study. The title of my research is **“the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality”**.

I would be most grateful if you would help me with this part of my research project by completing the inventory. I assure you that the information I will get from you will be confidential and will be used for educational purposes only.

In anticipation, please accept my sincere appreciation for your willingness to assist me.

Yours sincerely



.....  
**MBEDZI LANGANANI**  
**STUDENT NUMBER: 11623696**

## Annexure F: Consent form

### RESEARCH ETHICS COMMITTEE

#### UNIVEN Informed Consent Appendix D

#### LETTER OF INFORMATION

**Title of the Research Study** : The role of local public administration ethics in enhancing basic service delivery in local government with specific reference to Mopani District Municipality

**Principal Investigator/s/ researcher** : Mbedzi Langanani  
Doctor of Administration

**Co-Investigator/s/supervisor/s** : Dr. E. Mahole  
: Prof. M.J Mafunisa

**Brief Introduction and Purpose of the Study:** The study focuses on the role of municipal service ethics in enhancing basic municipal service delivery. The concept of ethics has a number of different meanings and applications. Without resorting to an in-depth analysis of the concept here, it is perhaps appropriate simply to point out that ethics is used in this context as referring to moral standards and/or ethical conduct. The aim of the study is to investigate the role of municipal service ethics in enhancing basic municipal service delivery using Mopani District in Limpopo Province and recommend the strategies on improving municipal service ethics in promotion of basic municipal service delivery in the local municipalities.

**Outline of the Procedures** : The participants' responsibility will be attended to or available the day of the interview, to complete the questions to those who will be answering questionnaires. The respondents will be contacted by the researcher a week before the date of the interview and the delivery of the questionnaires. The venue and the time of meeting will be agreed upon during consultation with the respondents. The venue will also be reachable to all the respondents. Only respondents with information about the functioning of the municipalities will be included in the study. The researcher will go through all the questionnaires upon the time of delivery. Pens for answering questions and extra papers if need arise will be provided. The interview will take 30 minutes or less per participant. The respondents are expected to give information by answering the questions on the questionnaire and interview schedule. Due to covid 19 regulations the researcher will also consider using google teams and Microsoft teams.

**Risks or Discomforts to the Respondents:** All risks will be avoided by delaying the starting time for respondents with transient problems or re-scheduling another dates that will be suitable for the respondents at their available time and convenience.

**Benefits:** New ideas obtained will improve working procedures for the respondents and other staff members in the municipalities. The researcher will learn specialist knowledge about the municipal ethics, researchers will also benefit from this research, advanced research skill as

well as journal publication. Mopani district municipality will benefit from this study as well through the recommendations made.

When withdrawing from the study, the participant should let the research team know that he/she wishes to withdraw. The research team may need to have the participant return so that he/she can be monitored for any future adverse effects from the study treatments, procedures, or interventions. In the case of respondents, if they have health related problems which might hinder them to continue with the study, and if the respondent is not complying. There will be no consequences against them should they choose to withdraw.

**Remuneration:** Respondents will not receive any form of remuneration for participating in the study.

**Costs of the Study:** Participation is free of charge to all participants.

**Confidentiality:** All respondents' names and identities will remain anonymous and will not be shared with other people. Data will be collected in a safe room where there will be data collector and the respondent so that the information shared will not be heard by other people. The information and responses shared during the process will remain private and confidential in order to protect the identities of the participants, but will be used and made available for academic purposes. All the anonymous materials used during the process for the collection of information will be kept in the safe place and where accessibility will not be granted to research team for scholastic expectation.

**Research-related Injury:** This study will not expose research participants to unnecessary physical and psychological harm. Accordingly, participants will be told before the process if the research will create physical discomfort and be provided with debriefing and counselling after participation. The participant will be given assurance that they will be assured against any physical and emotional harm. The researcher will refer the participant for debriefing session if it may happen that they become emotionally affected during the sessions.

#### **Persons to Contact in the Event of Any Problems or Queries:**

Please contact principal investigator on (078 822 1700) or [langanani.mbedzi@univen.ac.za](mailto:langanani.mbedzi@univen.ac.za) and other investigators: Dr Mahole [ephriam.mahole@univen.ac.za](mailto:ephriam.mahole@univen.ac.za) and Prof Mafunisa [john.mafunisa@univen.ac.za](mailto:john.mafunisa@univen.ac.za)

#### **General:**

Potential respondents must be assured that participation is voluntary and the approximate number of respondents to be included should be disclosed. A copy of the information letter should be issued to respondents. The information letter and consent form must be translated and provided in the primary spoken language of the research population

## **CONSENT**


### **Statement of Agreement to Participate in the Research Study:**

- I hereby confirm that I have been informed by the researcher, (Mbedzi Langanani), about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number:
- I have also received, read and understood the above written information (*Respondents Letter of Information*) regarding the study.

- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during the course of this research which may relate to my participation will be made available to me.

.....  
**Full Name of Participant**                      **Date**                      **Time**                      **Signature**

I, Mbedzi Langanani, herewith confirm that the above respondent has been fully Informed about the nature, conduct and risks of the above study.

Mbedzi Langanani                      19 January 2022                      10h00                      

.....  
**Full Name of Researcher**                      **Date**                      **Time**                      **Signature**

Full Name of Witness (If applicable)

.....                      Date .....                      Signature.....

Full Name of Legal Guardian (If applicable)

.....                      Date.....                      Signature.....

**Please note the following:**

Research details must be provided in a clear, simple and culturally appropriate manner and prospective participants should be helped to arrive at an informed decision by use of appropriate language (grade 10 level- use Flesch Reading Ease Scores on Microsoft Word), selecting of a non-threatening environment for interaction and the availability of peer counseling (Department of Health, 2004)

If the potential participant is unable to read/illiterate, then a right thumb print is required and an impartial witness, who is literate and knows the participant e.g. parent, sibling, friend, pastor, etc. should verify in writing, duly signed that informed verbal consent was obtained (Department of Health, 2004).

If anyone makes a mistake completing this document e.g. a wrong date or spelling mistake, a new document has to be completed. The incomplete original document has to be kept in the respondent's file and not thrown away, and copies thereof must be issued to the respondents.

---

## References:

Department of Health: 2004. *Ethics in Health Research: Principles, Structures and Processes*

<http://www.doh.gov.za/docs/factsheets/guidelines/ethnics/>

Department of Health. 2006. *South African Good Clinical Practice Guidelines*. 2nd Ed. Available at:

[http://www.nhrec.org.za/?page\\_id=14](http://www.nhrec.org.za/?page_id=14)

## Annexure G: Research Instruments – Questionnaire

### CODE OF CONDUCT IN ENHANCING BASIC SERVICE DELIVERY IN THE LOCAL GOVERNMENT

The study is about “the role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality”. I humbly request you to be part of the study by providing your perspective on local public administration ethics in Mopani District Municipality. Note that there is no right or wrong answer. Please answer the following questions.

#### SECTION A: BIOGRAPHICAL DETAILS

##### 1. Gender of Respondent

Male	1
Female	2
Other (Specify)	3

##### 2. Age of Respondent

18-35 years	1
36-49 years	2
50 years and older	3

##### 3. Position of Respondent

Municipal manager	1
Mayor	2
Mopani District Municipal official	3
Ward Councilor	4
Community member	5

##### 4. Educational qualification of respondents

Grade 12	1
Diploma	2
Degree	3
Honours	4
Masters	5
Doctor	6

**SECTION B: THE ROLE OF CODE OF CONDUCT IN ENHANCING BASIC SERVICE DELIVERY IN LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO MOPANI DISTRICT MUNICIPALITY.**

Item No.	To determine the role of code of conduct in an enhancing basic service delivery in local government.	Place an X in the box that applies to you				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
5	There are adequate controls to ensure that I comply with policies and procedures in my municipality.	1	2	3	4	5
6	The Constitution of the Republic of South Africa, 1996 encourages that the actions of municipal officials to be in line with the values and principles in public administration	1	2	3	4	5
7	The Auditor-General functions independently in my local government administration	1	2	3	4	5
8	The Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct	1	2	3	4	5
9	Ethics training is regarded as vital in my municipality	1	2	3	4	5
10	My municipality has appointed an ethics officer					

Item No.	To examine the regulatory framework underpinning basic service delivery and code of conduct in South Africa	Place an X in the box that applies to you				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
11	Are municipal officials aware of the manual code of conduct in place	1	2	3	4	5
12	Mopani District informs members of the public with regards to code of conduct	1	2	3	4	5
13	Community members are willing to attend meetings regarding code of conduct.	1	2	3	4	5
14	Existing code of conduct to be improved soon by the Mopani District.	1	2	3	4	5
15	Municipal officials know the legislative and policy framework in the municipality	1	2	3	4	5
16	Are municipal officials get training in relation to professional ethics and standards	1	2	3	4	5
17	When municipal officials are appointed, ethics are communicated to them	1	2	3	4	5
18	Municipal managers hold employees accountable for their conduct	1	2	3	4	5
19	The municipality should create an environment within which code of conduct enhance basic service delivery can be improved.	1	2	3	4	5

Item No.	To describe ethical challenges confronting municipalities in enhancing basic service delivery	Place an X in the box that applies to you				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
20	There is an ethics officer available when I want to ask questions about ethics in the municipality.	1	2	3	4	5
21	Community members are willing to participate in promotion of code of conduct.	1	2	3	4	5
22	Mopani District plays an important role in promoting code of conduct.	1	2	3	4	5
23	Municipality consults members of public about the challenges facing municipal officials in promoting code of conduct.	1	2	3	4	5
24	The challenges facing local municipalities need to be evaluated to check if they are yielding desired results.	1	2	3	4	5

Item No.	To identify the causes of unethical conduct that hinder effective basic service delivery	Place an X in the box that applies to you				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
25	Causes of lack of service delivery in the local public administration ethics is improved.	1	2	3	4	5
26	There is openness and transparency to participation towards decision making process regarding lack of basic service delivery	1	2	3	4	5
27	Public complaints are attended to satisfaction by the municipality.	1	2	3	4	5
28	The existing code of conduct need to be revised.	1	2	3	4	5
29	Implications on lack of service delivery on public participation put local public administration ethics in disadvantage when coming to basic service delivery.	1	2	3	4	5
30	Reviewing the code of conduct existing in developing local public administration in the Mopani District is important.	1	2	3	4	5
31	Community members need to know the code of conduct in the local public administration ethics in the Mopani District.	1	2	3	4	5
32	Municipal officials in Mopani District continuously review code of conduct to see if they are yielding results.	1	2	3	4	5
33	Batho-Pele principles are communicated to employees well	1	2	3	4	5
34	Municipal officials communicate with customers/ stakeholders about services offered by the municipality	1	2	3	4	5
35	Municipal officials have witnessed acts of fraud by other colleagues	1	2	3	4	5

Item No.	To recommend the strategies needed by municipalities for enhancing basic service delivery	Place an X in the box that applies to you				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
36	Municipal officials report misconduct through national set up in the municipality.	1	2	3	4	5
37	Auditor General's recommendations are implemented in the municipality.	1	2	3	4	5
38	Municipalities protect employees who are found guilty of misconduct.	1	2	3	4	5
39	Recommendations of Public Protector are adhered to in the municipality.	1	2	3	4	5
40	Municipal officials in Mopani District continuously assess strategies to see if they are yielding results.	1	2	3	4	5

**THANK YOU VERY MUCH FOR YOUR TIME AND CONTRIBUTION.**

## Annexure H: Research Instruments - Interview schedule

**CODE OF CONDUCT IN ENHANCING BASIC SERVICE DELIVERY IN LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO MOPANI DISTRICT**

The purpose of this study is the role of code of conduct in enhancing basic service delivery with specific reference to Mopani District Municipality. I humbly request you to be part of the study by providing your perspective on basic service delivery in Mopani District Municipality. Note that there is no right or wrong answer. Please answer the following questions.

**SECTION A: BIOGRAPHICAL DETAILS**
**1. Gender of participants**

Male	1
Female	2
Other (Specify)	3

**2. Age of participants**

18-35 years	1
36-49 years	2
50 years and older	3

**3. Position of participants**

Municipal manager	1
Mayor	2
Mopani District Municipal official	3
Ward Councilor	4
Community member	5

**4. Educational qualification of participants**

Grade 12	1
Diploma	2
Degree	3
Honours	4
Masters	5
Doctor	6

**SECTION B: THE ROLE OF CODE OF CONDUCT IN ENHANCING BASIC SERVICE DELIVERY IN LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO MOPANI DISTRICT MUNICIPALITY.**

**5. What are the roles of code of conduct in an enhancing basic service delivery in local government?**

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**6. What is the regulatory framework underpinning basic service delivery and local public administration ethics in South Africa?**

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**7. What are the ethical challenges confronting municipalities in enhancing basic service delivery?**

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**8. What are the causes of unethical conduct that hinder effective basic service delivery?**

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**8.1 What are the manifestations of unethical conduct that inhabit effective basic service delivery?**

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**8.2 Is the manifestations of unethical conduct inhabit effective basic service delivery?**

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**9. What are recommended strategies needed by municipalities for enhancing basic service delivery by local government?**

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**THANK YOU VERY MUCH FOR YOUR TIME AND CONTRIBUTION**

## Annexure I: Turnitin Report

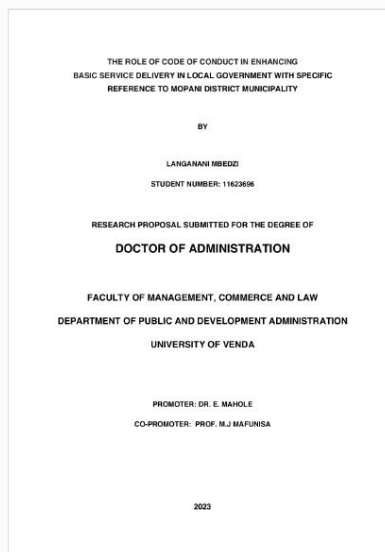


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The role of code of conduct in  
enhancing basic service delivery  
in local government with  
specific reference to Mopani  
District Municipality  
*by Langanani Mbedzi*

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## The role of code of conduct in enhancing basic service delivery in local government with specific reference to Mopani District Municipality

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<b>6</b>	Seriki Idowu Ibrahim, Agholor Deborah Ewere, Emmanuel O. Adu. "The Impact of the Code of Conduct on the Academic and Non-academic	<b>&lt;1</b> %

Annexure J: Editorial letter

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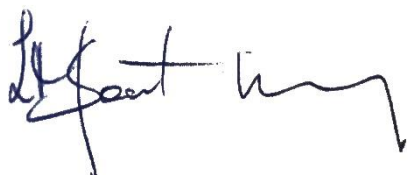
This is to confirm that I, Lynne Southey, edited the dissertation

**THE ROLE OF A CODE OF CONDUCT IN ENHANCING BASIC  
SERVICE DELIVERY IN LOCAL GOVERNMENT WITH SPECIFIC  
REFERENCE TO MOPANI DISTRICT MUNICIPALITY**

**by**

**LANGANANI MBEDZI**

The onus is on the author to attend to the suggested changes. Furthermore, I do not take responsibility for any changes in the document after the fact.



18 August 2023

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**Lynne Southey**

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**Date**